

Bill No. 126 of 1953

A BILL RESPECTING THE CONTROL OF GROUND
WATER AND WATER WELLS

NOTE

This Bill enacts a new Act to be known as "*The Ground Water Control Act*".

The Act is applicable to all sources of ground water and to all wells heretofore or hereafter developed.

A person is not permitted to commence a well on land of which he is not the owner unless he has a permit from the Director of Water Resources.

The Director or his agent may enter upon any lands to inspect wells and make such tests or inspections as may be thought necessary.

Where water is flowing uncontrolled from a well the flow may be controlled by the Director, with the approval of the Minister, and the costs thereof charged to the persons who are determined by the Minister to be responsible for the uncontrolled flowing of the well water.

The Lieutenant Governor in Council may make regulations relating to the methods of boring wells and to developing sources of ground water, prescribing conditions relating permits and fees, etc., requiring reports, specimens from wells, regarding the flow from wells and the control thereof, and regulating other matters incidental to the conservation of ground water.

This Bill comes into force on the first day of July, 1953.

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. 126 of 1953

An Act respecting the Control of Ground Water and Water Wells

(Assented to _____, 1953.)

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

1. This Act may be cited as "*The Ground Water Control Act*". Short title
2. In this Act, unless the context otherwise requires, Interpreta-
tion
 - (a) "bore" means to bore, drill or dig into the ground; "bore"
 - (b) "Department" means the Department of Agriculture; "Depart-
ment"
 - (c) "Director" means the Director of Water Resources; "Director"
 - (d) "ground water" means all waters that exist beneath the land surface; "ground
water"
 - (e) "Minister" means the Minister of Agriculture; "Minister"
 - (f) "operator" means a person who engages in boring operations at a well or undertakes any operation preparatory or incidental to the boring of a well or the reconditioning or abandonment of a well; "operator"
 - (g) "owner" includes a person who is in possession of or has the right to the immediate possession of land as a lessee, sub-lessee or purchaser under an agreement for sale or as a licensee; "owner"
 - (h) "regulations" means the regulations made pursuant to this Act; "regulations"
 - (i) "well" means a shaft made by boring, drilling or digging into the ground "well"
 - (i) by means of which ground water is obtained, or
 - (ii) which is made for the purpose of obtaining ground water.
3. This Act applies to all sources of ground water and to all wells, whether bored or developed before or after the coming into force of this Act. Application
of Act
4. No person shall commence a well on lands of which he is not the owner unless he is the holder of a subsisting annual permit from the Director entitling him to bore a well thereon. Permit to
bore well

Director
has right of
access

5. The Director or any agent or employee of the Director may enter upon any land in the Province, and shall have access to all wells, records, plant and equipment and every operator and owner of a well shall permit the Director, his agent or employee to inspect the operations thereon, the records of the operations and the plant and equipment and to take samples or carry out any test or examination which the Director, his agent or employee desires to make.

Control
of water

6. (1) If at any time a flow of water from a well is not controlled, the Director or his agents or employees, with the approval of the Minister, may enter upon the lands from which the water is flowing and conduct such operations to control the flow of water as may appear to the Director to be necessary or expedient in the public interest.

(2) When any operations are conducted under subsection (1), the Minister may determine

(a) the cost of the operations to control the flow of water,

(b) the person or persons who are responsible for the flow of water, and

(c) the person or persons who shall be liable for the costs of the operations to control the flow of water.

Recovery
of costs

(3) The person or persons determined by the Minister to be responsible for the costs of the operations to control the flow of water shall pay the costs to the Minister and in default of payment the costs may be recovered in any court of competent jurisdiction.

Precautions
to be
observed

7. The owner of a well at all times shall take such precautions as are necessary for the safety of persons, livestock and other property and for the prevention of damage by reason of the presence or escape of water.

Right of
action

8. No action or proceedings shall lie against the Director or his agents or employees for any matter or thing done by them in the pursuance of or in the purported pursuance of any of the provisions of this Act or the regulations.

General
penalty

9. Every person who violates a provision of this Act or of the regulations or an order of the Minister is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and costs for each offence.

Regulations
re

10. The Lieutenant Governor in Council from time to time may make regulations

boring

(a) respecting the methods of boring wells and determining and developing sources of ground water and the precautions and measures to be taken during boring and development operations of wells,

permits

(b) prescribing the procedure and the conditions under which an operator may obtain a permit, the fee to be paid and the information to be supplied by an applicant for a permit,

- (c) requiring the furnishing of reports, returns, geological and other information and specimens and samples, reports and samples
- (d) requiring the provision of proper anchorage, casing and cementation of well casings, casings
- (e) prescribing the specifications of casing and other materials in wells, specifications
- (f) requiring the reporting of dry or insufficiently productive wells, report of dry wells
- (g) prescribing the abandonment of wells and the methods and requirements to be observed in abandonment operations, abandonment operations
- (h) respecting the control and utilization of the flow of water from a well or other source of ground water, control of flow
- (i) respecting conservation and management
 - (i) any other matter incidental to the conservation, development and control of ground water, and
 - (ii) the boring and management of wells and production therefrom.

11. This Act comes into force on the first day of July, Coming into force 1953.

No. 126

FIRST SESSION
TWELFTH LEGISLATURE
2 ELIZABETH II
1953

BILL

An Act respecting the Control of
Ground Water and Water Wells

Received and read the

First time

Second time.....

Third time.....

HON. MR. URE.
