

# *The Irrigation Act, 1996*

*being*

Chapter I-14.1 of the *Statutes of Saskatchewan, 1996* (effective January 1, 1997) as amended by the *Statutes of Saskatchewan, 2000, c.52; 2002, c.S-35.02; 2004, c.58; 2005, c.S-35.03; 2008, c.14; 2013, c.32; and 2014, c.E-13.1.*

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.



## CHAPTER I-14.1

### An Act to Promote, Develop and Sustain Irrigation

#### PART I

#### Short title, Interpretation and Administration

##### Short title

1 This Act may be cited as *The Irrigation Act, 1996*.

##### Interpretation

2 In this Act:

- (a) “**Corporation**” means the Saskatchewan Water Corporation continued pursuant to *The Saskatchewan Water Corporation Act*;
- (b) “**Crown**” means the Crown in right of Saskatchewan;
- (c) “**department**” means the department over which the minister presides;
- (d) “**district board**” means the board of an irrigation district;
- (e) “**district consumer**” means a person who has a water service agreement with an irrigation district to receive irrigation services from the irrigation district;
- (f) “**ICDC**” means the Irrigation Crop Diversification Corporation established pursuant to section 40;
- (g) “**Indian band**” means a band within the meaning of the *Indian Act* (Canada), and includes the council of a band;
- (h) “**intensive irrigator**” means a person who owns or controls land that receives an allocation of water from the Crown for irrigation purposes of at least one acre foot of water per acre, or three cubic decametres of water per hectare, and who does not have a water service agreement with an irrigation district with respect to that land;
- (i) “**irrigation certificate**” means an irrigation certificate issued pursuant to section 30;
- (j) “**irrigation district**” means an irrigation district established pursuant to section 6 and includes an irrigation district continued pursuant to section 81;
- (k) “**irrigation services**” includes water supply, water disposal and educational services respecting irrigation, but does not include disposal of effluents;

- (l) **“irrigation works”** includes dykes, dams, weirs, drains, ditches, canals, pipelines, culverts, pipes, pumps, pump stations and any other facility used in the operation of an irrigation district;
- (m) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (n) **“person”** includes a partnership, association, Indian band or other organization;
- (o) **“water service agreement”** means a water service agreement approved pursuant to section 34;
- (p) **“water service charge”** means the amount charged by an irrigation district to a district consumer for providing irrigation services.

2004, c.58, s.3.

#### Minister's powers

3(1) The minister may:

- (a) subject to subsection (2), provide financial assistance by way of grant, loan, loan guarantee or other means to any irrigation district, person or body in Saskatchewan for all or any of the following purposes:
    - (i) developing the irrigation industry;
    - (ii) planning, developing, financing, constructing, operating, repairing, controlling, maintaining, altering, improving, extending, abandoning, removing or decommissioning irrigation works, water control works or water supply works;
    - (iii) promoting on-farm irrigation;
    - (iv) assisting with the removal of irrigation services to land no longer suitable for irrigation;
  - (b) subject to subsection (2), enter into agreements with any person or body, the Government of Canada or the government of any other province or jurisdiction of Canada respecting the operation, maintenance, rehabilitation, replacement, expansion, management, administration, development or promotion of irrigation, irrigation works, water control works or water supply works; and
    - (b.1) subject to subsection (2), enter into agreements with any person or body, the Government of Canada or the government of any other province or jurisdiction of Canada for any other purpose related to the administration of this Act or to fulfilling the purposes of this Act;
  - (c) **Repealed.** 2004, c.58, s.4.
- (2) The minister shall obtain the prior approval of the Lieutenant Governor in Council before providing any financial assistance pursuant to clause (1)(a) or entering into an agreement pursuant to clause (1)(b) or (b.1) pursuant to which the minister would incur an expense of more than \$100,000 or any other amount that the Lieutenant Governor in Council may prescribe.
- (3) The Crown may own, acquire, transfer, dispose of or operate irrigation works.

(4) The minister may transfer ownership of irrigation works from the Crown to an irrigation district if:

(a) the irrigation district requests the transfer of ownership from the Crown; and

(b) subject to the approval of the Lieutenant Governor in Council, in the minister's opinion, it is in the public interest to transfer ownership.

(5) Subject to subsection (6) and the approval of the Lieutenant Governor in Council, the minister, on his or her own initiative, may transfer ownership of irrigation works from the Crown to an irrigation district if, in the minister's opinion, it is in the public interest to transfer ownership.

(6) Before transferring ownership of irrigation works to an irrigation district pursuant to subsection (5), the minister shall consult with:

(a) the district board of the irrigation district; and

(b) any other persons that the minister considers appropriate.

(7) On transferring ownership of irrigation works to an irrigation district pursuant to subsection (4) or (5), the minister shall set any terms and conditions with which the irrigation district must comply if the irrigation district should subsequently wish to transfer the irrigation works or any interest in the irrigation works.

(8) If the Crown has transferred ownership of irrigation works to an irrigation district before the coming into force of this subsection, the irrigation district shall enter into a written agreement with the minister on or before March 31, 2007 respecting the terms and conditions on which the irrigation district may transfer the irrigation works or any interest in the irrigation works.

2002, c.S-35.02, s.108; 2004, c.58, s.4; 2008, c.14, s.3.

## PART II Irrigation Development Areas

**Repealed.** 2000, c.52, s.4.

## PART III Irrigation Districts ESTABLISHMENT

### Application to establish irrigation district

**5** Persons who wish to establish an irrigation district shall:

(a) apply to the minister in any manner that the minister considers appropriate; and

(b) supply the minister with any information the minister may require to determine whether or not to approve the application.

1996, c.I-14.1, s.5; 2002, c.S-35.02, s.125.

**Establishment of irrigation district**

6(1) On receipt of an application pursuant to section 5, the minister may, by order, establish the requested irrigation district if the minister considers it appropriate having regard to the following factors:

- (a) whether or not establishment of the irrigation district is in the best interests of the applicants and other land owners in the proposed irrigation district;
  - (b) whether or not the proposed irrigation services to be offered by the irrigation district are in the best interests of water utilization, preservation of water quality and long-term water use in, and economic diversification of, the proposed irrigation district.
- (2) Every order establishing an irrigation district is to include:
- (a) the name and number of the irrigation district; and
  - (b) the boundaries of area to be served by the irrigation district;
  - (c) **Repealed.** 2000, c.52, s.5.
- (3) The name of the irrigation district is to be “The (*name assigned by the minister*) Irrigation District, Inc.”.
- (4) **Repealed.** 2000, c.52, s.5.

1996, c.I-14.1, s.6; 2000, c.52, s.5; 2002, c.S-35.02, s.125.

**Establishment on minister’s initiative**

6.1(1) The minister, on his or her own initiative, may, by order:

- (a) establish an irrigation district; or
  - (b) amend the boundaries of an irrigation district.
- (2) Before establishing an irrigation district in accordance with subsection (1), the minister shall consult with:
- (a) the land owners in the proposed irrigation district; and
  - (b) any other persons that the minister considers appropriate.
- (3) Before amending the boundaries of an irrigation district in accordance with subsection (1), the minister shall consult with:
- (a) the district board of the irrigation district; and
  - (b) any other persons that the minister considers appropriate.

2002, c.S-35.02, s.109.

**Publication of establishment**

7(1) Within 60 days after the date an irrigation district is established pursuant to section 6 or 6.1, the minister shall publish a notice in the Gazette that sets out:

- (a) the name and number of the irrigation district; and
- (b) the date the irrigation district was established.

(2) Within 60 days after the date on which the boundaries of an irrigation district are amended pursuant to section 6.1, the minister shall publish a notice in the Gazette that sets out:

- (a) the name and number of the irrigation district; and
- (b) the date on which the boundaries of the irrigation district were amended.

1996, c.I-14.1, s.7; 2000, c.52, s.7; 2002, c.S-35.02, s.125.

## STATUS, OBJECTS AND POWERS

### **Irrigation district is a corporation**

**8** Every irrigation district is a corporation.

1996, c.I-14.1, s.8.

### **Irrigation district not an agent of the Crown**

**9** An irrigation district is not an agent of the Crown.

1996, c.I-14.1, s.9.

### **Members of irrigation district**

**10(1)** An irrigation district is composed of every district consumer in the irrigation district, and every district consumer in the irrigation district is a member of the irrigation district.

(2) Every member has the right:

- (a) to receive notice of and to appear at and vote at annual and special meetings of members; and
- (b) to obtain a copy of the irrigation district's financial statements and annual reports that it has submitted to the minister after paying a reasonable fee for making the copy.

1996, c.I-14.1, s.10; 2002, c.S-35.02, s.125.

### **Meetings**

**11(1)** An irrigation district shall hold at least one general meeting of its members in each fiscal year at a time and place designated by the chairperson of the district board.

(2) The chairperson shall call a special meeting of the members of the irrigation district on receipt of a written request specifying the purpose for the meeting signed by at least 25% of the members.

1996, c.I-14.1, s.11.

### **Objects and purposes**

**12** The objects and purposes of an irrigation district are:

- (a) to offer irrigation services to its district consumers and other persons in the irrigation district;
- (b) to promote irrigation services and the public utilization of irrigation works, water control works and water supply works in the irrigation district;

- (c) to co-operate with other irrigation districts, the minister and ICDC in promoting sustainable irrigation in Saskatchewan; and
- (d) to use the facilities, equipment and expertise of the irrigation district to maintain and promote the economic viability of the irrigation district.

1996, c.I-14.1, s.12; 2002, c.S-35.02, s.125; 2004, c.58, s.5.

#### Powers

**13** For the purpose of fulfilling its objects and purposes, an irrigation district may:

- (a) enter into any agreements with the minister, the Corporation or any person, agency, government or organization for any purpose related to:
  - (i) the exercise of the powers of the irrigation district; or
  - (ii) the carrying out of any of the irrigation district's objects and purposes;
- (b) provide irrigation services to its district consumers and other persons in the irrigation district;
- (c) subject to the other provisions of this Act and to *The Water Security Agency Act*, construct, acquire, establish, maintain and operate irrigation works, water control works and water supply works in the irrigation district;
- (d) acquire electrical or other power required to maintain and operate its irrigation works, water control works and water supply works in the irrigation district;
- (e) subject to section 17, establish and collect water service charges;
- (f) acquire any moneys or property that is necessary for or related to its objects and purposes;
- (g) subject to any restrictions imposed pursuant to subsection 3(7) or (8), dispose of any of its property that it no longer requires in any manner and on those terms that it considers appropriate;
- (h) manage, improve, cultivate and maintain any agricultural land that it owns or leases;
- (i) employ any staff that it considers necessary and determine the salary, duties and conditions of employment of its staff;
- (i.1) provide services to any person on a commercial basis using the facilities, equipment or expertise of the irrigation district, and charge fees for those services;
- (j) generally do and authorize the doing of any things that it considers incidental or conducive to exercising its powers or furthering its objects and purposes.

1996, c.I-14.1, s.13; 2002, c.S-35.02, s.110; 2004, c.58, s.6; 2005, c.S-35.03, s.107; 2013, c.32, s.8.



**Head office**

**14** Every irrigation district shall maintain its head office within the boundaries of the irrigation district or in a location adjacent to the boundaries of the irrigation district.

1996, c.I-14.1, s.14.

**Investment**

**15** The irrigation district may:

- (a) invest any part of the capital or operating moneys of the irrigation district in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of the investments in any manner, on any terms and in any amount that the irrigation district considers appropriate.

1996, c.I-14.1, s.15.

**Borrowing powers**

**16(1)** An irrigation district may borrow from time to time any sums of money that it requires for its purposes.

(2) An irrigation district may provide any guarantee or security that it considers appropriate respecting a loan.

(3) All borrowings pursuant to this section are to be from a bank, trust company or credit union or from any other entity or class of entities that may be prescribed in the regulations.

(4) No loan made pursuant to this section is to be guaranteed by the Minister of Finance, and the Government of Saskatchewan is not liable for the repayment of that loan or any interest, principal or premium respecting that loan.

2004, c.58, s.7.

**Establishment and approval of water service charges**

**17(1)** Every irrigation district shall do the things set forth in this section respecting each fiscal year.

(2) An irrigation district shall prepare an estimate of its total costs for the fiscal year, including:

- (a) its administrative costs for the irrigation district;
- (b) its costs of diverting, pumping, supplying, distributing and draining water, including any charges payable by the irrigation district pursuant to any Act for obtaining water or for the right to use water;
- (c) its costs of maintaining the irrigation district's irrigation works, water control works and water supply works;
- (d) any amounts that it requires to recover any losses in the previous fiscal year;
- (e) any amounts that it is required to collect pursuant to section 73 for the purposes of its irrigation replacement fund;

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- (f) the amount of any charges it is required to pay to ICDC; and
  - (g) any other costs that are prescribed in the regulations.
- (3) An irrigation district shall establish water service charges or a tariff of water service charges that is sufficient to cover its total costs in the fiscal year.
- (4) In establishing its water service charges or tariff of water service charges, an irrigation district shall take account of:
- (a) the costs of collecting water service charges;
  - (b) an allowance for potential losses in collecting water service charges;
  - (c) any revenues, other than water service charges, that the irrigation district is to receive in the fiscal year;
  - (d) any amounts that it chooses to allocate from surpluses in previous years; and
  - (e) any other factors that are prescribed in the regulations.
- (5) If requested by the minister, on or before the date set by the minister, an irrigation district shall forward to the minister, in a form acceptable to the minister:
- (a) the estimate of its total costs for the fiscal year;
  - (b) its proposed water service charges or tariff of water service charges for the fiscal year; and
  - (c) any other information respecting its expenses, revenues or water service charges that the minister may require.
- (6) No irrigation district shall levy any water service charges or tariff of water service charges until they are approved by the district board.
- (7) **Repealed.** 2000, c.52, s.9.

1996, c.I-14.1, s.17; 2000, c.52, s.9; 2002, c.S-35.02, s.111 and s.125; 2004, c.58, s.8.

**Fiscal year**

**18** The fiscal year of an irrigation district is the period determined by the district board.

2000, c.52, s.10.

**Audit**

**19(1)** An irrigation district shall appoint an auditor who shall audit the irrigation district's records, accounts and financial statements:

- (a) annually; and
  - (b) at any other times the irrigation district or the minister may direct.
- (2) An irrigation district shall appoint as auditor a person who is independent of the irrigation district.

1996, c.I-14.1, s.19; 2002, c.S-35.02, s.125.

**Annual report**

**20(1)** Within 90 days following the end of its fiscal year, an irrigation district shall:

- (a) prepare an annual report for the minister, in any form that may be required by the minister, respecting the irrigation district's business and affairs and the business and affairs of its irrigation replacement fund during the fiscal year; and
- (b) forward the annual report and its audited financial statements to the minister.

(2) An irrigation district shall keep its annual reports and audited financial statements available for public inspection during normal office hours of the irrigation district.

1996, c.I-14.1, s.20; 2000, c.52, s.11; 2002, c.S-35.02, s.125.

**Amendment**

**21(1)** An irrigation district may apply to the minister for an order amending the order establishing the irrigation district, respecting all or any of the following:

- (a) the name of the irrigation district;
- (b) the boundaries of the irrigation district;
- (c) **Repealed.** 2000, c.52, s.12.
- (d) the boundaries of any division within the irrigation district.

(2) On receipt of the application, the minister may approve the amendment and make the order applied for.

(3) Within 60 days after the making of an order pursuant to this section, the minister shall publish a notice in the Gazette that sets out the nature of the amendment and the date of the order.

1996, c.I-14.1, s.21; 2000, c.52, s.12; 2002, c.S-35.02, s.125.

**Amalgamation**

**22(1)** Two or more irrigation districts may apply to the minister to amalgamate.

(2) On receipt of an application pursuant to subsection (1), the minister may approve the amalgamation.

(3) An amalgamation is to be conducted in accordance with the regulations.

(4) Within 60 days after an amalgamation, the minister shall publish a notice of the amalgamation in the Gazette.

1996, c.I-14.1, s.22; 2002, c.S-35.02, s.125.

**Winding up of irrigation district**

23(1) An irrigation district may apply to the minister to be voluntarily wound up.

(2) The minister, on its own initiative, may wind up an irrigation district if the irrigation district:

- (a) fails to comply with the provisions of this Act or the regulations; or
- (b) has ceased to carry on business.

(3) The minister shall not wind up an irrigation district pursuant to clause (2)(a) without giving the district board an opportunity to be heard.

(4) If an irrigation district is wound up, the winding-up is to be conducted in accordance with the regulations.

(5) Within 60 days after winding up an irrigation district, the minister shall publish a notice of the winding-up in the Gazette.

1996, c.I-14.1, s.23; 2002, c.S-35.02, s.125.

## DISTRICT BOARD AND OFFICERS

**Composition of district board**

24(1) Subject to subsection (1.1), a district board consists of those members of the irrigation district who are elected by the members of the irrigation district in the manner set out in the irrigation district's bylaws.

(1.1) The minister:

- (a) in accordance with the regulations, may appoint one individual to the district board who is not a member of the irrigation district; and
- (b) is responsible for paying the remuneration of and reimbursing the individual appointed pursuant to clause (a) for expenses incurred in the performance of his or her duties as a member of the district board.

(2) The persons who applied to establish the irrigation district are the initial members of the district board.

(2.1) Where the minister establishes the irrigation district pursuant to section 6.1, the minister shall name the initial members of the district board.

(3) **Repealed.** 2000, c.52, s.13.

(4) The district board shall direct the affairs and business of the irrigation district.

(5) Subject to clause (1.1)(b), a board member is entitled to be reimbursed by the irrigation district for his or her reasonable expenses if:

- (a) the board member submits a statement to the district board detailing the expenses; and
- (b) the district board is satisfied that the expenses are reasonable and were incurred for the purposes of attending to the business of the irrigation district.

1996, c.I-14.1, s.24; 2000, c.52, s.13; 2002, c.S-35.02, s.125; 2004, c.58, s.9.

**Officers**

**25(1)** A district board shall choose from its members:

- (a) a chairperson; and
- (b) a vice-chairperson.

(2) Where the chairperson is absent or unable to act or the office of chairperson is vacant, the vice-chairperson may exercise all the powers and shall perform all the duties of the chairperson.

(3) A district board may appoint other officers from its members.

1996, c.I-14.1, s.25.

**Bylaws**

**26(1)** A district board may make bylaws respecting the voting rights of members, the election of the district board, its own procedures and the management and business of the irrigation district.

(2) Bylaws made by a district board remain in effect until confirmed, ratified, revoked or amended by the members of the irrigation district at the next meeting of the members following the making of the bylaws.

(3) A district board shall:

- (a) keep a copy of all its bylaws available for public inspection at its head office during normal business hours of the irrigation district; and
- (b) promptly forward to the minister a copy of each bylaw and amendment to each bylaw made by the board.

1996, c.I-14.1, s.26; 2002, c.S-35.02, s.125.

**Quorum**

**27** The quorum of a district board is a majority of the board members then in office.

1996, c.I-14.1, s.27.

**Committees**

**28** A district board may:

- (a) appoint any committees that it considers necessary for the efficient conduct of the affairs and business of the irrigation district;
- (b) prescribe the duties of any committee it appoints; and
- (c) fix the allowances for expenses of members of any committee it appoints.

2004, c.58, s.10.

**Governance**

**28.1** A district board shall govern itself in accordance with this Act, any regulations made pursuant to this Act, and its bylaws.

2004, c.58, s.10.

PART IV  
Irrigation Services

**Irrigation services – irrigation district**

**29(1)** No irrigation district shall supply irrigation services to a person using irrigation works not owned by the irrigation district unless the irrigation district has an agreement with the Corporation or the minister respecting the operation, maintenance and replacement of the irrigation works.

(2) Subject to section 29.1, no person shall request irrigation services from an irrigation district and no irrigation district shall supply irrigation services to a person unless:

- (a) that person:
  - (i) is the owner of the land to be irrigated or has obtained the written consent of the owner to the irrigation services; and
  - (ii) has a water service agreement with the irrigation district; and
- (b) pursuant to section 30, the minister has:
  - (i) issued an irrigation certificate for the land that is to be irrigated; or
  - (ii) determined that an irrigation certificate is not required for the land for the irrigation services being proposed.

2004, c.58, s.11.

**Transitional – water supply contracts**

**29.01(1)** In this section, “**water supply contract**” means a water supply contract that:

- (a) was entered into between the Corporation and an irrigation district pursuant to subsection 29(1), as that subsection existed on the day before the coming into force of this section; and
  - (b) is in effect at the time of the coming into force of this section.
- (2) All water supply contracts continue in effect according to their terms.
- (3) The Corporation may, without the consent of the irrigation district, assign a water supply contract in whole or in part to the minister.
- (4) With respect to irrigation works owned by the Crown and operated by an irrigation district pursuant to a water supply contract that has been assigned to the minister pursuant to subsection (3), on the expiration of that water supply contract, the irrigation district must enter into an agreement with the minister in accordance with subsection 29(1).

2002, c.S-35.02, s.113; 2004, c.58, s.12.

**Continuation of irrigation services without irrigation certificate**

**29.1(1)** Notwithstanding section 29, a person is not required to obtain an irrigation certificate to continue receiving irrigation services from an irrigation district for land that:

- (a) was receiving irrigation services from an irrigation district as at January 1, 1997; and
  - (b) continues to receive irrigation services from an irrigation district.
- (2) No action or proceeding lies or shall be instituted against the Crown, the minister, the Corporation, any member of the Corporation, any officer or employee of the department or the Corporation, any irrigation district, district board or any officer or employee of an irrigation district for any damage or loss resulting from irrigation services that are continued in accordance with subsection (1).

2000, c.52, s.14; 2002, c.S-35.02, s.114; 2004, c.58, s.13.

**Application for and issue of irrigation certificate**

**30(1)** A person who wishes to obtain an irrigation certificate with respect to land to be developed for irrigation shall:

- (a) if he or she is not the owner of the land, obtain the written consent of the owner to the irrigation services;
  - (b) apply to the minister in a form and manner satisfactory to the minister; and
  - (c) pay the fee prescribed in the regulations.
- (2) On receipt of an application pursuant to subsection (1), the minister shall determine whether or not:
- (a) the land that is the subject of the application is suitable for irrigation; and
  - (b) any damage to other lands will be caused by irrigating that land.
- (3) If the minister is satisfied that it is appropriate to do so based on the criteria mentioned in subsection (2), the minister may issue an irrigation certificate for the land that is the subject of the application, on any terms and conditions that the minister considers appropriate.
- (4) If the proposed irrigation services that are the subject of an application will use less than the minimum annual amount of water that is prescribed in the regulations, the minister may determine that an irrigation certificate is not required for the land for those irrigation services.
- (5) If the minister issues an irrigation certificate before, on or after this subsection comes into force, the minister may register an interest based on that irrigation certificate against title to the land in the Land Titles Registry.

(6) If an interest based on an irrigation certificate is registered pursuant to subsection (5), in addition to having the effect of registration set out in *The Land Titles Act, 2000*, the irrigation certificate and the terms and conditions set out in the irrigation certificate run with the land and are binding on:

- (a) the registered owner of the land against which the irrigation certificate is registered;
- (b) any person who acquires an interest in the land subsequent to the registration of the interest based on the irrigation certificate; and
- (c) any person who from time to time conducts irrigation on the land.

(7) The registration of an interest based on an irrigation certificate is not subject to lapse pursuant to section 63 of *The Land Titles Act, 2000*.

(8) Every irrigation certificate that is in effect on the day before this subsection comes into force continues in effect on and after the day on which this subsection comes into force for the land for which the irrigation certificate is issued until the irrigation certificate is cancelled pursuant to this Act.

1996, c.I-14.1, s.30; 2000, c.52, s.15; 2002, c.S-35.02, s.125; 2004, c.58, s.14.

#### Terms on irrigation certificates

**31(1)** When issuing or renewing an irrigation certificate or at any subsequent time, the minister may impose any terms that the minister considers appropriate.

(2) No person conducting irrigation on land that is subject to an irrigation certificate shall fail to comply with any term or condition imposed on the irrigation certificate.

1996, c.I-14.1, s.31; 2002, c.S-35.02, s.125; 2004, c.58, s.15.

**32 Repealed.** 2004, c.58, s.16.

#### Cancellation of irrigation certificate

**33(1)** The minister may cancel an irrigation certificate if, in the minister's opinion:

- (a) the land for which the irrigation certificate has been issued is no longer suitable for irrigation;
- (b) the operation of the irrigation works on the land for which the irrigation certificate has been issued is causing damage to other lands;
- (c) any person fails to comply with any provision of this Act or the regulations in relation to the land for which the irrigation certificate has been issued or with any term or condition of the irrigation certificate; or
- (d) it is no longer in the public interest for the land for which an irrigation certificate has been issued to be certified for irrigation purposes.

(2) The minister shall not cancel an irrigation certificate without giving the owner of the land for which the irrigation certificate has been issued and any other person whom the minister considers affected by the proposed cancellation an opportunity to be heard.



(3) If the minister has registered an interest in the Land Titles Registry based on an irrigation certificate and the minister cancels the irrigation certificate, the minister shall apply to the Land Titles Registry to discharge the registration of that interest.

2004, c.58, s.17.

**Water service agreements**

**34(1)** Every water service agreement with an irrigation district is to set out:

- (a) the irrigation services to be provided by the irrigation district;
- (b) the consent of the owner to the irrigation services, if the district consumer is not the owner of the land; and
- (c) any other provisions that the irrigation district and the district consumer agree on and that are not inconsistent with this Act, the regulations or any terms imposed on the irrigation certificate issued for the land being irrigated or to be irrigated.

(2) An irrigation district shall use only the form of water service agreement that has been approved by the minister.

1996, c.I-14.1, s.34; 2002, c.S-35.02, s.125; 2004, c.58, s.18.

**Water service master record**

**35(1)** Every irrigation district shall maintain at its head office a water service master record that sets out, for each district consumer:

- (a) the type of water service charges the district consumer is required to pay to the irrigation district;
- (b) the irrigation services to be provided to the district consumer; and
- (c) any other information that is prescribed in the regulations.

(2) **Repealed.** 2004, c.58, s.19.

(3) An irrigation district shall keep its water service master record available for public inspection during normal office hours of the irrigation district.

1996, c.I-14.1, s.35; 2004, c.58, s.19.

**Payment of water service charges**

**36(1)** Every district consumer who receives irrigation services shall pay the required water service charges for those irrigation services.

(2) All water service charges payable by a district consumer are a debt due to the irrigation district.

## c. I-14.1

## IRRIGATION, 1996

- (3) If a district consumer fails to pay the required water service charges, the irrigation district may do one or both of the following:
- (a) terminate irrigation services to, and suspend or cancel any water service agreement with, the district consumer;
  - (b) bring an action in a court of competent jurisdiction to recover the water service charges that are due.
- (4) If the district board considers that hardship or injustice would otherwise arise, the district board may relieve any district consumer from paying all or any part of the water service charges otherwise payable by that district consumer.
- (5) If an irrigation district brings an action in a court of competent jurisdiction to recover the water service charges, an entry in the irrigation district's water service master record respecting the amount of the water service charges due is admissible in evidence as proof, in the absence of evidence to the contrary, of the amount of water service charges due.
- (6) Water service charges are deemed to be taxes for the purposes of *The Tax Enforcement Act* and, in addition to any other remedy the irrigation district may have for collecting water service charges, the irrigation district has all the rights and responsibilities for the collection of arrears of water service charges as are prescribed pursuant to that Act for a rural municipality and its officers for the collection of arrears of taxes.

1996, c.I-14.1, s.36.

**Termination of irrigation services**

- 37(1)** The minister may direct an irrigation district to terminate irrigation services to a district consumer if the minister considers that:
- (a) the land that is receiving the irrigation services is not suitable for irrigation; or
  - (b) damage to other lands is being caused by irrigating that land.
- (2) The minister shall not issue a direction pursuant to subsection (1) without giving the irrigation district and the district consumers affected an opportunity to be heard.
- (3) No district consumer and no irrigation district shall fail to comply with a direction of the minister pursuant to this section.
- (4) **Repealed.** 2000, c.52, s.16.

1996, c.I-14.1, s.37; 2000, c.52, s.16; 2002, c.S-35.02, s.125.

**Areas not served by irrigation districts**

**38(1)** No person shall irrigate land in an area not served by an irrigation district without ensuring that the minister has:

- (a) issued an irrigation certificate for the land being irrigated or to be irrigated; or
  - (b) pursuant to subsection 30(4), determined that an irrigation certificate is not required for the land for those irrigation services.
- (2) Notwithstanding subsection (1), a person is not required to obtain certification for land that was being irrigated as at January 1, 1997 and has continued to be irrigated since that date.
- (3) No action or proceeding lies or shall be instituted against the Crown, the minister, the Corporation, any member of the Corporation, or any officer or employee of the department or the Corporation for any damage or loss resulting from irrigation continued in accordance with subsection (2).
- (4) The minister may require a person to cease irrigating if the minister considers that:
- (a) the land that is being irrigated is not suitable for irrigation; or
  - (b) irrigating that land is causing damage to other lands.
- (5) The minister shall not require a person to cease irrigating pursuant to subsection (4) without giving the person affected an opportunity to be heard.
- (6) No person who has been required by the minister to cease irrigating any land pursuant to subsection (4) shall continue to irrigate that land.

2004, c.58, s.20.

## PART V

### Irrigation Crop Diversification Corporation

**Interpretation of Part**

**39** In this Part, “**federal-provincial agreement**” means an agreement entered into pursuant to section 56, as amended, supplemented or replaced from time to time.

1996, c.I-14.1, s.39.

**ICDC established**

**40(1)** The Irrigation Crop Diversification Corporation is established as a corporation.

(2) ICDC is the abbreviated name of the Irrigation Crop Diversification Corporation and the abbreviation, when used, has the same legal effect and meaning as the full name of the Irrigation Crop Diversification Corporation.

1996, c.I-14.1, s.40.

**c. I-14.1****IRRIGATION, 1996****ICDC not an agent of the Crown**

**41** ICDC is not an agent of the Crown.

1996, c.I-14.1, s.41.

**Members**

**42** Subject to the regulations, the membership of ICDC shall be composed of all district consumers and all intensive irrigators.

2004, c.58, s.21.

**Objects and purposes of ICDC**

**43** The objects and purposes of ICDC are the following:

- (a) to research and demonstrate to producers and irrigation districts profitable agronomic practices for irrigated crops;
- (b) to develop or assist in developing varieties of crops suitable for irrigated conditions;
- (c) to provide land, facilities and technical support to researchers to conduct research into irrigation technology, cropping systems and soil and water conservation measures under irrigation and to provide information respecting that research to district consumers, irrigation districts and the public;
- (d) to co-operate with the minister in promoting and developing sustainable irrigation in Saskatchewan.

1996, c.I-14.1, s.43; 2002, c.S-35.02, s.116; 2004, c.58, s.22.

**Powers of ICDC**

**44** For the purpose of fulfilling its objects and purposes, ICDC may:

- (a) receive and deposit funds from any person, agency, government or organization;
- (b) enter into any agreements with the minister or any person, agency, government or organization for any purpose related to:
  - (i) the exercise of the powers of ICDC; or
  - (ii) the carrying out of any of ICDC's objects and purposes;
- (c) engage the services of or retain any technical, professional or other advisers, specialists or consultants that ICDC considers necessary respecting its objects and purposes and powers, and pay their reasonable fees and expenses;
- (d) acquire any property that is necessary for or related to its objects and purposes;
- (e) dispose of any of its property that it no longer requires in any manner and on those terms that it considers appropriate;
- (f) subject to sections 53 and 54, impose annual charges that it considers appropriate for the services it provides;
- (g) do all of the things that ICDC considers necessary, incidental or conducive to meeting its objects and purposes or to exercising its powers.

1996, c.I-14.1, s.44; 2002, c.S-35.02, s.125.

**Head office**

**45** ICDC shall maintain its head office within Saskatchewan.

1996, c.I-14.1, s.45.

**Board of ICDC**

**46(1)** A board of directors shall manage the affairs and business of ICDC.

(1.1) Subject to subsection (1.2), the board shall be composed of the following members:

- (a) two members appointed by the Lieutenant Governor in Council;
- (b) the members appointed in accordance with the federal-provincial agreement or any other agreement with any person respecting the appointment of members to the board of ICDC;
- (c) any other members who are district consumers or intensive irrigators who are appointed or elected in accordance with the regulations.

(1.2) A majority of the members of the board must be district consumers, intensive irrigators or a combination of district consumers and intensive irrigators.

(1.3) If a member of the board appointed by the Lieutenant Governor in Council is absent or unable to perform his or her duties on the board, the Lieutenant Governor in Council may appoint a person to act as a temporary member of the board during the other member's absence or disability.

(2) The board shall choose from its members:

- (a) a chairperson or, if required by the federal-provincial agreement, co-chairpersons; and
- (b) a vice-chairperson.

(3) Where the chairperson is absent or unable to act or the office of chairperson is vacant, the vice-chairperson may exercise all the powers and shall perform all the duties of the chairperson.

(4) The chairperson shall:

- (a) preside over all meetings of the board; and
- (b) perform all the duties that may be imposed on, and may exercise all the powers that may be assigned to, the chairperson by resolution of the board.

(5) Where the chairperson and the vice-chairperson are absent or unable to act at a meeting, the board members who are present may choose another member to act as chairperson for the purposes of that meeting.

(6) The quorum of the board is a majority of the board members then in office.

**c. I-14.1**

## IRRIGATION, 1996

(7) A board member, other than one appointed by the Lieutenant Governor in Council or the Government of Canada, is entitled to be reimbursed for his or her reasonable expenses to be paid by ICDC, or by the minister pursuant to an agreement with ICDC, if:

- (a) the board member submits to the board or the minister, as the case may be, a statement detailing the expenses; and
- (b) the board or the minister, as the case may be, is satisfied that the expenses are reasonable and were incurred for the purposes of attending to the business of ICDC.

(8) A board member, other than one appointed by the Lieutenant Governor in Council or the Government of Canada, is entitled to remuneration at a rate fixed by ICDC.

1996, c.I-14.1, s.46; 2004, c.58, s.23.

**Committees**

**47** The board may:

- (a) appoint any committees that it considers necessary for the efficient conduct of the affairs and business of ICDC;
- (b) prescribe the duties of any committee it appoints; and
- (c) fix the allowances for expenses of members of any committee it appoints.

2004, c.58, s.24.

**Bylaws**

**48(1)** The board may make bylaws respecting:

- (a) its own procedures;
- (b) the management and business of ICDC.

(2) Any bylaws made, amended or repealed by the board are not in effect until approved by the members of ICDC and the minister.

(3) ICDC shall keep a copy of all its bylaws available for public inspection at its head office during normal business hours of ICDC.

1996, c.I-14.1, s.48; 2002, c.S-35.02, s.125; 2004, c.58, s.25.

**Fiscal year**

**49** The fiscal year for ICDC is the period commencing on April 1 in one year and ending on March 31 of the following year.

1996, c.I-14.1, s.49.

**Investment**

**50** ICDC may:

- (a) invest any part of the capital or operating moneys of ICDC in any security or class of securities authorized for investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of the investments in any manner, on any terms and in any amount that ICDC considers appropriate.

1996, c.I-14.1, s.50.

**Audit**

**51(1)** ICDC shall appoint an auditor who shall audit ICDC's records, accounts and financial statements:

- (a) annually; and
- (b) at any other times that ICDC or the minister may direct.

(2) ICDC shall appoint as an auditor a person who is independent of ICDC.

1996, c.I-14.1, s.51; 2002, c.S-35.02, s.125.

**Annual report**

**52(1)** In each fiscal year, ICDC shall submit to the minister, in accordance with section 13 of *The Executive Government Administration Act*:

- (a) a report on the business of ICDC for its preceding fiscal year; and
- (b) a financial statement on the business of ICDC for its preceding fiscal year.

(2) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report and financial statement that the minister receives.

1996, c.I-14.1, s.52; 2014, c.E-13.1, s.62.

**Annual ICDC charges**

**53(1)** On or before the start of each fiscal year, ICDC shall determine an annual charge to be paid to ICDC by all irrigation districts and intensive irrigators.

(2) The total of the annual charges levied pursuant to subsection (1) must be sufficient to cover ICDC's objects and purposes for the fiscal year.

(3) On or before the date set by the minister, ICDC shall forward to the minister, in a form acceptable to the minister:

- (a) a schedule of its annual charges for the fiscal year; and
- (b) any other information respecting its expenses, revenues or annual charges that the minister may require.

(4) ICDC shall not levy any annual charges until they are approved by the minister pursuant to section 54.

1996, c.I-14.1, s.53; 2000, c.52, s.18; 2002, c.S-35.02, s.117 and s.125; 2004, c.58, s.26.

**c. I-14.1****IRRIGATION, 1996****Approval of annual charges**

**54(1)** On receipt of the information mentioned in section 53, the minister shall review the information.

(2) Where the minister is satisfied that ICDC's schedule of annual charges will be sufficient to pay for ICDC's objects and purposes for the fiscal year, the minister shall approve the schedule.

1996, c.I-14.1, s.54; 2002, c.S-35.02, s.125; 2004, c.58, s.27.

**Requirement to pay annual charges**

**55(1)** No irrigation district or intensive irrigator shall fail to pay any annual charge that is levied by ICDC.

(2) Any annual charges that are not paid by an irrigation district or intensive irrigator are a debt due to ICDC and may be collected by ICDC in a court of competent jurisdiction.

1996, c.I-14.1, s.55; 2000, c.52, s.19; 2002, c.S-35.02, s.118; 2004, c.58, s.28.

**Refund of annual charges**

**55.1(1)** A person who pays, either directly or through an irrigation district, an annual charge levied by ICDC, and who wishes to obtain a refund of the annual charge must submit a written request for the refund to ICDC:

- (a) on or before the date set by ICDC; and
- (b) in accordance with any terms and conditions that may be prescribed in the regulations.

(2) Where ICDC receives a request for a refund of an annual charge pursuant to subsection (1), ICDC shall refund the annual charge to the person:

- (a) within 90 days after receiving the request; and
- (b) in accordance with any terms and conditions that may be prescribed in the regulations.

2000, c.52, s.20.

**Federal-provincial agreement**

**56(1)** The Lieutenant Governor in Council may authorize the minister to enter into an agreement with the Government of Canada respecting the establishment or operation of ICDC.

(2) The agreement mentioned in subsection (1) may contain provisions respecting:

- (a) the purposes and functions of ICDC;
- (b) any contributions by the Government of Canada and the Government of Saskatchewan to ICDC;



- (c) the appointment of members to ICDC;
- (d) the choosing of the chairperson or any co-chairpersons;
- (e) the winding up of ICDC and the distribution of assets on winding-up; and
- (f) any other matters the Lieutenant Governor in Council considers relevant.

1996, c.I-14.1, s.56.

## PART VI

### The Saskatchewan Irrigation Projects Association

**Repealed.** 2004, c.58, s.29.

## PART VII

### Irrigation Replacement Funds

#### Establishment and use of irrigation replacement funds

**73(1)** Every irrigation district shall:

- (a) establish an irrigation replacement fund for the purpose of renewing or replacing its irrigation works, water control works and water supply works; and
  - (b) based on the projected useful life of its irrigation works, water control works and water supply works, levy, on an annual basis, an amount to be deposited into the irrigation replacement fund that will be sufficient to renew or replace those works when necessary.
- (2) Every district shall keep the moneys in its irrigation replacement fund separate from its other moneys and may use the moneys in its irrigation replacement fund only for the purpose of renewing or replacing its irrigation works, water control works and water supply works and only after consulting with the minister.

1996, c.I-14.1, s.73; 2002, c.S-35.02, s.125; 2004, c.58, s.30.

#### Moneys in irrigation replacement fund

**74** An irrigation replacement fund consists of:

- (a) moneys paid into it by the irrigation district, including moneys to be paid from the portion of the irrigation district's water service charges that are for the irrigation replacement fund; and
- (b) moneys earned from investments of the irrigation replacement fund.

1996, c.I-14.1, s.74.

**75 Repealed.** 2004, c.58, s.31.

**PART VIII**  
**General**

**Appeals**

**76(1)** Any person who is aggrieved by a decision of the minister pursuant to this Act may appeal that decision, on a question of law only, to a judge of the Court of Queen's Bench.

(2) An appeal pursuant to subsection (1) must be brought within 30 days after the date of the decision appealed from.

1996, c.I-14.1, s.76; 2002, c.S-35.02, s.121.

**Prohibition on using irrigation works**

**77(1)** No person, other than a district consumer of an irrigation district, shall:

(a) use the irrigation district's irrigation works, water control works or water supply works; or

(b) take any water from, or deposit any water in, an irrigation district's irrigation works, water control works or water supply works.

(2) If a person contravenes this section, the irrigation district, in addition to any other penalty to which that person is liable pursuant to this Act, may levy a charge, in an amount the irrigation district considers reasonable, to compensate the irrigation district for its costs associated with:

(a) the use of the irrigation district's irrigation works, water control works or water supply works; or

(b) taking water from, or depositing water in, the irrigation works, water control works or water supply works.

(3) Any charge levied by an irrigation district pursuant to this section is a debt due to the irrigation district and may be recovered by the irrigation district in a court of competent jurisdiction.

1996, c.I-14.1, s.77.

**Offences**

**78** Any person who contravenes any provision of this Act is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000.

1996, c.I-14.1, s.78.

**Non-compliance**

**78.01** Notwithstanding any other Act or law, if an irrigation district fails to comply with any provision of this Act or any regulations made pursuant to this Act, the minister may refuse to make any grant or to provide any other financial assistance to the irrigation district for which the irrigation district might otherwise qualify.

2004, c.58, s.32.

**Immunity**

**78.1** No action lies or shall be instituted against the Crown, the minister, the Corporation, any member of the Corporation, or any officer or employee of the department or the Corporation for any loss or damage suffered by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

2000, c.52, s.25; 2002, c.S-35.02, s.122.

**Regulations**

**79** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
  - (a.1) for the purposes of subsection 16(3), prescribing any other entity or class of entities from which an irrigation district may borrow money;
  - (a.2) for the purposes of subsection 24(1.1), respecting appointments by the minister to district boards;
  - (a.3) governing the practice and procedure of district boards;
- (b) prescribing costs that an irrigation district is to consider when preparing its estimate of total costs for a fiscal year;
- (c) prescribing any factors an irrigation district is to consider when establishing its water service charges or tariff of water service charges;
- (d) respecting the winding-up of an irrigation district;
- (e) respecting the amalgamation of irrigation districts;
- (f) prescribing fees payable pursuant to this Act;
- (g) prescribing information an irrigation district is to maintain for public inspection;
- (h) **Repealed.** 2004, c.58, s.33.
- (i) **Repealed.** 2004, c.58, s.33.
- (j) **Repealed.** 2004, c.58, s.33.
  - (j.1) for the purposes of subsection 30(4), prescribing the minimum annual amount of water;
  - (j.2) **Repealed.** 2004, c.58, s.33.
- (k) respecting the membership of ICDC;
  - (k.1) prescribing the terms and conditions on which:
    - (i) pursuant to subsection 55.1(1) a person may request a refund of the annual charge levied by ICDC; and
    - (ii) pursuant to subsection 55.1(2) ICDC shall refund the annual charge;

- (l) prescribing any other matter or thing that is required or authorized to be prescribed by this Act in the regulations;
- (m) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1996, c.I-14.1, s.79; 2000, c.52, s.26; 2002,  
c.S-35.02, s.123; 2004, c.58, s.33.

## PART IX Repeals, Transitional and Coming into force

### Repeals

- 80(1) *The Irrigation Districts Act* is repealed.
- (2) *The South Saskatchewan River Irrigation Act* is repealed.
- (3) *The Water Users Act* is repealed.

1996, c.I-14.1, s.80.

### Transitional

- 81(1) Any associations or irrigation districts that were established pursuant to any of the Acts being repealed pursuant to section 80, as those Acts existed on the day before the coming into force of this section, are continued as irrigation districts pursuant to this Act and may be dealt with as if they were established pursuant to this Act.
- (2) On the coming into force of this Act, the Corporation shall assign a new name and number to each irrigation district being continued pursuant to subsection (1).
- (3) Notwithstanding the terms of any agreement in force between the Corporation and an irrigation district that is in force on the coming into force of this Act, if there is any conflict between the terms of that agreement and the provisions of this Act and the regulations made pursuant to this Act, the provisions of this Act and the regulations prevail.
- (4) Notwithstanding the repeal of *The South Saskatchewan River Irrigation Act* pursuant to subsection 80(2), section 24 of that Act, as that section existed on the day before the coming into force of this section, continues to apply to persons who on that day are governed by section 24 of that Act.

1996, c.I-14.1, s.81.

### Transitional re certificates, orders and approvals

81.1 Every irrigation certificate, order and approval issued by the Corporation that is in force at the time of the coming into force of this section:

- (a) is continued; and
- (b) may be dealt with by the minister pursuant to this Act as if it had been issued by the minister pursuant to this Act.

2002, c.S-35.02, s.124.