

The Irrigation Regulations

being

Chapter I-14.1 Reg 1 (effective March 26, 1997) as amended
by Saskatchewan Regulations 7/2001 and 78/2006.

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.

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Repealed

CHAPTER I-14.1 REG 1

The Irrigation Act, 1996

Title

- 1** These regulations may be cited as *The Irrigation Regulations*.

Interpretation

- 2** In these regulations, “**Act**” means *The Irrigation Act, 1996*.

4 Apr 97 cI-14.1 Reg 1 s2.

Borrowing powers

- 2.1** For the purposes of subsection 16(3) of the Act, all government agencies are prescribed as entities from which an irrigation district may borrow money.

25 Aug 2006 SR 78/2006 s3.

Appointment of district board member

- 2.2(1)** For the purposes of clause 24(1.1)(a) of the Act, any appointment made by the minister shall be made by minister’s order.

- (2)** Any member appointed pursuant to subsection (1) shall be appointed for a one-year term and is eligible for reappointment.

25 Aug 2006 SR 78/2006 s3.

Amalgamation proposal

- 3** For the purposes of section 22 of the Act, irrigation districts proposing to amalgamate shall prepare a detailed proposal setting out the terms and means of effecting the amalgamation and, in particular, setting out:

- (a) the names of the amalgamating irrigation districts;
- (b) the names of the district consumers of each amalgamating irrigation district;
- (c) the number of acres receiving irrigation services in each amalgamating irrigation district;
- (d) the reasons for the amalgamation and the benefits that the district board of each amalgamating irrigation district believes will be achieved by the amalgamation;
- (e) the proposed date of the amalgamation; and
- (f) the proposed name and number of the amalgamated irrigation district.

4 Apr 97 cI-14.1 Reg 1 s3.

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4(1) The district board of each amalgamating irrigation district shall submit the amalgamation proposal for approval to a meeting of the district consumers of the amalgamating irrigation district.

(2) A notice of a meeting of the district consumers shall be sent to each district consumer of each amalgamating irrigation district in accordance with subsection (3), together with a copy of the amalgamation proposal.

(3) The notice mentioned in subsection (2) must set out the time and place of the meeting and the text of any special resolution to be submitted to the meeting, and shall be sent to each district consumer by personal service or registered mail not less than 30 days nor more than 50 days before the meeting.

(4) An amalgamation proposal is adopted by an irrigation district when the district consumers of the irrigation district have approved the amalgamation by a resolution passed by more than 50% of the district consumers controlling more than 50% of the irrigated area of the irrigation district, stating that:

- (a) they received and understood the amalgamation proposal;
- (b) they support the proposed amalgamation; and
- (c) if an irrigation district cannot or does not proceed with the proposed amalgamation, they wish to continue the amalgamation with the remaining amalgamating irrigation districts.

4 Apr 97 cI-14.1 Reg 1 s4.

Application for amalgamation

5(1) After an amalgamation has been adopted pursuant to section 4, the amalgamating irrigation districts shall provide to the minister:

- (a) an application to amalgamate, in a form satisfactory to the minister, containing:
 - (i) the names and addresses of the district consumers of each amalgamating irrigation district;
 - (ii) the legal description of the lands receiving irrigation services in each amalgamating irrigation district; and
 - (iii) the number of acres receiving irrigation services in each amalgamating irrigation district;
- (b) a copy of the amalgamation proposal;
- (c) a certified copy of the resolution mentioned in subsection 4(4) for each amalgamating irrigation district;
- (d) a statement for each amalgamating irrigation district of the assets, liabilities and works owned or controlled by the irrigation district, in a form satisfactory to the minister; and

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- (e) a written declaration of a director or an officer of the district board of each amalgamating irrigation district stating that there are reasonable grounds for believing that the amalgamated irrigation district will be able to pay its liabilities as they become due.
- (2) A statement to be provided pursuant to clause (1)(d):
 - (a) is to be sworn by the chairperson, the vice-chairperson and a majority of the remaining members of the district board of the amalgamating irrigation district to which the statement pertains; and
 - (b) is to state that the information provided in the statement accurately and fairly represents the financial and contractual circumstances of the amalgamating irrigation district.

4 Apr 97 cI-14.1 Reg 1 s5; 25 Aug 2006 SR 78/
2006 s4.

Approval of amalgamation by Corporation

6(1) Before approving the amalgamation, the minister must be satisfied that the amalgamation is in the best interests of each amalgamating irrigation district and the district consumers of each amalgamating irrigation district.

(2) In the event that more than two irrigation districts wish to amalgamate, the failure of an irrigation district to meet the requirements for amalgamation does not prevent the remaining irrigation districts from proceeding with the amalgamation in accordance with the Act and these regulations.

4 Apr 97 cI-14.1 Reg 1 s6; 25 Aug 2006 SR 78/
2006 s5.

Notice of amalgamation

7 If the amalgamation is approved by the minister, each amalgamating irrigation district shall immediately notify its district consumers of the effective date of the amalgamation, which date is to be no more than 90 days after the approval of the amalgamation by the minister.

4 Apr 97 cI-14.1 Reg 1 s7; 25 Aug 2006 SR 78/
2006 s6.

Effective date of amalgamation

8 Provided notice is given to the district consumers pursuant to section 7, the amalgamating irrigation districts continue as one irrigation district on the effective date of the amalgamation and cease to exist as separate irrigation districts on that date.

4 Apr 97 cI-14.1 Reg 1 s8.

Voluntary winding up of irrigation district

9(1) For the purposes of subsection 23(1) of the Act, an irrigation district that applies to the minister to be voluntarily wound up shall provide the following to the minister:

- (a) an application for voluntary winding up, in a form satisfactory to the minister, containing:
 - (i) the names and addresses of the district consumers of the irrigation district;
 - (ii) the legal description of the lands receiving irrigation services in the irrigation district; and
 - (iii) the number of acres receiving irrigation services in the irrigation district;
 - (b) a certified copy of a resolution to wind up approved at a meeting of the district consumers by more than 50% of the district consumers of the irrigation district controlling more than 50% of the irrigated area of the irrigation district;
 - (c) a statement of the assets, liabilities and works owned or controlled by the irrigation district, in a form satisfactory to the minister;
 - (d) a copy of all water service agreements and contracts to which the irrigation district is a party;
 - (e) **Repealed.** 25 Aug 2006 SR 78/2006 s7.
- (2) **Repealed.** 25 Aug 2006 SR 78/2006 s7.
- (3) The statement to be provided pursuant to clause (1)(c):
- (a) is to be sworn by the chairperson, the vice-chairperson and a majority of the remaining members of the district board; and
 - (b) is to state that the information provided in the statement accurately and fairly represents the financial and contractual circumstances of the irrigation district.

4 Apr 97 cI-14.1 Reg 1 s9; 25 Aug 2006 SR 78/2006 s7.

Corporation winding up of irrigation district

10(1) For the purposes of subsections 23(1) and (2) of the Act, to wind up an irrigation district, the minister shall appoint an administrator for the irrigation district, who shall have the powers of a duly constituted district board and shall replace any district board in office at the time of the administrator's appointment.

- (2) An administrator appointed pursuant to subsection (1) shall:
 - (a) to the best of the administrator's ability based on the records of the irrigation district, prepare and submit to the minister a statement of assets, liabilities, works, water services agreements and contracts of the irrigation district;

- (b) prepare and submit to the minister a plan to fairly, equitably and promptly deal with the assets, liabilities, works, water services agreements and contracts of the irrigation district; and
 - (c) mail to each district consumer of the irrigation district a letter informing the district consumer of the contents of the plan mentioned in clause (b).
- (3) On completion of the administrator's duties pursuant to subsection (2), the administrator shall recommend to the minister that the irrigation district be wound up in accordance with the plan mentioned in clause (2)(b).
- (4) If the minister accepts the recommendation of the administrator pursuant to subsection (3), the minister may order that the irrigation district be wound up.
- (5) An order made pursuant to subsection (4) is final and binding on the irrigation district and its district consumers.
- (6) The irrigation district shall cease to operate and exist from the date of the order made pursuant to subsection (4).
- (7) Subject to subsection (8), the costs of winding up the irrigation district in accordance with this section, including the costs of any decommissioning works associated with the winding up, shall be paid out of the irrigation district funds and the proceeds of sale of the assets and works of the irrigation district, where the assets and works of the irrigation district are sold.
- (8) Where the costs of winding up exceed the amount of irrigation district funds and proceeds of sale available pursuant to subsection (7), the minister shall pay the excess costs.
- (9) Any assets of the irrigation district, including any irrigation district funds or proceeds of sale available pursuant to subsection (7), that have not been disposed of when the irrigation district is wound up vest in the minister.

4 Apr 97 cI-14.1 Reg 1 s10; 25 Aug 2006 SR 78/2006 s8.

11 Repealed. 25 Aug 2006 SR 78/2006 s9.

Fee for issuance of irrigation certificate

12(1) In this section, "**parcel of land**" means a parcel or parcels of land to a maximum of 64.75 hectares or 160 acres.

(2) For the purposes of section 30 of the Act, a person who applies to the minister for an irrigation certificate shall pay to the minister:

- (a) an application and soils investigation fee in the amount of:
 - (i) \$1,300 for the first parcel of land that is the subject of the application; and
 - (ii) \$1,100 for every subsequent parcel of land that is the subject of the application; and
- (b) any additional fee set by the minister against the applicant based on the minister's estimate of the costs for any additional scientific studies to be conducted pursuant to subsection 30(2) of the Act.

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(3) The minister may retain any technical or professional advisers as he or she considers appropriate to assist with any of the scientific studies conducted pursuant to subsection 30(2) of the Act.

(4) The applicant shall pay to the minister all fees mentioned in this section in advance of any work done by the minister.

(5) All fees paid to the minister by an applicant pursuant to this section are non-refundable whether or not the minister determines that it is appropriate to issue an irrigation certificate for the land that is the subject of the application.

(6) **Repealed.** 2 Mar 2001 SR 7/2001 s4.

(7) **Repealed.** 2 Mar 2001 SR 7/2001 s4.

4 Apr 97 cI-14.1 Reg 1 s12; 2 Mar 2001
SR 7/2001 s4; 25 Aug 2006 SR 78/2006 s10.

Exemption from requirement to hold irrigation certificate

12.1 In accordance with subsection 30(4) of the Act, the minister may exempt a person from the requirement to hold an irrigation certificate for irrigation services if the irrigation services will use less than 12,300 cubic metres or 10 acre feet of water on an annual basis.

2 Mar 2001 SR 7/2001 s5; 25 Aug 2006 SR 78/
2006 s11.

13 Repealed. 25 Aug 2006 SR 78/2006 s12.

14 Repealed. 25 Aug 2006 SR 78/2006 s13.

Information for public inspection

15 An irrigation district shall make the following information available for public inspection during normal office hours of the irrigation district:

- (a) the names of the members of the district board;
- (b) the names of the members for each committee appointed by the district board;
- (c) the duties of each committee mentioned in clause (b).

4 Apr 97 cI-14.1 Reg 1 s15.

15.1 Repealed. 25 Aug 2006 SR 78/2006 s14.

Election and appointment of ICDC board members

16(1) For the purposes of clause 46(1.1)(c) of the Act, members of the ICDC board are to be elected or appointed in accordance with this section.

(2) At each annual meeting of ICDC, an election shall be held to elect the following members:

(a) irrigation districts are to elect in the case of members for the following areas whose term will expire in that year:

- (i) two members for the Lake Diefenbaker Development Area;
- (ii) two members for the Southwest Development Area;
- (iii) one member for the Southeast Development Area;
- (iv) one member for the Northern Development Area;

(b) in the case of the member elected by individual consumer delegates whose term will expire in that year, one member.

(3) For the purposes of clause (2)(a):

(a) each irrigation district may have a delegate for each 5,000 irrigated acres or any portion of that area who is entitled to vote for that district's ICDC board member; and

(b) the development areas mentioned in subclauses (i) to (iv) are the areas indicated on the map attached as schedule B to the bylaws of ICDC.

(4) Members elected pursuant to subsection (2) are elected for three-year terms.

(5) The board of Saskatchewan Irrigation Projects Association shall annually appoint two members to the ICDC board.

(6) The members of the board may appoint additional members as may be necessary to satisfy subsection 46(1.2) of the Act.

25 Aug 2006 SR 78/2006 s15.

Refund of annual charges

16.1 For the purposes of subsection 55.1(1) of the Act, a written request for a refund of an annual charge levied by ICDC must contain the following particulars:

- (a) the name and mailing address of the person requesting the refund;
- (b) the description of the parcel of land that is the subject of the annual charge;
- (c) where applicable, the name of the irrigation district to which the person belongs;
- (d) the amount of the annual charge sought to be refunded;
- (e) the reason for requesting the refund.

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(2) For the purposes of subsection 55.1(2) of the Act, on receipt of a request for a refund that complies with the Act and these regulations, ICDC shall verify that the person requesting the refund has paid the annual charge in full to ICDC.

(3) Where ICDC verifies that the person requesting the refund has paid the annual charge in full to ICDC and that the request complies with the Act and these regulations, ICDC shall refund the annual charge by way of cheque:

- (a) made payable to the person requesting the refund; and
- (b) mailed to that person's mailing address as set out in the request for the refund.

2 Mar 2001 SR 7/2001 s7.

R.R.S. c.S-56 Reg 1 repealed

17 *The South Saskatchewan River Irrigation Administration and Election Regulations* are repealed.

4 Apr 97 cI-14.1 Reg 1 s17.

Appendix

Repealed. 25 Aug 2006 SR 78/2006 16.