

Bill 3
Mr. McFarland

BILL 3

2002

IRRIGATION DISTRICTS AMENDMENT ACT, 2002

(Assented to , 2002)

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

Amends RSA 2000 cl-11

1 The *Irrigation Districts Act* is amended by this Act.

2 Section 1 is amended

- (a) in clause (g)(ii) by striking out** “a bylaw made under”;
- (b) in clause (j) by adding** “or “irrigation district” ” **after**
“ “district” ”;
- (c) in clause (m) by striking out** “or in a bylaw of the
district” **and substituting** “, an order under section
79(1)(a) or (c) or a bylaw of the district, as the case may
be”;
- (d) by adding the following after clause (mm):**
 - (mm.1) “rural water use” means the use of a maximum of
25 000 cubic metres of water per year per user for
any purpose other than
 - (i) household purposes,
 - (ii) the irrigation of irrigation acres recorded on the
assessment roll of the district, or

- (iii) the irrigation of acres included in an alternate parcel irrigation agreement;
- (mm.2) “rural water use agreement” means an agreement entered into under section 19.1(1);
- (mm.3) “rural water use fee” means a rural water use fee imposed pursuant to a bylaw made under section 115;
- (e) in clause (qq) by adding “or a minimum charge referred to in section 121” after “section 120(2)”.**

3 Section 11 is amended

(a) by repealing subsection (5) and substituting the following:

(5) The district may make the application for the transfer of the allocation if more than 50% of the irrigators voting vote in favour of the proposed transfer.

(b) by adding the following after subsection (5):

(6) Notwithstanding subsection (1), the Minister may waive the requirement for a plebiscite under this section if the board establishes to the Minister’s satisfaction that

- (a) the proposed transfer will have no significant effect on the risk of water shortage to the irrigators of the district, or
- (b) the proposed transfer is in the general public interest.

(7) Where the Minister waives the requirement of a plebiscite under subsection (6) the board must

- (a) give at least 30 days’ public notice of the date, time and location of the meeting with the public under subsection (1)(a), and
- (b) make information in respect of the application available to the public in accordance with the regulations.

(8) Where the board gives public notice under subsection (2) or (7) it shall also give notice to the Council.

4 Section 12 is amended

(a) by repealing subsections (1) and (2) and substituting the following:

Expansion limit

12(1) The sum of the irrigation acres plus the acres subject to terminable agreements in a district must not exceed the expansion limit for that district.

(2) Subject to subsection (3), the expansion limit for a district is

- (a) in the case of a district listed in Table 2 in the Schedule, the expansion limit specified in Table 2;
- (b) in the case of a district that is formed after the coming into force of this Act, the expansion limit specified in the order under section 79(1)(a);
- (c) in the case of an amalgamated district, the expansion limit specified in the order under section 79(1)(c).

(b) by adding the following after subsection (8):

(9) Notwithstanding subsection (4), the Minister may waive the requirement for a plebiscite under this section if the board establishes to the Minister's satisfaction that

- (a) the proposed change to the expansion limit will have no significant effect on the risk of water shortage to the irrigators of the district, or
- (b) the allocation of water licensed to the district under the *Water Act* has increased in an amount sufficient to service the number of acres in the proposed increased expansion limit.

(10) Where the Minister waives the requirement of a plebiscite under subsection (9), the board must

- (a) give at least 30 days' public notice of the date, time and location of the meeting with the public under subsection (4)(a), and
- (b) make information in respect of the proposed change to the expansion limit available to the public in accordance with the regulations.

(11) Where the board gives public notice under subsection (5) or (10) it shall also give notice to the Council.

5 Section 14 is amended by striking out “Subject to this Act” and substituting “Subject to this Act, the district bylaws and the availability of water”.

6 Section 15 is amended by adding “19.1,” after “19,”.

7 The following is added after section 19:

Rural water use agreements

19.1(1) An owner or lessee of a parcel may apply to the district to enter into a rural water use agreement with the district.

(2) A rural water use agreement authorizes the delivery of water through the irrigation works of the district for rural water use.

(3) A rural water use agreement is subject to the following:

- (a) that a lessee of a parcel, if any, obtains the consent of the owner,
- (b) that the agreement provides that it is terminable at the option of either party on the giving of notice before March 1 in a calendar year, and
- (c) that the agreement specifies the maximum volume of water to be delivered per year.

(4) The volume of water specified in an agreement under this section may not exceed 25 000 cubic metres.

8 Section 20(6) is repealed and the following is substituted:

(6) When a use of irrigation works agreement is entered into under subsection (4), the manager must file with the Registrar of Land Titles a notice that the parcel is subject to a use of irrigation works agreement.

(7) On receiving a notice under subsection (6), the Registrar of Land Titles must endorse on the certificate of title to the land affected by the agreement a notice that the land is subject to a use of irrigation works agreement.

(8) If a use of irrigation works agreement under subsection (4) is terminated for any reason, the manager must notify the Registrar of Land Titles that the parcel is no longer subject to a use of irrigation works agreement.

(9) On receiving a notice under subsection (8), the Registrar of Land Titles must cancel the endorsement on the certificate of title made under subsection (7).

9 Section 21(2) is amended by repealing clause (a) and substituting the following:

- (a) the delivery of water through the irrigation works of the district to an area for a purpose other than
 - (i) the irrigation of irrigation acres recorded on the assessment roll of the district,
 - (ii) the irrigation of acres included in an alternate parcel irrigation agreement,
 - (iii) rural water use, or
 - (iv) household purposes,
- (a.1) the delivery of water through the irrigation works of the district for any purpose specified in a water licence issued under the *Water Act*, or

10 Section 22 is amended by adding the following after subsection (1):

(1.1) When a district enters into a rural water use agreement, the manager must keep a record of

- (a) the fees imposed under the bylaws,
- (b) the name and address of the person liable for the fees, and
- (c) the volume of water specified in the agreement.

11 Section 23 is amended

(a) in subsection (1) by striking out “registered owners of land” **and substituting** “registered owners of the land”;

(b) by adding the following after subsection (1):

(1.1) Where there is more than one registered owner of a parcel of land, it is sufficient for the purposes of subsection (1) if owners who own a majority interest in that parcel consent.

(c) in subsection (3) by striking out “and that subsections (4), (5) and (6) apply in respect of that land”;

(d) in subsection (4) by striking out “On the filing of a resolution under subsection (2), an” **and substituting** “An” **and by striking out** “otherwise deal with” **and substituting** “subdivide”.

12 Section 24(5) is amended by striking out “and that subsection (6) applies in respect of that land”.

13 Section 25 is repealed and the following is substituted:

Alternate parcel irrigation agreements

25(1) An irrigator may apply to the district to use water to irrigate acres in an alternate parcel instead of using water to irrigate irrigation acres of the applicant.

(2) If the irrigator is not the owner of the alternate parcel referred to in subsection (1), the application must include the consent of the owner of the alternate parcel.

(3) The board may by resolution set a date by which all applications under subsection (1) must be made in a year.

(4) Where the board passes a resolution under subsection (3), the district must annually publish in a newspaper that has general circulation in the district a notice of the date by which applications under subsection (1) must be made.

(5) The district may approve an application under subsection (1) and enter into an agreement with the irrigator if

- (a) the district is able to deliver water to the alternate parcel, and
- (b) the acres that will be irrigated in the alternate parcel have been classified in accordance with section 95(2)(a).

(6) An agreement under this section is subject to the following conditions:

- (a) that the agreement describes and specifies the number of
 - (i) irrigation acres that will not be irrigated as a result of the agreement, and
 - (ii) acres that will be irrigated in the alternate parcel under the agreement;
- (b) that the irrigator does not use water for irrigation purposes on the irrigation acres specified under clause (a)(i);
- (c) that the number of acres specified under clause (a)(ii) must not exceed the number of acres specified under clause (a)(i);
- (d) that irrigation charges for the irrigation acres continue to apply to those irrigation acres in addition to any other charges that may apply to the parcel with the irrigation acres;
- (e) that the term of the agreement commences May 1 and expires on December 31 of the same year.

(7) Charges as defined in Part 6 that apply to the irrigation acres specified in an alternate parcel irrigation agreement are enforceable in accordance with Part 6.

(8) The manager must keep a record of alternate parcel irrigation agreements.

(9) The record of alternate parcel irrigation agreements must be maintained separately from the assessment roll and does not form part of the assessment roll.

14 Section 26 is repealed and the following is substituted:

Transfer of irrigation acres

26(1) An irrigator may apply to the district to transfer irrigation acres to another parcel if the parcel that is to receive the irrigation acres is served or is capable of being served by the same district.

(2) If the irrigator is not the owner of the parcel that is to receive the irrigation acres referred to in subsection (1), the application must include the consent of the owner of the parcel that is to receive the irrigation acres.

(3) An application under subsection (1) must be accompanied with evidence in writing that establishes to the satisfaction of the district that all mortgagees shown on the certificate of title for the parcel from which the irrigation acres are being transferred consent to the transfer.

(4) The board may by resolution set a date by which all applications under subsection (1) must be made in a year.

(5) Where the board passes a resolution under subsection (4), the district must annually publish in a newspaper that has general circulation in the district a notice of the date by which applications under subsection (1) must be made.

(6) The district must give written notice of its decision to approve an application within 90 days after the date published in accordance with subsection (5).

(7) A written notice under subsection (6) must contain a statement of the right to appeal to the Council under section 167(1)(b)(ii).

(8) If the district approves an application under subsection (1), the manager

- (a) must amend the assessment roll for each parcel accordingly,
- (b) must add the parcel receiving the irrigation acres to the district in accordance with Part 4 if that parcel is not already part of the district, and
- (c) may remove the parcel previously containing the irrigation acres from the district if, as a result of the transfer, the parcel contains no irrigation acres.

15 Section 38(5) is repealed and the following is substituted:

(5) Section 171 applies to the hearing of an application under this section and, on hearing the application, the Council may

- (a) declare the member of the board to be disqualified, or
- (b) refuse to make a declaration under clause (a).

16 Section 39(2) is repealed and the following is substituted:

(2) An audit must be conducted by a chartered accountant, certified general accountant or certified management accountant who is registered under the *Regulated Accounting Profession Act*.

17 Section 46 is amended by adding the following after subsection (1):

(1.1) The financial statements referred to in subsection (1)(a) and (b) must be audited by a chartered accountant, certified general accountant or certified management accountant who is registered under the *Regulated Accounting Profession Act*.

18 Section 48 is amended by striking out “The” and substituting “Subject to section 45(4), the”

19 Section 59 is repealed and the following is substituted:

Time for filing nominations

59 The right to file nominations with the returning officer expires at the date and time set by resolution of the board, which must be no later than 21 days before the date of the election.

20 Section 79(1) is amended

(a) in clause (a) by striking out “and” at the end of subclause (iv), by adding “and” at the end of subclause (v) and by adding the following after subclause (v):

(vi) the expansion limit for the district;

(b) in clause (c) by striking out “and” at the end of subclause (vi), by adding “and” at the end of subclause (vii) and by adding the following after subclause (vii):

(viii) the expansion limit for the district.

21 Section 84 is amended

(a) in subsection (4)(c) by striking out “126” and substituting “126(1)”;

(b) by adding the following after subsection (5):

(6) A written notice under subsection (5) must contain a statement of the right to appeal to the Council under section 167(1)(b)(i).

22 Section 96 is amended

(a) by adding the following after subsection (1):

(1.1) The board may by resolution set a date by which all applications under subsection (1) must be received in a year.

(b) by repealing subsection (5)(b) and substituting the following:

- (b) must give written notice to the applicant of its decision
 - (i) within 60 days after receipt of the application, or
 - (ii) in a case where the board has passed a resolution under subsection (1.1), within 60 days after the date specified in the resolution.

23 Section 97(1) is amended by striking out “owner” and substituting “irrigator”.

24 Section 114 is amended in clause (c) by striking out “and” at the end of subclause (iii), by adding “and” at the end of subclause (iv) and by adding the following after subclause (iv):

- (v) a rural water use fee;

25 Section 115 is repealed and the following is substituted:

Agreement fee bylaws

115(1) Fees that apply to household purposes agreements, use of irrigation works agreements, water conveyance agreements and rural water use agreements must be established by district bylaws.

(2) A bylaw under subsection (1) must establish the fees on a fair and equitable basis.

(3) A district must provide notice of a fee bylaw to every person who is a party to an agreement referred to in subsection (1) by serving written notice of the bylaw at the time the person is notified of the fees due under the agreement.

(4) A written notice under subsection (3) must contain a statement of the right to appeal the bylaw to the Council under section 167(1)(e).

26 Section 116(2) is amended by striking out “at the same time as a billing notice under section 130” and substituting “at the time the person is notified of the fees due under the agreement”.

27 Section 117(3) is amended by adding the following after clause (h):

- (h.1) rural water use fees;

28 Section 121 is repealed and the following is substituted:

Minimum amount instead of charge

121 Notwithstanding anything in this Part, a rate bylaw under section 118 as it applies to the irrigation rate or the terminable agreement rate may specify a minimum amount payable as an irrigation charge or terminable agreement charge for each parcel instead of a charge calculated under section 120(1) or (2), as the case may be.

29 Section 123 is repealed and the following is substituted:

Charge on land

123 On the passing of a rate bylaw under section 118, the whole of each parcel in the district is charged with the payment to the district of an amount equal to the sum of

- (a) all irrigation charges and terminable agreement charges in respect of the parcel, including any minimum amounts payable under section 121, and
- (b) all surcharges imposed under section 122 in respect of the parcel.

30 Section 126 is repealed and the following is substituted:

Capital construction charges

126(1) A district may pass a bylaw imposing a capital construction charge on a parcel that is added to the district in accordance with Part 4 if irrigation works are constructed to supply water to that parcel and not to supply water to the district as a whole.

(2) A district may enter into an agreement with any person providing for

- (a) the construction of irrigation works to supply water to a parcel that is in the district and not to supply water to the district as a whole, and
- (b) the imposition of a capital construction charge on the parcel.

(3) A capital construction charge may be equal to or be a portion of the total cost of constructing the irrigation works that are required to serve the parcel.

(4) A bylaw or agreement under this section imposing a capital construction charge must set out the amount applicable to the parcel.

(5) A parcel that is subject to a bylaw or agreement under this section is charged with the payment to the district of the amount equal to the total capital construction charge imposed on that parcel.

31 Section 128(3) is amended by striking out “126” and substituting “126(1) or has entered into an agreement under section 126(2)”.

32 Section 157(2) is amended by striking out “when it cannot be described otherwise”.

33 Section 164(1) is repealed and the following is substituted:

Continued exemption

164(1) Each district that is exempted by regulation under section 163 continues to have an exemption under the regulation if the district files a seepage control plan with the Irrigation Secretariat

- (a) within 3 years of the date of filing the initial seepage control plan, and
- (b) at least once in every 3-year period after the date of filing of the previous seepage control plan.

34 Section 167 is amended

(a) by repealing subsection (1)(e) and substituting the following:

- (e) where a district makes a fee bylaw under section 115, any person who is, at the time the bylaw is passed, a party to a household purposes agreement, a use of irrigation works agreement, a water conveyance agreement or a rural water use agreement;

(b) by repealing subsection (3) and substituting the following:

(3) A notice of appeal must be submitted to the Council not later than 30 days after

- (a) receipt of notice of the decision being appealed,
- (b) the expiry of the time for making a decision under section 21,
- (c) receipt of notice of the bylaw under section 115(3), or
- (d) the date of publishing a notice referred to in section 162,

as the case may be.

35 Section 176(2) is amended in clause (a) by adding “or meeting” after “plebiscite”.

36 Section 177(2)(f) is amended by striking out “and water conveyance agreements” and substituting “, water conveyance agreements and rural water use agreements”.

37 Section 188(1) is amended

(a) by adding the following after clause (a):

- (a.1) uses water for rural water use without entering into an agreement under section 19.1,

- (b) in clause (g) by striking out “not shown on the assessment roll” and substituting “that are neither shown on the assessment roll nor included in an alternate parcel irrigation agreement under section 25”.

38 This Act comes into force on Proclamation.

Explanatory Notes

1 Amends chapter I-11 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads in part:

1 In this Act,

(g) “capital charge” means

(i) a capital assets charge imposed against land pursuant to a bylaw made under section 125, or

(ii) a capital construction charge imposed against land pursuant to a bylaw made under section 126;

(j) “district” means, as the context requires,

(i) any or all of the districts listed in section 5, or

(ii) the geographical area consisting of the parcels of land included in an existing district or a district formed under this Act;

(m) “expansion limit” means the maximum of the total number of irrigation acres plus acres subject to a terminable agreement in a district as specified in Table 2 of the Schedule or in a bylaw of the district;

(qq) “terminable agreement charge” means a charge against a parcel based on the calculation made under section 120(2);

3 Section 11 presently reads:

11(1) No district may make an application for a transfer of an allocation of water under a licence pursuant to section 81 of the Water Act unless the board

(a) holds a meeting with the public, and

(b) by resolution authorizes the holding of a plebiscite to obtain the approval of the irrigators.

(2) A board of a district, not less than 30 days before the board intends to consider a resolution referred to in subsection (1)(b), must give public notice of its intention to consider the resolution and the date, time and location of the meeting with the public.

(3) The question that the plebiscite shall determine must be

(a) in accordance with the regulations, and

(b) included in a resolution of the board of the district.

(4) The provisions of Part 3 governing an election apply to the holding of a plebiscite unless otherwise provided by regulations under this Act.

(5) An application referred to in subsection (1) is approved by plebiscite if more than 50% of the irrigators voting vote in favour of the application.

4 Section 12 presently reads:

12(1) The sum of the irrigation acres plus the acres subject to a terminable agreement in a district must not exceed the expansion limit for that district.

(2) The expansion limit for each district is specified in Table 2 of the Schedule.

(3) Notwithstanding subsection (2), a district may by bylaw change the expansion limit.

(4) If a district proposes to make a bylaw under subsection (3), the board must

(a) *hold a meeting with the public, and*

(b) *by resolution authorize the holding of a plebiscite to obtain the approval of the irrigators.*

(5) *A board of a district, not less than 30 days before the board intends to consider a resolution referred to in subsection (4)(b), must give public notice of its intention to consider the resolution and the date, time and location of the meeting with the public.*

(6) *The question that the plebiscite shall determine must be*

(a) *in accordance with the regulations, and*

(b) *included in a resolution of the board of the district.*

(7) *The provisions of Part 3 governing an election apply to the holding of a plebiscite unless otherwise provided by regulations under this Act.*

(8) *The bylaw referred to in subsection (3) is approved by plebiscite if more than 50% of the irrigators voting vote in favour of the bylaw.*

5 Section 14 presently reads:

14 Subject to this Act, an irrigator has the right to receive water for irrigation purposes for irrigation acres until the irrigation acres are removed from the assessment roll in accordance with this Act.

6 Consequential to addition of new section. Section 15 presently reads:

15 Where a district enters into an agreement for a purpose specified in section 16, 17, 19, 20 or 21, the district must do so in accordance with that section.

7 New provision authorizing rural water use agreements.

8 Section 20(6) presently reads:

(6) If a use of irrigation works agreement is entered into under subsection (4), the manager must direct the Registrar of Land Titles to add a notice to the certificate of title that the parcel is subject to a use of irrigation works agreement.

9 Section 21 presently reads in part:

21(1) Any person may apply to enter into a water conveyance agreement with the district.

(2) A water conveyance agreement may authorize

(a) the delivery of water to an area for a purpose other than irrigation purposes or household purposes, or

(b) the removal of drainage water, stormwater or wastewater from an area.

10 Section 22 presently reads:

22(1) When a district enters into a household purposes agreement, a use of irrigation works agreement or a water conveyance agreement, the manager must keep a record of

(a) the household purposes, use of irrigation works or water conveyance fees imposed under the bylaws, and

(b) the name and address of the person liable for the fees in respect of the agreement.

(2) A record made of an agreement under this section must be maintained separately from the assessment roll and does not form part of the assessment roll.

11 Section 23 presently reads in part:

23(1) When the registered owners of land consent in writing, the district may by resolution designate as an irrigable unit land in the district consisting of any combination of 2 or more quarter sections, parts of a quarter section or surveyed lots where the whole or any part of the land contains irrigation acres and is or can be irrigated as a unit from the existing irrigation works of the district if the lands

- (a) have a common boundary,*
- (b) are contiguous at any point along a boundary, or*
- (c) have a common boundary or a point on each boundary separated only by a road allowance or land held as a right of way for irrigation works or a public highway, railway, pipeline, electric transmission line or telecommunications line.*

(2) The district must file with the Registrar of Land Titles a certified copy of a resolution under subsection (1) designating an irrigable unit.

(3) On the filing of a resolution under subsection (2), the Registrar of Land Titles must endorse on every certificate of title to the land affected by the resolution a notice that the land is designated as or as part of an irrigable unit and that subsections (4), (5) and (6) apply in respect of that land.

(4) On the filing of a resolution under subsection (2), an instrument given by the registered owner or any other person owning any estate or interest in an irrigable unit and purporting to transfer, sell, agree to sell or otherwise deal with only a part of the irrigable unit is not valid or effective until the instrument is consented to by the district and a memorandum of the district's consent is endorsed on or annexed to the instrument.

12 Deletion of unnecessary words. Section 24(5) presently reads:

(5) On receiving a notice under subsection (4), the Registrar of Land Titles must endorse on the certificate of title to the land affected by the agreement a notice that the land is subject to a

remote delivery agreement and that subsection (6) applies in respect of that land.

13 Section 25 presently reads:

25(1) An irrigator may apply to the district to use water to irrigate an alternate parcel not included on the assessment roll instead of using water to irrigate irrigation acres if the irrigator is the owner or lessee of that alternate parcel.

(2) If the irrigator is the lessee of the alternate parcel referred to in subsection (1), the application must include the consent of the owner.

(3) The district must publish in a newspaper that has general circulation in the district a notice of the date by which an application under subsection (1) must be made.

(4) The district may approve an application under subsection (1) and enter into an agreement with the irrigator if

(a) the district is able to deliver water to the alternate parcel, and

(b) the land has been classified in accordance with section 95(2)(a).

(5) An agreement under this section is subject to the following conditions:

(a) that the number and legal description of the irrigation acres be specified in the agreement;

(b) that the irrigator not use water for irrigation purposes on the irrigation acres;

(c) that the number of acres irrigated in the alternate parcel not exceed the number of irrigation acres;

(d) that irrigation charges for the irrigation acres continue to apply to those irrigation acres in addition to any other charges that may apply to the parcel with the irrigation acres;

- (e) that the term of the agreement commences May 1 and expires on December 31 of the same year.*
- (6) Charges as defined in Part 6 that apply to the irrigation acres specified in the agreement are enforceable in accordance with Part 6.*
- (7) The manager must keep a record of alternate parcel agreements.*

14 Section 26 presently reads:

26(1) An irrigator may apply to the district to transfer irrigation acres to another parcel if

- (a) the owners of both parcels agree to the transfer, and*
 - (b) the parcels are served by the same district.*
- (2) The district must publish in a newspaper that has general circulation in the district a notice of the date by which an application under subsection (1) must be made.*
- (3) The district must give written notice of its decision to approve or refuse an application within 90 days after the date published in accordance with subsection (2).*
- (4) A written notice under subsection (3) must contain a statement of the right to appeal to the Council under section 167(1)(b)(ii).*
- (5) If the district approves an application under subsection (1), the manager*

- (a) must amend the assessment roll for each parcel accordingly,*
- (b) must add the parcel receiving the irrigation acres to the district in accordance with Part 4 if that parcel is not already part of the district, and*
- (c) may remove the parcel previously containing the irrigation acres from the district if, as a result of the transfer, the parcel contains no irrigation acres.*

15 Section 38(5) presently reads:

(5) On hearing the application in accordance with section 171, the Council may

- (a) declare the member of the board to be disqualified, or*
- (b) refuse to make a declaration under clause (a).*

16 Section 39(2) presently reads:

(2) An audit must be conducted by a chartered accountant under the Chartered Accountants Act, a certified general accountant under the Certified General Accountants Act or a certified management accountant under the Certified Management Accountants Act.

17 Section 46 presently reads:

46(1) Each district must prepare and submit an annual report to the Minister containing the following:

- (a) an annual financial statement for the district;*
- (b) an annual financial statement for each commercial activity under section 7 carried on by the district;*
- (c) a summary of activities undertaken respecting the seepage control plan filed by the district;*
- (d) a list of all parcels added to or removed from the district in that year.*

(2) An annual report prepared under subsection (1) must be available for review by any person during normal business hours of the office of the district.

18 Section 48 presently reads:

48 The meetings of a district must be open to the public unless the board holds the meeting or part of the meeting in private because

- (a) *of probable prejudice to any member of the board or user, or*
- (b) *the desirability of disclosure of confidential information respecting a member of the board or user outweighs having the meeting open to the public.*

19 Section 59 presently reads:

59 The right to file nominations with the returning officer expires at 4 p.m. 14 days before the date of the election.

20 Section 79(1) presently reads in part:

79(1) When the Minister makes an order granting a petition for the formation of a new district, the dissolution of a district or the amalgamation of 2 or more districts, the order may provide for the following:

- (a) *in the case of the formation of a new district,*
 - (i) *the name of the district,*
 - (ii) *the address of the head office of the board of the district,*
 - (iii) *a description of the parcels constituting the district,*
 - (iv) *the name and address of the owner of each parcel, and*
 - (v) *the date on which the order becomes effective;*
- (c) *in the case of the amalgamation of 2 or more districts,*
 - (i) *the name of the district,*
 - (ii) *the manner of proceeding with the amalgamation,*
 - (iii) *the address of the head office of the board of the district,*
 - (iv) *a description of the parcels constituting the district,*

- (v) *the name and address of the owner of each parcel,*
- (vi) *the manner of dealing with outstanding debts of the amalgamating districts, and*
- (vii) *the date on which the order becomes effective.*

21 Section 84 presently reads in part:

(4) In the case of an application for the addition of a parcel to a district under subsection (2), the district may refuse to accept the application if

- (a) in the opinion of the district, it is impractical, uneconomical or undesirable to deliver water to the parcel that is the subject-matter of the application,*
- (b) the expansion limit for the district may be exceeded, or*
- (c) the owner does not agree to pay the amount specified by the district, if any, that the district may impose as a capital construction charge under section 126.*

(5) The district must give notice of its refusal under subsection (4) to the applicant within 60 days after receipt of the application.

22 Section 96 presently reads in part:

96(1) An owner of a parcel in a district may apply to the district to add irrigation acres to the assessment roll.

(5) If the district is not satisfied that the requirements of section 95(2) have been met, the district

- (a) may refuse to grant an application under subsection (1), and*
- (b) must give written notice to the applicant of its decision within 60 days after receipt of the application.*

23 Section 97(1) presently reads:

97(1) An owner may request the district to delete irrigation acres from the assessment roll.

24 Section 114(c) presently reads:

114 In this Part,

(c) "fee" means

(i) an annual agreement fee,

(ii) a household purposes fee,

(iii) a use of irrigation works fee, and

(iv) a water conveyance fee;

25 Section 115 presently reads:

115(1) Each district may make fee bylaws to apply to household purposes agreements, use of irrigation works agreements and water conveyance agreements.

(2) Bylaws under subsection (1) must establish the fees on a fair and equitable basis.

(3) The district must provide notice of a fee bylaw to every person who is a party to an agreement referred to in subsection (1) by serving written notice of the bylaw at the same time as a billing notice under section 130.

(4) A written notice under subsection (3) must contain a statement of the right to appeal to the Council under section 167(1)(e).

(5) Notwithstanding subsection (2), a fee bylaw may establish different fees for individual household purposes agreements, use of irrigation works agreements or water conveyance agreements.

26 Section 116(2) presently reads:

(2) The district must provide notice of the annual agreement fee to every person who is a party to an annual agreement by serving written notice of the bylaw at the same time as a billing notice under section 130.

27 Section 117(3) presently reads:

(3) An operating budget must include the estimated amount of each of the following sources of revenue:

- (a) irrigation charges;*
- (b) terminable agreement charges;*
- (c) surcharges;*
- (d) capital charges;*
- (e) annual agreement fees;*
- (f) household purposes fees;*
- (g) use of irrigation works fees;*
- (h) water conveyance fees;*
- (i) any amount to be withdrawn from a reserve fund;*
- (j) any other source of operating revenue.*

28 Section 121 presently reads:

121 Notwithstanding anything in this Part, the rate bylaw under section 118 as it applies to the irrigation rate may specify a minimum amount payable as an irrigation charge for each parcel instead of a charge calculated under section 120(1).

29 Section 123 presently reads:

123 On the passing of a rate bylaw under section 118, the whole of each parcel in the district is charged with the payment to the district of an amount equal to

- (a) the number of acres in the parcel assessed as irrigation acres multiplied by the irrigation rate for the parcel plus any surcharges specified in the rate bylaw, or the minimum amount payable as an irrigation charge under the irrigation rate bylaw under section 121, as the case may be, and*
- (b) the number of acres in the parcel subject to a terminable agreement multiplied by the terminable agreement rate for the parcel plus any surcharges specified in the rate bylaw.*

30 Section 126 presently reads:

126(1) A district may pass a bylaw imposing a capital construction charge on a parcel that is added to the district in accordance with Part 4 if irrigation works are constructed to supply water to that particular parcel and not to supply water to the district as a whole.

(2) The capital construction charge may be equal to or be a portion of the total cost of constructing irrigation works on that parcel.

(3) A bylaw imposing a capital construction charge must set out the amount applicable to the parcel.

(4) On the passing of a capital construction charge bylaw, the parcel in the district subject to the bylaw is charged with the payment to the district of the amount equal to the total capital construction charge imposed on that parcel.

31 Section 128(3) presently reads:

(3) Each year immediately after the district has passed any bylaws made under sections 118, 125 and 126, the manager must prepare a new collector's roll or revise the existing

collector's roll in order to show, with respect to each parcel included on the assessment roll,

- (a) the name of each person whose name appears on the assessment roll as the owner or lessee of the parcel, and*
- (b) the amounts payable to the district as
 - (i) irrigation charges,*
 - (ii) terminable agreement charges,*
 - (iii) surcharges,*
 - (iv) capital charges,*
 - (v) penalties charged pursuant to a bylaw of the district, and*
 - (vi) any amounts in subclauses (i) to (v) remaining unpaid from previous years.**

32 Section 157(2) presently reads:

(2) A bylaw for the designation of a seepage damage area must describe the seepage damage area by reference to a plan of survey of the area when it cannot be described otherwise.

33 Section 164(1) presently reads:

164(1) Each district that is exempted by a regulation under section 163 continues to have an exemption under the regulation if the district files a subsequent seepage control plan with the Irrigation Secretariat within 3 years after the date of filing the initial seepage control plan and every 3 years afterwards.

34 Section 167 presently reads:

167(1) An appeal may be commenced by submitting a notice of appeal to the Council by the following persons in the following circumstances:

(e) *where a district makes a fee bylaw under section 115, any person who is a party to a household purposes agreement, a use of irrigation works agreement or a water conveyance agreement;*

(3) *A notice of appeal must be submitted to the Council not later than 30 days after*

(a) *receipt of notice of the decision of the board,*

(b) *the expiry of the time for making a decision under section 21, or*

(c) *publication of a notice referred to in section 162.*

35 Section 176(2)(a) presently reads:

(2) *The Minister may make regulations*

(a) *respecting the information to be given to the public by a board of a district before a plebiscite is held under section 7, 11 or 12;*

36 Section 177(2)(f) presently reads:

(2) *A district may make bylaws*

(f) *establishing fees for household purposes agreements, use of irrigation works agreements and water conveyance agreements;*

37 Section 188(1) presently reads in part:

188(1) A person who

(a) *uses water for household purposes without*

(i) *entering into an agreement under section 19, or*

(ii) *being otherwise authorized to do so under this Act,*

(g) *applies water from irrigation works to acres not shown on the assessment roll,*

is guilty of an offence and liable to a fine of not more than \$5000 for the first conviction and not more than \$10 000 for each subsequent conviction.

38 Coming into force.