

No. 72

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

BILL 72

A Bill to amend The Bow River Development Act

HON. MR. HALMRAST

EDMONTON, ALBERTA
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1957

Explanatory Note

2. Clause (q) of section 2 presently reads:

“(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;”.

3. Section 32 subsections (1) and (2) and clauses (a) and (b) of subsection (4) read as follows:

“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.

“(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.”.

“(4)

“(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 the 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”.

The amendment makes 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 acre and acres to be irrigated and allows his classification to be appealed to the irrigation council.

BILL

No. 72 of 1957

An Act to amend The Bow River Development Act

(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 Bow River Development Act*, being chapter 48 of the Statutes of Alberta, 1955, is hereby amended.

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

3. Section 32 is amended

- (a) as to subsection (1) by adding immediately after the word "acre" and 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 32:

"32a. (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 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 the procedure for appeals to it under this section."

5. Subsection (2) of section 33 presently reads:

“(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.”.

This amendment will permit the establishing of more than one water rate.

6. Provides a method of settling disputes as to the areas irrigated or to be irrigated in setting up assessment rolls and striking the water rate.

7. The amendment makes these provisions relate to lands or acres “irrigated” as well as to the lands or acres “to be irrigated”.

8. The amendment makes these provisions relate to lands or acres “irrigated” as well as to the lands or acres “to be irrigated”.

9. Section 38, subsection (4) presently reads:

“(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. Section 33 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 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 section is added immediately after section 33:

“**33a.** (1) The rates 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.”.

7. Section 35, subsection (1), clause (c) is amended by adding immediately after the word “land” the words “irrigated or”.

8. Section 36, subsection (1) is amended by adding immediately preceding the words “to be irrigated”, wherever they occur, the words “irrigated or”.

9. Section 38 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. 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 Bow River
Development Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HALMRAST
