

The Ground Water Regulations

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Saskatchewan Regulations 172/66 (effective July 22, 1966) as amended by Saskatchewan Regulations 198/71, 194/68, 30/67 and 107/2006.

NOTE:

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

Table of Contents

Interpretation		20	Yield test
1	Short title	21	Disinfecting
2	Interpretation	22	Sanitary well completion
PART I		23	Flowing artesian wells
Permit for Ground Water Exploration		24	Submission of engineering report
3	Application for permit to conduct ground water investigation	25	Release of information
4	Permit to conduct ground water investigation	PART IV	
PART II		Abandonment of Test Holes and Wells	
REGISTRATION OF MACHINES FOR DRILLING		26	Test hole abandonment
5	Drilling prohibited	27	Responsibility for damage
6	Application	28	Well abandonment
7	Registration and number plate, expiry and cancellation	PART V	
8	Number plate displayed	Use of Ground Water	
9	Registration inspection	29	Filing of memorial and plans
10	Plate ownership	30	Authorization of well and appurtenant works and right-of-way
11	Use and care of registration certificate and number plate	31	Report completion of well and appurtenant works
12	Penalty for non-registration	32	Licencing of existing works
13	Replacement of registration certificate and plate	33	Licencing of new works
14	Sale, exchange, transfer, or disposal	34	Meters and observation wells
15	Transfer	35	Ground water use records
PART III		36	License required
Drilling and Evaluation		37	Inspection
16	Notice of drilling	PART VI	
17	Driller's report	Licensees under The Mineral Resources Act or The Oil and Gas Conservation Act	
18	Electric and other logs	38	Licensees
19	Repealed	PART VII	
		Repealed	

SASKATCHEWAN REGULATION 172/66

under *The Ground Water Conservation Act*

REGULATIONS UNDER THE GROUND WATER CONSERVATION ACT

Interpretation

Short title

- 1 These Regulations may be cited as the Ground Water Regulations.

Interpretation

- 2 In these Regulations:

- (a) **“aquifer”** means any geological formation from which ground water can be withdrawn in usable quantities;
- (b) **“commission”** means the Saskatchewan Water Resources Commission;
- (c) **“domestic purposes”** means household and sanitary purposes, the watering of stock, the spraying of crops, the watering of noncommercial lawns and gardens adjoining private residences, but does not include the sale or barter of water for such purposes;
- (d) **“ground water investigation”** means any program of drilling, sampling and logging to determine the quantity and quality of ground water in a specified area for purposes other than domestic;
- (e) **“industrial purposes”** means any purposes for which water is used in the production of goods and services and includes the use of water for cooling purposes;
- (f) **“irrigation purposes”** means the controlled application of water to soil for the purpose of supplying moisture essential to plant growth;
- (g) **“mineral recovery”** means mineral recovery as may be defined in The Water Rights Act from time to time;
- (h) **“mineral water”** means mineral water as may be defined in The Water Rights Act from time to time;
- (i) **“municipal purposes”** means household and sanitary purposes, the watering of streets, walks, paths, boulevards, lawns and gardens, fire protection and the flushing of sewers, and includes the construction of buildings and of civic works, and other purposes usually served by water within a city, town, or village and such other purposes as are approved by the commission;
- (j) **“observation well”** means any well installed or used for the purpose of measuring water levels;
- (k) **“other purposes”** means other purposes as may be defined in The Water Rights Act from time to time;

(l) **“test hole”** means any opening in the ground, made by drilling, boring, or in any other manner, for the purpose of obtaining geological, geohydrological or structural information related to ground water resources, and shall be limited to a depth of one thousand feet or the base of the Second White Speckled Shale where such base lies below one thousand feet; and

(m) **“works”** means works as may be defined in The Water Rights Act from time to time.

22 Jly 66 SR 172/66 s2.

PART I

Permit for Ground Water Exploration

Application for permit to conduct ground water investigation

3 A person undertaking a ground water investigation program, shall file with the commission, prior to such investigation on a form provided by the commission, an application for a permit to conduct a ground water investigation, together with the prescribed fee.

22 Jly 66 SR 172/66 s3.

Permit to conduct ground water investigation

4(1) Upon receipt of an application the commission may issue a permit to conduct a ground water investigation.

(2) A permit issued under subsection (1) of this section shall expire on the date indicated thereon but the commission may, on the written request of the permittee, extend the duration of the permit for a further period of one year.

22 Jly 66 SR 172/66 s4.

PART II

Registration of Machines for Drilling

Drilling prohibited

5 No person by himself or by an agent or employee, shall operate a machine for drilling for the purpose of obtaining ground water or scientific data on ground water, unless such machine is registered with the commission.

22 Jly 66 SR 172/66 s5.

Application

6 An application for registration shall be made to the commission on a form provided by the commission and shall be accompanied by the prescribed fee.

22 Jly 66 SR 172/66 s6.

Registration and number plate, expiry and cancellation

7(1) The commission, upon receiving the application for registration to operate a machine for drilling and on payment of the prescribed fee, may register the machine and thereupon shall issue to the owner thereof a registration certificate and a distinctive number plate.

(2) A registration certificate shall expire at midnight of the 31st day of March next following the date of issue, unless sooner suspended or cancelled.

(3) A registration certificate may be suspended or cancelled by the commission if the holder of the registration certificate violates any provision of the Act or these regulations.

22 Jly 66 SR 172/66 s7; 9 Jly 71 SR 198/71 s2.

Number plate displayed

8 The current year number plate shall be secured on the machine for drilling in such manner as to be distinctly visible and shall be kept free from oil, grease, dirt and other substances likely to impair legibility, and no plate, disc or other article shall be attached to the number plate.

22 Jly 66 SR 172/66 s8.

Registration inspection

9 A registration certificate given under these regulations shall be produced upon the demand of a peace officer, an employee of the commission or other person authorized by the commission for that purpose.

22 Jly 66 SR 172/66 s9.

Plate ownership

10 A number plate furnished by the commission under these regulations is the property of the Crown and shall be returned to the commission upon request.

22 Jly 66 SR 172/66 s10.

Use and care of registration certificate and number plate

11 No person shall:

- (a) operate a machine for drilling on which is exposed or carried a number plate issued under these regulations other than the one issued by the commission for the current registration year;
- (b) use or allow the use of his registration certificate for drilling or number plate on any machine for drilling other than the machine for which the registration is issued;
- (c) willfully deface or alter any number plate or registration certificate; and
- (d) operate or cause to be operated a machine for drilling bearing a defaced or altered number plate.

22 Jly 66 SR 172/66 s11.

Penalty for non-registration

12 A person who operates, or causes to be operated a machine for drilling that is not registered with the commission, is guilty of an offence and liable on summary conviction to a fine of not less than \$10.00 nor more than \$100.00 for each day during which the violation continues.

22 Jly 66 SR 172/66 s12.

Replacement of registration certificate and plate

13 If the registration certificate or number plate of a machine is lost, destroyed or defaced so as to be illegible, the owner shall forthwith apply to the commission, on a form to be provided by the commission, for replacement of the registration certificate and number plate, and he shall upon payment of the prescribed fee be issued a new registration certificate and number plate.

22 Jly 66 SR 172/66 s13.

Sale, exchange, transfer, or disposal

14 Every person who sells, or otherwise disposes of a machine for drilling belonging to him, shall forthwith remove the number plate attached thereto and shall notify the commission of the name and address of the new owner.

22 Jly 66 SR 172/66 s14.

Transfer

15 An owner may apply to the commission for a transfer of registration and upon payment of the prescribed fee the commission may transfer the registration certificate and number plate to another machine for drilling owned by him.

22 Jly 66 SR 172/66 s15.

PART III

Drilling and Evaluation

Notice of drilling

16 A notice of drilling, on a form supplied by the commission, shall be completed and mailed by the driller to the commission before commencement of drilling of a well.

22 Jly 66 SR 172/66 s16.

Driller's report

17 Within 30 days following completion of drilling a well, the driller shall forward to the commission a driller's report on a form provided by the commission.

22 Jly 66 SR 172/66 s17.

Electric and other logs

18 Where an electric-log or other log is run on a test hole or well, the driller shall forward a copy of such log to the commission within 30 days following the completion of the logging and all pertinent information shall be recorded on the log submitted.

22 Jly 66 SR 172/66 s18.

19 Repealed. 10 Feb 67 SR 30/67.**Yield test**

20(1) Upon completion of a well for municipal, industrial, mineral water, mineral recovery, irrigation or other purpose except domestic, the permittee shall test the yield of the well by means of a step-drawdown test or a constant rate pump test for a period of not less than 24 hours, and within 60 days the data obtained from such test shall be forwarded to the commission on a form provided by the commission or on a form approved by the commission.

(2) Upon completion of a well for domestic purposes, the driller shall test the yield of the well by means of a bailer, pump or other device or method approved by the commission.

22 Jly 66 SR 172/66 s20.

Disinfecting

21 After a well has been completely constructed and prior to its use, the driller shall thoroughly clean all foreign substances from the well and shall disinfect the well.

22 Jly 66 SR 172/66 s21.

Sanitary well completion

22 Every well shall be so constructed as to prevent contamination or pollution of the water in the well or in the aquifer and where required, well casings and cribbings shall be set and cemented, or driven.

22 Jly 66 SR 172/66 s22.

Flowing artesian wells

23 Where a well is to be drilled in an area where flowing artesian conditions are known to exist, the driller shall set and cement in sufficient surface casing so that the flow of water from such well can be controlled.

22 Jly 66 SR 172/66 s23.

Submission of engineering report

24 Notwithstanding sections 16 to 20, inclusive, of these regulations and upon the written request of the permittee, the data obtained in a ground water investigation program may be submitted by the permittee in a final engineering report within 60 days of the conclusion of the program, provided that these said reports shall contain as a minimum all data which would have been submitted under the said sections.

22 Jly 66 SR 172/66 s24.

Release of information

25 Upon written request of the permittee, data pertaining to a ground water investigation program and submitted to the commission as required under these regulations, shall be held confidential for a period of one year following the date of the submission of the data and, until such period of time has elapsed, no such data shall be released for public inspection without the written consent of the permittee.

22 Jly 66 SR 172/66 s25.

PART IV**Abandonment of Test Holes and Wells****Test hole abandonment**

26(1) All test holes shall be abandoned within 30 days after the necessary well logs have been obtained, unless arrangements have been made with the landowner for completion of the test hole as a water well or observation well.

(2) Test holes shall be abandoned in accordance with the following procedures:

(a) where a test hole penetrates the drift and penetrates the top of the Milk River Formation in an area where that formation is recognizable, then a cement plug at least fifty feet in length shall be set between the top of the Milk River Formation and the base of the first superadjacent permeable or electrically resistive zone, or the bottom of the surface casing, whichever is lower in elevation;

(b) where a test hole penetrates the drift and penetrates to the top of the First White Speckled Shale in an area where the Milk River Formation is not recognizable, then a cement plug at least fifty feet in length shall be set between the top of the First White Speckled Shale and the base of the first superadjacent permeable or electrically resistive zone, or the bottom of the surface casing, which ever is lower in elevation;

(c) where a test hole penetrates the drift in an area where the base of the Second White Speckled Shale is at an elevation equal to or greater than 900 feet above sea level, or where the Second White Speckled Shale is missing, then a cement plug shall be set which extends from the total depth of the hole to the base of the drift, or the bottom of the surface casing, whichever is lower in elevation;

(d) notwithstanding clause (c) of this section, where a test hole does not penetrate the top of the Milk River Formation, or which does not penetrate the top of the First White Speckled Shale, no cement abandonment plug as outlined in clauses (a) and (b) of this section is required; and

(e) test holes shall be abandoned in the following manner after the abandonment plug if required has been set:

(i) the hole shall be filled with drilling mud and the material obtained from drilling;

(ii) any casing set shall be cut off at least two feet below the surface;

- (iii) a four-foot plug of wood, or cement, or an approved commercial plug shall be set firmly in the hole at a depth not less than two feet below the surface;
 - (iv) if the plug inserted in the hole is not made of concrete or cement, a plank two inches thick, one foot wide and two feet long shall be placed directly over the plug and the hole above the plank filled with dry cement to a depth of at least six inches;
 - (v) the hole shall be filled and tamped;
 - (vi) all pits and trenches shall be filled with cuttings or soil;
 - (vii) excess cuttings shall be spread uniformly over the ground surface and the ground surrounding the test hole shall be restored as nearly as possible to its original condition; and
 - (viii) all combustible and non-combustible garbage and waste shall be kept in a suitable container and removed from the site to a legal disposal area.
- (3) Notwithstanding subsections (1) and (2) of this section, if during the drilling of a test hole gas or free oil is encountered:
- (a) further drilling is prohibited; and
 - (b) the hole shall be plugged in a manner that adequately confines the gas or oil to the producing zone.

22 Jly 66 SR 172/66 s26; 9 Jly 71 198/71 s3.

Responsibility for damage

27 The permittee shall be responsible for any damage arising from the settlement of ditches, pits or test holes, or any damage resulting during ingress, egress, drilling operations, improper abandonment of a test hole or well site.

22 Jly 66 SR 172/66 s27.

Well abandonment

28(1) Where a well is no longer in use and is abandoned, the owner shall cause the well to be properly closed in a manner sufficient to prevent the vertical movement of water in it.

(2) Unless otherwise approved by the commission, a well shall be abandoned in accordance with the following procedure:

- (a) for wells of a diameter of 18 inches or less;
 - (i) the well casing, well screen and similar material shall be removed and the hole filled with cement or an approved heavy drilling mud; or
 - (ii) the casing shall be cut off at least two feet below the surface of the ground and a steel plate or other approved cap shall be securely attached to the top of the casing; and the hole above the casing shall be backfilled with compacted earth;

(b) for shallow domestic wells and for wells of a diameter greater than 18 inches, the hole shall be filled with compacted earth up to natural ground elevation so that it is not a hazard to the safety of persons and livestock.

22 Jly 66 SR 172/66 s28.

PART V Use of Ground Water

Filing of memorial and plans

29 An applicant for licence to use ground water for municipal, industrial irrigation, mineral water, mineral recovery or for any purpose other than domestic, shall file with the commission:

- (a) a memorial in the form provided by the commission, together with the prescribed fee;
- (b) general plans showing the location of the proposed and existing works including any production wells, observation wells, pump houses, pipelines, treatment plants, storage reservoirs and other similar works;
- (c) a plan showing the location of existing water wells not owned by the applicant, which may be affected by the proposed wells;
- (d) final engineering or ground water investigation report as provided in Part III of these regulations if such report has not previously been filed with the commission;
- (e) evidence that the right-of-way for the works has been obtained. For the preparation and registration of the plans of survey, the provisions of The Land Survey Act and The Land Titles Act shall apply mutatis mutandis; and
- (f) agreements, if any have been entered into for the supply of water to users other than the applicant and for the use of works not the property of the applicant.

22 Jly 66 SR 172/66 s29.

Authorization of well and appurtenant works and right-of-way

30(1) Upon receipt of an application under section 29, the minister shall direct publication of a notice and the provisions of sections 20 and 28 of The Water Rights Act shall apply mutatis mutandis.

(2) The minister, after considering all protests filed and any other matter relative thereto, may authorize or may refuse to authorize the construction of the well or appurtenant works, or both, with such changes and variations as he deems necessary, and he shall fix in the authorization a date by which the construction is to be completed.

(3) Where unforeseen circumstances prevent the construction of works within the time specified, or for any other reason the commission deems expedient, the minister may authorize an extension of time for the construction of works.

22 Jly 66 SR 172/66 s30.

Report completion of well and appurtenant works

31 Upon completion of the works, an applicant for a licence to use ground water shall file with the commission:

- (a) a report of completion of well and appurtenant works on a form provided by the commission; and
- (b) a detailed plan of the production well and any observation wells indicating thereon such things as well head elevation, surface casing, well casing, well tubing, well screen, gravel pack, position and types of packers.

22 Jly 66 SR 172/66 s31.

Licencing of existing works

32 Every person who, prior to the coming into force of these regulations, utilized ground water for municipal, industrial, irrigation, mineral water, mineral recovery or for any purposes other than domestic shall, prior to the first day of January, 1968, comply with the provisions of subsections (a), (b), (c) and (e) of section 29; and subsections (a) and (b) of section 31 of these regulations.

22 Jly 66 SR 172/66 s32.

Licencing of new works

33(1) Upon the applicant for a licence complying with the provisions of the Act and these regulations and producing a certificate of a professional engineer that the well and works have been completed in accordance with the plans filed with the commission relative to such works, the minister shall issue a licence for the use of the quantity of ground water stated in the licence and such licence may be issued subject to the rights of any other users of water having prior right to the use of such water and such other terms and conditions as the commission sees fit including precedence of use as set forth in The Water Rights Act.

(2) If the applicant does not produce a certificate of a professional engineer as provided in paragraph (1) hereof, no licence shall be issued until an inspection shall have been made by the commission.

(3) Notwithstanding paragraph (2) hereof, the minister may issue a licence without an inspection being made by the commission.

(4) If upon inspection at any time it is determined by the commission that the well and works are not at that time in accordance with the filed plans, any licence issued under this section may be cancelled in whole or in part.

22 Jly 66 SR 172/66 s33.

Meters and observation wells

34 Unless otherwise approved by the commission, each licensee or person authorized to construct works for the use of ground water shall:

- (a) equip and maintain each producing well or battery of production wells with a volume meter or other acceptable measuring device;
- (b) equip each production well so that the non-pumping and pumping water level can be measured; and
- (c) maintain permanent observation wells completed in the producing aquifer.

17 May 68 SR 194/68.

Ground water use records

35 Unless otherwise approved by the commission, each licensee shall maintain monthly records of water use and water levels and shall file such records with the commission on or before the 31st day of January of each year.

22 Jly 66 SR 172/66 s35.

Licence required

36(1) No person shall use ground water unless such person is licenced under these regulations.

(2) No licence issued under these regulations may be transferred without the approval of the commission and payment of the transfer fee.

22 Jly 66 SR 172/66 s36.

Inspection

37 Any inspection to be made by the commission under this part of these regulations may be made by its agents, employees or servants.

22 Jly 66 SR 172/66 s37.

PART VI
Licensees Under The Mineral Resources Act
or The Oil and Gas Conservation Act

Licensees

38(1) Subject to subsection (2) of this section, any person licenced under The Mineral Resources Act or The Oil and Gas Conservation Act and regulations made under either of such Acts shall, in addition to the requirements of those Acts and regulations when utilizing ground water for any purpose, file with the commission a memorial in the prescribed form, together with the required fee.

(2) The commission may require further information concerning the use of ground water for any purpose as it sees fit and may require compliance with any provision of these regulations that is not inconsistent with the regulations made under The Mineral Resources Act and The Oil and Gas Conservation Act.

(3) Plans, information or data filed with the Department of Mineral Resources under The Mineral Resources Act or The Oil and Gas Conservation Act and required by these regulations shall be available to the commission and such plans, information or data need not be filed with the commission by the person licenced under The Mineral Resources Act or The Oil and Gas Conservation Act.

22 Jly 66 SR 172/66 s38.

PART VII
Schedule of Fees

Repealed. 17 Nov 2006 SR 107/2006 s2.