

No. 74

2nd Session, 14th Legislature, Alberta
9 Elizabeth II

BILL 74

A Bill to amend The Water Resources Act

HON. M. HALMRAST

Explanatory Note

2. (a) The definition of a domestic purpose is brought up to date to cover conditions as they are today. Section 2, clause (g) presently reads:

“(g) “domestic purposes” means household, sanitary and fire protection requirements, the watering of livestock, and the working of agricultural machinery by steam upon the land of the riparian owner;”.

(b) The definition of “undertaking” is amended for clarification and to make it correspond to the definition used in the other prairie provinces. Section 2, clause (t), subclause (ii), paragraph (F) presently reads:

“(t) “undertaking”

.....

(ii) without restricting the generality of subclause (i) includes in so far as authorized or required in any case,

.....

(F) the generation of energy at any plant that is used as an auxiliary to a water-power plant, and”.

(c) This amendment is added to the definition of “works” to allow the Act to keep abreast with technological developments. Section 2, clause (w) presently reads:

“(w) “works”

(i) means any structure, device or contrivance, and

(ii) without restricting the generality of the foregoing, includes any dykes, dams, weirs, floodgates, breakwaters, drains, ditches, basins, reservoirs, canals, tunnels, bridges, culverts, cribs, embankments, headworks, flumes, aqueducts, pipes, pumps, measuring weirs, any contrivances for carrying or conducting water, and other works that are authorized to be constructed under the provisions of this Act.”.

3. Section 5, subsection (4) now provides that a person owning or occupying land that adjoins water has the right to the use of the water in such quantity as he requires for domestic purposes on the land. Section 5, subsection (5) states that the landowner cannot, however, construct works of any kind to impound or divert the water. The reasons for the amendment are twofold: one, the total annual domestic requirements are small compared to any other use, and two, because of the development of new methods in pumping water, this procedure is already used by many landowners.

BILL

No. 74 of 1961

An Act to amend The Water Resources Act

(Assented to _____, 1961)

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

1. *The Water Resources Act*, being chapter 362 of the Revised Statutes, is hereby amended.

2. Section 2 is amended

(a) by striking out clause (g) and by substituting the following:

(g) "domestic purposes" means household requirements, sanitation and fire prevention, the watering of domestic animals and poultry, and the irrigation of a garden not exceeding one acre adjoining a dwelling house upon the land of a riparian owner;

(b) as to clause (t), subclause (ii) by striking out paragraph (F) and by substituting the following:

(F) the generation of energy by any means at a plant that is used as an auxiliary of, or incidental to, or in conjunction with, a water-power system of a licensee, and

(c) as to clause (w)

(i) by renumbering subclause (ii) as subclause (iii),

(ii) by adding the following as subclause (ii):

(ii) electric generating plant, whether hydro, thermal, nuclear or otherwise, coal, gas or other mineral deposits used or useful for the purpose of, or as auxiliary to, or in conjunction with, a water-power system of a licensee, and

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

(5) A person in the exercise of the right referred to in subsection (4) may pump or otherwise convey water for domestic purposes to fill a tank, cistern, trough or a small dugout.

4. Section 6, subsection (2) presently reads:

"(2) The Director of Water Resources has power without incurring any legal liability therefor, to breach or destroy, or to order the breaching or destruction of, any dam or works that divert or interfere with the flow of any water in the Province otherwise than under the provisions of this Act and the regulations."

5. Section 78, subsection (1), clause (b), subclause (xv) is amended to add those parts that are deleted from subclause (xvii) as the latter clause by the amendment will only deal with taking over the complete "works". Subclause (xvii) is amended to provide that if "works" are to be taken over the complete water-power system must be taken and not just the choice parts as would now be allowed. The word "persons" in subclause (xxvi), paragraph (B) is changed to licensees because a person granted a permit under the Act is referred to as a licensee. The licensee does not supply water power but supplies electric power and energy.

Section 78, subsection (1), clause (b), subclauses (xv), (xvii) and (xxvi) presently read:

"78. (1) The Lieutenant Governor in Council

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- (b) may from time to time make such regulations and orders not inconsistent with this Act as are necessary to carry out the provisions of this Act according to their obvious intent, or to meet any cases that arise, and for which no provision is made in this Act, and such regulations and orders form part of this Act and without restricting the generality of the foregoing, may make regulations
 -
 - (xv) for the storage, pondage, regulation, carriage or utilization of any water for power purposes and for the protection of any sources of the water supply,
 - (xvii) for the construction, maintenance, operation, purchase and taking over of all works that are deemed necessary or desirable for any of the purposes set out in this Act, whether on, over or through provincial lands or any other lands, and for the regulation and control, in the interests of all water users, of the flow of water that, from time to time, passes through, by or over any such works,
 - (xxvi) governing and controlling
 - (A) the stock and bond issues of persons establishing or conducting undertakings,
 - (B) the service given to the public by persons engaged in supplying water-power, and
 - (C) the rates or charges for the service referred to in paragraph (B),
 and appointing or designating the Board to regulate and control such stock and bond issues, such service and such rates and charges, and for appointing a person to act with any existing authority constituted for the purposes of regulating and controlling such matters or any of them,".

4. Section 6 is amended by striking out subsection (2) and by substituting the following:

(2) The Director of Water Resources or any person authorized by him may, without incurring any legal liability therefor, enter upon any land and breach or destroy any dam or works, or any dam constructed by beaver or any natural obstruction whether formed by blown soil, debris, vegetation or otherwise, that diverts or interferes with the flow of any water in the Province otherwise than under the provisions of this Act and the regulations.

5. Section 78, subsection (1), clause (b) is amended

(a) by striking out subclause (xv) and by substituting the following:

(xv) for the storage, pondage, regulation, carriage or utilization of any water for power purposes and for the protection of any source of the water supply and for the regulation and control, in the interests of all water users, of the flow of water that, from time to time passes through, by or over any works,

(b) by striking out subclaus (xvii) and by substituting the following:

(xvii) for the construction, maintenance, operation purchase and taking over of all works used or or to be used in conjunction with any water-power system, that are deemed necessary or desirable for any of the purposes set out in this Act, whether on, over or through provincial lands or any other lands,

(c) by striking out paragraph (B) of subclause (xxvi) and by substituting the following:

(B) the services given to the public by licensees engaged in supplying electric power and energy, and

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

No. 74

SECOND SESSION

FOURTEENTH LEGISLATURE

9 ELIZABETH II

1961

BILL

An Act to amend The Water
Resources Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HALMRAST
