

Bill No. 58 of 1925.

A BILL TO AMEND THE IRRIGATION DISTRICTS  
ACT.

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NOTE

This Bill provides for certain changes in and additions to *The Irrigation Districts Act*, some of which are to provide more convenient and economical methods of administration and construction, and some to conform with certain proposed legislation dealing with colonization. Among the important features are the following:

1. To deal with water supply to streets and lots in towns, villages, and hamlets.
2. To give to trustee boards power—
  - (a) to cultivate lands of the district if deemed advisable;
  - (b) to commute annual rentals for right-of-way by one cash payment;
  - (c) to expropriate lands for other purposes than actual ditch right-of-way;
  - (d) to shut off water supply as a penalty for non-payment of rates;
  - (e) to give notice of annual nominations and annual meeting by registered mail instead of by newspaper publication;
  - (f) to construct the works, wholly or in part, by allotment amongst the water users without issue of debentures;
  - (g) to divide the annual levy into capital and current charges.
3. To provide definitely for audit of district books annually, and to give the Provincial Auditor authority to examine and audit the books.
4. To make it an offence for a water user to tamper with the ditches of a district or the flow of water therein.

WALTER S. SCOTT,  
*Legislative Counsel.*

*(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)*

# BILL

NO. 58 OF 1925.

An Act to amend the Irrigation Districts Act.

(Assented to \_\_\_\_\_, 1925.)

**H**IS 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 Irrigation Districts Act Amendment Act, 1925.*"

**2.** Section 2 of *The Irrigation Districts Act*, being chapter 114 of the Revised Statutes of Alberta, 1922, is amended—

- (a) as to paragraph (h) thereof: By inserting after the word "village" the word "hamlet";
- (b) as to paragraph (m) thereof: By adding thereto the following: "but the local authority of any city, town, village, or hamlet shall be deemed to be the owner of the parcel of land comprising the lands within such city, town, village or hamlet."
- (c) by adding as paragraph (mm) thereof the following:  
" (mm) 'Parcel of land' shall mean a quarter section of land according to the system of surveys under *The Dominion Land Surveys Act* or any smaller area, owned by one person, or by more persons than one as tenants in common, or joint tenants, but the lands within any city, town, village or hamlet shall be deemed to be one parcel of land."
- (d) as to paragraph (o) thereof: By striking out the word "voter" where it occurs therein and substituting therefor the words "water user."

**3.** Section 8 of the said Act is amended as to subsection (3) thereof: By striking out the words "voters of the district" and substituting therefor the following: "water users of the district."

**4.** Section 11 of the said Act is amended by adding thereto the following words: "and for the operation of the same, the management and cultivation of all lands vested in it, and the general administration of the affairs of the district."

5. Section 12 of the said Act is amended as to subsection (2) thereof by striking out all the words after "ditch," and substituting therefor the following: "or may in its discretion at any time and with respect to any parcel of land in lieu of the said annual rental make a single cash payment not exceeding \$30 per acre and in the event of disagreement as to the proper rental per acre or the amount of the said single cash payment the Irrigation Council shall fix the same."

6. Section 12a is added to the said Act as follows:

"12a. The Board shall have power to expropriate under the provisions of part VI. of this Act, as if it were land required for the works outside the district, any lands where-soever situated which may be needed in connection with the operation or maintenance or administration of the works or the affairs of the district either for the purpose of avoiding damage or erection of necessary buildings, or for any other purpose whatsoever."

7. Section 13 of the said Act is amended as to subsection (1) thereof by inserting after the word "water" where it occurs therein the following: "and for the disposal of any surplus water which is not required for the purposes of the district and for cutting off or stopping the supply of any water to any parcel of land in arrears for irrigation rates."

8. Section 18 of the said Act is struck out.

9. Section 28 of the said Act is amended by striking out the word "lowest" where it occurs therein, and substituting therefor "highest."

10. Section 28a of the said Act is hereby struck out and the following substituted therefor:

"28a.—(1) The secretary shall at least two weeks prior to the last day of January in each year send by registered mail to each water user of the district, or cause to be posted up in at least five conspicuous places in the district, notice of the annual meeting of water users in the following form:

" 'NOTICE.

" 'Notice is hereby given that a meeting of the water users of the.....Irrigation District will be held at.....(*description of place*) on the.....(*here fill in the day in January on which it is intended to hold the meeting*) day of January A.D. 19..., at.....o'clock....., for the purpose of receiving the auditor's report of the finances of the district up to the preceding 31st day of December, and for the purpose of receiving the reports of the manager, secretary-treasurer, and trustees of the district.

“Take notice further, that nominations for..... places on the board of trustees of the district will be received by the secretary at the said meeting and for one week thereafter. The nominations must be in the form prescribed by The Irrigation Districts Act, and forms may be obtained from the secretary at the said meeting. *(If more than one vacancy is to be filled, set forth here particulars of each, and direct that nominations must be received separately for each vacancy.)*

“Dated at.....this.....day of....., 19....

.....  
Secretary.’

“(2) Such notice shall be mailed or posted up as the case may be at least seven clear days before the date fixed for such meeting.”

**11.** Section 29*a* of the said Act is amended by striking out the words “ceases to be an actual resident within the district for which he is trustee,” and substituting therefor the following: “ceases to fulfil the requirements for a trustee as provided by this Act.”

**12.** Section 32 of the said Act is amended as follows:

- (a) By striking out the words “the vacancies” where they occur therein, and substituting the words “any vacancy.”
- (b) By adding thereto as subsection (3) thereof the following:  
“(3) If there is voting for more than one vacancy there shall be a separate ballot for each vacancy.”

**13.** Section 37 of the said Act is amended as to subsection (1) thereof by inserting after the word “shall” where it occurs in the fourth line the following words “proceed under the provisions of section 46*a* of this Act or shall.”

**14.** Section 46*a* is added to the said Act as follows:

“46*a*.—(1) The board may with the approval of the council prepare a bylaw providing for the apportionment of the whole or a part of the work and the supply of material for construction and the necessary and incidental expenses in connection therewith and in connection with the formation of the district among the water users of the district; such apportionment to be as nearly as may be in proportion to the number of acres of their respective lands shown by the revised assessment roll of the district as ‘to be irrigated.’

“(2) A vote of the water users of the district shall be taken on the by-law herein provided for and the proceedings in connection therewith shall be in accordance with the provisions of part II. of this Act, with respect to voting on a debenture by-law.

“(3) If the result of the voting on the said by-law shows that the majority of those voting were against the by-law, then the Minister may direct the board to submit an estimate and a debenture by-law in accordance with the provisions of this Act with respect thereto.

“(4) If the result of the voting shows that the majority of those voting were in favor of the by-law, the Minister may direct the board to apportion the work and the supply of material and the expenses among the water users with respect to each parcel of their lands appearing upon the assessment roll and in proportion to the number of acres therein shown as ‘to be irrigated.’

“(5) The board in making such apportionment shall fix a time before which each water user shall complete the work or supply the material or pay the expenses provided by such apportionment and the secretary shall notify each water user by registered mail in form F of the amount of work and material and expenses which has been apportioned to him with respect to each parcel of his land and such notice shall state the time before which the said work shall be completed and the said material supplied and the said expenses paid.

“(6) If any water user is dissatisfied with the apportionment of work or material or expenses as aforesaid, he may, within two weeks from the date of mailing to him of the notice of apportionment, appeal to the Irrigation Council in writing by registered mail, which shall enquire into the case and make its decision with regard thereto, which decision shall be final.

“(7) After final decision has been made or the time for appealing has elapsed, as the case may be, with regard to the apportionment of work and material and expenses as aforesaid, the same shall be valid and binding to all intents and purposes notwithstanding any defects in form or substance, either in the apportionment or any of the proceedings relating to the same.

“(8) At the expiration of the time limited by the board for the completion by any water user of the work apportioned to him the engineer shall inspect the said work and report to the board, which, if the engineer has found the work or any part thereof not completed or the necessary material not supplied, may direct some other person to complete the said work or supply the said material or may in its discretion extend the time for the completion of work or supply of material.

“(9) Any owner who has made default in the completion of work or supply of material or payment of expenses as apportioned against him with respect to his lands shall be liable for the cost of completion and for all other costs and expenses occasioned by his default and the same shall form a charge against his lands and if not paid by him may be paid by the board and charged against the parcel or parcels of land in respect of which the apportionment was made against him as an irrigation rate and be recoverable as such.

“(10) Where only a part of the work, material and expenses has been provided for under this section the remainder shall be dealt with by issue of debentures as provided by this Act.”

**15.** The said Act is amended as to section 47 thereof—

(a) By striking out subsection (1), and substituting therefor the following:

“(1) The board shall not later than the 1st day of March in each year make an estimate of the amount required to pay—

“(a) *The Water Service Charge*, being all the expenses connected with the administration of the district and the diversion, distribution, and drainage of water, and the maintenance of the works, including payments into a maintenance fund to provide for the preservation of the works in their original efficiency, and including any payment for water supply service to the district;

“(b) *The Water Right Payment*, being the principal and interest payable under the terms of all district debentures and any other payment on capital account up to the expiration of such year.

(b) As to subsection (2) thereof: By striking out the same and substituting therefor the following:

“(2) If such payments and expenses are not otherwise provided for, and if such estimate is approved by the council, the board shall pass a by-law imposing a separate rate with respect to each of the items (a) and (b) aforesaid (being called ‘the water service charge’ and ‘the water right payment’ respectively and which together shall comprise the irrigation rates) upon each parcel of land within the district in respect of each acre of land therein ‘to be irrigated,’ as shown by the last revised assessment roll for the district.”

(c) As to subsection (4) thereof: By striking out the same.

**16.** Sections 48, 49, 51, 54, 148 and 153, of the said Act are amended by striking out the word “rate” where it occurs therein, and substituting “rates”; and by striking out the word “is” where it occurs therein, and substituting the word “are.”

**17.** Section 50 of the said Act is amended as to subsection (2) thereof by striking out the words “irrigation rate” where they occur therein, and substituting therefor the following: “water service charge and water right payment.”

**18.** Section 56a is added to the said Act as follows:

**"56a.** The board shall at its first meeting in each year or within two months thereafter appoint one or more auditors; but no one who then or during the preceding year is or was a member of the board or is or was secretary-treasurer or who has or had during the preceding year, directly or indirectly, alone or with any other person a share or interest in any contract or employment with or on behalf of the board, except as auditor, shall be so appointed:

Provided, that the books and records of the board shall at all times be subject to examination and audit by the Provincial Auditor and by such other persons as the Lieutenant Governor in Council may authorize in that behalf.

**19.** Section 57 of the said Act is amended by striking out the words "of land" where they occur for the first time therein, and by adding as subsection (2) thereof the following:

**"(2)** In the case of a parcel of land comprising the lands within a city, town, village or hamlet, the local authority shall have all the powers of the board of trustees of a water users' association with respect to the distribution of water among the various water users within the said parcel of land and shall have the power to levy and collect rates as if they were municipal taxes, and, as provided by *The Water Users' Districts Act* to cover the cost of maintenance of ditches and distribution of water and rates to cover the payment due by the said local authority to the board of trustees of the district under this Act."

**20.** The said Act is amended by inserting as the heading before section 173 thereof the following:

**"PART VIII.**

**"PENALTIES AND REGULATIONS."**

**21.** Section 173a is added to the said Act as follows:

**"173a.** Any person who carelessly or wilfully or without authority tampers with any weir or gate or takes or diverts water from any of the works of the district or does anything which may interfere in any way with the flow of water in, into, through or from the same, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding two hundred dollars, or for imprisonment for a term not exceeding one year, or to both."

**22.** Form B in the schedule of the said Act is amended as to the form of nomination paper for the board of trustees by striking out the word "voters" where it occurs in the first line, and substituting therefor "water users"; and by striking out the form of candidate's acceptance.

23. Form BB is added to the schedule of the said Act as follows:

“FORM BB.

“NOMINATION PAPER FOR ANNUAL ELECTION.

“We, the undersigned water users within the meaning of *The Irrigation Districts Act* in the..... Irrigation District, hereby nominate.....

(Name, residence and occupation of the person nominated) a person eligible to hold office as trustee under the provisions of *The Irrigation Districts Act*, as candidate for the election now to be held for trustee of the said district, due to vacancy caused by the retirement of..... (or as the case may be.)

“Witness our hands this.....day of..... A.D. 19.... (To be signed by ten water users of the district.)”

24. Form F is added to the schedule to the said Act as follows:

“FORM F.  
(Section 46a.)

“To.....  
(Name of water user)  
.....  
(P.O. Address)

“Sir,—You are hereby notified that the board of trustees of the.....Irrigation District has, pursuant to the provisions of *The Irrigation Districts Act* in that behalf, made an apportionment of the work and the supply of material and the expenses in connection with the formation of the said district and the construction of the works.

“You are further notified that under such apportionment you are required—

“(a) to make and complete, in accordance with the engineer’s plans and specifications, that portion of the works described as follows: (*Here describe the work apportioned to the water user*) ;

“(b) to furnish the following material: (*Here describe the material*) ;

“(c) to pay \$.....of the expenses.

“The said work is to be fully completed before the said.....day of.....19...

“The said material is to be supplied before the.....day of.....19...

“The amount of expenses is to be paid before the.....day of.....19...

Secretary.

“Dated at.....  
this.....day of.....  
19....”

25. This Act shall come into force on the day upon which it is assented to.



No. 58.

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FIFTH SESSION  
FIFTH LEGISLATURE  
15 GEORGE V  
1925

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**BILL**  
An Act to amend The Irrigation  
Districts Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. SMITH.

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EDMONTON:  
J. W. JEFFERY, KING'S PRINTER  
A.D. 1925