

Bill No. 26 of 1939.

A BILL TO AMEND THE WATER RESOURCES ACT.

NOTE.

This Bill makes a number of amendments to *The Water Resources Act* for the purpose of reconciling the provisions of that Act with the provisions of The Natural Resources Transfer Agreement as amended by the agreement ratified by chapter 14 of 1938.

None of the amendments make any change in the substance of the provisions of *The Water Resources Act*.

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. 26 of 1939.

An Act to Amend The Water Resources Act.

(Assented to _____, 1939.)

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, 1939.*"

2. *The Water Resources Act*, being chapter 71 of the Statutes of Alberta, 1931, is hereby amended as to section 2,—

- (a) by adding at the end of paragraph (f) the words "and 'divert' has a corresponding meaning"; and
- (b) by inserting therein immediately after paragraph (t) the following new paragraph:

"(tt) 'Water', when used in relation to any property therein or to any right in respect thereof or to the diversion thereof, or to the usage thereof, means any water in any river, stream, water-course, lake, spring, ravine, canyon, lagoon, swamp, marsh or other body of water in the Province."

3. The said Act is further amended as to section 5 by striking out subsection (1) thereof and by substituting therefor the following:

"**5.**—(1) The property in any water in the Province which is not vested in the Province by virtue of The Natural Resources Transfer Agreement, dated the fourteenth day of December, 1929, and made between the Government of the Dominion of Canada of the first part and the Government of the Province of Alberta of the second part as varied by an agreement dated the fifth day of March, 1938, and made between the same parties is hereby declared to be vested in the Province.

"(1a) No person shall have any property in water or any right to divert any water otherwise than by virtue of a license issued pursuant to this Act, saving the rights of taking, diverting, impounding and using any such water which existed in any person on the first day of April, 1931, by virtue of a valid and subsisting application made or authority granted pursuant to *The Irrigation Act*, or by virtue of any valid and subsisting agreement, license or interim license granted pursuant to *The Dominion Lands Act*, or *The Dominion Water Powers Act.*"

4. The said Act is further amended as to section 6 by striking out the same and by substituting therefor the following:

"6. No person shall divert any water in the Province, and no person shall construct or cause to be constructed any works for the diversion of any water otherwise than under the provisions of this Act and the regulations except in the exercise of a legal right existing at the time of such diversion, or construction."

5. The said Act is further amended as to section 7 by striking out the words "stream, lake or other body of water whatsoever which is the property of the Province or with respect to the water contained or flowing therein", where the same occur therein, and by substituting therefor the words "any water".

6. The said Act is further amended as to section 8 by striking out the words "the water in any stream, lake, or other body of water whatsoever which is the property of the Province", where the same occur therein, and by substituting therefor the words "any water".

7. The said Act is further amended as to section 9 by striking out the words "to which this Act applies" wherever the same occur therein.

8. The said Act is further amended as to section 10,—
- (a) by striking out the words "The right to divert any water the property in which is vested in the Crown, may be acquired for domestic, municipal, industrial, irrigation and other purposes", where the same occur in subsection (1) and by substituting therefor the following: "The right to divert any water for domestic, municipal, industrial, irrigation, water power and other purposes"; and
 - (b) by striking out the words "and fifth, other purposes", where the same occur in subsection (3) and by substituting therefor the words "fifth, water power purposes; and sixth, other purposes".

9. The said Act is further amended as to section 11 by striking out the words "the property of the Province" where the same occur therein.

10. The said Act is further amended as to section 54 by striking out the words "takes or diverts any water from any stream, lake or other body of water whatsoever which is the property of the Province or from any works authorized under this Act", where the same occur therein, and by substituting therefor the following: "diverts any water which is the property of the Province or diverts any water from any works constructed and operated under the authority of this Act or of *The Irrigation Act*".

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

EIGHTH SESSION
EIGHTH LEGISLATURE
3 GEORGE VI
1939

BILL

An Act to Amend The Water
Resources Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MULLEN.

EDMONTON:
A. Shnitka, King's Printer
1939