

Bill No. 73 of 1955

A BILL RESPECTING THE BOW RIVER  
DEVELOPMENT

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NOTE

This Bill enacts a new Act to be known as *The Bow River Development Act*.

It is designed to establish the Bow River irrigation project in the manner *The St. Mary and Milk Rivers Development Act, 1950*, established and provided for that irrigation project; and this Bill follows the procedure and method of the earlier Act.

Part I sets out the scope of the development and area of the irrigation district. It also establishes the office of manager who is made a corporation sole to hold the property of the project and to manage the project and collect the rates and pay the expenses of the project.

Part II provides for a colonization manager to handle the administration and colonization of the lands included in the district.

This Bill comes into force upon 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. 73 of 1955

An Act respecting the Bow River Development

(Assented to , 1955)

**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 Bow River Development Act*". Short title

## Interpretation

2. In this Act

- (a) "advisory committee" means the advisory committee elected under the provisions of this Act; Interpretation  
"advisory committee"
- (b) "district" means all the lands that from time to time form part of the Bow River Development pursuant to section 14 but does not include any minerals within the meaning of *The Mines and Minerals Act*; "district"
- (c) "first mortgage" means, in respect of land situated within the district, any mortgage or any encumbrance, in Form 19 of the Schedule to *The Land Titles Act*, that has been registered in the proper Land Titles Office prior to the formation or erection of the district or the addition of the land thereto and that has priority over all other similar mortgages and encumbrances; "first mortgage"
- (d) "Her Majesty" means Her Majesty the Queen in the right of the Province of Alberta; "Her Majesty"
- (e) "irrigation council" means an irrigation council appointed under the provisions of *The Irrigation Districts Act*; "irrigation council"
- (f) "irrigation works" means any structure, device or contrivance for irrigation purposes, and without derogating from the generality of the foregoing, includes any dyke, dam, weir, floodgate, breakwater, drain, ditch, basin, reservoir, natural or artificial lake or other body of water, canal, tunnel, bridge, culvert, crib, embankment, headwork, flume, aqueduct, pipe, pump, measuring weir, and any contrivance for carrying or conducting water or used to deliver water to a water user or any building, telephone line or other work in any way used in or in relation to the conduct and management of the affairs and business of the manager; "irrigation works"

- “local authority” (g) “local authority” includes every corporate body or person levying rates or taxes for local purposes in any city, town, village, hamlet, municipal district, county, or improvement district;
- “manager” (h) “manager” means the Bow River Development manager appointed pursuant to this Act;
- “Minister” (i) “Minister” means the member of the Executive Council for the time being charged with the administration of this Act;
- “municipality” (j) “municipality” means a city, town, village, municipal district, county, or improvement district;
- “occupant” (k) “occupant” means the occupant of any land exempt from taxation by the Province;
- “occupier” (l) “occupier” means the person in actual occupation of lands other than the owner or occupant thereof;
- “owner” (m) “owner” means,  
 (i) subject to subclause (ii), any person who is registered under *The Land Titles Act* as the owner of a freehold estate in possession in land, and  
 (ii) in respect of lands within a city, town, village or hamlet, the local authority in the city, town, village or hamlet;
- “parcel of land” (n) “parcel of land” means  
 (i) a quarter section of land according to the system of surveys under the *Canada Land Surveys Act* (Canada) or *The Alberta Surveys Act*, or any other area that is owned by one person, or by more persons than one as tenants in common or joint tenants, and  
 (ii) in respect of lands within a city, town, village or hamlet, all the lands within the city, town, village or hamlet;
- “purchaser” (o) “purchaser” means the latest person, other than a lessee, who has purchased or otherwise acquired land and not become the owner thereof, whether he has purchased or otherwise acquired the land directly from the owner thereof or from another purchaser;
- “Registrar” (p) “Registrar” means Inspector of Land Titles Offices when acting as Registrar, a Registrar of Titles, a Deputy Registrar, or an Assistant Deputy Registrar;
- “undertaking and works” (q) “undertaking and works” means the undertaking and works acquired by Her Majesty in the right of the Province of Alberta as represented by the manager;
- “water user” (r) “water user” means any person to whom Her Majesty or the manager is legally obliged to supply water for any purpose.

## PART I

## GENERAL PROVISIONS

## 3. The Bow River Development includes

- (a) all diversion works, dams, reservoirs, canals, ditches and other works heretofore or hereafter constructed and necessary for and resulting from a diversion of certain waters from the point of intake with the Bow River in section thirty-one, township twenty-one, range twenty-five, west of the fourth meridian in the Province of Alberta, and
- (b) all waters diverted therefrom and all irrigable and non-irrigable lands included in the district under section 14.

4. (1) The Minister may transfer to the manager any works or undertakings constructed under Part IV of *The Water Resources Act*.

(2) The Minister with the approval of the Lieutenant Governor in Council may on behalf of the Province of Alberta enter into agreements with the Government of Canada for the purpose of carrying out the intent and objects of this Act or for any purpose or matter incidental thereto.

**Appointment, Powers and Duties of Manager**

5. (1) The Lieutenant Governor in Council may from time to time appoint a person who shall be known as the manager of the Bow River Development. Appointment of manager

(2) The manager Powers of manager

- (a) may exercise such powers and shall perform such duties as are assigned to him by this Act or as may be assigned to him by the Lieutenant Governor in Council, and
- (b) shall be paid such salary as may be fixed from time to time by the Lieutenant Governor in Council.

(3) The Minister may, from time to time, designate the location of the head office of the manager. Head office

6. (1) The Lieutenant Governor in Council may from time to time appoint some person who may, in the absence of the manager and subject to any special directions of the manager, do any act authorized or required to be done by the manager. Appointment of acting manager

(2) When it appears that a person appointed under subsection (1) has so acted, it shall be conclusively presumed that he has so acted in the absence of the manager.

7. (1) The person for the time being holding the office of the manager of the Bow River Development is, by that name, a corporation sole, with perpetual succession and a common seal. Manager as corporation

- (2) The manager in his corporate capacity has power
- (a) to acquire, hold, sell and otherwise deal in lands, securities and other real and personal property of every description,
  - (b) to sue and be sued,
  - (c) to enter into agreements binding on himself and his successors in office, and
  - (d) to do all things necessary or expedient in the execution of the duties of his office.

Action for damages

**8.** (1) Except only as is provided by this section, no action lies against the manager

- (a) for damages or otherwise in respect of any damage of any nature caused by the leakage, seepage, overflow or flooding of water from any irrigation works of the manager, or
- (b) to obtain payment of any compensation in respect of any such damage.

(2) Any person claiming that he has sustained loss during any year on account of the surface of his farming land being detrimentally affected for agricultural purposes by the leakage, seepage, overflow or flooding of water from any irrigation works of the manager shall give to the manager, not later than the first day of November in that year, notice of such claim by delivering to the manager a notice in writing setting out the particulars of the alleged damage and the amount of compensation claimed.

(3) Subsections (3) to (12) of section 13 of *The Irrigation Districts Act* apply hereto, insofar as they may be made applicable and the manager has the same powers and duties as the Board under the said subsections.

(4) All the agreements, settlements, orders and decisions made under the provisions mentioned in subsection (3) are final and conclusive and there is no appeal therefrom.

Management of undertaking

**9.** Except as otherwise provided by the Lieutenant Governor in Council, the manager shall, on behalf of the Government, maintain, operate and manage the undertaking and works as the same exist from time to time and make such alterations, improvements, extensions and additions as the manager deems necessary or advisable in connection with the maintenance and operation of the undertaking and works.

Duties of manager

**10.** (1) Except as otherwise provided by the Lieutenant Governor in Council, the manager may enter into all agreements and do all things necessary or incidental to the maintenance, operation and management of the undertaking and works and all alterations, improvements, extensions and additions from time to time made thereto.

(2) Without in any way restricting the generality of subsection (1), the manager

- (a) may supply water in bulk or otherwise for irrigation or domestic purposes to, for, or upon lands inside or outside the district,
- (b) may enter into, enforce, determine or otherwise deal with agreements for the supply of water for irrigation or domestic purposes,
- (c) may enter upon any lands for the purpose of carrying out the maintenance and operation of the undertaking and works and any alterations, improvements, extensions or additions from time to time made thereto, and in so doing may exercise all the powers conferred upon the Minister of Highways in respect of entry upon lands required for highways,
- (d) shall construct, maintain and renew all irrigation works,
- (e) shall operate any irrigation works constructed under the provisions of this section,
- (f) may purchase electric or mechanical power for pumping purposes either by long term contract or otherwise upon such terms and conditions as may be approved by the Minister,
- (g) shall manage, add improvements to, cultivate and carry on all farming operations on any or all of the lands vested in him,
- (h) may acquire in his own name public lands lying within or adjacent to the district and may resell the same,
- (i) may acquire, purchase, lease or take over and may erect, construct and establish all plant, machinery and installations, materials, devices, fittings, apparatus, appliances or equipment, rights of way and easements, for or used in the generation, transformation, transmission, distribution, delivery, sale or use of electricity, and may maintain and operate the same and use, sell or deal in electric power or energy and may do, perform and execute all acts, things and documents necessary or incidental to the exercise of the powers conferred by this section,
- (j) may employ all such officers, inspectors, clerks or other persons as are required for the maintenance and operation of the undertaking and works, and all alterations, improvements, extensions and additions from time to time made thereto, and may dismiss the same, give them their titles, define their respective duties and powers, and may fix their salaries or remuneration,
- (k) may engage the services of experts and persons engaged in the practice of a profession and pay the salaries or remuneration of all such persons,
- (l) may, subject to the approval of the Minister, provide a scheme for annuities or other payments to employees or dependants of employees of the manager by way of pension, superannuation, re-

tirement allowances, allowances on account of illness, death benefits and any other similar benefits,  
 (m) shall administer generally the affairs of the district.

Ownership of property etc. **11.** (1) All property both real and personal and all moneys acquired or received by the manager in the exercise of his powers and duties shall be the property of Her Majesty.

Payment of wages, etc. (2) The manager shall pay from the moneys acquired or received by him, so far as such moneys will extend,  
 (a) all salaries and wages including his own salary, and  
 (b) all expenses and liabilities arising  
 (i) out of the maintenance, operation and management of the undertaking and works and all alterations, improvements, extensions and additions from time to time made thereto, or  
 (ii) out of the exercise by the manager of any of his powers and duties.

Advances from General Revenue Fund (3) If at any time the moneys in the hands of the manager are not sufficient to pay the salaries, wages, expenses and liabilities required by subsection (2) to be paid, the Provincial Treasurer, with the approval of the Lieutenant Governor in Council, may make advances to the manager out of the General Revenue Fund of such sums as are from time to time required for the purpose of paying the salaries, wages, expenses or liabilities.

Right of access **12.** (1) Upon the construction of any irrigation works within the district the manager may  
 (a) enter upon and use the area occupied by the irrigation works, and  
 (b) enter upon and use such land adjacent or appurtenant to any of the irrigation works as may be necessary, in the opinion of the manager, for the deposit of soil thereon or for the use of soil therefrom, or for the supervision, maintenance and repair of the said irrigation works.

Rental of land (2) The manager may pay in respect of the use of land under this section an annual rental, not exceeding one dollar per acre for the area computed in terms of acres, for the land the manager is actually using and no other compensation shall be paid in respect of such use.

(3) Notwithstanding subsection (2), the manager, in his discretion at any time and with respect to any parcels of land, may make a single cash payment not exceeding thirty dollars per acre and in the event of disagreement as to the amount of the single cash payment the irrigation council may fix the same.

Farm bridges **13.** (1) In addition to the rental or cash payment provided for in section 12, the manager may provide farm bridges for the purpose of giving access to land severed

from other lands of the same owner by reason of the construction of a ditch, but any such bridge shall thereafter be maintained by and at the expense of the owner.

(2) If any owner is not satisfied with the decision of the manager as to the provision of a farm bridge or farm bridges he may appeal to the irrigation council whose decision thereon is final.

**14.** (1) Where the manager is or becomes legally obliged to supply water to any parcel or parcels of land whether by contract or otherwise, the parcel or parcels shall be deemed to have been brought under this Act and to form part of the Bow River Development. Inclusion of land in district

(2) Where the legal obligation of the manager to supply water to any parcel of land has ceased or been determined for any reason, the manager, in his discretion, may, by order, remove the parcel from the district and thereupon the parcel ceases to form part of the Bow River Development. Exclusion of land from district

(3) The Minister, in his discretion, may include any lands in the district or exclude any lands therefrom on the manager's request duly approved by the irrigation council. Inclusion or exclusion of land by Minister

(4) The Minister may make any regulations necessary or calculated to carry out the general intent of this Act as to the inclusion or exclusion of lands, and the regulations have effect as if set out in this Act.

(5) When lands are brought into or excluded from the district by the Minister, the manager shall forthwith notify the Registrar that the parcels of land have been brought into the district or excluded therefrom under this Act, and that the parcels form part of the Bow River Development or have ceased to form part thereof. Notice to Registrar

(6) The Registrar shall without charge note upon each certificate of title to a parcel of land in the district and upon each certificate of title to any parcel of land that is brought into the district under the provisions of this Act, the fact that the parcel forms part of the Bow River Development or has ceased to form part thereof, as the case may be. Notification on title

**15.** (1) The manager or any person thereunto authorized by him may enter upon any parcel of land to supervise, direct and control Supervising works and distribution of water

(a) the division or distribution of water,

(b) the clearing, cleaning or maintaining of any irrigation works, which without limiting the generality of the foregoing, includes

(i) the removal of earth, silt, dirt or other impediments or obstructions from any irrigation ditch within the district, including main, lateral, farm or other ditches whether maintained and operated by the manager or any other person or persons, and



(ii) the depositing of such earth, silt, dirt or other impediments or obstructions within a reasonable distance on each side of the said ditches,

or

(c) the removal, alteration or relocation of any irrigation works.

Disputes

(2) The manager or any person thereunto authorized by him may hear and determine all disputes in any way arising out of subsection (1), whether between the manager and any water users, or between water user and water user.

Appeal

**16.** (1) Any person affected by a decision made under the provisions of section 15 may appeal to the advisory committee by filing a notice of appeal at the head office of the manager within thirty days of the decision.

(2) The advisory committee shall make such a decision as the manager should have made having regard to the circumstances of the case.

Decision final

(3) The decision of the advisory committee is conclusive and binding and no appeal lies either from the manager's decision or from the decision of the advisory committee.

Alteration of works

**17.** No irrigation works shall be removed, altered or relocated without the consent of the manager.

Refusal to supply water

**18.** The manager may refuse to supply any irrigation works with water if in his opinion the same are unfit to carry the amount of water requested by the water user.

Use and modification of works

**19.** To carry out the provisions of this Act, the manager may use any irrigation works within the district, whether owned, maintained or operated by the manager or any other person, and may make such modifications, extensions, enlargements and additions thereto as he deems necessary or expedient.

Powers to implement sections 15 to 19

**20.** The manager, or any person hereunto authorized by him, may

(a) make any direction or order necessary for the purpose of carrying out the provisions of sections 15 to 19,

(b) at his discretion enter upon any parcel of land with such equipment, supplies and personnel as he may deem necessary, and

(c) do such acts, deeds and things and execute such work as may be necessary in his opinion to carry out the provisions of sections 15 to 19.

Expenses

**21.** Any expense incurred under the provisions of sections 19 and 20 on any parcel of land shall be imposed as a rate on the land properly chargeable therewith, and such rate may be collected in the same manner as water rates.

**22.** Except as provided under section 16, no appeal lies from a decision of the manager under sections 17, 18, 19, 20 or 21. No appeal

**23.** Any person

- (a) who contravenes any direction or order made by the manager or any person thereunto authorized by him,
  - (b) who fails to comply with any provisions of section 17 or any decision of the manager or any decision authorized by the manager, or
  - (c) who fails to comply with any decision of the advisory committee,
- is guilty of an offence and liable on summary conviction to a fine of not more than two hundred dollars. Penalty for offence

**24.** The provisions of sections 15 to 22 in no way make the manager responsible for the care, maintenance, clearing or cleaning of any irrigation works if he is not otherwise responsible therefor under the provisions of this Act. Responsibility for works

**25.** When, in the opinion of the manager, any ditch is likely to be obstructed or otherwise injured by soil drifting or blowing into it from any land, and the occupant or occupier, or if there is no occupant or occupier the owner, purchaser or lessee of the land or any of them has failed to take reasonable precautions to prevent the drifting or blowing, the manager without further or other authority may enter upon the land and upon so entering shall take all reasonable steps upon the land to prevent, stop or minimize the drifting or blowing. Preventing soil drifting

**26.** (1) As the interests of the district may require, the manager may make regulations, rules and by-laws and prescribe forms in respect of matters not specially provided by this Act but consistent with the objects thereof. Regulations, etc.

(2) Without limiting the generality of subsection (1), the manager may make regulations, rules and by-laws

- (a) for the equitable distribution of water,
- (b) for the disposal of all surplus water not required for the purposes of the district, and
- (c) for cutting off and stopping the supply of water to any parcel of land in arrears for irrigation rates.

(3) Every regulation, rule, by-law and form, and every repeal, alteration and amendment thereof shall be filed, under the hand and seal of the manager, with the irrigation council, and upon approval of the irrigation council shall come into full force and effect. Approval of regulations, etc.

(4) The manager on request shall furnish a copy of the regulations, rules, by-laws and forms to any water user. Copies of regulations, etc.

Copy of regulations, etc, as evidence

(5) A copy of any regulation, rule, by-law or form, or any part or extract therefrom written or printed without erasure under the hand and seal of the manager with his certificate that the same has been filed and approved as provided in subsection (3) shall be deemed authentic and is admissible in evidence as *prima facie* proof of the contents thereof without any further proof in any court, unless it is specially pleaded or alleged that the seal or the signature of the manager has been forged.

Procedure

(6) Where any procedure is prescribed in this Act but such procedure does not seem adequate, or where no procedure is prescribed suitable to the circumstances of the case, the manager may provide such procedure as may seem proper to him.

Borrowing

**27.** The manager in any year may borrow, for the purpose of meeting in that year the expenses payable out of the water service charge, any sum or sums of money not exceeding the amount levied in such year for the water service charge and for the time being uncollected.

Application for water

**28.** (1) The manager may from time to time make an application in accordance with the provisions of *The Water Resources Act* for the water necessary for the use of the district or any portion or portions thereof and for authority to construct the necessary irrigation works for the utilization of such water.

Employment of surveyors, etc.

(2) The manager may employ such surveyors, engineers or other assistants as are required to draw up a general scheme for the irrigation of the district and to obtain the necessary information to enable him to make the application.

Form of application

(3) With regard to matters preliminary or antecedent to the order granting the application, the manager shall comply in every detail with the procedure laid down in *The Water Resources Act* insofar as that procedure is applicable.

Contract for constructing works, etc.

**29.** (1) The manager, instead of or in addition to making application for an authorization, may, subject to the approval of the irrigation council, enter into any contract

(a) for the construction or operation of any irrigation works,

(b) for the supplying of water for irrigation purposes to or within the district, or

(c) for all or any such objects,

with any person to whom any authorization or license has been granted under *The Water Resources Act*.

(2) All the provisions of this Act apply to those irrigation works constructed or operated or the water supplied, under the contract referred to in subsection (1) to the extent necessary to enable the manager to carry out any such contract according to the terms thereof.

**30.** The authorization provided pursuant to *The Water Resources Act* or any other statute as the case may be, together with a copy of all required maps and plans and also all the official records of the district, shall be filed in the office of the manager and shall be open for public inspection at all reasonable times. Filing and inspection of records

#### Advisory Committee

**31.** (1) There shall be an advisory committee elected by the water users of the district whose function shall be to advise the manager and to do and execute all other acts, deeds and things as provided by this Act. Advisory committee

(2) The Minister shall make all necessary rules and regulations providing for the composition, remuneration, election, rights, power and duties of the advisory committee and all matters thereto appertaining, and such rules and regulations have effect as if set out in this Act.

#### Water Right Payments

**32.** (1) There shall be imposed on each parcel of land in the district, with respect to each acre to be irrigated within the district, a water right payment, being a payment respecting the cost of the irrigation works and interest thereon. Water right payments

(2) The amount of the water right payment for each acre to be irrigated shall be fixed from time to time by the Lieutenant Governor in Council, together with the rate and terms of interest payable with respect thereto, and the terms of payment.

(3) The payment of the water right payment and interest may be enforced by the manager in the same manner as the water rates and all the provisions of this Act or of *The Irrigation Districts Act* in that behalf apply.

(4) If water is supplied in bulk or otherwise to any person outside the district

- (a) there may be imposed with respect to each acre of land to be irrigated by such water a water right payment, the amount of which, together with the rate and terms of interest and terms of payment, shall be fixed as provided in subsection (2),
- (b) payment of the water right payment and interest may be enforced in the same manner and to the same extent as water right payments imposed on lands within the district and all the provisions relating to water right payments and enforcement of payment thereof apply, notwithstanding that the land to be irrigated is outside the district, and
- (c) all the provisions of this Act apply in the same manner as if the said persons or lands were within the district to the lands and persons outside the district to, for or upon which or to whom water is so supplied.

### Water Rates

- 33.** (1) Not later than the first day of April in each year, the manager shall make an estimate of the amount required to pay the water service charge, which shall be all the expenses connected with the administration of the district and the diversion, distribution and drainage of water and the maintenance of the irrigation works for the year, including
- Estimating amount of water service charges
- (a) any payments into a maintenance fund to provide for the preservation of the said irrigation works in their original efficiency,
  - (b) any payments for water supply service to the district, and
  - (c) any payments for new expenditure, whether capital or otherwise.
- (2) If payment of the water service charge is not otherwise provided for, a water rate in respect of each acre of land to be irrigated as shown in the water rates ledger shall be imposed by the manager upon each parcel of land within the district.
- (3) Any water rate imposed shall be sufficient to bring in the amount estimated as the water service charge after making all due and reasonable allowances for the cost of collection and abatement for losses that may occur in the collection of the water rate.
- Imposition of water rate
- (4) No water rate fixed by the manager shall be effective until approved by the irrigation council.
- Approval of water rate
- 34.** (1) For the purposes of this section, "parcel" includes land along or contiguous to or through which pass any ditches, canals, spillways or irrigation works of the manager, as well as land contiguous to any creeks, sloughs, lakes or other reservoirs fed by the water diverted by means of the undertaking or irrigation works of the manager.
- "parcel"
- (2) Notwithstanding the provisions of *The Water Resources Act*,
- Water supplied for domestic purposes
- (a) the manager in each year may estimate the value of the benefit for domestic purposes of water supplied to any parcel within or without the district or used by the owner, purchaser, lessee or occupant or occupier thereof, and
  - (b) the estimated value of the benefit of the water so supplied or used shall be, subject to the approval of the irrigation council, charged against the parcel and all the provisions of this Act with respect to the collection and recovery of water rates apply thereto.
- Tariff
- (3) The manager shall establish a tariff, which shall be the basis for estimating the benefit accruing to the parcel respectively, and may in establishing the tariff differentiate between and establish different rates for persons receiving water for domestic purposes only and those receiving water for both domestic and irrigation purposes.

(4) The charge for domestic purposes is a first lien and charge upon each parcel assessed with respect to water for domestic purposes, and upon all crops and other farm produce grown or produced by the owner, purchaser, lessee or occupant or occupier, and may be collected in the same manner and to the same extent as water rates. Water for domestic purposes is lien

(5) The water rates ledger insofar as it applies to water for domestic purposes shall be revised annually or from time to time as circumstances require, and in accordance with the manager's estimate as approved by the irrigation council. Revision of water rates ledger

**35.** (1) The manager shall prepare and keep in his office a ledger, which shall be called the water rates ledger, in which he shall set down such of the following as may be applicable in each case: Water rates ledger

- (a) the name of the owner and, if any, the names of the purchaser, lessee, occupant or occupier and each of them, of each parcel of land in the district, and his or their post office address if known, indicating after each name whether the same is that of an owner, purchaser, lessee, occupant or occupier,
- (b) the description of the parcel of land or of the parcel as defined in subsection (1) of section 34,
- (c) the number of acres in the parcel of land to be irrigated,
- (d) in the case of a parcel as defined in subsection (1) of section 34, the estimated value of the benefit for domestic purposes of water supplied,
- (e) the amount imposed for water rates, or otherwise,
- (f) the amounts paid and remaining unpaid from time to time on water rates, or otherwise, including all interest and penalties.

(2) The water rates ledger shall remain in the office of the manager, and shall be open for inspection at all reasonable times.

(3) The manager shall record with the date of the receipt all amounts paid him for water rates, or otherwise, in the water rates ledger under the legal description of the parcel of land in respect of which the payment is made and he shall issue an official receipt for every payment. Recording water rate receipts

**36.** (1) Notwithstanding that the water rates payable by any water user are calculated with respect to the number of acres of his land that are to be irrigated, the water rates when calculated form a special lien upon each parcel of land that is within the district and that contains any portion of the land to be irrigated. Water rates a lien on land

(2) The water rates accruing upon or in respect of any land in the district are a special lien upon the land and have priority over all claims, liens, privileges or encumbrances thereon.

Recovery of  
water rates  
by owner

**37.** (1) Where an owner of land within the district has sold the land to a purchaser, the owner, upon paying the water rates in respect of the land, may recover the amount of the water rates from the purchaser as if their agreement for sale had contained an express covenant by the purchaser for the discharge of such water rates.

(2) Where there are one or more purchasers between the owner and a purchaser entitled to possession of the land sold, the owner has the same rights against that purchaser as the rights given him by subsection (1) against the purchaser direct from him and in lieu thereof, and as if the purchaser entitled to possession had expressly covenanted with the owner to that effect.

Demand for  
water rates

**38.** (1) The manager shall, after the completion of the water rates ledger, leave at the usual residence or place of business of or transmit by mail to each person whose name appears on the ledger or to an agent of such person in the district a statement of and a demand for the water rates or other amounts charged against him.

(2) The statement shall state when the amounts are required to be paid.

Evidence of  
delivery of  
demand

(3) The manager shall enter the date of delivery or mailing of the notice in the water rates ledger under the name of the person rated and the legal description of the land, and the entry shall be taken as *prima facie* evidence of the due delivery of the statement and demand.

Date water  
rates due

(4) All water rates and charges under sections 33 and 34 shall be deemed to be due on the first day of January of the year in which they are imposed, and shall bear interest at the rate of six per cent per annum after the first day of May in the year in which the water rate or charges under sections 33 and 34 are imposed.

(5) Nothing contained in this section shall be construed to extend the time for payment of the said water rates or charges under sections 33 and 34.

Apportion-  
ment of  
water rates

**39.** (1) When for any reason it is desired to apportion the rate imposed upon any parcel of land among two or more parts thereof, the manager may make such apportionment as seems proper, but the sum of all the apportioned rates shall not be less than the rate imposed upon the parcel prior to the apportionment of the rate.

(2) When any such apportionment is made at the request of an owner of a parcel of land or of a purchaser from him,

(a) the manager may require the applicant to submit plans and specifications of all additional ditches necessary to bring irrigation water to the boundary of each of the parts into which the parcel is to be divided, together with an estimate of the cost of constructing the ditches, and

- (b) the manager may refuse to make any apportionment of the rate until he has received payment of a sum sufficient to defray the cost, or has had the payment of the cost properly secured, or until the ditches have been constructed to his satisfaction.

**40.** (1) If any parcel of land, or any part thereof, respecting which no moneys are due or payable under this Act is taken or expropriated under any Act or statute for any railway, highway, road, canal or other right of way or for any municipality or otherwise, or becomes or is rendered non-irrigable because of such taking or such expropriation, the person or authority taking or expropriating the same shall commute future water rates payable with respect to such parcel by paying to the manager in cash such amount as the manager with the approval of the irrigation council may from time to time determine. Commuta-  
tion of  
water rates

(2) Upon receipt of any sum paid pursuant to this section, the manager shall ascertain the number of acres from which, in accordance with the provisions of this section, the sum may be accepted in commutation of water rates and shall thereupon note the same in the water rate ledger against the parcel of land in respect of which the payment is made.

(3) Where any payment is made under this section with respect to a parcel of land, the remainder of the parcel and the owner, purchaser, lessee or occupant or occupier thereof, shall continue to be subject to all the provisions of this Act regarding enforcement of water rates payable otherwise than under this section.

**41.** (1) The Lieutenant Governor in Council may waive payment of any or all water rates, or any part thereof, with respect to any parcel or parcels of land within the district. Waiving  
payment of  
water rates

(2) If at any time the payment of any or all water rates is so waived by the Lieutenant Governor in Council, the Provincial Treasurer shall pay to the manager such sums as would have been payable to the manager except for the waiver.

**42.** (1) All moneys payable, whether payable to Her Majesty or the manager under an agreement for the supplying of water to land for irrigation or domestic purposes, or otherwise under this Act, are hereby declared to be a first lien and charge upon all crops and other farm produce grown or produced on the land covered by the agreement and upon the amount remaining unpaid of the sale price thereof until the moneys have been paid in full. Moneys a  
lien on crops

(2) Upon the manager delivering to a buyer of the crops or farm produce mentioned in subsection (1), a demand in writing for the amount of the moneys hereby declared to be a first lien and charge upon the amount remaining unpaid of the sale price of the crops or farm produce, the buyer



shall, out of the amount remaining unpaid and then in his hands, pay the amount of such moneys to the manager in priority to all other claims and demands.

### Recovery of Rates

Recovery of water rates      **43.** (1) All water rates or arrears of water rates due to the manager may be recovered by suit in the name of the manager as a debt due to him.

Water rates ledger as evidence      (2) In any such suit the water rates ledger is admissible in evidence as *prima facie* proof of the debt, and of the facts therein set down.

Levying costs by distress      **44.** (1) When moneys owing to Her Majesty or the manager under an agreement for the supplying of water to land for irrigation or domestic purposes, or moneys payable otherwise under this Act, are not paid within thirty days from the mailing of a notice to pay addressed to the person who, according to the records of the manager, is responsible for the payment of the moneys, the manager may by himself or his agent levy the same, with costs, by distress

- (a) upon all the goods and chattels that are situate within the area served by the undertaking and works or any extension or addition thereto and that belong to the owner, purchaser, lessee or occupant or occupier of the land covered by the agreement for the supplying of water, or any of them, each of whom is hereinafter included in the term "any person benefited", or
- (b) upon the interest of any person benefited in any goods or chattels found on the land, including his interest in any goods or chattels to the possession of which he is entitled under a contract by which he may become the owner thereof upon performance of any condition, or
- (c) upon any goods or chattels on the land, where the title to the goods or chattels is claimed in any of the following ways:
  - (i) by virtue of an execution against any person benefited,
  - (ii) by purchase, gift, transfer or assignment from any person benefited, whether absolute or in trust or by way of mortgage or otherwise,
  - (iii) by the wife, husband, daughter, son, daughter-in-law or son-in-law of any person benefited or by any relative of his in case the relative lives on the land as a member of the family,
  - (iv) by virtue of any assignment or transfer made for the purpose of defeating distress,
  - (v) by virtue of *The Crop Payments Act*, which has no application to any crops seized under the provisions of this section.

(2) The provisions of *The Seizures Act* do not apply to any distress made under this section. Non-application of *The Seizures Act*

**45.** With respect to goods and chattels distrained, the manager has the same powers and duties as a treasurer under *The Irrigation Districts Act*, and for that purpose the provisions of sections 161 and 162 of that Act apply insofar as they may be made applicable. Goods and chattels distrained

**46.** (1) The provisions of *The Irrigation Districts Act* relating to the irrigation rates enforcement return shall be applicable to this Act, and for that purpose Rates enforcement return

- (a) the manager has the same power and duties as the treasurer of the district,
- (b) sections 164 to 177 and Form J of *The Irrigation Districts Act* apply insofar as they are applicable, and
- (c) the word "manager" shall be deemed to replace the word "Board" wherever the latter word appears in sections 164 to 177 of *The Irrigation Districts Act*.

(2) Notwithstanding this Act, no lands vested in the Bow River Development colonization manager shall be placed upon the rate enforcement return of the district.

**47.** (1) Where personal property that is liable under section 44 of this Act to seizure for moneys owing under an agreement for the supplying of water or otherwise Notice to sheriff, etc., of amount due under agreement

- (a) is under seizure or attachment or has been seized by the sheriff or by a bailiff of any court,
- (b) is claimed by or in possession of an assignee for the benefit of creditors or liquidator or of any trustee or authorized trustee in bankruptcy, or
- (c) has been converted into cash and is undistributed, it is sufficient for the manager to give to the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy, notice of the amount due under the agreement.

(2) Upon receipt of a notice under this section the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy shall pay the amount shown in the notice to the manager in preference and priority to any other and all other fees, charges, liens or claims.

### Right of Expropriation

**48.** (1) The Minister may acquire or expropriate any lands or property that he deems necessary, advisable or expedient in connection with extending, adding to, maintaining or operating the undertaking or works, and for the purpose of so doing he has the same powers and may proceed in the same manner in respect of lands so required as the Minister of Highways under the provisions of *The Surveys and Expropriation Act* relating to the expropriation of lands. Expropriation of lands

(2) The relevant provisions of *The Surveys and Expropriation Act*, including the provisions with respect to compensation, apply insofar as they are applicable.

Expropriation powers of manager

**49.** (1) The provisions of Part VI of *The Irrigation Districts Act* relating to the expropriation of land apply to this Act, and for that purpose the manager has the same powers and duties as the board of trustees or any officer under *The Irrigation Districts Act*, and sections 182 to 186 of that Act apply.

(2) The manager may, under Part VI of *The Irrigation Districts Act*, expropriate any lands wherever situated that may be needed in connection with the operation or maintenance or administration of the irrigation works or the affairs of the district, either for the purpose of avoiding damage or for the erection of necessary buildings, or for any other purpose, as if they were lands required for the works outside the district, and also may expropriate any lands with respect to which a claim has been made for damages through the construction, operation or maintenance of the irrigation or drainage works of the district.

#### Executions Against the Manager

Executions against manager

**50.** The provisions of Part VII of *The Irrigation Districts Act* relating to executions against the board, insofar as the same may be applicable, apply to this Act, and for that purpose the manager has the same power and duties as the board of trustees or any officer thereof under *The Irrigation Districts Act*, and sections 187 and 188 of *The Irrigation Districts Act* apply insofar as they may be made applicable.

#### Penalties

Penalty for interference

**51.** Every person who interferes, molests or hinders in his work any person lawfully engaged in carrying out any of the provisions of this Act is guilty of an offence and liable on summary conviction to a fine not exceeding twenty dollars, or to imprisonment for a term not exceeding two months, or to both fine and imprisonment.

Penalty for tampering with works

**52.** Any person who carelessly or wilfully or without authority

- (a) tampers with any weir or gate,
- (b) takes or diverts water from any of the irrigation works, or
- (c) does any thing that may interfere in any way with the flow of water in, into, through or from the irrigation works,

is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

**53.** (1) Any person who carelessly or wilfully breaks, cuts or fills up or otherwise injures any irrigation works is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and costs and in default of payment to imprisonment for a period not exceeding sixty days. Penalty for  
damaging  
works

(2) The justice of the peace hearing a prosecution for an offence under this section may on conviction further order the offender to forthwith repair any damage or remove any obstruction to the irrigation works.

**54.** Any person who

(a) deposits or causes or allows to be deposited along the bank of any irrigation canal or ditch, or Penalty for  
depositing  
impurities  
in ditch, etc.

(b) throws into any irrigation canal or ditch, any filthy, impure or deleterious matter or substance of any kind is guilty of an offence and liable on summary conviction to a fine not exceeding twenty dollars or to imprisonment for a term not exceeding two months, or to both fine and imprisonment.

**55.** Any person who disobeys any regulation, rule or by-law made by the manager under the provisions of this Act is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars. Penalty for  
contravening  
regulations

**56.** Any person who

(a) makes a fraudulent assessment, Penalty for  
fraudulent  
assessment

(b) wilfully or fraudulently inserts in the water rates ledger any name that should not be entered therein,

(c) wilfully or fraudulently omits from the water rates ledger any name that should be inserted therein, or

(d) wilfully neglects any duty required of him by this Act,

is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars for each offence.

## PART II

### Colonization Manager

**57.** In this Part

(a) "colonization manager" means the Bow River Development colonization manager as constituted by this Act; Interpre-  
tation  
"colonization  
manager"

(b) "farming necessities" means "farming  
necessaries"

(i) the things that are necessary or proper for the purpose of working a farm in the proper course of husbandry, and

(ii) any thing which may be declared by the Lieutenant Governor in Council to be farming necessities.

**Appointment of colonization manager** **58.** (1) The Lieutenant Governor in Council may at any time and from time to time appoint a person to be known as the Bow River Development colonization manager.

(2) The colonization manager may be the manager of the Bow River Development appointed pursuant to Part I.

**Powers, etc., of colonization manager**

(3) The colonization manager

(a) has such powers and duties as may be prescribed by the order appointing him and by this Act, and

(b) shall be paid such salary as is specified in the order appointing him, and

(c) may hold office during pleasure.

**Office of colonization manager**

(4) The Minister may, from time to time, designate the location of the head office of the colonization manager.

**Appointment of acting colonization manager**

**59.** (1) The Lieutenant Governor in Council may at any time and from time to time appoint some person who may, in the absence of the colonization manager and subject to any special directions of the colonization manager, do any act authorized or required by this Act to be done by the colonization manager.

(2) Such person may be the same person appointed pursuant to section 6 of Part I.

(3) When it appears that the person appointed under subsection (1) has so acted, it shall be conclusively presumed that he has so acted in the absence of the colonization manager.

**Appointment of officers**

**60.** (1) The colonization manager may appoint all such officers, inspectors, field men, clerks or other persons as are required for the operation or carrying out of this Part, may dismiss them, give them titles, define their respective duties and powers, and may pay their salaries or remuneration.

(2) The colonization manager may engage the services of experts and persons engaged in the practice of a profession and fix the salaries or remuneration of all such persons.

**Colonization manager is corporation sole**

**61.** The person for the time being holding the office of Bow River Development colonization manager is, by that name, a corporation sole with perpetual succession, and may, in his corporate capacity,

(a) acquire and hold lands, securities and other real and personal property of every description,

(b) sue and be sued,

(c) execute instruments using an official seal,

(d) make leases,

(e) enter into agreements binding on himself and his successors in office, and

(f) do all other things necessary or expedient in the execution of the duties of his office.

**62.** (1) There shall be an advisory committee appointed by the Minister whose function shall be to advise the colonization manager. Advisory committee

(2) The Minister may make all necessary rules and regulations respecting the advisory committee, the remuneration, rights, powers and duties thereof, and covering all matters thereto appertaining, and the rules and regulations have effect as if set out in this Act.

**63.** (1) All lands and property vested in the Bow River Development colonization manager shall be held in trust for Her Majesty for the purpose of this Act. Lands held in trust

(2) Where any land is held by any person under a lease from the colonization manager, the colonization manager is hereby authorized and empowered to pay to the manager the water rates, and to the municipality in which the land is situate, all taxes for any year and in case there is not sufficient revenue to pay both he shall pay the manager and the municipality *pro rata* according to the amount owing for water rates and taxes respectively. Payment of water rates and taxes

**64.** All lands that, after becoming the property of the manager under this Act, have been offered for sale and have not been sold, shall be transferred by the manager to the colonization manager as trustee for Her Majesty, but this section does not apply to lands that are required by the manager in connection with the operation of the district. Transferring lands to colonization manager

**65.** (1) The colonization manager Sale of land by colonization manager

(a) may sell or may agree to sell any land acquired by him pursuant to this Act at such price and upon such terms and conditions as to payment, or otherwise, as may be from time to time prescribed by the Lieutenant Governor in Council, and

(b) may by himself, his agents, servants or nominees cultivate and carry on all farming operations on any or all lands vested in him.

(2) If default is made in the due payment of any sum payable under any agreement for sale of any land, the colonization manager may, with the approval of the Lieutenant Governor in Council, declare the agreement for sale cancelled and thereupon the lands forthwith vest in the colonization manager as if the agreement for sale had not been made, and all the rights of any person depending upon the agreement for sale shall be deemed to cease and determine, and any moneys paid in respect of the agreement for sale shall be forfeited to Her Majesty. Cancelling agreement for sale

(3) Every instrument effecting any sale of land by the colonization manager and every instrument cancelling any such sale shall be made in triplicate, and one copy of each such instruments shall be filed in the office of the colonization manager and shall be there recorded, and every instrument so filed and the record thereof shall be open to inspection at all reasonable times. Instrument of sale

Action  
against  
colonization  
manager

**66.** The colonization manager is not liable to any action or proceeding or otherwise for any act done by him in the professed execution of his duties as colonization manager, unless a fiat authorizing the action or proceeding has been obtained from the Attorney General.

Powers of  
colonization  
manager

**67.** Subject to the provisions of any order in council appointing the colonization manager or defining his powers and duties, the colonization manager

- (a) may enter into agreements conferring upon him assignable options for the purchase of parcels of land within, without or partially within and partially without the district, and may conduct negotiations for the sale or other disposal of such lands,
- (b) may acquire by gift or purchase or enter into agreements for the purchase of lands within, without or partially within and partially without the district.
- (c) may lease such lands as the colonization manager may have in his possession or control, on such terms and conditions as the colonization manager may deem proper,
- (d) may purchase and sell building material or buildings to water users on such terms and conditions as the colonization manager may deem proper or make loans for the purchase of the same,
- (e) may purchase and sell livestock to water users on such terms and conditions as the colonization manager may deem proper or make loans for the purchase of livestock,
- (f) may expend money upon advertisements and other publicity and may encourage colonization and settlement of irrigable lands generally by all similar or appropriate means, and
- (g) may purchase and sell farming necessities to water users on such terms and conditions as the colonization manager may deem proper, or may make loans for the purchase of the same.

Forms and  
regulations

**68.** (1) The colonization manager may, with the approval of the Lieutenant Governor in Council,

- (a) prescribe the forms to be used in carrying out the provisions of this Act, and
- (b) make such regulations not inconsistent with this Act as he deems proper for carrying out the provisions of this Act, and for the efficient administration thereof.

(2) Any regulations made under this section have the same force as if they formed part of this Act and may, with the approval of the Lieutenant Governor in Council, be repealed by the colonization manager.

**69.** (1) The colonization manager may, for the purposes of this Act and with the approval of the Lieutenant Governor in Council, borrow money from any chartered bank or other similar institution upon such terms and conditions and with such times of repayment as the colonization manager thinks proper. Borrowing

(2) The Lieutenant Governor in Council may guarantee any loan made to the colonization manager under the provisions of this Act. Guaranteeing loan

(3) The colonization manager may, for the purpose of securing the repayment of any money borrowed by him pursuant to this section, assign to the lender by way of security Security for borrowing

(a) any moneys for the time being receivable or thereafter to become receivable by him in respect of any money at any time expended for or loaned to any person by the colonization manager under the authority of this Act, and

(b) the benefit of any securities that the colonization manager has for enforcing the payment of the moneys referred to in clause (a).

(4) The colonization manager may prescribe the security to be given for any loans made by him under this Act, the times at which the instalments are to be made, and the other conditions subject to which the loans are made, and the manner and dates of repayment thereof.

(5) Where the colonization manager has taken security upon any lumber or other material that has been annexed to a parcel of land in the form of a building or otherwise, the lumber or other material shall, as between the person giving the security thereon and the colonization manager, be deemed to remain a chattel notwithstanding that it would otherwise be deemed to form part of the realty.

(6) All money loaned under this Act by the colonization manager shall be expended under his supervision.

**70.** (1) No money shall be expended for or loaned to any one water user, for any of the purposes set out in clauses (d), (e) and (g) of section 67, in excess of the aggregate sum of fifteen hundred dollars. Loans to water users

(2) All moneys expended for or loaned to any water user for the purposes hereinbefore mentioned are hereby declared to be a first lien and charge

(a) upon all crops and other farm produce grown or produced by the water user in the year in which the money is expended or loaned, and in every year thereafter, and

(b) upon any proceeds of the sale of such crops and produce,  
until the same have been paid in full.

(3) Upon the colonization manager delivering to a buyer of any crops or other farm produce referred to in subsection (1) a demand in writing for the amount of money declared Payment of demand



by subsection (1) to be a first lien and charge upon any proceeds of the sale, the buyer shall, out of such proceeds then remaining in his hands, pay the amount of the demand to the colonization manager in priority to all other claims and demands whatsoever.

Enforcement  
of lien

**71.** (1) The colonization manager, by himself or his agent, may enforce a lien and charge upon the crops and farm produce that are subject to the lien and charge by distress, seizure and sale of the crops and farm produce in any manner the colonization manager may deem proper.

(2) *The Seizures Act* does not apply to any such distress, seizure or sale.

Payment by  
sheriff, etc.,  
when crops  
under seizure

**72.** (1) Where any crops or other farm produce liable to seizure for moneys expended or loaned as hereinbefore provided

(a) are under seizure or attachment or have been seized by the sheriff or by a bailiff of any court,

(b) are claimed by or in possession of any assignee for the benefit of creditors or liquidator or of any trustee or authorized trustee in bankruptcy, or

(c) have been converted into cash and are undistributed, it is sufficient for the colonization manager to give, and he shall give, to the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy, notice of the amount due him.

(2) Upon receipt of a notice under subsection (1), the sheriff, bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy, after deducting the lawful costs, charges and expenses of and incidental to the making and carrying out of the seizure, shall pay the amount of the same to the colonization manager in preference and priority to any other and all other fees, charges, liens or claims.

Payment by  
garnishee  
when crops  
attached

(3) Where the proceeds of the sale of any such crops or produce have been attached by garnishment proceedings, it is sufficient for the colonization manager to give, and he shall give the garnishee notice of the amount due to him, and in such case the garnishee shall pay the same to the colonization manager in preference and priority to any other and all charges, liens or claims.

Annual  
report re  
loans

**73.** Notwithstanding anything contained in section 69, the provisions of sections 70 to 72 are subject to the provisions of section 79.

Sale under  
rate  
enforcement  
proceedings

**74.** (1) When any land that is subject to a first mortgage has been offered for sale under rate enforcement proceedings and remains unsold in the ownership of the manager, the colonization manager may make an agreement with the persons, other than the manager, interested in the land or any of them to the effect that in consideration of the first mortgagee agreeing to release his mortgage the

colonization manager will, upon transfer of the land to him by the manager, hold it upon trust to sell the same and to divide the proceeds, less a proper sum for the costs thereof, among the parties to the agreement and in such shares as may be set out in the agreement.

(2) The Government and every municipal district or school district may agree to accept any sum as a discharge in full of its claim upon or to the land or proceeds of sale thereof.

When claim discharged

(3) The manager shall transfer the land to the colonization manager forthwith after receiving notice from him that any such agreement as aforesaid has been entered into.

Transferring land

**75.** Upon the vesting of any land in the colonization manager or the making of any agreement for water right payments, the Provincial Treasurer shall pay out of moneys appropriated for the purpose by the Legislature such sums as are required to discharge the water rates or other charges that under this Act have been or may be imposed upon the lands.

Payment of water rates by Provincial Treasurer

**76.** (1) The colonization manager is responsible for the collection of water right payments on lands whether inside or outside the district, and the manager shall remit to him such sums as are from time to time paid to the manager for water right payments under the provisions of section 32, and by virtue of any agreement relating thereto.

Collection of water right payments

(2) The colonization manager may enter into contracts pertaining to water right payments on lands outside the district.

Contracts re water right payments

(3) The colonization manager has, with respect to the water right payments on lands, whether inside or outside the district, all the rights, powers, privileges and duties that are conferred or that may be conferred on the manager, with respect to water right payments, by section 32 or under any agreement made between the manager and any person.

Powers, etc., re water right payments

**77.** (1) The colonization manager shall prepare and keep in his office a ledger, which shall be called the water right payment ledger, and in which he shall set down such of the following as may be applicable:

Water right payment ledger

- (a) the name of the owner, and if any, the names of the purchaser, lessee or occupier or occupant and each of them, of each parcel of land in the district or upon which a water right payment has been imposed, whether inside or outside the district, and his or their post office address if known, indicating after each name whether the same is that of an owner, purchaser, lessee or occupier or occupant,
- (b) the description of the parcel of land,
- (c) the amount imposed for the water right payment or owing with respect thereto under any agreement providing for payment of the same,

(d) the amount paid and remaining unpaid from time to time for the water right payment, including penalties and interest thereon.

(2) The water right payment ledger shall remain in the office of the colonization manager and shall be open for inspection at all reasonable times.

(3) The colonization manager shall record with the date of receipt all amounts paid to him for water right payments in the water right payment ledger under the legal description of the parcel of land in respect of which payment is made, and he shall issue an official receipt for every payment.

Audit of  
books

**78.** All books and records pertaining to the work carried on by the colonization manager under this Act are subject at all times to examination and audit by the Provincial Auditor or by such other person as the Lieutenant Governor in Council may authorize in that behalf.

Annual  
report

**79.** The colonization manager shall annually make a report to the Minister, which shall contain

- (a) a statement of the nature and amount of business transacted during the year, and
- (b) such general information as is necessary to give complete presentation of all important operations of the colonization manager.

Prevalence  
of Part I

**80.** If there is any discrepancy between the provisions of Part I and Part II, the provisions of Part I prevail.

Priority of  
liens and  
charges

**81.** Notwithstanding anything in this Act, in case of conflict, and as between themselves, the following liens and charges created under this Act have priority according to the following order and moneys recovered thereunder shall be applied and paid out accordingly:

- (a) liens and charges with respect to water rates,
- (b) liens and charges arising under the provisions of section 34,
- (c) liens and charges arising under the provisions of section 70,
- (d) liens and charges with respect to water right payments.

Coming into  
force

**82.** This Act comes into force on the day upon which it is assented to.

THIRD SESSION  
TWELFTH LEGISLATURE  
4 ELIZABETH II  
1955

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**BILL**

An Act respecting the Bow River  
Development

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. HALMRAST

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