

Bill No. 40 of 1933.

A BILL RESPECTING THE RAYMOND IRRIGATION
DISTRICT.

NOTE.

By this Bill provision is made for the giving of validity to proceedings of the Raymond Irrigation District in the conduct of the affairs and business of the district to the extent that the same are in conflict with the provisions of *The Irrigation Districts Act*, upon the same being approved by the Director of Water Resources.

R. ANDREW SMITH,
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. 40 of 1933.

An Act respecting the Raymond Irrigation District.

(Assented to _____, 1933.)

WHEREAS the Raymond Irrigation District was formed under the provisions of *The Irrigation Districts Act*, being chapter 114 of the Revised Statutes of Alberta, 1922, on the eleventh day of March, 1925; and

Whereas the lands included in the said district consist of lands forming part of a tract of land which had been previously conveyed by the Crown to the Alberta Railway and Irrigation Company or its predecessors in title for the irrigation of which, amongst other lands, the company had acquired the right to divert water and construct irrigation works under the provisions of *The North-West Irrigation Act, 1898*, and of *The Irrigation Act*, being chapter 61 of the Revised Statutes of Canada, 1906; and

Whereas, immediately before the formation of the said district so much of the land comprised therein as had been sold or agreed to be sold by the company as irrigable land entitled the owner to a supply of water for irrigation from the main canal of the company upon the owner constructing and maintaining at his own expense all ditches from the said canal to his land; and

Whereas the company was unwilling to sell as irrigable land any land comprised within the district which it owned at the time of the formation of the district upon any terms other than the terms upon which it had previously sold land as irrigable land; and

Whereas the district upon its formation acquired from the company the irrigation works of the company situate within the district together with the right to a supply of water for the purpose of irrigating the district; and

Whereas at the time of the formation of the district the scheme for the future conduct of the district which was then generally understood and accepted was to the effect that the district would deliver to the owners of irrigable lands in the district water for irrigation purposes to owners of irrigable land within the district at a convenient point on the canal acquired by the district, and that all ditches necessary to convey the water should be constructed and maintained by the owner at his own expense; and

Whereas the district has since its formation down to the present time continued to conduct its affairs according to the above recited scheme; and

Whereas the provisions of *The Irrigation Districts Act* are at variance with the said scheme in so far as they relate to the construction of the ditches required to deliver water to the boundary of any irrigable land; and

Whereas it is convenient and proper and in the interests of the district as well as the public that the district should be enabled to carry on its operations according to the said recited scheme, and that all transactions, acts and things heretofore done in carrying on any operations in pursuance of the said scheme should be ratified, confirmed and validated;

Now, therefore, His 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 Raymond Irrigation District Act*."

2. The board of trustees of the Raymond Irrigation District shall be deemed to have complied with all the provisions of *The Irrigation Districts Act* as to the delivery of water to any parcel which is shown upon the assessment roll of the district as containing any area to be irrigated by delivering the water at such point upon the canal of the district, or any lateral or branch thereof owned by the board of trustees of the district as the trustees may fix as being the nearest point upon the canal at which it is practicable to provide a supply of water for the parcel.

3. A plan showing the location of the canal of the district with any laterals or branches thereof owned by the board of trustees and showing also all the parcels of land in the district which contain any area to be irrigated shall be prepared by the board of trustees of the district and filed in the office of the Director of Water Resources for the Province of Alberta, and such plan shall conform with all the requirements of the said Director, and until such plan has been so filed and has been approved by the said Director, this Act shall not have any force or effect.

4. The district shall be under no duty to construct, maintain or operate any ditches in the district required for the conveyance of water from any canal owned by the district to any parcel of land, and the right to receive water in respect of any parcel entitled thereto shall be conditional upon the provision by the owner of the parcel of all ditches requisite for the conveyance thereof from the canal of the district to the parcel.

5. In case any conflict arises between any of the provisions of *The Irrigation Districts Act* and any of the provisions of this Act, the provisions of this Act shall prevail, and subject thereto the provisions of *The Irrigation Districts Act* shall *mutatis mutandis* apply to the Raymond Irrigation District.

6. Upon being approved by the Irrigation Council any act, proceeding, matter or thing done by the Raymond Irrigation District or by the board of trustees of the district at any time since its formation for the purpose of, or incidentally to the conduct of the business and affairs of the district in accordance with the above recited scheme notwithstanding that the same is in contravention of any provision of *The Irrigation Districts Act* or is not authorized by that Act, shall be deemed to have the same force and effect as if the same had been expressly authorized by statute, and upon approval shall be good, valid and effectual for all purposes whatsoever and shall not be questioned in any court of law or equity or subject to any proceedings by way of *certiorari*, *quo warranto*, *mandamus*, prohibition or otherwise.

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

THIRD SESSION
SEVENTH LEGISLATURE
23 GEORGE V
1933

B I L L

An Act respecting the Raymond
Irrigation District.

Received and read the

First time.....

Second time

Third time

HON. MR. BROWNLEE

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1933