

No. 33

3rd Session, 13th Legislature, Alberta
5 Elizabeth II, 1957

BILL 33

A Bill to amend The St. Mary and Milk Rivers
Development Act, 1950

HON. MR. HALMRAST

EDMONTON, ALBERTA
Printed by A. SHNITKA, Printer to the Queen's Most Excellent Majesty,
1957

Explanatory Note

2. This addition to the definition of "undertaking and works" is to make it plain that the term defined includes any additions to the undertaking and works which would not be those acquired under the agreement. Section 2, clause (t) now reads:

"(t) "undertaking and works" means the undertaking and works acquired by His Majesty pursuant to the agreement forming Schedule I of this Act;"

3. Section 29, subsections (1) and (2) and clauses (a) and (b) of subsection (4) read as follows:

"29. (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.

"(2) The amount of 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.

"(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 said water right payment and interest shall be enforceable 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 shall apply, notwithstanding that the land to be irrigated is outside the district,

....".

The amendments make these provisions relate to lands or acres "irrigated" as well as to the lands or acres "to be irrigated".

4. Empowers the manager to classify irrigated acres and acres to be irrigated and allows his classification to be appealed to the irrigation council.

BILL

No. 33 of 1957

An Act to amend The St. Mary and Milk Rivers
Development Act, 1950

(Assented to _____, 1957)

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

1. *The St. Mary and Milk Rivers Development Act, 1950*, being chapter 68 of the Statutes of Alberta, 1950, is hereby amended.

2. Section 2 is amended by adding at the end of clause (t) the words "and includes any additions to such undertaking and works".

3. Section 29 is amended

- (a) as to subsection (1) by adding immediately after the word "acre" the words "irrigated or",
- (b) as to subsection (2) by adding immediately after the word "acre" the words "irrigated or",
- (c) as to subsection (4)
 - (i) by adding immediately after the word "land" where it occurs in clause (a) the words "irrigated or",
 - (ii) by adding immediately after the word "land" where it occurs in clause (b) the words "irrigated or".

4. The following new section is added immediately after section 29:

"29a. (1) The acres in a parcel of land to be classified as either irrigated or to be irrigated shall be determined by the manager and the classification thereof may be varied by him from time to time.

"(2) Where an objection is made to the classification of acres as irrigated or to be irrigated, any water user

5. This amendment will permit the establishing of more than one water rate. Subsection (2) presently reads:

"(2) If payment of the said water service charge is not otherwise provided for a water rate shall be imposed by the manager upon each parcel of land within the district in respect of each acre of land to be irrigated as shown in the water rates ledger sufficient to bring in the amount estimated as the water service charge."

6. Section 30a will provide a method of settling disputes as to the areas irrigated or to be irrigated in setting up assessment rolls and striking the water rates. The new subsection (3) will validate entries previously made in the water rates ledger under the assumption that a power to classify acres had been given to the manager by this Act.

Section 30b will provide authority for charging for transporting stored water. Clause 18 (3) of the Agreement presently provides that the water rentals now charged the lessees and irrigation districts that are at the present time parties to the agreement of the Irrigation Company and the Canadian Pacific Railway Company will not be increased or added to by the Province unless a water service is given by the Province in excess of, or in addition to, that required by the old Alberta Railway and Irrigation Company agreements. The Governments of Alberta and Canada have constructed storage reservoirs at considerable cost to them but at no cost to the water users. The extra cost of transporting the water from the reservoirs to the users will be paid by the new water rate here provided for.

affected by the classification may appeal the classification to the irrigation council whose decision thereon is final and conclusive for all purposes.

"(3) The irrigation council may from time to time prescribe a procedure for appeals to it under this section."

5. Section 30 is amended by striking out subsection (2) and by substituting the following:

"(2) When payment of the water service charge is not otherwise provided for, the manager shall establish a water rate or a tariff of water rates, whereby there will be imposed upon each parcel of land within the district in respect of each acre of land irrigated or to be irrigated during the current year as shown in the water rates ledger rates which shall be sufficient in aggregate to bring in the amounts estimated to be required for the water service charge, and when a tariff of water rates is established, the rate imposed may be varied as between different parcels of land, having regard to such factors as may be approved by the irrigation council."

6. The following new sections are added immediately after section 30:

"30a. (1) The acres to be shown in the water rates ledger from year to year as being either irrigated or to be irrigated shall be determined by the manager, having regard to such factors as may be approved by the irrigation council.

"(2) When an objection is made to a determination made by the manager under subsection (1), a water user affected by the determination may appeal the determination to the irrigation council whose decision is final and conclusive for all purposes.

"(3) Any entry made in the water rates ledger before the first day of January, 1957, pursuant to a determination of the manager in respect of the classification of acres or parcels as being irrigated is hereby ratified, validated and confirmed.

"30b. (1) In addition to the water rentals, water rates or charges for water service, as the case may be, being charged under water agreements pertaining to the lands described in Schedules "B", "J" and "K" of the Agreement forming Schedule I of this Act and lands described in new agreements for the supply of water and made by the manager since the signing of the Agreement forming Schedule I of this Act, and for water supplied under agreements made with Irrigation Districts shown as Schedules "D", "E", "F" and "H" of Schedule I of this Act, the manager may estimate the additional cost of transporting or conveying water for irrigation and domestic purposes from reservoirs or storage facilities established from time to time to the said lands and irrigation districts and impose upon each parcel of land receiving water under such agreements a rate sufficient

9. Section 35, subsection (4) presently reads:

“(4) All water rates and charges under sections 30 and 31 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 said water rate or charges under the said sections 30 and 31 are imposed.”

10. This amendment will correct a reference made to a repealed Act.

to bring in the estimated cost of transporting or conveying the water from the reservoir or storage facilities.

“(2) The rate so imposed constitutes a first lien and charge upon each parcel upon which the rate is imposed and upon all crops and other farm produce grown or produced by the owner, purchaser, lessee, occupant or occupier of the parcel and may be collected in the same manner and to the same extent as water rates.

“(3) The provisions of this Act relating to water rates apply to rates imposed pursuant to this section in so far as the provisions are applicable.”.

7. Section 32, subsection (1), clause (c) is amended by adding immediately after the word “land” the words “irrigated or”.

8. Section 33, subsection (1) is amended

- (a) by adding immediately after the words “which are” the words “irrigated or”,
- (b) by striking out the words “land to be” and by substituting the words “land irrigated or to be”.

9. Section 35 is amended by adding at the end of subsection (4) the words “but the irrigation council may from time to time vary the rate of interest to be charged or the date from which it is to be computed or both”.

10. Section 45 is amended by striking out the words “*The Public Works Act*” and by substituting the words “*The Surveys and Expropriation Act*”.

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

THIRD SESSION
THIRTEENTH LEGISLATURE
5 ELIZABETH II
1957

BILL

An Act to amend The St. Mary
and Milk Rivers Development
Act, 1950.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HALMRAST
