

Bill No. 71 of 1947.

A BILL TO AMEND THE WATER RESOURCES ACT.

NOTE.

In the above Act "water" over the diversion, etc., of which the Minister has control is defined in section 2 (u) as follows:

"'Water' when used in relation to any property therein or to any right in respect thereof or to the diversion thereof, or to the usage thereof, means any water in any river, stream, water-course, lake, spring, ravine, canyon, lagoon, swamp, marsh or other body of water in the Province."

While this definition is quite wide, cases arise where doubt exists whether certain water, sometimes only seasonal, comes within a strict construction of that definition. The purpose of the amendment made by section 1 of the Bill is to give the Minister power to deal with such border line cases by declaring certain water in a specified area to be "water" for the purposes of the Act.

Section 2 of the Bill introduces a new section 48a dealing with cases where the holder of a water right from an irrigation district or other licensee divides his land into two or more portions by sale, etc., and wishes to divide his right and the charge for same between those portions. The purpose of the new section is to secure that the water will be properly distributed to the advantage of all.

W. S. GRAY,
Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 71 of 1947.

An Act to amend The Water Resources Act.

(Assented to _____, 1947.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Water Resources Act*, being chapter 65 of the Revised Statutes of Alberta, 1942, is hereby amended by adding immediately after section 6 thereof the following new section:

“**6a.** Notwithstanding any other provisions of this Act, the Minister may declare any surface water which is or may at any time be in a specified area to be water for the purposes of this Act, and upon such declaration being made and published in one issue of *The Alberta Gazette*, the said water shall be deemed to be water within the definition of that word in paragraph (u) of section 2.”

2. The said Act is further amended by adding immediately after section 48 thereof the following new section:

“**48a.**—(1) When for any reason it is desired to apportion the water supplied by a licensee to any parcel of land, and the charge therefor among two or more portions thereof, the applicant for the apportionment shall submit to the licensee plans and specifications of the additional ditches necessary to bring irrigation water to the boundary of the portions into which the parcel is proposed to be divided together with an estimate of the cost of constructing the ditches.

“(2) The licensee may refuse to make any apportionment of the water or the charges until the applicant has obtained the approval of the Minister, constructed the necessary ditches and other works and commuted or adjusted the charges on any land rendered non-irrigable.

“(3) Where the parcel is proposed to be subdivided into several small portions the Minister may by an order outline the method of distribution of water to the separate portions and the additional charge that shall be paid for service to each portion of the original parcel.”

3. This Act shall come into force on the day upon which it is assented to.

No. 71

FOURTH SESSION
TENTH LEGISLATURE

11 GEORGE VI

1947

BILL

A Bill to amend The Water Resources
Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MACMILLAN.

EDMONTON:
A. Shnitka, King's Printer
1947