

Bill No. 96 of 1936.

A BILL TO AMEND THE WATER RESOURCES ACT.

NOTE.

The amendment made by section 2 provides an alternative method of procedure in connection with the advertising of applications for the acquisition of water rights by means of newspaper advertisement.

Section 4 provides for the taking over by the Government of irrigation works in case the operator thereof becomes insolvent or fails to carry out contracts for the supply of water for irrigation purposes, and provides that in certain events the rights of the licensee shall be determined and his works shall be forfeited to the Crown.

The amendment made by section 5 makes the charge for water supply for irrigation or water rentals in respect of any parcel of land a first charge upon all crops grown thereon.

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. 96 of 1936.

An Act to amend The Water Resources Act.

(Assented to _____, 1936.)

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 Water Resources Act Amendment Act, 1936.*"

2. *The Water Resources Act*, being chapter 71 of the Statutes of Alberta, 1931, is hereby amended as to section 12 thereof by striking out the same and by substituting therefor the following:

"12.—(1) Subject to the provisions of subsection (2) of this section the Minister shall, forthwith after the filing of the application and plans, forward a notice of such filing to the post office nearest to the site of the proposed works and to the office of the secretary-treasurer of the municipality in which the site is located with a request that the notice be posted in a conspicuous and public place in such offices for a period of fifteen days from the date thereof; and the Minister shall also send two copies of the notice to the applicant who shall immediately post them and keep them posted for a period of fifteen days from the date thereof at two conspicuous points at the site of the proposed works.

"(2) Instead of proceeding under subsection (1) the Minister may require any applicant to publish a notice of the filing of the application and plans in a newspaper published in the neighbourhood, to be named by the Minister, at least once a week for two successive weeks, and such notice shall contain a statement of the nature of the rights applied for and the general character and location of the proposed works.

"(3) Any person who objects to the granting of the application may, within a period of thirty days from the date of the first publication of the notice in the newspaper or the date of the posting of the notices as required in subsection (1), file with the Minister a statement of his reasons therefor."

3. The said Act is further amended as to section 13 thereof by striking out the word "published", where the same occurs therein, and by substituting therefor the word "given".

4. The said Act is further amended by inserting therein, immediately after section 42 thereof, the following new section:

"**42a.**—(1) In case any licensee ceases to operate his irrigation works or does not operate those works in such a manner as to give that supply of water for irrigation which all the persons who have the right to receive water from the licensee are entitled to receive, or in the event of the licensee becoming bankrupt or insolvent, then and in every such event the Lieutenant Governor in Council may upon the recommendation of the Minister take over and operate the licensee's works: and upon so doing shall be entitled to recover and receive all sums then accrued due to the licensee from any person under any contract with the licensee for any supply of water; and so long as the Lieutenant Governor in Council continues to operate the said works the Lieutenant Governor in Council shall be entitled to recover and receive from water users all sums which the water user would have been under an obligation to pay in respect of the water supply if the licensee had continued the operation of his works.

"(2) In case the Lieutenant Governor in Council has taken over any works under this section the licensee shall be entitled to resume the possession and operation thereof at any time within two years of the date of the Order in Council authorizing the taking over upon paying to the Minister the total amount of any loss incurred by the Lieutenant Governor in Council in the operation of such works and upon satisfying the Lieutenant Governor in Council of his ability to carry on the said works.

"(3) In case the licensee does not, within the period aforesaid, exercise his right to resume and operate his works his license shall, at the expiration of the said period, be terminated and his works shall be forfeited to His Majesty in the right of the Province."

5. The said Act is further amended by inserting therein, immediately after section 46 thereof, the following new section:

"**46a.** All charges due and payable for water supplied for irrigation or water rental in respect of any parcel of land subject to supply of water under this Act are hereby declared to be a first lien and charge upon all grain crops, hay crops and root crops grown thereon and upon any proceeds of sale thereof until the proceeds have been paid in full; and upon a licensee or agent of any licensee delivering to a buyer thereof a demand in writing for the amount of the charges for water supplied for irrigation or water rental hereby declared to be a first lien and charge upon any proceeds of sale, the buyer shall, out of the proceeds of sale then remaining in his hands, pay the amount of such charges to the licensee or agent for the licensee in priority to all other claims and demands whatsoever."

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

No. 96.

FIRST SESSION
EIGHTH LEGISLATURE
1 EDWARD VIII
1936

BILL

An Act to amend The Water
Resources Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. CHANT.

EDMONTON:
A. Shnitka, King's Printer
1936