

Bill No. 26 of 1943.

A BILL TO AMEND THE WATER RESOURCES ACT.

NOTE.

The amendment to the definition of "undertaking" extends it to the transmission and utilization of water, it being now confined to water power.

Subsection (1) of section 43 as it now stands authorizes the Lieutenant Governor in Council to take over and operate irrigation works but no machinery is provided for operating the works or collecting rates. The object of the new subsection (1) is to provide this machinery by giving the Lieutenant Governor in Council all the powers of a Board of Trustees.

The new section 49 extends the lien for water rates and charges to cover all farm produce. The former section limited the lien to grain crops, hay crops and root crops. The proposed new section is the same as the corresponding section in The Irrigation Districts Act.

The amendment to section 50 changes the date for returns by licensees from January 31st to March 15th, and makes some changes in the information required.

Section 67 authorizes agreements between the Province and the Dominion and other provinces, for the establishment of a board with jurisdiction to regulate and control the use of inter-provincial boundary waters. The proposed amendment cuts down the power of the board from regulating, etc., to investigation and advising.

Subsection (5) added to section 69 authorizes the Minister to enter into agreements with the Dominion Government for the construction by the Dominion of conservation projects, under *The Prairie Farm Rehabilitation Act*. The Minister is also given power to expropriate, when necessary, right-of-way for such projects, and for the operation and control of such projects by or on behalf of the Province.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 26 of 1943.

An Act to amend The Water Resources Act.

(Assented to _____, 1943.)

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

1. *The Water Resources Act*, being chapter 65 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 2 by striking out paragraph (t) thereof and by substituting therefor the following:

- “(t) “Undertaking” means the undertaking required or proposed to be established or carried on pursuant to this Act or the regulations, by the Crown or by any applicant, licensee or person in the development, transportation, transmission, distribution or utilization of water or water power for any of the purposes included in this Act, and shall, without restricting the generality thereof, include in so far as authorized or required in any case,—
- “(i) the storage, pondage, penning back, regulation, augmentation, carriage, diversion and use of water or the flow thereof;
 - “(ii) the surveying, laying out, constructing, maintaining, and operating of works, including dams, canals, ditches, head-gates, divide gates, flumes, penstocks, chutes, drops, power stations, transmission lines, terminal stations, sub-stations, telephone lines and similar works;
 - “(iii) the surveying of lands, carrying on investigations and collecting data;
 - “(iv) the acquisition and use of lands, works and properties or any interest therein;
 - “(v) the administration and management of the required lands, works and properties and the business connected therewith;
 - “(vi) the generation of energy at any plant which is used as an auxiliary to a water power plant; and
 - “(vii) matters incidental to any of the foregoing;”.

2. The said Act is further amended as to section 43 by striking out subsection (1) thereof and by substituting therefor the following:

“43.—(1) The Lieutenant Governor in Council may, if in the public interest it is at any time deemed advisable so to do, construct, acquire, purchase or take over and operate or otherwise dispose of any undertaking or works whether proposed, under construction or completed, for domestic or irrigation purposes, and for the purpose of operating any such undertaking or works and providing the necessary revenue therefor and generally carrying on the business of the undertaking or works, the Minister shall have all the powers, privileges and immunities possessed by a board of trustees under the provisions of *The Irrigation Districts Act*, and all the powers and duties of a licensee under this Act and *The Irrigation Districts Act*. In any case where the undertaking or works acquired, purchased or taken over hereunder are not the property of an irrigation district, the Minister shall have power from time to time to define and enumerate the parcels of land which are to be served by the undertaking or works, and thereafter shall, with respect to such lands and each parcel thereof, have all the powers possessed by a board of trustees under the provisions of *The Irrigation Districts Act* to the same extent as if such parcel were included in an irrigation district.”

3. The said Act is further amended as to section 49 by striking out the same and by substituting therefor the following:

“49. All rates or 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 crops and other farm produce grown or produced on the parcel, and upon the amount remaining unpaid of the sale price thereof until it has been paid in full; and upon the licensee or the agent of the licensee delivering to a buyer thereof a demand in writing for the amount of the rates or charges for water supplied for irrigation or water rental hereby declared to be a first lien and charge upon the amount remaining unpaid of the sale price thereof, the buyer shall, out of such amount remaining unpaid then in his hands, pay the amount of the said rates or charges to the licensee or his agent in priority to all other claims and demands whatsoever.”

4. The said Act is further amended as to section 50 by striking out subsection (1) thereof and by substituting therefor the following:

“50.—(1) Every body corporate obtaining a license for irrigation purposes under this Act shall, on or before the fifteenth day of March in each year, make a return to the Minister, attested by the oath of its president or chairman and the secretary, for the year ending the thirty-first day of December preceding, showing the,—

“(a) amount of capital stock authorized;

“(b) amount of capital stock subscribed, and details of the same;

- “(c) amount of capital stock paid up to date, and details of the same;
 - “(d) amount of dividend declared and paid during year;
 - “(e) nominal amount of bonded indebtedness;
 - “(f) amount bonds were sold for;
 - “(g) rate of interest payable on bonds;
 - “(h) amount of interest paid on bonds during year;
 - “(i) amount of indebtedness other than bonds;
 - “(j) amount of interest paid on such indebtedness during year;
 - “(k) amount expended on construction,—
 - “(i) to date;
 - “(ii) during year;
 - “(l) amount expended on maintenance and repairs,—
 - “(i) to date;
 - “(ii) during year;
 - “(m) cost of management during year;
 - “(n) amount received for water supplied for irrigation;
 - “(o) amount received from other sources. Specify;
 - “(p) describe any additions made to works during year;
 - “(q) number of miles of canals, ditches, etc., operated;
 - “(r) number of water users,—
 - “(i) having contracts;
 - “(ii) receiving water during year;
 - “(s) number of acres of irrigable land in the system,—
 - “(i) as contemplated;
 - “(ii) as constructed;
 - “(t) number of acres actually receiving water during year;
 - “(u) extensions contemplated;
 - “(v) names of officers and chief employees;
 - “(w) such other data as the Lieutenant Governor in Council sees fit to require.
- “Provided, however, that paragraphs (a), (b), (c) and (d) shall not apply to irrigation districts.”

5. The said Act is further amended as to section 67 by striking out subsection (1) thereof and by substituting therefor the following:

“67.—(1) The Lieutenant Governor in Council may enter into arrangements or agreements with any province or provinces or with the Dominion of Canada and any province or provinces for the establishment and constitution of a board which, when established and constituted, shall examine, study, report upon and advise on the control and use of inter-provincial boundary waters or boundary waters between the Province and the Northwest Territories and waters in any stream or streams which flow through more

than one of the provinces or through one or more than one of the provinces and the Northwest Territories.”

6. The said Act is further amended as to section 69 by adding at the end thereof the following new subsections:

“(5) The Minister may enter into an agreement or agreements with the Government of Canada providing for the investigation, construction and operation of water development and conservation projects in the Province of Alberta by the Government of Canada. In any such agreement the Minister may agree,—

“(a) to control, operate and maintain or cause to be operated and maintained any approved water project which may be transferred under the agreement by the Government of Canada to the Province of Alberta;

“(b) to acquire either by purchase or expropriation any right-of-way required for any works constructed or to be constructed by the Government of Canada.

“(6) For the purpose of acquiring such right-of-way the Minister shall, when necessary, have the power of expropriation of any lands required for the right-of-way, and may proceed with the expropriation in the manner provided in section 72.”

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

No. 26.

THIRD SESSION
NINTH LEGISLATURE

7 GEORGE VI

1943

BILL

An Act to amend The Water
Resources Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MACMILLAN.

EDMONTON:
A. Shnitka, King's Printer
1943