

No. 85

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 85

A Bill to Terminate Certain Water Agreements in the
St. Mary and Milk Rivers Development

HON. MR. HALMRAST

Explanatory Note

2. In an agreement made March 23, 1946, by the Province with the Canadian Pacific Railway Company and the Alberta Railway and Irrigation Company, the Province acquired certain irrigation works from the companies. This agreement was ratified by The St. Mary and Milk Rivers Development Act, 1950, and is set out in the Schedules to that Act. The Province also acquired the companies' obligation to supply water. The obligations of the Province are fixed by this agreement; the land to which it applies are specified in Schedules A to K of the Agreement. The purpose of this Act is to terminate certain of these obligations so that the water agreements may be revised.

3. The agreements specified in Schedules B, D, E, F, G, H and K to the Agreement by the Province are made null and void and the covenants therein not binding on the Crown.

BILL

No. 85 of 1960

An Act to Terminate Certain Water Agreements in the
St. Mary and Milk Rivers Development

(Assented to _____, 1960)

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 St. Mary and Milk
Rivers Water Agreements (Termination) Act*".

2. In this Act the words "the Act" means *The St. Mary
and Milk Rivers Development Act, 1950*, being chapter
68 of the Statutes of Alberta, 1950, and all words and ex-
pressions used in this Act have the same meaning they
have in that Act.

3. (1) Notwithstanding any provision of the Act or of the
Agreement forming Schedule I of the Act, neither Her
Majesty the Queen in right of Alberta nor the manager
are bound or obliged to observe or perform.

- (a) any covenants contained in any or all agreements
for supplying water issued by the Irrigation
Company or the original companies as the same are
detailed in Schedule B to Schedule I of the Act, all
of which agreements are hereby terminated, abro-
gated and declared to be null and void,
- (b) any covenants contained in any agreement or agree-
ments for the supplying of water referred to in
section 8 of the Act which have not been included
in Schedule B of Schedule I, all of which agree-
ments are hereby terminated, abrogated and de-
clared to be null and void,
- (c) any covenants contained in any agreement or agree-
ments for the supply of water entered into by the
manager in substitution for, or in replacement or in
lieu of any agreement or agreements detailed in
Schedule B to Schedule I of the Act or referred to in
section 8 of the Act, all of which agreements are
hereby terminated, abrogated and declared to be
null and void,
- (d) any covenants contained in any agreement or agree-
ments, excepting those referred to in section 4,
made by the manager with any person or persons
relating or pertaining to the supply of water for

4. Section 3 not to affect water agreements entered into pursuant to order in council 23/50.

irrigation purposes, and all such agreements are hereby terminated, abrogated and declared to be null and void,

- (e) any covenants contained in the agreements made between the Irrigation Company and the Board of Trustees of the Taber Irrigation District, dated respectively the 12th day of July, 1919, and the 8th day of June 1929 and forming Schedules D and E to Schedule I of the Act, and the two agreements with the Board of Trustees of the Taber Irrigation District are hereby terminated, abrogated and declared to be null and void,
- (f) any covenants contained in the agreements made between the Irrigation Company and the Board of Trustees of the Magrath Irrigation District dated respectively the 18th day of June, 1926, and the 21st day of March, 1932, and forming Schedules F and G to Schedule I of the Act, and the two agreements with the Board of Trustees of the Magrath Irrigation District are hereby terminated, abrogated and declared to be null and void,
- (g) any covenants contained in the agreement between the Irrigation Company and the Board of Trustees of the Raymond Irrigation District, dated the 12th day of May, 1926, and forming Schedule H to Schedule I of the Act, and the agreement with the Board of Trustees of the Raymond Irrigation District is hereby terminated, abrogated and declared to be null and void,
- (h) any covenants contained in any agreements for the sale of water rights or water agreements relative to the agreements for the sale of water rights, which pertain or relate to the lands described in Schedule K of the Act and such agreements for the sale of water rights or water agreements relative to the said agreements for the sale of water rights are hereby terminated, abrogated and declared to be null and void.

(2) The provisions of paragraph 29 of the Agreement forming Schedule I of the Act in so far only as they prevent, restrict or prohibit the Province, or the manager, except on terms and conditions acceptable to the Irrigation Company, from issuing new water agreements in place of water agreements which have been determined, are hereby declared to be null and void and of no effect.

4. Nothing in section 3 shall be construed to in any way terminate or affect any agreement for the supply of water for irrigation purposes or water agreements made by the manager pursuant to order in council 23/50, dated January 10, 1950, as the same may have been or be amended, and every such agreement is hereby ratified and confirmed.

5. All the provisions of The St. Mary and Milk Rivers Development Act are made applicable to the lands specified in Schedules B, J and K and section 8 of the Act.

6. Notwithstanding the 1946 Agreement, the land described therein may be charged water rates at the same rates as apply to other lands under The St. Mary and Milk Rivers Development Act.

5. (1) Neither Her Majesty the Queen in right of Alberta nor the manager are bound or affected by any provision in the Agreement forming Schedule I of the Act or by any covenant therein, which in any way whatsoever, whether directly or indirectly or otherwise, restricts, controls or in any way abridges, or which purports or is intended, or has the effect of restricting, controlling, or abridging the liberty or right of Her Majesty or the manager to charge any lands included in the district with the actual cost of any reservoirs or storage constructed by way of extension or addition to the undertaking and works referred to in Schedule I of the Act.

(2) Her Majesty the Queen and the manager, or either of them, are hereby authorized and empowered to impose on any and all parcels of land included, described, or referred to in Schedules B, J and K to the agreement forming Schedule I of the Act or in section 8 of the Act, a water right payment as provided in section 29 of the Act, in the same manner and to the same extent as if the Agreement forming Schedule I of the Act had not been entered into.

(3) All of the provisions of the Act apply

(a) to the lands included or described in Schedules B, J and K of the agreement forming Schedule I of the Act, and

(b) to the lands referred to in section 8 of the Act, in the same manner and to the same extent as they apply to other lands within the district, and the provisions of the Act shall be read and construed so as to give effect to the purpose and intent of this subsection.

6. (1) Neither Her Majesty the Queen in right of Alberta nor the manager are bound or affected by any provisions of the Agreement forming Schedule I of the Act or by any covenant therein, which in any way, directly or indirectly or otherwise restricts, controls or in any way abridges or which purports or is intended or has the effect of restricting, controlling or abridging the liberty or right of Her Majesty or the manager to increase or add to the water rentals presently charged against the lands or the persons included, described or referred to in Schedules B, J and K to the Agreement forming Schedule I of the Act, or in section 8 of the Act.

(2) Her Majesty and the manager, or either of them, are hereby authorized and empowered to impose on any and all parcels of land included, described or referred to in Schedules B, J and K to the Agreement forming Schedule I of the Act or in section 8 of the Act, such water rental, water service charge or water rate as is provided for in section 30 of the Act, in the same manner and to the same extent as if the agreement forming Schedule I of the Act had not been entered into.

(3) All the provisions of the Act apply to the lands included or described in Schedules B, J and K of the Agreement forming Schedule I of the Act and to the lands referred

7. No action may be maintained to enforce a covenant in an agreement terminated by this Act.

8. Provisions in The St. Mary and Milk Rivers Development Act dealing with the agreements being terminated by this Act are removed from that Act.

to in section 8 of the Act, and to the water rental, water service charge or water rate, in the same manner and to the same extent as they apply to other lands within the district and the provisions of the Act shall be read and construed so as to give effect to the purpose and intent of this subsection.

7. No person shall have, make or bring any claim, demand, action, cause of action, suit, or other proceeding, whatsoever, against Her Majesty the Queen, the manager, the Canadian Pacific Railway Company or the Alberta Railway and Irrigation Company for the failure or refusal of them or of any of them to perform or observe any of the covenants, contained in any of the contracts or agreements which are described or referred to in section 3, or which are set out or referred to in Schedules B, D, E, F, G, H, J and K to the Agreement forming Schedule I of the Act or in section 8 of the Act, or which apply or pertain to any lands referred to in any such contract or agreement.

8. *The St. Mary and Milk Rivers Development Act, 1950*, being chapter 68 of the Statutes of Alberta, 1950, is amended in the manner and to the extent set out in the Appendix to this Act, being amendments consequential on the passing of this Act.

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

APPENDIX

AMENDMENTS TO THE ST. MARY AND MILK RIVERS DEVELOPMENT ACT, 1950

- (a) Section 3 of the said Act is amended by striking out subsection (3);
- (b) Section 17 of the said Act is amended by striking out clause (b) and by substituting the following:
 - (b) to enter into contracts for the supply of water in bulk upon such terms as may be agreed upon, in substitution for the agreements contained in Schedules D, E, F, G and H of the Agreement forming Schedule I;
- (c) Section 19 of the said Act is amended by striking out subsection (2);
- (d) Section 29 of the said Act is amended by striking out subsection (5);
- (e) Section 30 of the said Act is amended by striking out subsection (5);
- (f) Section 30*b* of the said Act is repealed.

No. 85

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to Terminate Certain Water
Agreements in the St. Mary and
Milk Rivers Development

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HALMRAST
