

Bill No. 112 of 1952.

A BILL RESPECTING THE TRANSFER OF ASSETS OF  
THE NEW WEST IRRIGATION DISTRICT.

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NOTE.

This Bill enacts an Act to be known as *The New West Irrigation District Transfer of Assets Act*.

The Bill authorizes the execution of a certain agreement, set out as Schedule I to the Bill, between the Board of Trustees of the New West Irrigation District and the Government of Canada represented by the Minister of Agriculture of Canada.

By the agreement the Board may assign to the Government of Canada all its right, title and interest in and to the entire works owned by the Board as the Government of Canada is operating an irrigation project in the vicinity of the New West Irrigation District and can supply water for irrigation purposes to the lands now included in the district at the same rate as water is supplied to lands in the Bow River Development, adjacent to the New West Irrigation District, at a distinct advantage to the water users.

This Bill comes into force on assent.

J. W. RYAN,  
*Acting Legislative Counsel.*

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

# BILL

No. 112 of 1952.

An Act respecting the Transfer of Assets of the  
New West Irrigation District.

(Assented to \_\_\_\_\_, 1952.)

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

## Short Title

**1.** This Act may be cited as *The New West Irrigation District Transfer of Assets Act*. Short title

## Interpretation

- 2.** In this Act, unless the context otherwise requires,—
- (a) “Board” means the Board of Trustees of the New West Irrigation District; Interpretation  
“Board”
  - (b) “district” means the New West Irrigation District; “district”
  - (c) “Minister” means the member of the Executive Council for the time being charged with the administration of this Act; “Minister”
  - (d) “Minister of Agriculture of Canada” means Her Majesty the Queen in the right of Canada as represented by the Minister of Agriculture; “Minister of  
Agriculture  
of Canada”
  - (e) “Official Trustee” means the Official Trustee of the New West Irrigation District; “Official  
Trustee”
  - (f) “Registrar” means a Registrar of Land Titles within the meaning of *The Land Titles Act*; “Registrar”
  - (g) “the agreement” means the agreement the execution of which is authorized by section 3, as it may be varied; “the agree-  
ment”
  - (h) “works” means works as defined in *The Irrigation Districts Act*. “works”

**3.** (1) The Official Trustee on behalf of the Board of Trustees of the New West Irrigation District may execute and deliver an agreement between the Board and the Minister of Agriculture of Canada, according to the tenor of the proposed agreement set forth as Schedule I to this Act. Official  
Trustee  
authorized  
to execute  
agreement

(2) When executed by the Minister of Agriculture of Canada and the Official Trustee, the agreement shall have full force and effect as and from the execution thereof.

(3) With the approval of the Lieutenant Governor in Council, the terms of the proposed agreement may be Variation of  
agreement

varied before execution as may be agreed upon by the Minister of Agriculture of Canada and the Official Trustee.

Order of  
release

4. Upon granting an order of release to the Board, as provided in section 181 of *The Irrigation Districts Act*, the Minister shall be subrogated to the rights of the Board under the agreement, and may enforce all provisions of the agreement in the same manner and to the same extent as the Board, and shall be subject to the duties, liabilities and obligations of the Board under the agreement.

Powers of  
Minister of  
Agriculture  
of Canada

5. (1) Upon execution of the agreement the Minister of Agriculture of Canada shall have the right,—

- (a) to use, operate, supervise, maintain, repair and replace the works transferred to him by the agreement;
- (b) to the use of and access to the area or space occupied by the works;
- (c) to the use of and access to such land adjacent or appurtenant to any of the works as has heretofore been used by or on behalf of the Board for the deposit of soil thereon or for the use of soil therefrom, or for the use, operation, supervision, maintenance and repair of the works.

Compensa-  
tion

(2) Notwithstanding the provisions of subsection (2) of section 14 of *The Irrigation Districts Act*, no rent or other compensation shall be paid or be payable either by the Board or the Minister of Agriculture of Canada to any person for or in respect of any right heretofore or hereinafter exercised by the Board or the Minister of Agriculture of Canada, as the case may be, with respect to such works.

Correction  
of title

6. After the execution of the agreement, the Registrar without charge shall delete from the certificate of title to each parcel of land which prior to this Act formed part of the district, the notification that such parcel is included in the district.

Vesting  
of title

7. Upon the execution of the agreement, all estate, right, title and interest of the Board in and to the lands described in Schedule A to the proposed agreement, shall vest in the Minister of Agriculture of Canada subject to the reservations, exceptions, rights and conditions express or implied on the titles thereto and on delivery to the Registrar of the South Alberta Land Registration District, of the duplicate certificates of title therefor, the Registrar shall without charge cancel all certificates of title in the name of the Board or the district for the lands set out in Schedule A to the proposed agreement and issue new certificates of title in the name of Her Majesty the Queen in the right of Canada as represented by the Minister of Agriculture.

Coming  
into force

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

## SCHEDULE I.

Schedule 1

This Agreement is made in quintuplicate, this  
day of \_\_\_\_\_ A.D. 1952:

Between:

THE BOARD OF TRUSTEES OF THE NEW WEST IRRIGATION DISTRICT as represented by Mark Beards, of the City of Lethbridge, in the Province of Alberta, Official Trustee for the New West Irrigation District, (hereinafter styled "The Board").

Of the First Part:

— and —

HER MAJESTY THE QUEEN in the right of Canada represented herein by the Right Honourable James G. Gardiner, Minister of Agriculture, (hereinafter called the Minister of Agriculture of Canada).

Of the Second Part.

Whereas the Board of Trustees of the New West Irrigation District was incorporated under the provisions of *The Irrigation Districts Act, 1920*, by order of the Minister of Railways and Telephones made and promulgated the 24th day of July, A.D. 1922;

And whereas the said Board owns, maintains, and operates an irrigation system in the west half of township fourteen (14) range sixteen (16) west of the fourth meridian, in the Province of Alberta;

And whereas by a certain agreement made the 29th day of March, A.D. 1923, The Canada Land and Irrigation Company Limited agreed to divert and deliver to the Board water which the Board was authorized to divert from the Bow River under any license or permit;

And whereas the Lieutenant Governor in Council by Order No. 430-32 dated the 16th day of May, 1932, made pursuant to *The Irrigation Districts Act*, appointed the said Mark Beards, Official Trustee for the New West Irrigation District;

And whereas under the provisions of *The Irrigation Act*, *The Water Resources Act*, and the said *The Irrigation Districts Act*, certain powers, rights and privileges were secured on behalf of the said Board and certain works constructed whereby lands in the said district are being supplied with water for irrigation purposes and are being irrigated;

And whereas the Government of Canada is operating an irrigation project known as the Bow River Development

in the vicinity of the said New West Irrigation District and can supply water for irrigation purposes to the lands now included in the said irrigation district at the same rate as water is supplied to lands in the Bow River Development adjacent to the said irrigation district, and it is of advantage to the water users in the said irrigation district and in the public interest that the said water for irrigation purposes for the said lands in the irrigation district be supplied by the said Bow River Development;

And whereas debentures were issued under the provisions of *The New West Irrigation District Act, 1923*, being chapter 23 of the Statutes of Alberta, 1923, and whereas under *The Provincial Debts Reorganization Act, 1945*, being chapter 1 of the Statutes of Alberta, 1945 (second session) and necessary orders made by the Lieutenant Governor in Council pursuant thereto, these debentures have been paid off and cancelled by the Government of Alberta, and the said Board is free from liability of any kind with respect thereto;

And whereas the said Board has made application under the provisions of *The Irrigation Districts Act* in that behalf for an order dissolving the said irrigation district;

Now this agreement witnesseth and the parties hereto do hereby agree in consideration of the covenants, conditions and stipulations by each respectively to be performed, as follows:

1. In this agreement "district" means The New West Irrigation District.

2. The Board shall assign, transfer and set over, and does hereby assign, transfer and set over to the Minister of Agriculture of Canada all its right, title and interest in and to the entire works (as "works" are defined in *The Irrigation Districts Act*) owned by the Board, and all rights, powers and privileges acquired or vested in the Board with respect to the district.

3. Without restricting the generality of the foregoing paragraph, the Board shall assign, transfer and set over and does hereby assign, transfer and set over to the Minister of Agriculture of Canada all its right, title and interest in and to:

- (a) the lands described in Schedule A hereto, together with all buildings and improvements thereon;
- (b) all orders, authorities and permits of whatever kind relating to the taking, diverting or using of water for irrigation purposes or in any manner relating to the construction, maintenance, operation and use of the said works by the Board;
- (c) every right of way, easement and right of user in favour of the Board relating to any lands whatsoever.

4. The Board shall furnish to the Minister of Agriculture of Canada,—

- (a) the duplicate certificates of title to the lands described in the said Schedule A, and the keys to all buildings located thereon;
- (b) every order, authority and permit referred to in subparagraph (b) of the preceding paragraph;
- (c) all maps, plans, blueprints relating to the said district in its possession or power.

5. The Board will indemnify and save harmless the Minister of Agriculture of Canada from and against any liability which could or may attach to any of the works, lands, choses in action or other assets or property hereby assigned, transferred and set over or agreed to be assigned, transferred or set over, and against any claim, demand, action or cause of action arising out of the same which said liability, claim, demand, action or cause of action arose or was incurred on or before the 1st day of May, A.D. 1952.

6. The Minister of Agriculture of Canada agrees to accept, and does hereby accept the assignment, transfer and setting over of all of the said rights, powers and privileges generally referred to in paragraph 2 of this agreement or specifically listed in paragraph 3 hereof.

7. (1) In this paragraph unless the context otherwise requires, owner, purchaser, occupant and occupier, respectively, mean "owner", "purchaser", "occupant" and "occupier" as defined in *The Irrigation Districts Act*, and the heirs, executors, administrators and assigns thereof.

(2) The Minister of Agriculture of Canada covenants and agrees to supply water for irrigation purposes to such lands within the district as have heretofore been irrigated (and without restricting the generality of the foregoing, the lands described in Schedule B hereto) or such part thereof as it may be practical to irrigate.

(3) The Minister of Agriculture of Canada covenants and agrees to supply such water to the owner, purchaser, occupant or occupier as the case may be of any such lands at the same rate and upon the same terms as water is supplied for irrigation purposes to lands in the Bow River Development situated in the east half of township fourteen (14), range sixteen (16) west of the fourth meridian in the Province of Alberta.

(4) The Minister of Agriculture of Canada covenants and agrees to enter into agreements with such owners, purchasers, occupants or occupiers and each of them as required for that purpose and for the purpose of carrying out the spirit and intent of the provisions of this paragraph, provided that the provisions of this paragraph shall not apply and the Minister of Agriculture of Canada shall not be bound or obliged to supply water for irrigation purposes to

any lands unless the said owner, purchaser, occupant or occupier thereof, as the case may be, by the first day of January, A.D. 1953, enters into a water agreement with the Minister of Agriculture of Canada in the standard form from time to time prescribed by the Minister of Agriculture of Canada for the supply of water thereto.

8. The Minister of Agriculture of Canada will indemnify and save harmless the Trustee from and against any liability which could or may attach to any of the works, lands, choses in action or other assets or property hereby assigned, transferred or set over or agreed to be transferred, assigned or set over and against any claim, demand, action or cause of action arising out of the same which said liability, claim, demand, action or cause of action arose or was incurred after the 1st day of May, A.D. 1952.

In witness whereof the parties hereto have executed these presents.

S I G N E D, S E A L E D and  
D E L I V E R E D by the Mini-  
ster of Agriculture of Can-  
ada, representing Her Ma-  
jesty the Queen as afore-  
said, in the presence of

.....  
S I G N E D, S E A L E D and  
D E L I V E R E D for the Board  
of Trustees for the New  
West Irrigation District by  
the Official Trustee in the  
presence of  
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SCHEDULE A  
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Schedule A

1. The Easterly eight hundred and twenty-five (825) feet of the Southerly two hundred and sixty-four (264) feet of the North East quarter of Section Seventeen (17), in Township Fourteen (14), Range Sixteen (16), West of the Fourth Meridian, containing Five (5) acres more or less. Reserving unto Her Majesty all mines and minerals.

2. That portion of the North-East quarter of Section thirty-six (36), in Township Thirteen (13), Range Seventeen (17), West of the Fourth Meridian, taken for Canal Right-of-Way of the New West Irrigation District as shown on a plan of record in the Land Titles Office for the South

Alberta Land Registration District as "Irr. 961" containing Three and ninety-one one hundredths (3.91) acres more or less.

Excepting thereout Fifteen hundredths (0.15) of an acre more or less for the Canal Right-of-Way of the South Alberta Land Company Limited as shown on a plan filed in the said Land Titles Office as "Irr. 160".

The land herein comprised containing Three and Seventy-six one hundredths (3.76) acres more or less.

Reserving unto Her Majesty all mines and minerals.

3. That portion of the North-West quarter of Section thirty-one (31), in Township Thirteen (13), Range Sixteen (16), West of the Fourth Meridian, which is comprised within the Canal Right-of-Way of the New West Irrigation District, as shown on a plan of record in the Land Titles Office for the South Alberta Land Registration District as "Irr. 961", containing ninety-eight one hundredths (0.98) acres more or less.

Reserving unto Her Majesty all mines and minerals, and the right to work the same.

4. All that portion of the North-West quarter of Section Eighteen (18), in Township Fourteen (14), Range Sixteen (16), West of the Fourth Meridian, required for the Right-of-Way of the New West Irrigation District, as shown on a plan of record in the Land Titles Office for the South Alberta Land Registration District as "Irr. 961", containing Two and Forty-two one hundredths (2.42) acres more or less. Reserving unto the Province of Alberta its successors and assigns all mines and minerals and the right to work the same as set forth in Notification 962 E.S.

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## SCHEDULE B

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Schedule B

### LIST OF LANDS IN THE NEW WEST IRRIGATION DISTRICT

Description of Land	Irrigable Acres
S.E. 4-14-16-w4 .....	66.0
N.E. 4-14-16-w4 .....	65.3
S.W. 4-14-16-w4 .....	51.3
N.W. 4-14-16-w4 .....	93.2
S.E. 5-14-16-w4 .....	47.1
S.W. 5-14-16-w4 .....	46.7
N.E. 5-14-16-w4 .....	80.3
N.W. 5-14-16-w4 .....	122.8
S.E. 6-14-16-w4 .....	67.9



Description of Land		Irrigable Acres
S.W.	6-14-16-w4	76.6
N.E.	6-14-16-w4	64.3
N.W.	6-14-16-w4	106.1
S.E.	7-14-16-w4	68.1
S.W.	7-14-16-w4	64.6
N.E.	7-14-16-w4	62.7
N.W.	7-14-16-w4	107.7
S.E.	8-14-16-w4	140.0
S.W.	8-14-16-w4	113.3
N.E.	8-14-16-w4	152.5
N.W.	8-14-16-w4	103.9
S.E.	9-14-16-w4	124.6
S.W.	9-14-16-w4	149.2
N.E.	9-14-16-w4	131.5
N.W.	9-14-16-w4	114.7
S.E.	16-14-16-w4	142.5
S.W.	16-14-16-w4	136.5
N.E.	16-14-16-w4	119.5
N.W.	16-14-16-w4	71.7
S.E.	17-14-16-w4	144.4
S.W.	17-14-16-w4	123.3
N.E.	17-14-16-w4	28.9
N.W.	17-14-16-w4	107.0
S.E.	19-14-16-w4	44.6
N.E.	19-14-16-w4	142.1
N.W.	19-14-16-w4	116.3
S.E.	20-14-16-w4	47.2
S.W.	20-14-16-w4	105.9
N.E.	20-14-16-w4	92.1
N.W.	20-14-16-w4	130.4
S.E.	21-14-16-w4	29.8
S.W.	21-14-16-w4	62.0
N.W.	21-14-16-w4	84.0
S.W.	28-14-16-w4	119.5
N.W.	28-14-16-w4	127.5
S.E.	29-14-16-w4	93.2
S.W.	29-14-16-w4	32.9
N.E.	29-14-16-w4	152.7
N.W.	29-14-16-w4	89.3
S.W.	30-14-16-w4	Nil
N.W.	30-14-16-w4	Nil

No. 112.

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FIFTH SESSION  
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

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**BILL**

An Act respecting the Transfer of  
Assets of the New West Irrigation  
District.

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Received and read the

First time .....

Second time.....

Third time.....

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HON. MR. URE.

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