

2002

CHAPTER S-35.02

An Act respecting Water Rights and the Saskatchewan Watershed Authority and making consequential amendments to certain Acts

TABLE OF CONTENTS

PART I		30 Temporary borrowing
Short Title and Interpretation		31 Charge on revenue
1 Short title		32 Guarantee by Saskatchewan
2 Interpretation		33 Investments
PART II		34 Fiscal year
Saskatchewan Watershed Authority		35 Audit
3 Corporation continued		36 Annual report
4 Membership		
5 Mandate and purposes		PART V
6 General powers		Water Rights
7 Crown agent		DIVISION 1
8 Responsible to minister		Crown Water Rights and
9 Head office		Water Rights Licences
10 Capacity to contract		37 Water vested in Crown
11 Common seal		38 Water rights licence
12 Liability in tort		39 Application for licence
PART III		40 Refusals
Administration		41 Cancellation, amendment or suspension of licence
13 Board of directors		42 Cancellation of grant of right to use water
14 Officers		43 Prohibitions in relation to water
15 Remuneration and reimbursement		44 Exceptions
16 Staff and consultants		45 Diversion and use of water prohibited
17 Superannuation and other plans		46 Civil action for diversion of certain surface water
18 Application of <i>The Public Service Act, 1998, etc.</i>		DIVISION 2
19 Supplies and additional staff		Corporation's Works
20 Advisory committees		47 Power to construct works outside municipalities, on provincial highways, etc.
21 Acquisition and disposal of property		48 Power to construct works inside municipalities
22 Acquisition of securities		49 Power to enter on adjoining lands
23 Acquisition of extra-provincial powers		DIVISION 3
24 Expropriation		Approval for Works
25 Acquisition by purchase		50 Approval for works required
PART IV		51 Material to be filed with application for approval
Financial Matters		52 Publication of notice
26 Appropriation		
27 Revenues pursuant to <i>The Water Power Act</i>		
28 Borrowing powers of Minister of Finance		
29 Borrowing power of corporation		

- 53 Approval for construction or operation of works
- 54 Replacement of certain licences with approvals
- 55 Registration of approval notice – lands governed by *The Land Titles Act*
- 56 Registration of approval notice – lands governed by *The Land Titles Act, 2000*
- 57 Easements – land governed by *The Land Titles Act*
- 58 Easements – land governed by *The Land Titles Act, 2000*
- 59 Non-application of sections 55 to 58
- 60 Public highways
- 61 Inspection of works
- 62 Cancellation, amendment or suspension of approval
- 63 Compensation if approval cancelled for public interest

DIVISION 4

Complaints re Drainage Works

- 64 Filing of complaint
- 65 Notice of complaint and investigation
- 66 Hearings
- 67 Powers pursuant to *The Public Inquiries Act*
- 68 Copy of decision
- 69 Order relating to decisions
- 70 Failure to comply with order
- 71 Mediation of damage claim
- 72 Powers of entry re duties and powers of corporation

PART VI

Reservoir Land Use

- 73 Interpretation of Part
- 74 Regulations designating reservoir development areas and special flood hazard areas
- 75 Restrictions in designated areas or proposed designated areas
- 76 Bylaws

PART VII

Grants of Water Rights

- 77 Property in water not transferred by grant of land
- 78 Right of diversion not vested in owner
- 79 Existing rights preserved
- 80 Framework Agreement implications
- 81 Offence and penalty
- 82 Limitation period on prosecutions

PART IX

General

- 83 Licences and approvals not affected
- 84 Appeals to Water Appeal Board

- 85 Immunity
- 86 Bonding
- 87 Inspection of records
- 88 Use of property
- 89 Powers to enforce rates, etc.
- 90 Powers of entry re removal of illegal dam
- 91 Crown bound

PART X

Regulations

- 92 Regulations

PART XI

Repeal and Transitional

- 93 O.C. 29/90 repealed
- 94 Employee transfers
- 95 Transitional re *The Water Corporation Act*
- 96 Transitional re Saskatchewan Wetland Conservation Corporation

PART XII

Consequential Amendments

DIVISION 1

The Builder's Lien Act

- 97 S.S. 1984-85-86, c.B-7.1, section 2 amended

DIVISION 2

The Conservation and Development Act

- 98 R.S.S. 1978, c.C-27 amended
- 99 Section 2 amended
- 100 Section 9 amended
- 101 Section 12 amended
- 102 Section 24 amended

DIVISION 3

The Ground Water Conservation Act

- 103 R.S.S. 1978, c.G-8 amended
- 104 Section 2 amended
- 105 Section 13 amended

DIVISION 4

The Irrigation Act, 1996

- 106 S.S. 1996, c.I-14.1 amended
- 107 Section 2 amended
- 108 New section 3
- 109 New section 6.1
- 110 Section 13 amended
- 111 Section 17 amended
- 112 Section 29 amended
- 113 New section 29.01
- 114 Section 29.1 amended
- 115 New section 38
- 116 Section 43 amended
- 117 Section 53 amended
- 118 Section 55 amended
- 119 Section 59 amended

- 120 Section 60 amended
121 Section 76 amended
122 Section 78.1 amended
123 Section 79 amended
124 New section 81.1
125 Certain sections amended

DIVISION 5
The Land Titles Act

- 126 R.S.S. 1978, c.L-5 amended
127 Section 57 amended
128 Section 69 amended
129 Section 107 amended

DIVISION 6
The Meewasin Valley Authority Act

- 130 S.S. 1979, c.M-11.1, section 81 amended

DIVISION 7
*The Municipality Improvements
Assistance (Saskatchewan) Act*

- 131 R.S.S. 1978, c.M-30, new section 6

DIVISION 8
The Northern Municipalities Act

- 132 S.S. 1983, c.N-5.1 amended
133 Section 109 amended
134 Section 145.08 amended

DIVISION 9
The Parks Act

- 135 S.S. 1986, c.P-1.1, section 27 amended

DIVISION 10
The Planning and Development Act, 1983

- 136 S.S. 1983-84, c.P-13.1 amended
137 Section 142 amended
138 Section 192 amended

DIVISION 11
The Provincial Lands Act

- 139 R.S.S. 1978, c.P-31 amended
140 Section 10 amended
141 Section 16 amended

DIVISION 12
The Public Works Act

- 142 R.S.S. 1978, c.P-46 amended
143 Section 10 amended
144 Section 11 amended
145 Section 15 amended

DIVISION 13
The Rural Municipality Act, 1989

- 146 S.S. 1989-90, c.R-26.1 amended
147 Section 204 amended
148 Section 235 amended

DIVISION 14
The Tax Enforcement Act

- 149 R.S.S. 1978, c.T-2, section 27 amended

DIVISION 15
*The Treaty Land Entitlement
Implementation Act*

- 150 S.S. 1993, c.T-20.1, section 2 amended

DIVISION 16
The Urban Municipality Act, 1984

- 151 S.S. 1983-84, c.U-11 amended
152 Section 144 amended
153 Section 190 amended

DIVISION 17
The Wakamow Valley Authority Act

- 154 S.S. 1980-81, c.W-1.1, section 75 amended

DIVISION 18
The Wascana Center Act

- 155 R.S.S. 1978, c.W-4, section 11 amended

DIVISION 19
The Water Appeal Board Act

- 156 S.S. 1983-84, c.W-4.01 amended
157 Section 2 amended
158 Section 11 amended

DIVISION 20
The Water Power Act

- 159 R.S.S. 1978, c.W-6 amended
160 Section 2 amended
161 Section 11 amended
162 New section 19

DIVISION 21
The Watershed Associations Act

- 163 R.S.S. 1978, c.W-11 amended
164 Section 2 amended
165 Section 21 amended

PART XIII
Coming into Force

- 166 Coming into force

(Assented to July 3, 2002)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART I
Short Title and Interpretation

Short title

1 This Act may be cited as *The Saskatchewan Watershed Authority Act*.

Interpretation

2 In this Act:

- (a) **“conservation programs”** means:
 - (i) waterfowl conservation programs, including programs related to the preservation, management and development of waterfowl breeding habitat, including wetlands nesting and upland nesting habitat; and
 - (ii) programs related to the preservation, management and development of other wildlife habitat;
- (b) **“corporation”** means the Saskatchewan Watershed Authority continued pursuant to section 3;
- (c) **“court”** means the Court of Queen’s Bench;
- (d) **“Crown”** means the Crown in right of Saskatchewan;
- (e) **“divert”** includes take, remove and impound by means of any facility;
- (f) **“drainage works”** means any facility or other action constructed, done, operated or intended for the removal or lessening of the amount of water from land and includes the deepening, straightening, widening and diversion of the course of a stream, creek or other watercourse and the construction of dykes;
- (g) **“facility”** includes dykes, dams, weirs, floodgates, breakwaters, drains, ditches, basins, reservoirs, canals, tunnels, bridges, culverts, cribs, embankments, wells, well casings and associated appurtenances, headworks, flumes, aqueducts, pipes, pumps, measuring weirs or any other contrivance for carrying or conducting water or any other facility the construction of which is authorized pursuant to this Act, but does not include any prescribed facility;
- (h) **“Framework Agreement”** means:
 - (i) the Saskatchewan Treaty Land Entitlement Framework Agreement dated September 22, 1992 and entered into by Her Majesty in right of Canada, the Crown and certain Indian bands with respect to the settlement of the outstanding treaty land entitlement claims of the Indian bands;

(ii) the Nekaneet Treaty Land Entitlement Settlement Agreement dated September 23, 1992 and entered into by Her Majesty in right of Canada, the Crown and the Nekaneet Indian Band with respect to the settlement of the outstanding treaty land entitlement claim of the Nekaneet Indian Band; and

(iii) any agreement entered into by Her Majesty in right of Canada, the Crown and an Indian band with respect to the settlement of the outstanding treaty land entitlement claim of that Indian band on the same or substantially the same terms as the agreement mentioned in subclause (i);

- (i) **“ground water”** means water beneath the surface of land;
- (j) **“Indian band”** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;
- (k) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (l) **“person”** includes:
 - (i) a conservation and development area authority;
 - (ii) the board of directors of an irrigation district; and
 - (iii) the board of directors of a watershed association;
- (m) **“prescribed”** means prescribed in the regulations;
- (n) **“surface water”** means water that is above the surface of land and in a river, stream, lake, creek, spring, ravine, coulee, canyon, lagoon, swamp, marsh or other watercourse or water body;
- (o) **“water”** means ground water or surface water;
- (p) **“water rights licence”** means a water rights licence issued by the corporation pursuant to section 38;
- (q) **“works”** means drainage works or any other facility.

PART II

Saskatchewan Watershed Authority

Corporation continued

3(1) The Saskatchewan Wetland Conservation Corporation, established by Order in Council 29/90 dated January 10, 1990, is continued as a corporation to be known as the Saskatchewan Watershed Authority.

(2) The corporation is a Treasury Board Crown corporation within the meaning of *The Crown Corporations Act, 1993*.

Membership

4 The corporation consists of the person or persons appointed by the Lieutenant Governor in Council.

Mandate and purposes

5 The mandate and purposes of the corporation are the following:

- (a) to manage, administer, develop, control and protect the water, watersheds and related land resources of Saskatchewan;
- (b) to promote the economical and efficient use, distribution and conservation of the water, watersheds and related land resources of Saskatchewan;
- (c) to maintain and enhance the quality and availability of the water, watersheds and related land resources of Saskatchewan for domestic, agricultural, industrial, recreational and other purposes;
- (d) to promote and co-ordinate the management, administration, development, conservation, protection and control of the water, watersheds and related land resources of Saskatchewan;
- (e) to promote, undertake and co-ordinate research, investigations, surveys, studies, programs and activities relating to the management, administration, development, conservation, protection and control of the water, watersheds and related land resources of Saskatchewan;
- (f) to promote, undertake and co-ordinate conservation programs in Saskatchewan.

General powers

6(1) In carrying out its mandate and fulfilling its purposes, the corporation may:

- (a) regulate and control the flow of water in any lake, river, reservoir or other water body in Saskatchewan;
- (b) receive and consider applications for, and issue, water rights licences and approvals to construct, extend, alter or operate works, and establish the terms and conditions of those licences and approvals;
- (c) promote, undertake and co-ordinate research, investigations, surveys, studies, programs and activities relating to:
 - (i) the management, administration, development, conservation, protection and control of the water, watersheds and related land resources of Saskatchewan; or
 - (ii) conservation programs;
- (d) subject to any prescribed restriction, enter into any agreement with any person, government, agency, organization, association, institution or body within or outside Saskatchewan for any purpose relating to:
 - (i) the management, administration, development, conservation, protection and control of the water, watersheds and related land resources of Saskatchewan; or
 - (ii) conservation programs;

- (e) enter into agreements with the Government of Canada and Indian bands relating to the management, administration, development, conservation, protection and control of any water, watershed and related land resources in Saskatchewan, including agreements for the creation of co-management boards and the delegation to those boards of any of the powers of the corporation with respect to those matters;
- (f) collect, process and store basic data on the quality, quantity, source, use, cost and other aspects of:
 - (i) water, watersheds and the related land resources of Saskatchewan; or
 - (ii) conservation programs;
- (g) co-ordinate, develop and promote policies and programs relating to the planning, development and use of interprovincial and international waters and of any water use plan or proposed project within or outside Saskatchewan that may have implications for the planning, development and use of the water, watersheds and related land resources of Saskatchewan;
- (h) consult with the Prairie Provinces Water Board and other similar organizations respecting all matters that:
 - (i) come within the purview of those organizations; and
 - (ii) affect the planning, development and use of water, watersheds or related land resources of Saskatchewan;
- (i) subject to subsection (2), make grants to any person, agency, organization, association, institution or body, on any terms and conditions that the corporation considers appropriate, for any purpose relating to:
 - (i) the management, administration, development, conservation, protection and control of the water, watersheds and related land resources of Saskatchewan; or
 - (ii) conservation programs;
- (j) subject to subsection (3), make loans to any person, agency, organization, association, institution or body, on any terms and conditions that the corporation considers appropriate, for any purpose relating to:
 - (i) the management, administration, development, conservation, protection and control of the water, watersheds and related land resources of Saskatchewan; or
 - (ii) conservation programs;
- (k) accept contributions or receive moneys from any source for any purpose relating to:
 - (i) the management, administration, development, conservation, protection and control of the water, watersheds and related land resources of Saskatchewan; or
 - (ii) conservation programs;

- (l) determine and collect:
 - (i) any fees, levies, rates, rents or other charges that the corporation considers appropriate for issuing a licence, approval or authorization, for the right to the use of water or for any other service provided by the corporation pursuant to this Act; and
 - (ii) any penalties and interest that the corporation considers appropriate in relation to the fees, levies, rates, rents or other charges determined pursuant to subclause (i);
 - (m) subject to subsection 21(3), sell, lease, convey or otherwise dispose of and convert into money any of its real or personal property that the corporation considers no longer necessary for its purposes;
 - (n) manage, insure, maintain, repair, alter or improve any of its property, and construct or erect any buildings, structures or other improvements;
 - (o) participate in, undertake and carry out programs designed to encourage the maintenance and improvement of works;
 - (p) provide technical, engineering, management or other advice, assistance or training to any person, agency, organization, association, institution or body;
 - (q) advertise and disseminate information to the public in any manner that it considers appropriate concerning its operations and the uses of water or works;
 - (r) carry out or engage in any other function or activity assigned to the corporation by the Lieutenant Governor in Council; and
 - (s) do all those things that the corporation considers necessary, incidental or conducive to carrying out its mandate and fulfilling its purposes.
- (2) The corporation shall obtain the approval of the Lieutenant Governor in Council before making any grant pursuant to clause (1)(i) in any fiscal year of the corporation that is greater than \$100,000.
- (3) The corporation shall obtain the approval of the Lieutenant Governor in Council before making any loan pursuant to clause (1)(j) in any fiscal year of the corporation that is greater than \$250,000.

Crown agent

7(1) The corporation is for all its purposes an agent of the Crown, and the corporation's powers pursuant to this Act may be exercised only as an agent of the Crown.

(2) All property of the corporation, all moneys acquired, administered, possessed or received from any source and all profits earned by the corporation are the property of the Crown and are, for all purposes, including taxation of whatever nature and description, deemed to be the property of the Crown.

Responsible to minister

8 The corporation is responsible to the minister for the performance of its duties and the exercise of its powers pursuant to this Act.

Head office

9 The head office of the corporation is to be at any location in Saskatchewan that the Lieutenant Governor in Council may designate.

Capacity to contract

10(1) The corporation has the capacity to contract and to sue and be sued in its corporate name with respect to any right or obligation acquired or incurred by it on behalf of the Crown as if the right or obligation had been acquired or incurred on its own behalf.

(2) The corporation may, on behalf of the Crown, contract in its corporate name without specific reference to the Crown.

Common seal

11 The corporation shall have a common seal.

Liability in tort

12 The corporation may:

- (a) sue with respect to any tort; and
- (b) be sued with respect to liabilities in tort to the extent to which the Crown is subject pursuant to *The Proceedings against the Crown Act*.

PART III Administration

Board of directors

13(1) A board of directors of the corporation, consisting of those persons who are appointed to constitute the corporation pursuant to section 4, shall manage the affairs and business of the corporation.

(2) Subject to subsections (3) and (4), a person appointed pursuant to section 4:

- (a) holds office at pleasure for a period not exceeding three years and until a successor is appointed; and
- (b) is eligible for re-appointment.

(3) No member of the board shall hold office for more than two consecutive terms.

(4) If a member of the board dies or resigns, the person ceases to be a member of the board on the date of death or on the date on which the resignation is received by the board, as the case may be.

(5) If the office of a person appointed pursuant to section 4 becomes vacant, the Lieutenant Governor in Council may:

- (a) appoint a person for the remainder of the term of the person who vacated the office; or
- (b) appoint a person for the term mentioned in subsection (2).

(6) A vacancy in the membership of the board does not impair the power of the remaining members of the board to act.

Officers

14(1) The Lieutenant Governor in Council shall appoint one member of the board as chairperson of the board and may appoint another member of the board as vice-chairperson of the board.

(2) 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.

Remuneration and reimbursement

15 The Lieutenant Governor in Council shall fix the remuneration and rate of reimbursement for expenses of members of the board.

Staff and consultants

16(1) Notwithstanding *The Public Service Act, 1998*, the corporation may:

- (a) employ any officers and employees that it considers necessary to meet its mandate and purposes or to exercise its powers; and
- (b) determine the respective duties and powers, the conditions of employment and the remuneration of those officers and employees.

(2) The corporation has control over and shall supervise its officers and employees.

(3) The corporation shall pay to its officers and employees the remuneration determined pursuant to subsection (1).

(4) The corporation may:

- (a) appoint or engage any professional, administrative, technical and clerical personnel that it may require to meet its mandate and purposes or exercise its powers; and
- (b) determine the salaries and other remuneration of the personnel appointed or engaged pursuant to clause (a).

Superannuation and other plans

17(1) The corporation may establish and support any of the following plans for the benefit of any officers and employees of the corporation and the dependants of those officers and employees:

- (a) a superannuation plan;
- (b) a group insurance program;
- (c) any other pension, superannuation or employee benefit program.

(2) Notwithstanding any other Act or law, a person's service with the corporation shall be counted as service pursuant to a superannuation Act mentioned in clause (a) if that person:

- (a) was, immediately before that person's employment by the corporation, a contributor to:
 - (i) *The Public Service Superannuation Act*;
 - (ii) *The Superannuation (Supplementary Provisions) Act*;

- (iii) *The Liquor Board Superannuation Act*;
- (iv) *The Power Corporation Superannuation Act*; or
- (v) *The Workers' Compensation Board Superannuation Act*; and

(b) continues to be a contributor pursuant to a superannuation Act mentioned in clause (a) while employed by the corporation.

Application of *The Public Service Act, 1998*, etc.

18 Notwithstanding sections 16 and 17, the Lieutenant Governor in Council may designate employees of the corporation as employees to whom *The Public Service Act, 1998*, *The Public Service Superannuation Act* and *The Superannuation (Supplementary Provisions) Act* are to apply.

Supplies and additional staff

19 The minister may provide the corporation with any supplies and the services of any employees under the minister's administration that the minister considers to be required for the corporation to carry out its powers and duties pursuant to this Act.

Advisory committees

20(1) For the purposes of advising on any of the activities of the corporation, the corporation may appoint one or more advisory committees for a specific period and for a specific purpose.

(2) The corporation shall obtain the approval of the Lieutenant Governor in Council before appointing an advisory committee for a period longer than one year.

Acquisition and disposal of property

21(1) Subject to subsection (3), the corporation may:

- (a) acquire by purchase, lease or otherwise, any property that the corporation considers necessary for the efficient operation of its business; and
- (b) sell, lease or otherwise dispose of any of the corporation's property in any manner that the corporation considers appropriate.

(2) The corporation may:

- (a) purchase property by means of deferred payments; and
- (b) give security on the property purchased for the purchase price, or the unpaid balance of the purchase price, with interest.

(3) If the purchase price or sale price of real property included in one transaction entered into by the corporation exceeds \$250,000, the corporation shall obtain the approval of the Lieutenant Governor in Council before acquiring or disposing of the real property.

Acquisition of securities

22(1) In this section, "**incorporated company**" includes:

- (a) a municipality;
- (b) an irrigation district established pursuant to *The Irrigation Act, 1996*; and
- (c) any other corporation that is incorporated or registered pursuant to an Act.

(2) Subject to subsection (6), the corporation may acquire, by any means that it considers appropriate, shares, bonds, debentures or other securities of any incorporated company.

(3) Subject to the approval of the Lieutenant Governor in Council, the corporation may dispose of the shares, bonds, debentures or securities acquired pursuant to subsection (2) by any means that it considers appropriate.

(4) The corporation may appoint any person that it considers appropriate to be the corporation's representative at any meeting of any class of shareholders, bondholders, debenture-holders, security holders or creditors with respect to any shares, bonds, debentures or securities acquired by the corporation pursuant to this section.

(5) The person appointed pursuant to subsection (4) may exercise, on behalf of the corporation, all the powers that the corporation could exercise if it were an individual shareholder, bondholder, debenture-holder, security holder or creditor of the incorporated company.

(6) If the purchase price of any shares, bonds, debentures or other securities proposed to be acquired pursuant to subsection (2) exceeds \$250,000, the corporation shall obtain the approval of the Lieutenant Governor in Council before making the purchase.

Acquisition of extra-provincial powers

23(1) The corporation may:

- (a) subject to the approval of the Lieutenant Governor in Council, incorporate any other corporations for any purpose that, in the opinion of the corporation, will directly or indirectly benefit the corporation; and
- (b) accept, directly or through subsidiary corporations, extra-provincial powers and rights and exercise its powers beyond the boundaries of Saskatchewan to the extent permitted by the laws in force where those powers are sought to be exercised.

(2) Notwithstanding *The Business Corporations Act*, if the corporation has incorporated or continued another corporation pursuant to that Act, the articles of that other corporation are deemed to provide, after its incorporation or continuance pursuant to that Act, that the business that the other corporation may carry on is restricted to the powers and purposes of the corporation.

Expropriation

24(1) Subject to subsection (4) and to the prior approval of the Lieutenant Governor in Council, the corporation may, without the consent of the owner or of any interested person, enter on, take possession of, expropriate and use any land, building, plant, machinery, apparatus or equipment that, in the opinion of the corporation, is necessary for the purposes of the corporation.

(2) Subject to subsection (3), *The Expropriation Procedure Act* applies to any expropriation made pursuant to subsection (1) or (5).

- (3) If any building, plant, machinery, apparatus or equipment that is not affixed to or part of the land on which it is located is expropriated pursuant to subsection (1), the compensation payable for the building, plant, machinery, apparatus or equipment is required to be based on its fair replacement value when that value is required to be calculated:
- (a) making a reasonable deduction for depreciation, deterioration, wear and tear and obsolescence related to the building, plant, machinery, apparatus or equipment; and
 - (b) excluding any value for franchise rights, goodwill or future earnings related to the building, plant, machinery, apparatus or equipment.
- (4) The corporation may acquire any land, lease of land or easement on land that it considers necessary for the purpose of constructing, maintaining and operating any works, including any lines for the carriage, storage, treatment, distribution or other handling of water in connection with those works.
- (5) For the purposes mentioned in subsection (4), the corporation may, without the consent of the owner or any other person interested in them, enter on, take possession of, expropriate and use:
- (a) the land described in that subsection; and
 - (b) those rights in or with respect to the land described in that subsection that the corporation considers advisable.
- (6) Notwithstanding subsection (1), when the corporation wishes to expropriate an easement on or with respect to land for any of the purposes mentioned in subsection (4), the corporation is not required to obtain the approval of the Lieutenant Governor in Council.
- (7) The corporation may exercise the powers mentioned in subsections (1) and (5) without:
- (a) any prerequisite or preliminary action or proceeding; or
 - (b) any sanction or authority other than this Act.
- (8) The powers mentioned in subsections (1) and (5) are deemed to include the right to take, acquire and possess, for any period that the corporation considers proper, whether pursuant to an agreement with the owner or other interested person or without their consent, those lands or those rights in or with respect to the lands that the corporation considers necessary.

Acquisition by purchase

- 25(1)** If the corporation desires to acquire land by purchase for any of the purposes mentioned in subsection 24(4), the corporation may acquire the land:
- (a) by transfer from the registered owner pursuant to *The Land Titles Act* or *The Land Titles Act, 2000*, as the case may be; or
 - (b) by proceeding pursuant to section 24.

- (2) If the corporation desires to acquire an easement on or with respect to land for any of the purposes mentioned in subsection 24(4), it may acquire the easement:
- (a) by agreement;
 - (b) in accordance with *The Public Utilities Easements Act*; or
 - (c) by proceeding in accordance with section 24.
- (3) An easement acquired by the corporation pursuant to this section is deemed to include a right of way over land consisting of the following rights:
- (a) the right of the corporation to use the land for the purpose for which it was acquired with any apparatus and equipment that the corporation considers necessary;
 - (b) the right of entry on the land by the employees or agents of the corporation for the purposes for which it was acquired with any apparatus and equipment that the corporation considers necessary;
 - (c) the right to inspect, repair, replace, maintain and remove the apparatus and equipment mentioned in clauses (a) and (b) or any works constructed, maintained or operated by the corporation on the land.

PART IV Financial Matters

Appropriation

26 The Minister of Finance shall pay to the corporation out of the general revenue fund any moneys appropriated by the Legislature for the purposes of the corporation in the amounts and at the times requested by the corporation and agreed to by the Minister of Finance.

Revenues pursuant to *The Water Power Act*

27 The corporation shall transfer to the Minister of Finance for deposit in the general revenue fund that portion, specified by the Lieutenant Governor in Council, of revenues of the corporation derived from fees, levies, rates, rents or other charges collected by the corporation pursuant to *The Water Power Act*.

Borrowing powers of Minister of Finance

28(1) The Minister of Finance may advance moneys to the corporation out of the general revenue fund for the purposes of the corporation in the amounts, at the times, and on the terms and conditions that the Lieutenant Governor in Council may determine.

(2) In order to provide the moneys mentioned in subsection (1), the Lieutenant Governor in Council may authorize the Minister of Finance to borrow on the credit of the Government of Saskatchewan in accordance with *The Financial Administration Act, 1993*.

Borrowing power of corporation

29(1) Subject to the approval of the Lieutenant Governor in Council, the corporation may borrow from time to time any sums of money that the corporation requires for its purposes, including:

- (a) the repayment, renewal or refunding from time to time of the whole or any part of any moneys borrowed or securities issued by the corporation pursuant to this Act;
 - (b) the repayment in whole or in part of advances made by the Minister of Finance to the corporation;
 - (c) the payment in whole or in part of any other liability or indebtedness of the corporation;
 - (d) the funding of any expenditure of the corporation in carrying out any of its purposes; and
 - (e) the repayment in whole or in part of any temporary borrowing of the corporation, if the borrowing is related to carrying out any of its powers.
- (2) For the purpose of exercising the borrowing powers mentioned in subsection (1), the corporation may issue any bonds, debentures or other securities, bearing any rate of interest and being payable as to principal and interest at any time or times, in any manner, in any place in Canada or elsewhere and in the currency of any country that the corporation, with the approval of the Lieutenant Governor in Council, may determine.
- (3) The corporation may issue the bonds, debentures and other securities mentioned in subsection (2) in any amounts that will realize the net sums required for the purposes of the corporation.
- (4) A recital or declaration in the resolution or minutes of the corporation authorizing the issue of the securities, to the effect that the amount of those securities authorized is necessary to realize the net sums required for the purposes of the corporation, is conclusive evidence of that fact.
- (5) Subject to the approval of the Lieutenant Governor in Council, the corporation may, on any terms and conditions that it considers advisable:
- (a) sell or otherwise dispose of any bonds, debentures or other securities mentioned in subsection (2); and
 - (b) charge, pledge, hypothecate, deposit or otherwise deal with those securities as collateral security.
- (6) The Minister of Finance shall:
- (a) negotiate all borrowings to be made pursuant to this section; and
 - (b) arrange all details and transact and execute all matters and things that may be required during the conduct of negotiations.
- (7) The corporation may:
- (a) treat any securities dealt with as collateral security pursuant to subsection (5) as unissued, when:
 - (i) the securities are redelivered to the corporation or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which they may have been given as collateral; or
 - (ii) the corporation again becomes entitled to the securities; and

- (b) subject to the approval of the Lieutenant Governor in Council:
 - (i) issue, reissue, charge, pledge, hypothecate, deposit, deal with as collateral security, sell or otherwise dispose of those securities on any terms and conditions that the corporation considers advisable; or
 - (ii) cancel and issue fresh securities to the same amount and in the same form in lieu of the unissued securities with the same consequences.
- (8) On the issue or reissue of securities pursuant to subsection (7), a person entitled to the securities has the same rights and remedies as if the securities had not been previously issued.
- (9) Subject to the approval of the Lieutenant Governor in Council, the corporation may, by resolution or minute, determine the form and manner in which bonds, debentures or other securities issued pursuant to this section are to be executed.
- (10) The corporation may, by resolution or minute, provide that:
 - (a) the seal of the corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any bonds, debentures or other securities to which it is to be affixed; and
 - (b) any signature on any bonds, debentures or other securities and on the coupons, if any, attached to those securities, may be engraved, lithographed, printed or otherwise mechanically reproduced on those securities.
- (11) When the seal of the corporation or any signature is mechanically reproduced pursuant to subsection (10):
 - (a) the seal of the corporation is of the same force and effect as if manually affixed; and
 - (b) notwithstanding that any person whose signature is reproduced has ceased to hold office before the date of issue of the security, the signature is for all purposes valid and binding on the corporation.

Temporary borrowing

- 30(1)** Subject to the approval of the Lieutenant Governor in Council, the corporation may borrow, by way of temporary loans from any chartered bank, credit union or person, any moneys, on any terms and conditions and for any purpose that the corporation may determine:
- (a) by way of bank overdraft or line of credit;
 - (b) by the pledging, as security for those temporary loans, of notes, bonds, debentures or other securities of the corporation pending their sale or in lieu of the selling of them; or
 - (c) in any other manner that the corporation may determine.
- (2) The corporation may execute any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of moneys and the obtaining of advances by way of temporary loans pursuant to subsection (1) in any manner that the corporation may determine.

Charge on revenue

31 All interest and instalments of principal and all sinking fund and other debt service charges with respect to the securities mentioned in sections 28 to 30 are a first charge on the corporation's revenues.

Guarantee by Saskatchewan

32(1) The Lieutenant Governor in Council, on any terms and conditions that the Lieutenant Governor in Council considers advisable, may guarantee the payment of:

- (a) the principal, interest and premium, if any, of any bonds, debentures or other securities issued by the corporation;
- (b) any loans, temporary or otherwise, raised by the corporation; and
- (c) any indebtedness or liability for the payment of moneys incurred by the corporation or to which the corporation may be or become subject.

(2) Any guarantee made pursuant to subsection (1) is required to be in a form and manner that the Lieutenant Governor in Council may approve.

(3) The Minister of Finance, or any other officer of the Department of Finance who may be designated by the Lieutenant Governor in Council, shall sign a guarantee made pursuant to subsection (1) and, on the guarantee being so signed, the Government of Saskatchewan is liable, according to the tenor of the guarantee, for the payment of:

- (a) the principal, interest and premium, if any, of any bonds, debentures or other securities;
- (b) the loans, temporary or otherwise; and
- (c) the indebtedness or liability for the payment of moneys.

(4) Any guarantee signed in accordance with subsection (3) is conclusive evidence of compliance with the terms and conditions of this section.

(5) The Lieutenant Governor in Council may make any arrangements that may be necessary for supplying the money required to implement any guarantee made pursuant to this section and to advance the amount necessary for that purpose out of the general revenue fund.

Investments

33(1) The corporation may, from time to time:

- (a) invest any part of the capital or operating moneys of the corporation 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 conditions and in any amount the corporation considers expedient.

(2) Subject to the approval of Treasury Board, the corporation may:

- (a) set up reserves for depreciation, obsolescence, replacements, contingencies and other purposes; and
- (b) create and manage a sinking fund for the repayment of moneys borrowed by the corporation pursuant to section 29.

Fiscal year

34 The fiscal year of the corporation is the period commencing on April 1 in one year and ending on March 31 of the following year.

Audit

35 The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the records, accounts and financial statements of the corporation:

- (a) annually; and
- (b) at any other times that the Lieutenant Governor in Council may require.

Annual report

36(1) In each fiscal year, the corporation shall, in accordance with *The Tabling of Documents Act, 1991*, submit to the minister:

- (a) a report of the corporation on its business for the preceding fiscal year; and
 - (b) a financial statement showing the business of the corporation for the preceding fiscal year, in any form that may be required by Treasury Board.
- (2) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly each report and financial statement received by the minister pursuant to subsection (1).

PART V
Water Rights

DIVISION 1
Crown Water Rights and Water Rights Licences

Water vested in Crown

37(1) The property in and the right to the use of all ground water and surface water is, and is deemed always to have been, vested in the Crown.

(2) The right to the use of all or any ground water and all or any surface water may be established only pursuant to this Act.

Water rights licence

38(1) On receipt of an application pursuant to section 39, the corporation may issue a water rights licence to any person for the right to the use of any water except any water that may be:

- (a) allocated for the use of any other person; or
- (b) withdrawn from allocation by order of the minister.

(2) The corporation may issue a water rights licence pursuant to subsection (1) to any person:

- (a) for any term that the corporation considers appropriate; and
- (b) subject to any terms and conditions that the corporation considers appropriate.

Application for licence

39 Every person wishing to obtain a water rights licence shall file with the corporation:

- (a) an application acceptable to the corporation;
- (b) the application fee determined by the corporation; and
- (c) any other information or material that the corporation may request.

Refusals

40 If, on receipt of an application pursuant to section 39, the corporation refuses to issue a water rights licence, the corporation shall cause notice of the refusal to be served on the applicant for the licence.

Cancellation, amendment or suspension of licence

41(1) The corporation may cancel, amend or suspend a water rights licence, without compensation to the holder of the licence, if:

- (a) the holder of the licence agrees to the cancellation, amendment or suspension;
- (b) the licence was issued subject to terms and conditions to be complied with by the holder of the licence and the holder of the licence fails to comply with a term or condition of the licence;
- (c) the water acquired is being used for a purpose other than that for which the licence was acquired;
- (d) the corporation considers that the holder of the licence no longer requires a right or the rights granted by the licence;
- (e) the holder of the licence contravenes any provision of this Act, the regulations or any order made pursuant to this Act; or
- (f) the holder of the licence defaults in the payment of any fee, levy, rate, charge or other consideration required by the corporation.

(2) Before the corporation takes any action pursuant to subsection (1), the corporation shall:

- (a) give the holder of the licence written notice of the corporation's intention to cancel, amend or suspend the licence; and
- (b) give the holder of the licence 30 days from the date of the notice mentioned in clause (a) to make written representations to the corporation as to why the licence should not be cancelled, amended or suspended.

(3) The corporation is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (2).

(4) After receiving the representations mentioned in subsection (2), the corporation shall provide a written decision and forward that written decision to the person to whom the licence was issued.

Cancellation of grant of right to use water

42(1) Subject to the approval of the Lieutenant Governor in Council, if the corporation considers it to be in the public interest to do so for any reason other than those mentioned in subsection 41(1), the corporation may cancel the right to the use of any water granted by the corporation to any person.

(2) Any person whose right to the use of water has been cancelled pursuant to subsection (1) is entitled to compensation from the Crown for the actual value, at the time of cancellation, of any structures or works that the person used to secure water and transport it to the point of use.

(3) If the Crown and the person mentioned in subsection (2) do not agree on the amount to be paid as compensation or the terms of payment of the compensation, an arbitrator shall determine the matter.

(4) For the purposes of subsection (3):

(a) the parties to the arbitration must agree to a judge of the court as an arbitrator; and

(b) *The Arbitration Act, 1992* applies to the arbitration.

(5) If the judge mentioned in subsection (4) is unable to act for any reason, the Minister of Justice shall name another judge of the court to act as arbitrator.

Prohibitions in relation to water

43 Subject to section 44 but notwithstanding any other provision of this Act or any other Act, the corporation shall not grant:

(a) any licence or approval to construct or operate works for the purposes of transferring water out of a watershed; or

(b) any licence or approval to transfer water out of a watershed.

Exceptions

44 Section 43 does not apply to water that is:

(a) transferred or taken for the purposes of transfer between watersheds, or portions of watersheds, within Saskatchewan;

(b) packaged in containers that have a capacity that is less than the maximum prescribed capacity;

(c) removed in the ordinary course of carrying water in a vehicle, vessel or aircraft for the use of persons or animals while they are being transported in the vehicle, vessel or aircraft;

(d) removed in a vehicle, vessel or aircraft and is necessary for:

(i) the ordinary operation of the vehicle, vessel or aircraft; or

(ii) the transportation of food or products in the vehicle, vessel or aircraft; or

(e) of a prescribed class or that is removed in a prescribed manner or for a prescribed purpose.

Diversion and use of water prohibited

45(1) Subject to subsection (2), unless authorized by the corporation, no person shall:

- (a) divert or use any surface water; or
- (b) construct or cause to be constructed any dam or other works for the impounding of surface water.

(2) Nothing in this Act or the regulations restricts the right of a person owning or occupying land that adjoins a body of surface water to use any quantity of that water that the person may require for domestic purposes on the land, but the person is not entitled to divert water by any works unless the authority to do so has been obtained pursuant to this Act.

(3) For the purposes of subsection (2), the following are deemed not to be a work:

- (a) a dugout constructed for domestic purposes;
- (b) a pump or other apparatus used to fill a tank, cistern, trough or similar vessel or receptacle or a dugout constructed for domestic purposes.

(4) Subject to subsection (5), no person shall divert, pump or use any ground water except in accordance with this Act and the regulations.

(5) Nothing in this Act or the regulations restricts the right of a person owning or occupying land to use any quantity of ground water that he or she may require for domestic purposes on the land.

Civil action for diversion of certain surface water

46 A person is liable to a civil action for damages at the instance of any person who suffers or may suffer loss or damage by reason of the diversion or construction mentioned in clauses (a) and (b), if the first person, without having obtained authority pursuant to this Act:

- (a) diverts surface water not flowing in a natural channel or contained in a natural bed; or
- (b) constructs or causes to be constructed any dam, dyke or other works for the diversion of water mentioned in clause (a).

DIVISION 2**Corporation's Works****Power to construct works outside municipalities, on provincial highways, etc.**

47(1) Subject to subsection (2) and to clause 4(1)(e) of *The Highways and Transportation Act, 1997*, the corporation may:

- (a) construct or place works on or under:
 - (i) any provincial highway, wherever situated; or
 - (ii) any other highway, road allowance, road, street, lane or other public place vested in the Crown and not situated in a municipality or in a hamlet in a rural municipality;

- (b) carry its works along or across a provincial highway or other highway, road allowance, road, street, lane or public place mentioned in clause (a); and
 - (c) take down, remove or take up its works.
- (2) Before exercising the powers of construction conferred by subsection (1), the corporation shall submit a copy of a plan showing the location of the proposed works to:
- (a) the minister responsible for the administration of *The Highways and Transportation Act, 1997*;
 - (b) the minister responsible for the administration of *The Saskatchewan Telecommunications Act*; and
 - (c) the administrator of any rural municipality in Saskatchewan within which the works or any part of the works is to be constructed.
- (3) If it becomes necessary for the purpose of construction, reconstruction, alteration or improvement of any highway, road allowance, road, street, lane or other public place vested in the Crown and not situated in a municipality or in a hamlet in a rural municipality to remove any works constructed or placed on or under that highway, road allowance, road, street, lane or other public place and belonging to the corporation, the costs and expenses incurred in the work are to be apportioned between the corporation and the minister responsible for the administration of *The Highways and Transportation Act, 1997*, in any manner that they may agree on.
- (4) If the corporation and the minister responsible for the administration of *The Highways and Transportation Act, 1997* are unable to agree on the apportionment of costs mentioned in subsection (3), the Saskatchewan Municipal Board, after any inquiry that it considers advisable, shall make the apportionment.

Power to construct works inside municipalities

48(1) Subject to subsection (2), the corporation may:

- (a) construct or place works on or under any highway, road, street, lane or other public place vested in the Crown and situated in a municipality or in a hamlet in a rural municipality;
 - (b) carry its works along or across the highway, road, street, lane or other public place mentioned in clause (a); and
 - (c) take down, remove or take up its works.
- (2) Before exercising the powers of construction conferred by subsection (1), the corporation shall submit a plan showing the location of the proposed works to the council of the municipality.

Power to enter on adjoining lands

49 For the purpose of doing all things that the corporation considers necessary for the operation, maintenance, repair and replacement of its works or part of its works, the corporation may enter:

- (a) on any land on either side of its works; or
- (b) on the right of way acquired for those works.

DIVISION 3
Approval for Works

Approval for works required

50(1) Subject to subsection (2), no person shall commence the construction, extension, alteration or operation of any works unless that person has first obtained the written approval of the corporation to do so.

(2) Subsection (1) does not apply to the construction, extension, alteration or operation of works that have been designated or are within a class of works that have been designated in the regulations as works with respect to which approval is not required before the construction, extension, alteration or operation of the works.

Material to be filed with application for approval

51(1) Every person seeking approval to commence the construction, extension, alteration or operation of any works mentioned in section 50 shall file with the corporation:

- (a) an application acceptable to the corporation;
 - (b) permission in writing from the appropriate municipal or other prescribed authority for the construction of the works mentioned in the application into, on, along, across or under any road allowance or any public highway, square or other public place that may be affected by the works;
 - (c) any prescribed plans or other material;
 - (d) the application fee determined by the corporation;
 - (e) if requested by the corporation, a report on the operation of the works;
 - (f) if requested by the corporation in the circumstances mentioned in subsection (2), a written agreement between the parties prepared in accordance with subsection (3); and
 - (g) any other information or material that the corporation may request.
- (2) For the purposes of clause (1)(f), the corporation may require that a written agreement be filed with the corporation if:
- (a) two or more persons, who are neither joint tenants nor tenants in common of the same parcel of land, apply for the approval; or
 - (b) the applicant for the approval proposes to divert water or is diverting water through another person's works.
- (3) Any written agreement filed with the corporation pursuant to clause (1)(f) must:
- (a) be between the persons involved in the works and outline the manner of and obligations relating to the construction, future operation and future maintenance of the works and the apportionment of the costs between them; and
 - (b) be approved by the corporation.

(4) In those circumstances in which the corporation requests that a written agreement be filed in accordance with clause (1)(f), any approval issued by the corporation for works outlined in that agreement must incorporate the provisions of the agreement as approved by the corporation.

Publication of notice

52(1) Subject to subsection (6), immediately after an application for an approval is filed with the corporation pursuant to section 51, the corporation shall make any arrangements that the corporation considers necessary to advertise the application.

(2) If, in the corporation's opinion, the works proposed in an application filed with the corporation may impair the environment or have an impact on natural resources, the corporation may forward a copy of the application to the minister responsible for *The Environmental Management and Protection Act*.

(3) Within 30 days after the day on which an application for an approval is first advertised, any person who objects to the granting of the approval applied for may file with the corporation a statement of reasons for the objection.

(4) If the corporation receives objections pursuant to subsection (3), the corporation may require any investigations to be made and any public meetings to be held that it considers necessary to inquire into the objections.

(5) As soon as the corporation makes a decision with respect to an application for an approval, the corporation shall give notice to all persons who filed objections pursuant to this section.

(6) If the corporation considers it expedient to do so, the corporation may waive the necessity for advertising the application for an approval.

Approval for construction or operation of works

53(1) The corporation may:

(a) in the case of an application for approval to construct, extend or alter works:

(i) issue the approval, subject to any terms and conditions that the corporation considers appropriate, including fixing the period within which the construction, extension or alteration of works is to be completed; or

(ii) refuse approval for the construction, extension or alteration of the proposed works; and

(b) in the case of an application for approval to operate existing works:

(i) approve the operation of the works, subject to any terms and conditions that the corporation considers appropriate; or

(ii) refuse approval for the operation of the works and do all or any of the following:

(A) make any order that the corporation considers appropriate requiring the alteration, closure, removal, destruction or otherwise rendering inoperable of the whole or any part of the works;

(B) in the order made pursuant to paragraph (A), fix the period within which the order is to be complied with.

(2) If the corporation considers it appropriate, the corporation may extend the period within which the construction, extension or alteration of any works is to be completed or within which any order is to be complied with, and may amend the terms and conditions of any order made by it.

(3) If an approval is refused or an order is issued or amended pursuant to this section, the corporation shall cause notice of the refusal or of the order to be served on the applicant for the approval.

Replacement of certain licences with approvals

54(1) In this section:

(a) **“domestic purpose licence”** means a licence issued for domestic purposes, including the watering of stock, pursuant to *The Water Rights Act*, as that Act existed on the day before the coming into force of *The Water Corporation Act*;

(b) **“licensee”** means a person who is the holder of a domestic purpose licence;

(c) **“owner”** means a person who is an owner of the land on which a works, for which a domestic purpose licence was issued, is located.

(2) Notwithstanding any other provision of this Act or any other Act or law but subject to subsection (3), the corporation may, on its own initiative, cancel a domestic purpose licence and issue an approval in its place to the owner, without notice to the licensee unless the licensee is the owner.

(3) At the time of issuing an approval pursuant to subsection (2), the corporation shall notify the owner in writing of the fact that the corporation has cancelled the domestic purpose licence and has issued an approval in its place.

(4) If requested to do so by the owner, the corporation may cancel the domestic purpose licence and not issue an approval in its place.

(5) Immediately after the corporation issues an approval pursuant to subsection (2), the corporation shall forward a copy of the approval to the owner.

(6) An approval issued pursuant to subsection (2) must incorporate only the same terms and conditions as the domestic purpose licence that it is replacing.

(7) An approval issued in accordance with this section is subject to all the terms and conditions and rights and obligations of this Act, excepting the right of appeal pursuant to section 84, as if it were an approval issued pursuant to section 53.

Registration of approval notice - lands governed by *The Land Titles Act*

55(1) This section applies to areas of Saskatchewan governed by *The Land Titles Act*.

(2) Immediately after the corporation issues an approval pursuant to section 53 or 54, the corporation shall forward to the registrar of the land titles office for the land registration district in which affected lands are situated a notice stating:

(a) that the approval has been issued;

(b) the date of the issuance of the approval;

- (c) the legal description of the land on which the works are to be constructed or are situated;
 - (d) a statement as to the effect of this section; and
 - (e) the place where a copy of the approval may be obtained.
- (3) On receipt of a notice mentioned in subsection (2), the registrar of the land titles office shall register the notice against the lands described in the notice.
- (4) On the registration of a notice pursuant to subsection (3):
- (a) the terms and conditions of and the rights and obligations under the approval that is the subject of the notice enure to the benefit of and are binding on any person who, at any time subsequent to the registration of the notice pursuant to this section, is the registered owner of the lands with respect to which the notice is registered; and
 - (b) this Act applies to any person mentioned in clause (a) in the same manner as if that person were the person to whom the approval was originally issued.
- (5) If the corporation considers it appropriate to do so, a notice registered pursuant to subsection (3) may be released or discharged in whole or in part on written notice from the corporation to the registrar of the appropriate land titles office.

Registration of approval notice - lands governed by *The Land Titles Act, 2000*

- 56(1)** This section applies to areas of Saskatchewan governed by *The Land Titles Act, 2000*.
- (2) Immediately after the corporation issues an approval pursuant to section 53 or 54, the corporation shall apply to the Registrar of Titles to register an interest against the titles to the affected lands.
- (3) The interest mentioned in subsection (2) is to be based on a notice stating:
- (a) that the approval has been issued;
 - (b) the date of the issuance of the approval;
 - (c) the legal description of the land on which the works are to be constructed or are situated;
 - (d) a statement as to the effect of this section; and
 - (e) the place where a copy of the approval may be obtained.
- (4) On the registration of an interest in accordance with subsections (2):
- (a) the terms and conditions of and the rights and obligations under the approval that is the subject of the notice enure to the benefit of and are binding on any person who, at any time subsequent to the registration of the notice pursuant to this section, is the registered owner of the lands with respect to which the notice is registered; and
 - (b) this Act applies to any person mentioned in clause (a) in the same manner as if that person were the person to whom the approval was originally issued.

(5) If the corporation considers it appropriate to do so, the corporation may apply to the Registrar of Titles to discharge the interest registered pursuant to subsection (2):

- (a) in whole, by submitting an application to discharge the interest; or
- (b) in part, by submitting an application to amend the interest.

Easements - land governed by *The Land Titles Act*

57(1) This section applies to areas of Saskatchewan governed by *The Land Titles Act*.

(2) The corporation shall act pursuant to subsection (3) if it appears from any application or plans filed with or received by the corporation pursuant to this Act that:

- (a) any works will affect any land other than that on which the works are to be constructed or are situated;
- (b) the registered owner of the other land, if he or she is other than the applicant, has granted an easement, in the prescribed form, over the land relating to the construction, extension, alteration or operation of the works; and
- (c) any other person having registered interests or rights in the land that the corporation considers appropriate has consented to the granting of the easement.

(3) In the circumstances mentioned in subsection (2), immediately after the corporation issues an approval pursuant to this Division, the corporation shall forward to the registrar of the land titles office for the land registration district in which the affected lands are situated a certificate stating that the approval has been issued and setting forth:

- (a) the date of the issuance of the approval;
- (b) the name and address of the person securing the approval;
- (c) the legal description of the land on which the works are to be constructed or are situated; and
- (d) the legal description of the land that will be affected by the works.

(4) On receipt of a certificate mentioned in subsection (3), the registrar of the land titles office shall register the certificate against the lands described in the certificate.

(5) On the registration of a certificate pursuant to subsection (4):

- (a) the certificate becomes and is an easement whereby the owner of the servient tenements, being the lands affected by the works, have granted to the owner of the dominant tenement, being the lands on which the works are to be constructed or are situated, the right to use the land for the purposes and to the extent shown in the approval and the application or plans as authorized; and
- (b) the right mentioned in clause (a) runs with the land and is binding on the present and subsequent owners of the servient tenement, their heirs, executors, administrators and assigns.

(6) A certificate registered pursuant to subsection (4) is deemed to create the easement described in subsection (5) notwithstanding that the dominant and servient tenements are owned by the same person.

(7) No easement created pursuant to this section is extinguished or merged by operation of law, notwithstanding that the dominant and servient tenements may at some time be owned by the same person.

(8) If the corporation considers it appropriate to do so, a certificate registered pursuant to this section may be released or discharged in whole or in part on written notice from the corporation to the registrar of the appropriate land titles office.

Easements - land governed by *The Land Titles Act, 2000*

58(1) This section applies to areas of Saskatchewan governed by *The Land Titles Act, 2000*.

(2) The corporation shall act pursuant to subsection (3) if it appears from any application or plans filed with or received by the corporation pursuant to this Act that:

- (a) any works will affect any land other than that on which the works are to be constructed or are situated;
- (b) the registered owner of the other land, if he or she is other than the applicant, has granted an easement, in the prescribed form, over the land relating to the construction, extension, alteration or operation of the works; and
- (c) any other person having registered interests or rights in the land that the corporation considers appropriate has consented to the granting of the easement.

(3) In the circumstances mentioned in subsection (2), immediately after the corporation issues an approval pursuant to this Division, the corporation shall apply to the Registrar of Titles to register an interest against the titles to the affected lands.

(4) The interest mentioned in subsection (3) is to be based on a certificate stating that the approval has been issued and setting forth:

- (a) the date of the issuance of the approval;
- (b) the name and address of the person securing the approval;
- (c) the legal description of the land on which the works are to be constructed or are situated; and
- (d) the legal description of the land that will be affected by the works.

(5) On the registration of an interest in accordance with subsection (3):

- (a) the certificate on which the registered interest is based becomes and is an easement whereby the registered owner of the servient tenements, being the lands affected by the works, have granted to the registered owner of the dominant tenement, being the lands on which the works are to be constructed or are situated, the right to use the land for the purposes and to the extent shown in the approval and the application or plans as authorized; and

- (b) the right mentioned in clause (a) runs with the land and is binding on the present and subsequent registered owners of the servient tenement, their heirs, executors, administrators and assigns.
- (6) An easement is deemed to be created pursuant to subsection (5) notwithstanding that the dominant and servient tenements are owned by the same person.
- (7) No easement created pursuant to this section is extinguished or merged by operation of law, notwithstanding that the dominant and servient tenements may at some time be owned by the same person.
- (8) If the corporation considers it appropriate to do so, the corporation may apply to the Registrar of Titles to discharge the interest registered pursuant to subsection (3):
 - (a) in whole, by submitting an application to discharge the interest; or
 - (b) in part, by submitting an application to amend the interest.

Non-application of sections 55 to 58

59(1) Subject to subsection (2), sections 55 to 58 do not apply if the construction, extension, alteration or operation of the works with respect to which an approval is issued has been authorized before the coming into force of this Act pursuant to another Act providing for the construction, extension, alteration or operation of the works.

(2) Sections 55 to 58 continue to apply with respect to approvals issued pursuant to section 54.

Public highways

60(1) Every person who has been issued an approval to construct, extend or alter any works shall:

- (a) during the construction, extension or alteration, keep open for safe and convenient travel all public highways where they are crossed by the works; and
 - (b) before operating or releasing water into works extending into or crossing any public highway, construct, to the satisfaction of the authority having jurisdiction, a substantial structure for required passage over the works.
- (2) Every structure mentioned in subsection (1) is to be maintained by the authority having jurisdiction, but the authority having jurisdiction may enter into an agreement with the person to whom the approval has been issued with respect to all or any part of the costs associated with the construction, maintenance, replacement or reconstruction of works extending into or crossing public highways.
- (3) A copy of any agreement entered into pursuant to subsection (2) must be filed with the corporation.

Inspection of works

61(1) The corporation, or any person acting on its instructions, may inspect works:

- (a) on the expiration of any term fixed in the approval for the construction, extension or alteration of the works; or
- (b) at any time before the time mentioned in clause (a) if the construction, extension, or alteration is completed sooner.

- (2) On completion of the construction, extension or alteration of the authorized works, the person to whom the approval was issued shall:
- (a) notify the corporation in writing of the completion; and
 - (b) if requested by the corporation, supply the corporation with plans showing the works as actually constructed, extended or altered.
- (3) If, on inspection, it is found that any works are not constructed, extended or altered in accordance with the requirements of the approval issued, the corporation may:
- (a) issue an amended approval, subject to any terms and conditions that the corporation considers appropriate;
 - (b) order any alterations or changes to the works that the corporation considers appropriate; or
 - (c) revoke the approval and:
 - (i) make any order that the corporation considers appropriate requiring the closure, removal, destruction or otherwise rendering inoperable of the whole or any part of the works; and
 - (ii) in the order mentioned in subclause (i), fix the period within which the order is to be complied with.
- (4) If, on inspection, it is found that any works are constructed, extended or altered in accordance with the requirements of the approval issued, the corporation may, whether or not an application for approval to operate the works has been received, issue an approval to operate the works subject to any terms and conditions that the corporation considers appropriate.

Cancellation, amendment or suspension of approval

- 62(1)** A person to whom the corporation has issued an approval pursuant to section 53 may apply to the corporation for the cancellation or amendment of that approval.
- (2) The corporation may cancel, amend or suspend an approval, in whole or in part, without compensation to the person to whom the approval was issued, if:
- (a) the approval was issued subject to terms and conditions to be complied with by the person to whom the approval was issued and he or she fails to comply with a term or condition of the approval;
 - (b) the person to whom the approval was issued contravenes any provision of this Act, the regulations or any order made pursuant to this Act;
 - (c) the person to whom the approval was issued made a false or misleading statement in any application, information, materials or plans supplied pursuant to this Act in support of the person's application for the approval;
 - (d) the person to whom the approval was issued ceases to exercise the rights granted pursuant to the approval;

- (e) the person to whom the approval was issued defaults in the payment of any fee, levy, rate, rent, charge or other consideration required by the corporation;
 - (f) the approval was issued as a result of a clerical or administrative error or mistake; or
 - (g) unauthorized changes or alterations are made to the works for which the approval was issued.
- (3) Before the corporation takes any action mentioned in subsection (2), the corporation shall give the person to whom the approval is issued:
- (a) written notice of the corporation's intention to cancel, amend or suspend the approval, with reasons; and
 - (b) an opportunity to make written representations to the corporation within 30 days after receiving the notice as to why the permit should not be cancelled, amended or suspended.
- (4) The corporation is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (3).
- (5) After receiving the representations mentioned in subsection (3), the corporation shall issue a written decision and serve that decision on the person who made the representations.
- (6) If an approval is cancelled, amended or suspended, the corporation may make any order it considers appropriate requiring any alterations or changes to or the closure, removal, destruction or otherwise rendering inoperable of the whole or any part of the works.
- (7) If the corporation makes an order pursuant to subsection (6), the corporation shall specify the time for compliance with the order.

Compensation if approval cancelled for public interest

- 63(1)** Subject to the approval of the Lieutenant Governor in Council, if the corporation considers it to be in the public interest to cancel an approval for any reason other than those mentioned in subsection 62(2), the corporation may cancel the approval.
- (2) Any person whose approval has been cancelled pursuant to subsection (1) is entitled to compensation from the Crown for the actual value, at the time of cancellation, of any structures or works for which the approval was issued.
- (3) If the Crown and the person mentioned in subsection (2) do not agree on the amount to be paid as compensation or the terms of payment of the compensation, an arbitrator shall determine the matter.
- (4) For the purposes of subsection (3):
- (a) the parties to the arbitration must agree to a judge of the court as an arbitrator; and
 - (b) *The Arbitration Act, 1992* applies to the arbitration.
- (5) If the judge mentioned in subsection (4) is unable to act for any reason, the Minister of Justice shall name another judge of the court to act as arbitrator.

DIVISION 4
Complaints re Drainage Works

Filing of complaint

64(1) In this Division, “**complainant**” means any person who claims to have suffered or anticipates that he or she may suffer injury, loss or damage by reason of:

- (a) the approval of the construction, extension, alteration or operation of any drainage works; or
 - (b) the construction, extension, alteration or operation of any drainage works.
- (2) A complainant may file a written complaint with the corporation.
- (3) A complaint filed pursuant to subsection (2) must be in a form acceptable to the corporation.
- (4) No person shall file a complaint with the corporation until that person has made a reasonable effort to resolve the complaint through contact with the person or authority that he or she considers to be responsible for the cause of the complaint.
- (5) If the corporation considers it appropriate, the corporation may waive the requirements of subsection (4).

Notice of complaint and investigation

65 On receipt of a complaint filed pursuant to section 64, the corporation shall:

- (a) immediately serve notice of the filing, stating the basis of the complaint, on:
 - (i) the persons indicated in the complaint as being responsible for the cause of the complaint; and
 - (ii) any other persons that the corporation considers it appropriate to notify; and
- (b) inquire into and investigate the complaint and, not later than 18 months after the day on which it receives the complaint, render its decision.

Hearings

66(1) In the circumstances mentioned in subsection (2), the complainant and each person who has been served with a notice in accordance with section 65 is entitled:

- (a) to appear and to be represented before the corporation; and
 - (b) to be heard on the complaint.
- (2) Subsection (1) applies if the person serves a written notice that he or she wishes to appear or be represented before the corporation and be heard on the corporation within:
- (a) in the case of the complainant, 30 days after the day on which the complaint is filed; or

- (b) in the case of any person other than the complainant, within 30 days after the day on which the notice of the complaint is served on that person by the corporation.
- (3) If a person serves a notice in accordance with this section, the corporation shall:
 - (a) set a date for a hearing; and
 - (b) at least 14 days before the date set pursuant to clause (a), serve notice on all persons who served notice on the corporation pursuant to this section of the date, time and place of the hearing.
- (4) The corporation is not required to hear any person who has not given notice in accordance with this section.
- (5) The corporation may adjourn or reschedule a hearing pursuant to this section to a later date, and in that case the requirement as to notice set out in subsection (3) does not apply.

Powers pursuant to *The Public Inquiries Act*

67 For the purposes of hearing a complaint pursuant to section 66, the person designated by the corporation to hold the hearing has the powers of a commissioner pursuant to *The Public Inquiries Act*, in addition to any powers granted to the person by this Act.

Copy of decision

68 The corporation shall cause a copy of its decision together with reasons to be served:

- (a) on the complainant; and
- (b) on each person on whom notice has been served pursuant to section 65.

Order relating to decisions

69(1) If the corporation makes a decision with respect to a complaint, it may make any order that it considers appropriate:

- (a) requiring the closure or alteration of, or changes or additions to, the drainage works with respect to which the complaint was filed; or
 - (b) directing or discontinuing any operation, construction, extension, alteration, use or repair of the drainage works with respect to which the complaint was filed, either permanently or for a specified period, by the person to whom the order is directed.
- (2) In an order made pursuant to subsection (1), the corporation may fix the period within which the order is to be complied with.
 - (3) The corporation shall cause a copy of each order made by it pursuant to this section to be served on the person to whom it is directed.
 - (4) An order made pursuant to this section is effective with respect to the whole of the drainage works with respect to which the complaint was filed, and, on the making of the order, any approvals relating to the drainage works and affected by the order are deemed to be amended insofar as is necessary to be consistent with the provisions of the order.

- (5) If the corporation considers it appropriate, the corporation may:
- (a) extend the period in which any order made pursuant to this section is to be complied with; or
 - (b) amend the terms and conditions of any order made pursuant to this section.

Failure to comply with order

70(1) If the person to whom an order pursuant to this Act is directed fails to comply with the order, the corporation or any person acting under the corporation's instructions may, without incurring any liability for any action taken that is necessarily incidental to the exercise of its powers pursuant to this section:

- (a) enter on any land with any equipment, machinery or other articles that it considers necessary; and
 - (b) do any acts that are necessary to carry out the order.
- (2) Any person acting under the corporation's instructions pursuant to subsection (1) may be accompanied by any person or persons who, in the corporation's opinion, by virtue of their expertise in a particular field or their knowledge of facts relevant to the matter being investigated, may be of assistance in carrying out the corporation's instructions.
- (3) Any costs and expenses incurred in carrying out the order pursuant to subsection (1) are a debt due to and recoverable by the corporation from the person to whom the order was directed.

Mediation of damage claim

71 The corporation has no power to determine liability or award damages or other compensation with respect to a complaint, but the corporation may act as mediator between the parties to a complaint in an attempt to bring about a settlement of claims for damages or compensation.

Powers of entry re duties and powers of corporation

72(1) For the purpose of carrying out its duties or exercising its powers pursuant to this Act or the regulations, the corporation, or any persons authorized by the corporation, may:

- (a) enter at any reasonable time and inspect any building, structure, machinery, vehicle, land or water;
 - (b) make or require to be made any survey, examination, investigation, test or inquiry that the corporation considers necessary; and
 - (c) make, take and remove, or require to be made, taken or removed, any sample, copy or extract.
- (2) No person shall obstruct a person authorized pursuant to subsection (1) in exercising his or her powers pursuant to that subsection.
- (3) The corporation and any person authorized by the corporation shall not enter any place that is a private dwelling without the consent of the owner or occupier or an order of a provincial court judge issued pursuant to subsection (5).

(4) If entry pursuant to this section is refused, the corporation may apply *ex parte* to a provincial court judge for an order authorizing the corporation, or a person authorized by the corporation, to enter and inspect any land, premises or other place.

(5) On an application pursuant to subsection (4), the provincial court judge may issue the order sought, on any terms and conditions that the provincial court judge considers appropriate.

PART VI Reservoir Land Use

Interpretation of Part

73 In this Part:

- (a) **“flood”** means the temporary covering by water of land or all or a portion of buildings or structures that is caused by the overflow of a watercourse or standing water body;
- (b) **“flood control works”** means water control works used for the purpose of preventing or controlling floods;
- (c) **“flood proofing”** means the use of devices, equipment, construction, materials, measures or practices to protect buildings, structures or land from damage due to flooding;
- (d) **“land use district”** means an area of land that:
 - (i) is within a reservoir development area or special flood hazard area; and
 - (ii) is designated in the regulations as a land use district within which specified uses and limitations on uses are imposed;
- (e) **“reservoir”** means a water body, whether on private or public land, that is created or effected as a result of the construction and maintenance of a facility, and includes a river, stream, lake, creek, watercourse or previously existing water body that is enlarged, reduced or otherwise affected by the construction and maintenance of a facility;
- (f) **“reservoir development area”** means an area that is prescribed as a reservoir development area and includes, unless otherwise dealt with pursuant to this Act, a reservoir development area designated pursuant to:
 - (i) *The Water Resources Management Act* as that Act existed on the day before the coming into force of *The Environmental Management and Protection Act*;
 - (ii) *The Environmental Management and Protection Act*; or
 - (iii) any former Act concerning reservoir development areas;
- (g) **“special flood hazard area”** means an area that is prescribed as a special flood hazard area because of severe or frequent floods in the area.

Regulations designating reservoir development areas and special flood hazard areas

74(1) The Lieutenant Governor in Council may make regulations:

- (a) designating all or any portion of the area adjacent to or surrounding a reservoir as a reservoir development area, if the Lieutenant Governor in Council considers that designation to be necessary in order to ensure all or any of the following:
 - (i) that the water in the reservoir will be used in the most efficient manner;
 - (ii) that the reservoir will be operated in a safe and efficient manner;
 - (iii) that the land in the reservoir development area will be used in a manner that reduces as much as is practicable any damage that may be caused to the land, or any buildings or other structures on the land, by flooding, periodic water action, bank slides, erosion or silt;
 - (iv) that the land in the reservoir development area will be used and developed in an orderly and safe manner for recreation, public access or other purposes;
- (b) designating all or any portion of the area adjacent to or surrounding a watercourse or standing water body as a special flood hazard area if the Lieutenant Governor in Council considers that designation to be necessary in order to ensure all or any of the following:
 - (i) the protection of life, health and the public interest;
 - (ii) the elimination and prevention of uses, developments, actions and practices that may increase flood levels and dangers;
 - (iii) the minimization of public expenditures associated with floods;
 - (iv) the protection of purchasers and owners of property;
 - (v) that the use of those areas is compatible with the flood hazard;
- (c) respecting the use and control of any reservoir development area or special flood hazard area, including all or any of the following matters:
 - (i) the establishment of a new land use district;
 - (ii) the elimination of a land use district;
 - (iii) the addition or elimination of permitted uses or limitations on permitted uses for a land use district;
- (d) respecting the use and control of land within any land use district of any reservoir development area or special flood hazard area, including all or any of the following matters:
 - (i) the subdivision of land and the use of land for residence, commerce or any other purpose;
 - (ii) the use and standard of buildings, structures, flood control works and flood proofing erected, placed, constructed, reconstructed, altered or repaired;

- (iii) the percentage of land that may be built upon and the size of yards, courts, parking facilities and other open spaces;
 - (iv) the maintenance by owners of buildings, structures, flood control works, flood proofing and land in accordance with minimum standards;
 - (v) the display of advertisements and the nature, kind, size and description of any advertisement displayed;
 - (vi) a system of building permits, the terms and conditions pursuant to which any building permits may be issued, reinstated, suspended or revoked and the form of building permits and applications for permits;
- (e) respecting the protection of the habitat of wild animals and birds, waterfowl sanctuaries and afforested or improved lands in any reservoir development area or special flood hazard area.
- (2) With respect to special flood hazard areas, the corporation may:
 - (a) advise the public about the flood hazard; and
 - (b) provide technical assistance to municipalities in the development and implementation of plans for the management and use of special flood hazard areas.
- (3) The corporation shall:
 - (a) give notice of the corporation's intention to submit for enactment by the Lieutenant Governor in Council any regulations to be made pursuant to clause (1)(a), (b) or (c) in a newspaper published or circulating in the area affected by the regulations; and
 - (b) in the notice mentioned in clause (a):
 - (i) set forth a description of the area affected by the regulations;
 - (ii) state the place where and the hours during which the regulations may be inspected by any interested person; and
 - (iii) state the time and place fixed for consideration by the corporation, or the corporation's representatives, of written comments on the regulations.
- (4) Before submitting any regulations to the Lieutenant Governor in Council for enactment pursuant to subsection (1), the corporation shall inform or consult with the council of any municipality that is wholly or partly within the proposed reservoir development area or special flood hazard area concerning the proposed regulations.
- (5) Regulations made pursuant to subsection (1) may provide for the suspension, in whole or in part, within the reservoir development area or special flood hazard area designated in the regulations, of a zoning or building bylaw or other bylaw relating to any matter with respect to which the Lieutenant Governor in Council is authorized by subsection (1) to make regulations.

Restrictions in designated areas or proposed designated areas

75(1) If the corporation has given a notice of intention pursuant to subsection 74(3) with respect to an existing or potential reservoir development area or special flood hazard area, no person, without the written approval of the corporation, shall, within that reservoir development area or special flood hazard area:

- (a) construct, locate or structurally alter a building or other structure; or
 - (b) change the purpose for which land is being used on the day on which the notice of intention is published in a newspaper.
- (2) The prohibition mentioned in subsection (1) applies for:
- (a) three months commencing on the day that notice of intention is given in the case of a reservoir development area; or
 - (b) six months commencing on the day that notice of intention is given in the case of a special flood hazard area.
- (3) A person who is affected by the prohibition in subsection (1) may apply to the corporation for approval to undertake the activities mentioned in subsection (1).
- (4) If an application is made pursuant to subsection (3), the corporation shall make a decision on the application in accordance with the proposed regulations with respect to which the notice of intention was given.
- (5) A person whose property is wholly or partly within a reservoir development area or special flood hazard area may appeal to the Saskatchewan Municipal Board if that person:
- (a) alleges that another person acting for or on behalf of the corporation has, in a particular case, misapplied the reservoir development area regulations or the special flood hazard area regulations with respect to the area; or
 - (b) claims that compliance with a regulation with respect to a specific site would involve practical difficulties or unnecessary hardships by reason of the shape or topographical features of the site.
- (6) The council of a municipality that is wholly or partly within a reservoir development area or special flood hazard area may appeal to the Saskatchewan Municipal Board if it:
- (a) alleges that a person acting for or on behalf of the corporation has, in a particular case, misapplied the reservoir development area regulations or the special flood hazard area regulations with respect to the area;
 - (b) claims that development resulting from compliance with the regulations would conflict with or be incompatible with existing development in the community; or
 - (c) claims that compliance with the regulations would result in development at a place where the community does not desire that development occur.
- (7) The Lieutenant Governor in Council may make regulations respecting the procedure for appeals pursuant to this section to the Saskatchewan Municipal Board.
- (8) Property is deemed not to be injuriously affected by a regulation made pursuant to section 74 or this section.

Bylaws

76 Notwithstanding any other Act, a municipality affected by a reservoir development area or special flood hazard area may, subject to the approval of the corporation, make bylaws:

- (a) for any or all of the purposes described in clause 74(1)(d);
- (b) respecting the establishment of and the powers of an appeal board for the purpose of hearing appeals pursuant to the bylaws;
- (c) prescribing the decisions that may be appealed to the appeal board and the procedures for appeals.

PART VII
Grants of Water Rights

Property in water not transferred by grant of land

77(1) Subject to subsection (2), the Crown shall not make any grant of lands or of any estate in lands in terms that vest in the grantee:

- (a) any exclusive or other property or interest in, or any exclusive right or privilege with respect to:
 - (i) any river, stream, watercourse, lake, creek, spring, ravine, canyon, lagoon, swamp, marsh or other water body; or
 - (ii) the water contained or flowing in a water body described in subclause (i); or
 - (b) any exclusive or perpetual property, interest or privilege in the land forming the bed or shore of any water body described in clause (a).
- (2) Subsection (1) does not apply to:
- (a) a grant made pursuant to an agreement or undertaking existing on April 1, 1931;
 - (b) a grant made pursuant to either or both of *The Provincial Lands Act* and *The Forest Resources Management Act* of a leasehold interest in all or any portion of land forming the bed or shore of a water body if the grant is for a purpose related to a Crown disposition as defined in *The Crown Minerals Act*;
 - (c) a grant made pursuant to section 80 for the purposes of the Framework Agreement; or
 - (d) a grant made for the purpose of assisting Her Majesty in right of Canada to satisfy or discharge any obligations or undertakings of Her Majesty in right of Canada to Indian bands in Saskatchewan.
- (3) Subsection (1) does not affect the right of the Crown pursuant to any other Act to dispose of minerals in, on or under lands forming the bed or shore of any water body described in clause (1)(a).

(4) Subsection (1) does not affect the right of the Crown pursuant to this Act or any other Act to grant to any holder of a mineral claim the rights to deposit tailings, slimes or other waste products of mining operations:

- (a) into any water body lying within an area of land that has been set aside as a tailings disposal area; or
- (b) on the lands forming the bed or shore of any water body lying within an area of land that has been set aside as a tailings disposal area.

Right of diversion not vested in owner

78 Unless acquired by a grant made in pursuance of an agreement or undertaking existing on April 1, 1931, no riparian owner or any other person by length of use or otherwise shall acquire any right to the permanent diversion or to the exclusive use of surface water other than a right acquired, conferred or continued pursuant to this Act or the regulations, unless cancelled, amended or suspended pursuant to this Act.

Existing rights preserved

79(1) Subject to section 54, any right, privilege or authority granted to any person, or any right, privilege or authority of any person preserved or recognized, pursuant to any Act or former Act or Act or former Act of the Parliament of Canada and existing on the day on which this Act comes into force that entitles the person to divert, use or store water or to use or occupy lands owned by the Crown in connection with the diversion, use or storage of water remains in full force and effect unless and until it is amended or cancelled by the corporation pursuant to this Act.

(2) Any works being operated pursuant to any Act or former Act or Act or former Act of the Parliament of Canada or regulations pursuant to that Act at the coming into force of this Act may continue to be operated in accordance with the terms and conditions prescribed by that Act or regulations with respect to those operations unless and until the authority for those operations is amended or cancelled pursuant to this Act.

Framework Agreement implications

80 Notwithstanding any provision of this Act or any other Act:

- (a) the Crown may transfer to Her Majesty in right of Canada the property in and the right to the use of all water that is wholly situated within an Indian reserve that has been set apart pursuant to the terms of the Framework Agreement;
- (b) the Crown may transfer to Her Majesty in right of Canada the land or any portion of the land forming the bed or shore of any surface water that is wholly situated within or that is adjacent to an Indian reserve that has been set apart pursuant to the terms of the Framework Agreement;
- (c) an Indian band shall have the right to place a dock, wharf or pier on the land forming the bed or shore of any surface water at any location that is adjacent to an Indian reserve that has been set apart pursuant to the terms of the Framework Agreement;

(d) subject to clause (e), an Indian band has common law riparian rights with respect to the use and occupation of any land that has been set apart as an Indian reserve pursuant to the terms of the Framework Agreement and that is adjacent to any surface water; and

(e) common law riparian rights mentioned in clause (d) do not include the ownership of the land forming the bed or shore of any surface water that is adjacent to an Indian reserve mentioned in clause (d).

PART VIII Offences and Penalties

Offence and penalty

81(1) No person shall:

- (a) contravene any provision of this Act or the regulations;
- (b) fail to comply with an order of the corporation;
- (c) hinder or obstruct the corporation or any person authorized or instructed by the corporation in the lawful performance or exercise of its duties or powers;
- (d) knowingly furnish the corporation or any person acting on behalf of the corporation with false information;
- (e) knowingly mislead or attempt to mislead the corporation or any person acting on behalf of the corporation;
- (f) take or use water without having authority from the corporation to do so;
- (g) take or use water in contravention of any term or condition pursuant to which the taking or use of the water was granted by the corporation;
- (h) construct, extend, alter or operate any works:
 - (i) without having secured the approval of the corporation; or
 - (ii) in contravention of any term or condition prescribed by the corporation with respect to the construction, extension, alteration or operation of those works; or
- (i) take or use water after the right of the person to do so has been cancelled by the corporation.

(2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000 and not more than \$1,000 for each day or part of a day during which the offence continues.

(3) Every director, officer or agent of a body corporate who directed, authorized, assented to or acquiesced in or participated in an act or omission of the body corporate that would constitute an offence by the body corporate is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the body corporate has been prosecuted or convicted.

Limitation period on prosecutions

82 No prosecution for an offence pursuant to this Act is to be commenced after the expiration of two years from the later of:

- (a) the date the alleged offence was committed; and
- (b) the date that the corporation became aware of the alleged offence.

PART IX
General

Licences and approvals not affected

83 The issuing by the corporation of a licence or approval pursuant to this Act for the doing of any act or thing for which a licence or the approval of the corporation is required does not affect the application of any other Act or regulations that require:

- (a) a permit, approval or licence; or
- (b) the doing or omitting of any act or thing with respect to a permit, approval, licence, right, authority, grant, promise, lease or concession granted to or to be granted pursuant to that Act or those regulations, with respect to the first mentioned act or thing.

Appeals to Water Appeal Board

84 Any person affected by any order or decision of the corporation pursuant to section 69 may appeal the order or decision to the Water Appeal Board in accordance with *The Water Appeal Board Act*.

Immunity

85(1) No action or proceeding lies or shall be commenced against the Crown, the minister, the corporation, any member of the corporation, any officer or employee of the corporation or any person authorized by the corporation, if that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, attempted to be done or omitted to be done by that person or by any of those persons 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 order made pursuant to this Act or any duty imposed by this Act or the regulations.

(2) Without limiting the generality of subsection (1), no action or proceeding lies or shall be commenced against the corporation, any member of the corporation, any officer or employee of the corporation or any person authorized by the corporation for any injury, loss or damage to any person or property arising out of, or directly or indirectly resulting from:

- (a) the failure to supply or distribute water due to any cause, except a failure by the corporation, any member of the corporation, any officer or employee of the corporation or any person authorized by the corporation to exercise a reasonable standard of care having regard to the circumstances; or
- (b) the supply or distribution of water to, or use of water by, a person beyond the point of delivery to that person's premises.

Bonding

86 All employees of the corporation who, in the course of their employment, receive or disburse cash, and any other officers or employees of the corporation that the corporation may consider advisable, are required to be bonded in those sums that may be required by the corporation for duly accounting for money or goods that come into their hands or under their control.

Inspection of records

87(1) Subject to *The Freedom of Information and Protection of Privacy Act*, any person may inspect and obtain access to the details of any water rights licence or approval of works issued or continued pursuant to this Act.

(2) On receipt of payment of the fee determined by the corporation, the corporation shall supply copies of any records available for public inspection.

Use of property

88 The corporation may use any land, building, plant, machinery, apparatus or equipment belonging to it for any revenue-producing purpose that it considers proper if the corporation is not using that land, building, plant, machinery, apparatus or equipment for the purpose of doing any thing within the corporation's powers and purposes for which:

- (a) that land may have been acquired; or
- (b) that building, plant, machinery, apparatus or equipment may have been acquired, constructed or installed.

Powers to enforce rates, etc.

89(1) The corporation may enforce payment of fees, levies, rates, rents or charges for water, works or other services rendered by it, including service charges, current charges and all charges of any nature or kind whatsoever:

- (a) by action in any court of competent jurisdiction; or
- (b) by distress and sale of the goods and chattels of the person owing those fees, levies, rates, rents or charges, wherever the goods and chattels may be found.

(2) If the corporation enforces payment of fees, levies, rates, rents or other charges pursuant to subsection (1) by a distress and sale, the corporation shall conduct the distress and sale in the same manner as a distress and sale for unpaid taxes is to be conducted pursuant to *The Urban Municipality Act, 1984*, and the costs chargeable for the distress and sale are those payable to bailiffs pursuant to *The Distress Act*.

Powers of entry re removal of illegal dam

90(1) The corporation, or any person acting under the corporation's instructions, may enter on any land with any equipment, machinery or other articles that it considers necessary for the purpose of opening up, taking down, removing or destroying:

- (a) any illegal dam, dyke or other works; or
- (b) any dam constructed by beaver or any natural obstruction whether formed by blown dirt, debris or otherwise, in any lake, river, stream or other water body.

(2) The corporation and any persons acting under the corporation's instructions are not liable for any damage done to the land that is necessarily incidental to the exercise of the powers granted by subsection (1).

(3) The amount expended by the corporation and any person acting under its instructions in opening up, taking down, removing or destroying an illegal dam, dyke or other works pursuant to clause (1)(a) may be recovered as a debt due to the corporation from the person who constructed the dam, dyke or other works.

Crown bound

91 The Crown is bound by this Act.

**PART X
Regulations**

Regulations

92 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;
- (b) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (c) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

**PART XI
Repeal and Transitional**

O.C. 29/90 repealed

93 Order in Council 29/90 dated January 10, 1990 is repealed.

Employee transfers

94(1) Without limiting the generality of section 24 of *The Public Service Act, 1998*, the chairperson of the Public Service Commission may transfer or second any employee from a position in a department as defined in that Act to the corporation with the approval of the corporation.

(2) Notwithstanding any other Act or law, the Saskatchewan Water Corporation may transfer or second any of its employees to the corporation with the approval of the corporation.

Transitional re *The Water Corporation Act*

95(1) In this section, "**former Act**" means *The Water Corporation Act*, as that Act existed on the day before the coming into force of this Act.

(2) Subject to subsection 84(6) of *The Environmental Management and Protection Act, 2002*, all approvals, licences, permits, authorizations, grants and conveyances that were issued by or deemed to be imposed on Saskatchewan Water Corporation pursuant to the former Act, that were in existence on the day before the coming into force of this Act and that relate to the matters governed by this Act are continued and may be dealt with pursuant to this Act as if they had been issued by or imposed on the corporation pursuant to this Act.

- (3) The Lieutenant Governor in Council may transfer from Saskatchewan Water Corporation to the corporation:
- (a) any assets and liabilities of Saskatchewan Water Corporation as they existed on the day before the coming into force of this Act; and
 - (b) any agreements entered into by Saskatchewan Water Corporation before the coming into force of this Act.
- (4) If pursuant to subsection (3) the Lieutenant Governor in Council transfers from Saskatchewan Water Corporation to the corporation:
- (a) any assets and liabilities of Saskatchewan Water Corporation, those assets and liabilities become the assets and liabilities of the corporation; and
 - (b) any agreements entered into by Saskatchewan Water Corporation, those agreements become agreements of the corporation and they may be dealt with by the corporation, and enforced by or against the corporation, as if they had been entered into pursuant to this Act.
- (5) Any complaints that were filed with Saskatchewan Water Corporation pursuant to the former Act and that were not completed on the day before the coming into force of this Act are to be continued pursuant to this Act and may be dealt with by the corporation as if they had been filed pursuant to this Act.
- (6) Any appeals that were commenced pursuant to the former Act and that were not completed on the day before the coming into force of this Act are continued and are to be dealt with pursuant to the former Act as if that Act had not been repealed.
- (7) The following regulations, as those regulations existed on the day before the coming into force of this Act, are continued pursuant to this Act and may be amended or repealed pursuant to this Act as if those regulations had been made pursuant to this Act:
- (a) the Regulations for the Administration of Water Rights under *The Water Rights Act*, being Saskatchewan Regulations 905/68 and made by Order in Council 1359/43;
 - (b) *The Drainage Control Regulations*;
 - (c) *The Withdrawal from Allocation Regulations*;
 - (d) *The Reservoir Development Area Regulations*.

Transitional re Saskatchewan Wetland Conservation Corporation

- 96(1)** A reference in any other Act, regulation, order, agreement or other document to the Saskatchewan Wetland Conservation Corporation is deemed to be a reference to the Saskatchewan Watershed Authority.
- (2) On the coming into force of this Act:
- (a) the property of the Saskatchewan Wetland Conservation Corporation continues to be the property of the Saskatchewan Watershed Authority;
 - (b) the Saskatchewan Watershed Authority continues to be liable for the obligations of the Saskatchewan Wetland Conservation Corporation;
 - (c) any existing cause of action, claim or liability to prosecution involving the Saskatchewan Wetland Conservation Corporation is deemed not to be affected;

(d) a civil, criminal or administrative action or proceeding pending by or against the Saskatchewan Wetland Conservation Corporation may be continued by or against the Saskatchewan Watershed Authority; and

(e) a conviction against or ruling, order or judgment in favour of or against the Saskatchewan Wetland Conservation Corporation may be enforced by or against the Saskatchewan Watershed Authority.

PART XII
Consequential Amendments

DIVISION 1
The Builder's Lien Act

S.S. 1984-85-86, c.B-7.1, section 2 amended

97 Subclause 2(1)(d)(iii) of *The Builders' Lien Act* is amended:

(a) by adding the following paragraphs before paragraph (I):

“(H.1) *The Saskatchewan Water Corporation Act*;

“(H.2) *The Saskatchewan Watershed Authority Act*”; and

(b) by repealing paragraph (O).

DIVISION 2
The Conservation and Development Act

R.S.S. 1978, c.C-27 amended

98 *The Conservation and Development Act* is amended in the manner set forth in this Division.

Section 2 amended

99 Clause 2(c) is repealed and the following substituted:

“(c) ‘**corporation**’ means the Saskatchewan Watershed Authority continued pursuant to *The Saskatchewan Watershed Authority Act*”.

Section 9 amended

100 Subsection 9(2) is amended by striking out “in the department” and substituting “by the corporation”.

Section 12 amended

101 Subsection 12(3) is amended by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.

Section 24 amended

102 Subsection 24(1) is amended by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.

DIVISION 3
The Ground Water Conservation Act

R.S.S. 1978, c.G-8 amended

103 *The Ground Water Conservation Act* is amended in the manner set forth in this Division.

Section 2 amended

104 Clause 2(a) is repealed and the following substituted:

“(a) ‘**corporation**’ means the Saskatchewan Watershed Authority continued pursuant to *The Saskatchewan Watershed Authority Act*”.

Section 13 amended

105 Section 13 is amended by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.

DIVISION 4
The Irrigation Act, 1996

S.S. 1996, c.I-14.1 amended

106 *The Irrigation Act, 1996* is amended in the manner set forth in this Division.

Section 2 amended

107 Section 2 is amended:

(a) by repealing clause (a) and substituting the following:

“(a) ‘**Corporation**’ means the Saskatchewan Water Corporation continued pursuant to *The Saskatchewan Water Corporation Act*;

“(a.1) ‘**Crown**’ means the Crown in right of Saskatchewan;

“(a.2) ‘**department**’ means the department over which the minister presides”;

(b) by adding the following clause after clause (c):

“(c.1) ‘**extension services**’ means the provision of technical and educational services respecting irrigation practices and procedures”;
and

(c) by repealing clause (l).

New section 3

108 Section 3 is repealed and the following substituted:

“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 management, administration, development or promotion of irrigation, irrigation works, water control works or water supply works or for any other purpose related to the administration of this Act or to fulfilling the purposes of this Act; and
- (c) provide extension services to any irrigation district, person or body in Saskatchewan.

(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) 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”.

New section 6.1

109 Section 6.1 is repealed and the following substituted:

“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”.

Section 13 amended

110(1) Clause 13(a) is amended in the portion preceding subclause (i) by adding “the minister,” before “the Corporation”.

(2) Clause 13(c) is amended by striking out “The Water Corporation Act” and substituting “The Saskatchewan Watershed Authority Act”.

Section 17 amended

111 Clause 17(2)(b) is repealed and the following substituted:

“(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”.

Section 29 amended**112 Subsection 29(1) is repealed and the following substituted:**

“(1) No irrigation district shall supply irrigation services to a person unless the irrigation district:

- (a) has an agreement with the Corporation or the minister respecting the operation, maintenance and replacement of any works used by the irrigation district to provide irrigation services; and
- (b) pursuant to the agreement mentioned in clause (a):
 - (i) accepts sole responsibility for the quality of the water supplied for irrigation services; and
 - (ii) agrees to indemnify the Crown for any claim made against the Crown with respect to the quality of the water supplied”.

New section 29.01**113 The following section is added after section 29:****“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) Every irrigation district that is party to a water supply contract shall, on the expiration of the water supply contract, enter into an agreement with the minister in accordance with subsection 29(1), as that subsection is enacted on the day on which this section comes into force”.

Section 29.1 amended**114 Subsection 29.1(2) is repealed and the following substituted:**

“(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)”.

New section 38

115 Section 38 is repealed and the following substituted:**“Extension services - minister****38(1) In this section:**

(a) **‘extension agreement’** means an agreement between the minister and a person for the provision of extension services to that person by the minister and the payment of an extension charge by that person to the minister;

(b) **‘extension charge’** means the charge set by the minister for providing extension services, and may include a charge levied by ICDC pursuant to section 53 to cover ICDC’s administrative and operating costs.

(2) No person shall irrigate land in an area not served by an irrigation district without entering into an agreement with the minister for extension services.

(3) The minister shall not supply extension services to a person unless that person:

(a) is the owner of the land being irrigated or to be irrigated or has obtained the written consent of the owner of that land;

(b) either:

(i) holds an irrigation certificate for the land being irrigated or to be irrigated; or

(ii) has been granted an exemption from holding an irrigation certificate pursuant to section 30 for the land that is the subject of the request; and

(c) enters into an extension agreement with the minister.

(4) Notwithstanding subsection (3), a person is not required to hold or obtain an irrigation certificate to continue irrigating land that was being irrigated as at January 1, 1997 and has continued to be irrigated since that date.

(5) Subject to subsection (6), clause (3)(c) does not apply to a person who, as at January 1, 1997, was receiving irrigation services from the Corporation.

(6) A person described in subsection (5) shall enter into an extension agreement with the minister on or before the date prescribed in the regulations.

(7) If a person described in subsection (5) does not enter into an extension agreement on or before the date prescribed in the regulations, that person is no longer eligible to irrigate unless that person subsequently applies to the minister to receive extension services and meets the requirements of subsection (3).

(8) 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.

(9) The minister shall not require a person to cease irrigating pursuant to subsection (8) without giving the person affected an opportunity to be heard.

(10) No person who has been required by the minister to cease irrigating any land pursuant to subsection (8) shall continue to irrigate that land”.

Section 43 amended

116 Clause 43(d) is amended by striking out “, the minister and the Corporation” and substituting “and the minister”.

Section 53 amended

117 Subsection 53(1) is amended by striking out “irrigation services from the Corporation” and substituting “extension services from the minister”.

Section 55 amended

118 Subsection 55(1) is amended by striking out “irrigation services from the Corporation” and substituting “extension services from the minister”.

Section 59 amended

119(1) Subsection 59(1) is amended by striking out “irrigation services from the Corporation” and substituting “extension services from the minister”.

(2) Subsection 59(2) is amended in the portion preceding clause (a) by striking out “irrigation services from the Corporation” and substituting “extension services from the minister”.

(3) Subsection 59(3) is amended by striking out “irrigation services from the Corporation” and substituting “extension services from the minister”.

Section 60 amended

120 Clause 60(c) is amended by striking out “, the minister and the Corporation” and substituting “and the minister”.

Section 76 amended

121 Section 76 is amended:

- (a) by renumbering it as subsection 76(1);**
- (b) in subsection (1) by striking out “or the Corporation”; and**
- (c) by adding the following subsection after subsection (1):**

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

Section 78.1 amended

122 Section 78.1 is amended:

- (a) by striking out “in right of Saskatchewan”; and**
- (b) by striking out “officer or employee of the Corporation” and substituting “officer or employee of the department or the Corporation”.**

Section 79 amended

123 Clause 79(j.2) is amended by striking out “subsections 38(7) and (8)” and substituting “subsections 38(6) and (7)”.

New section 81.1

124 The following section is added after section 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”.

Certain sections amended

125 The following provisions are amended by striking out “Corporation” wherever it appears and in each case substituting “minister”:

- | | |
|-----------------------------|-----------------------------|
| – section 5 | – section 32 |
| – subsections 6(1) and (3) | – section 33 |
| – subsections 7(1) and (2) | – subsection 34(2) |
| – clause 10(2)(b) | – section 37 |
| – clause 12(c) | – clause 44(b) |
| – subsections 17(1) and (5) | – clause 48(3)(b) |
| – clause 19(1)(b) | – clause 51(1)(b) |
| – subsection 20(1) | – subsections 53(3) and (4) |
| – section 21 | – section 54 |
| – section 22 | – clause 61(b) |
| – section 23 | – clause 65(3)(b) |
| – subsection 24(2.1) | – clause 68(1)(b) |
| – clause 26(3)(b) | – subsection 70(3) |
| – section 30 | – subsection 73(2) |
| – subsection 31(1) | – section 75 |

DIVISION 5
The Land Titles Act

R.S.S. 1978, c.L-5 amended

126 *The Land Titles Act* is amended in the manner set forth in this Division.

Section 57 amended

127 Clause 57(e) is repealed and the following substituted:

- “(e) a notice or certificate registered pursuant to:
- (i) section 24 or 26 of *The Environmental Management and Protection Act, 2002*; or
 - (ii) section 55 or 57 of *The Saskatchewan Watershed Authority Act*”.

Section 69 amended

128 Clause 69(h) is repealed and the following substituted:

- “(h) any right of way or other easement granted or acquired pursuant to:
- (i) the *Irrigation Act* (Canada), chapter 104 of the *Revised Statutes of Canada, 1927*, or any former *Irrigation Act* of Canada;
 - (ii) *The Water Corporation Act*, as that Act existed on the day before the coming into force of *The Saskatchewan Watershed Authority Act*;
 - (iii) *The Water Rights Act*, as that Act existed on the day before the coming into force of *The Water Corporation Act*, or any former *Water Rights Act*;
 - (iv) *The Environmental Management and Protection Act, 2002*; or
 - (v) *The Saskatchewan Watershed Authority Act*”.

Section 107 amended

129(1) Subsection 107(1) is amended by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.

(2) Subsection 107(3) is amended by striking out “Saskatchewan Water Corporation” and substituting “Saskatchewan Watershed Authority”.

(3) Subsection 107(4) is amended by striking out “Saskatchewan Water Corporation” and substituting “Saskatchewan Watershed Authority”.

DIVISION 6
The Meewasin Valley Authority Act

S.S. 1979, c.M-11.1, section 81 amended

130 Section 81 of *The Meewasin Valley Authority Act* is amended in the portion preceding clause (a) by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.

DIVISION 7

The Municipality Improvements Assistance (Saskatchewan) Act

R.S.S. 1978, c.M-30, new section 6

131 Section 6 of *The Municipality Improvements Assistance (Saskatchewan) Act* is repealed and the following substituted:

“Approval re waterworks, etc.

6 If an application is for the purpose of establishing or extending, improving or renewing a system of waterworks or of constructing, extending, altering, improving or renewing a common sewer or sewer system, the application is not to be approved until, as the case requires:

- (a) the approval of the minister responsible for the administration of *The Environmental Management and Protection Act, 2002* is obtained pursuant to that Act; or
- (b) the approval of the Saskatchewan Watershed Authority is obtained pursuant to *The Saskatchewan Watershed Authority Act*”.

DIVISION 8

The Northern Municipalities Act

S.S. 1983, c.N-5.1 amended

132 *The Northern Municipalities Act* is amended in the manner set forth in this Division.

Section 109 amended

133 Section 109 is amended by striking out “*The Water Corporation Act*” and substituting “*The Environmental Management and Protection Act, 2002* and *The Saskatchewan Watershed Authority Act*”.

Section 145.08 amended

134 Subsection 145.08(2) is amended by striking out the portion preceding clause (a) and substituting the following:

“Subject to *The Environmental Management and Protection Act, 2002*, *The Saskatchewan Watershed Authority Act* and any regulations made pursuant to those Acts but notwithstanding any other Act or agreement, a council may, by bylaw, make provision for all or any of the following purposes:”.

DIVISION 9

The Parks Act

S.S. 1986, c.P-1.1, section 27 amended

135 Clause 27(1)(g) of *The Parks Act* is amended by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.

DIVISION 10
The Planning and Development Act, 1983

S.S. 1983-84, c.P-13.1 amended

136 *The Planning and Development Act, 1983* is amended in the manner set forth in this Division.

Section 142 amended

137 Subsection 142(1) is amended by striking out “Saskatchewan Water Corporation” and substituting “Saskatchewan Watershed Authority”.

Section 192 amended

138(1) Subsection 192(1) is amended in the portion preceding clause (a) by striking out “Saskatchewan Water Corporation” and substituting “Saskatchewan Watershed Authority”.

(2) Subsection 192(4) is amended by striking out “Saskatchewan Water Corporation” and substituting “Saskatchewan Watershed Authority”.

DIVISION 11
The Provincial Lands Act

R.S.S. 1978, c.P-31 amended

139 *The Provincial Lands Act* is amended in the manner set forth in this Division.

Section 10 amended

140 Section 10 is amended by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.

Section 16 amended

141 Clause 16(1)(b) is amended by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.

DIVISION 12
The Public Works Act

R.S.S. 1978, c.P-46 amended

142 *The Public Works Act* is amended in the manner set forth in this Division.

Section 10 amended

143 Section 10 is amended by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.

Section 11 amended

144 Subsection 11(2) is repealed and the following substituted:

“(2) Subsection (1) does not apply to any property, works, buildings or things mentioned in section 10 that are owned or operated by:

- (a) the Saskatchewan Watershed Authority;
- (b) the Saskatchewan Water Corporation; or
- (c) the Saskatchewan Property Management Corporation”.

Section 15 amended

145 Clause 15(1)(k) is amended by striking out “*The Water Corporation Act*” and substituting “*The Environmental Management and Protection Act, 2002* and *The Saskatchewan Watershed Authority Act*”.

DIVISION 13

The Rural Municipality Act, 1989**S.S. 1989-90, c.R-26.1 amended**

146 *The Rural Municipality Act, 1989* is amended in the manner set forth in this Division.

Section 204 amended

147 Section 204 is amended by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.

Section 235 amended

148 Subsection 235(2) is amended by striking out the portion preceding clause (a) and substituting the following:

“Subject to *The Environmental Management and Protection Act, 2002, The Saskatchewan Watershed Authority Act* and any regulations made pursuant to those Acts but notwithstanding any other Act or agreement, a council may, by bylaw, make provision for all or any of the following purposes:”.

DIVISION 14

The Tax Enforcement Act**R.S.S. 1978, c.T-2, section 27 amended**

149(1) Section 27 of *The Tax Enforcement Act* is amended in the manner set forth in this section.

(2) Clause (c), as that clause applies to areas of Saskatchewan to which *The Land Titles Act* applies, is amended by striking out “or *The Water Corporation Act*” and substituting “, *The Environmental Management and Protection Act, 2002, The Saskatchewan Watershed Authority Act, or The Water Corporation Act* as that Act existed before the coming into force of *The Saskatchewan Watershed Authority Act*”.

(3) Clause (2)(d), as that clause applies to areas of Saskatchewan to which *The Land Titles Act, 2000* applies, is amended by striking out “or *The Water Corporation Act*” and substituting “, *The Environmental Management and Protection Act, 2002, The Saskatchewan Watershed Authority Act, or The Water Corporation Act* as that Act existed before the coming into force of *The Saskatchewan Watershed Authority Act*”.

DIVISION 15

The Treaty Land Entitlement Implementation Act

S.S. 1993, c.T-20.1, section 2 amended

150 Clause 2(g) of *The Treaty Land Entitlement Implementation Act* is amended by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.

DIVISION 16

The Urban Municipality Act, 1984

S.S. 1983-84, c.U-11 amended

151 *The Urban Municipality Act, 1984* is amended in the manner set forth in this Division.

Section 144 amended

152 Section 144 is amended by striking out “*The Water Corporation Act*” and substituting “*The Environmental Management and Protection Act, 2002* and *The Saskatchewan Watershed Authority Act*”.

Section 190 amended

153 Subsection 190(2) is amended by striking out the portion preceding clause (a) and substituting the following:

“Subject to *The Environmental Management and Protection Act, 2002*, *The Saskatchewan Watershed Authority Act* and any regulations made pursuant to those Acts but notwithstanding any other Act or agreement, a council may, by bylaw, make provision for all or any of the following purposes:”.

DIVISION 17

The Wakamow Valley Authority Act

S.S. 1980-81, c.W-1.1, section 75 amended

154 Subsection 75(1) of *The Wakamow Valley Authority Act* is amended:

(a) by striking out “*The Pollution (By Live Stock) Control Act*” and substituting “*The Agricultural Operations Act*”; and

(b) by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.

DIVISION 18

The Wascana Centre Act

R.S.S. 1978, c.W-4, section 11 amended

155 Clause 11(1)(m) of *The Wascana Centre Act* is amended by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.

DIVISION 19
The Water Appeal Board Act

S.S. 1983-84, c.W-4.01 amended

156 *The Water Appeal Board Act* is amended in the manner set forth in this Division.

Section 2 amended

157 **Clause 2(b) is repealed and the following substituted:**

“(b) ‘**corporation**’ means the Saskatchewan Watershed Authority continued pursuant to *The Saskatchewan Watershed Authority Act*”.

Section 11 amended

158 **Section 11 is amended by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.**

DIVISION 20
The Water Power Act

R.S.S. 1978, c.W-6 amended

159 *The Water Power Act* is amended in the manner set forth in this Division.

Section 2 amended

160 **Clause 2(a) is repealed and the following substituted:**

“(a) ‘**corporation**’ means the Saskatchewan Watershed Authority continued pursuant to *The Saskatchewan Watershed Authority Act*”.

Section 11 amended

161 **Section 11 is amended by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.**

New section 19

162 **Section 19 is repealed and the following substituted:**

“*Saskatchewan Watershed Authority Act* not affected

19 If any right, power or privilege or any authority to do any act, matter or thing is or has been granted or given by or pursuant to this Act or any regulations or order made pursuant to this Act, no further or other compliance with *The Saskatchewan Watershed Authority Act* is required with respect to that right, power, privilege or authority”.

DIVISION 21

*The Watershed Associations Act***R.S.S. 1978, c.W-11 amended**

163 *The Watershed Associations Act* is amended in the manner set forth in this Division.

Section 2 amended

164 Clause 2(d) is amended by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.

Section 21 amended

165 Subsection 21(1) is amended in the portion preceding clause (a) by striking out “*The Water Corporation Act*” and substituting “*The Saskatchewan Watershed Authority Act*”.

PART XIII

Coming into Force**Coming into force**

166 This Act comes into force on proclamation.

