

The Water Corporation Act

Repealed

by Chapter S-35.01 of the *Statutes of Saskatchewan, 2002*
(effective October 1, 2002).

Formerly

Chapter W-4.1 of the *Statutes of Saskatchewan, 1983-84*
(effective July 1, 1984) as amended by the *Statutes of
Saskatchewan, 1984-85-86, c.16; 1988-89, c.42 and 55; 1989-90,
c.5; 1992, c.A-24.1; 1993, c.C-50.101 and T-20.1; 1996, c.23;
1997, c.25; 1998, c.S-35.2, P-42.1 and 20; 2000, c.L-5.1; and
2001, c.47.*

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

	PART I				
	Short Title and Interpretation				
1	Short title		47	Power to enter on adjoining lands	
2	Interpretation			POWER TO SUPPLY WATER AND WORKS	
	PART II		48	Contract to supply water, works	
	Saskatchewan Water Corporation		49	Supply and installation of water quality or supply devices	
	CORPORATION		50	Power to amend contracts	
3	Corporation constituted		51	Exclusive power to supply water, works	
4	Agent of the Crown			POWER TO ACQUIRE WORKS	
5	Board of directors		52	Power to acquire works	
6	Quorum			ADMINISTRATION OF WORKS	
7	Minister responsible		53	Corporation has general supervision and control	
8	Executive committee		54	Approval for works required	
9	Head office		55	Material to be filed with application	
10	Staff		56	Publication of notice	
11	Superannuation and other plans		57	Approved by minister	
12	Employee transfers		58	Approval for construction and operation	
13	Acquisition and disposal of property		58.1	Replacement of domestic purpose licences with approvals	
14	Acquisition of securities		59	Registration of notice	
15	Acquisition of extra-provincial powers		60	Easements	
	POWERS AND PURPOSES		61	Non-application of sections 59 and 60	
16	Powers and purposes of corporation		62	Public highways	
17	Grants and loans		63	Inspection of works	
	EXPROPRIATION		64	Cancellation, alteration or suspension of approval	
18	Expropriation			COMPLAINTS	
19	Acquisition by purchase		65	Filing of complaint	
20	Repealed		66	Notice of complaint and investigation	
	FINANCE		67	Hearings	
21	Appropriations		68	Powers under <i>Public Inquiries Act</i>	
22	Revenues under <i>The Water Power Act</i>		69	Copy of decision	
23	Borrowing powers of Minister of Finance		70	Order relating to decisions	
24	Borrowing power of corporation		71	Failure to comply with order	
25	Guarantee by Saskatchewan		72	Mediation of damage claim	
26	Interest, etc., charge on revenue		73	Powers of entry re duties and powers of corporation	
27	Investment		74	Limitation of liability	
28	Fiscal year and audit			PART IV	
	GENERAL			Miscellaneous	
29	Bonding			VESTING OF PROPERTY	
30	Insurance of property		75	Vesting of property in corporation	
31	Inspection of records		76	Act evidence of transfer	
32	Use of property			APPEALS	
33	Loan of property		77	Appeals to Water Appeal Board	
34	Power to participate in maintenance and improvement programs			GRANTS OF WATER RIGHTS	
35	Extent of powers of corporation		78	Property in water not transferred by grant of land	
36	Power to control demand for water or works		79	Right of diversion not vested in owner	
37	Powers to enforce rates, etc.		80	Existing rights preserved	
38	Power to enter premises		80.1	Framework Agreement Implications	
39	Powers of entry re removal of illegal dam			OFFENCES AND PENALTIES	
40	Annual report		81	Offences; general	
	PART III		82	Limitation on prosecutions	
	Water Rights			REGULATIONS	
	GENERAL POWERS		83	Regulations	
41	Water vested in Crown			APPROVALS NOT AFFECTED	
41.1	Prohibitions in relation to water		84	Approvals not affected	
41.2	Exceptions			REPEALS	
42	Cancellation of right to water granted prior to this Act		85	S.S. 1979-80, c.D-33.1	
43	Diversion and use of water prohibited		86	R.S.S. 1978, c.M-36	
44	Civil action for diversion of certain surface water		87	R.S.S. 1978, c.W-5	
	POWER TO CONSTRUCT WORKS		88	R.S.S. 1978, c.W-7	
45	Power to construct works outside municipalities, on provincial highways etc.		89	R.S.S. 1978, c.W-8	
46	Power to construct works inside municipalities		90	R.S.S. 1978, c.W-9	
			91	Effect of repeal	
			92	References	

CHAPTER W-4.1

An Act to incorporate the Saskatchewan Water Corporation

PART I

Short Title and Interpretation

Short title

1 This Act may be cited as *The Water Corporation Act*.

Interpretation

2 In this Act:

- (a) **“board”** means the board of directors of the corporation;
 - (b) **“Crown”** means Her Majesty the Queen in right of Saskatchewan;
 - (c) **“corporation”** means the Saskatchewan Water Corporation constituted pursuant to section 3;
 - (d) **“court”** means Her Majesty’s Court of Queen’s Bench for 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, headworks, flumes, aqueducts, pipes, pumps, measuring weirs, any other contrivance for carrying or conducting water or any other facility the construction of which is authorized pursuant to this Act;
- (g.1) **“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

c. W-4.1

WATER CORPORATION

(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 band on the same or substantially the same terms as the agreement mentioned in sub-clause (i);

(h) **“ground water”** means water beneath the surface of land;

(h.1) **“Indian band”** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;

(i) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(j) **“northern municipality”** means a town, northern village or northern hamlet as defined in *The Northern Municipalities Act*;

(k) **“person”** includes:

(i) a person who has powers granted pursuant to an Act or any former Act that extend to or include:

(A) the construction or operation of any works; or

(B) the carrying on of the business of the supply, utilization, diversion, impounding or sale of water for any purposes; and

(ii) a city, town, village, rural municipality, northern municipality, conservation and development area authority, water users association, board of trustees of an irrigation district or the board of directors of a watershed association;

(l) **“prescribed”** means prescribed in the regulations;

(m) **“sewage”** means any liquid waste of domestic, commercial or industrial origin containing animal, vegetable or mineral matter in suspension or solution and includes rainwater or water resulting from the melting of snow or ice which enters any sewage works;

(n) **“sewage works”** means any facility for the collection, transmission, treatment or disposal of sewage but does not include any facility primarily used for the collection, transmission, treatment or disposal of any waste of industrial origin which is not disposed of by the owner or operator of the facility by means of:

(i) a sewage system owned or operated by a city, town, village, rural municipality, northern municipality or other municipal organization; or

(ii) a domestic sewage system operated in the vicinity of a city, town, village, hamlet or northern municipality;

(o) **“surface water”** means water above the surface of land and being in a river, stream, watercourse, lake, creek, spring, ravine, coulee, canyon, lagoon, swamp, marsh or other body of water;

(p) **“water”** means ground water or surface water;

WATER CORPORATION

c. W-4.1

(q) “**waterworks**” means any facility for the supply, collection, treatment, storage or distribution of water;

(r) “**works**” means drainage works, sewage works or waterworks.

1983-84, c.W-4.1, s.2; 1993, c.T-20.1, s.9.

PART II

Saskatchewan Water Corporation
CORPORATION

Corporation constituted

3(1) The Saskatchewan Water Corporation is hereby constituted a corporation consisting of those persons that may be appointed by the Lieutenant Governor in Council.

(1.1) **Repealed.** 1998, c.20, s.12.

(2) The name “Sask Water” is the abbreviated form of the name of the corporation and the abbreviation when used has the same legal effect and meaning as the full name of the corporation.

1983-84, c.W-4.1, s.3; 1984-85-86, c.16, s.43;
1993, c.C-50.101, s.57; 1998, c.20, s.12.

Agent of the Crown

4(1) The corporation is for all its purposes an agent of the Crown and its powers pursuant to this Act may be exercised only as an agent of the Crown.

(2) 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, and the corporation may also sue with respect to any tort, and may be sued in respect of any liabilities in tort, to the extent to which the Crown is subject by reason of *The Proceedings Against the Crown Act*.

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

(4) All property of the corporation, both real and personal, 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 or description, deemed to be the property of the Crown.

1983-84, c.W-4.1, s.4.

Board of directors

5(1) A board of directors of the corporation, consisting of those persons who are appointed to constitute the corporation pursuant to section 3, shall manage the affairs and business of the corporation.

c. W-4.1**WATER CORPORATION**

(2) The Lieutenant Governor in Council shall designate one member of the board as chairperson of the board and another member of the board as vice-chairperson of the board.

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

(4) The Clerk of the Executive Council shall publish in the *Gazette* a notice of any appointment to the board made pursuant to this Act and the appointment shall have force and effect on a date to be specified in the order making the appointment.

(5) A director is entitled to receive any remuneration for his services and allowances for travelling and other expenses that the Lieutenant Governor in Council may determine.

(6) The Crown Investments Corporation of Saskatchewan shall fix the remuneration and rate of reimbursement for expenses of members of the board.

1983-84, c.W-4.1, s.5; 1993, c.C-50.101, s.57;
1998, c.20, s.12.

Quorum

6 A majority of the members of the board is a quorum of the board for the transaction of business and, in the event of an equality of votes on any matter before the board, the chairman or the member acting as the chairman has a casting vote.

1983-84, c.W-4.1, s.6.

Minister responsible

7 The corporation is responsible to the minister for the performance of its duties imposed and in the exercise of its powers conferred pursuant to this Act.

1983-84, c.W-4.1, s.7.

Executive committee

8(1) The board of directors of the corporation may from time to time:

- (a) appoint from its number an executive committee; and
- (b) by resolution, delegate to the executive committee any powers that it considers necessary for the efficient conduct of the affairs and business of the corporation.

(2) A member of the executive committee holds office until he:

- (a) is removed by resolution of the board; or
- (b) has ceased to be a member of the board.

(3) The executive committee may exercise any powers of the board that are delegated to it by resolution of the board, subject to any restrictions contained in the resolution.

(4) The executive committee shall:

- (a) fix its quorum at not less than a majority of its members;
- (b) keep minutes of its proceedings; and

WATER CORPORATION

c. W-4.1

- (c) submit to the board, at each meeting of the board, the minutes of the executive committee's proceedings during the period since the most recent meeting of the board.
- (5) The board may from time to time:
 - (a) appoint any advisory committees or boards that it considers necessary for the efficient conduct of the affairs and business of the corporation;
 - (b) prescribe the duties of any committee or board appointed pursuant to clause (a); and
 - (c) fix the remuneration and allowances for expenses of members of any committee or board appointed pursuant to clause (a).

1983-84, c.W-4.1, s.8.

Head office

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

1983-84, c.W-4.1, s.9.

Staff

- 10(1) The corporation may:
 - (a) employ those officers and other employees that it considers necessary for the conduct of its operations; and
 - (b) determine the respective duties and powers, the conditions of employment and the remuneration to be paid by the corporation of the officers and employees it employs.
- (2) The corporation has control over and shall supervise its officers and employees.

1983-84, c.W-4.1, s.10.

Superannuation and other plans

- 11(1) Unless the Lieutenant Governor in Council by order otherwise directs, *The Public Service Superannuation Act* and *The Superannuation (Supplementary Provisions) Act* do not apply to the officers and employees of the corporation.

- (2) The corporation may establish and support any or all of the following:

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

for the benefit of the officers and employees of the corporation and the dependants of those officers and employees.

- (3) Notwithstanding subsection (1) or any other Act or law, where a person:

- (a) was a contributor pursuant to:
 - (i) *The Liquor Board Superannuation Act*;
 - (ii) *The Power Corporation Superannuation Act*;

c. W-4.1

WATER CORPORATION

(iii) *The Public Service Superannuation Act*;

(iv) **Repealed.** 1998, c.S-35.2, s.18.

(v) *The Superannuation (Supplementary Provisions) Act*; or

(vi) *The Workmen's Compensation Board Superannuation Act*;

immediately prior to the individual's employment by the corporation; and

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

then, for the purposes of the superannuation Act pursuant to which the individual contributes:

(c) the individual's service with the corporation is required to be counted as service pursuant to that superannuation Act; and

(d) the individual, his widow or her widower, as the case may be, children or other dependants or the individual's legal representative may be granted the respective allowances or gratuities provided for in that superannuation Act.

1983-84, c.W-4.1, s.11; 1988-89, c.55, s.33;
1998, c.S-35.2, s.18.

Employee transfers

12(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 an employee from a position in a department as defined in that Act to the corporation with the approval of the corporation.

(2) Notwithstanding section 37 of *The Trade Union Act*, where any department, board, commission, Crown corporation or other agency of the Government of Saskatchewan is disestablished in whole or in part and persons formerly employed by that agency are employed by the corporation, the corporation is not bound by any order of or any proceedings had or taken before The Labour Relations Board with respect to those persons, including any order of the The Labour Relations Board determining a trade union as representing, for the purposes of bargaining collectively, any of those persons.

1983-84, c.W-4.1, s.12; 1998, c.P-42.1, s.42.

Acquisition and disposal of property

13(1) Subject to subsection (3), the corporation may:

(a) acquire by purchase, lease or otherwise, any real or personal property, including water rights and water powers, that it considers necessary for the efficient operation of its business; and

(b) sell, lease or otherwise dispose of any of its property that it considers to be no longer necessary for its purposes.

(2) The corporation may:

(a) purchase property by means of deferred payments; and

(b) give security on the property purchased for the purchase money or the unpaid balance thereof with interest.

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

1983-84, c.W-4.1, s.13.

Acquisition of securities

14(1) In this section, “**incorporated company**” includes:

- (a) a municipal corporation constituted pursuant to *The Urban Municipality Act, 1984, The Rural Municipality Act* or *The Northern Municipalities Act*;
- (b) an irrigation district constituted pursuant to *The Irrigation Districts Act*; or
- (c) any corporation, in addition to one described in clauses (a) and (b), that is incorporated or registered pursuant to an Act.

(2) Subject to subsection (6), the corporation may acquire, by purchase or otherwise, shares of the capital stock or any bonds, debentures or other securities of any incorporated company carrying on any business, enterprise or undertaking that, in the opinion of the corporation, assists or enhances the corporation in the conduct of its operations as authorized by this Act.

(3) Where the corporation has acquired shares, bonds, debentures or other securities of an incorporated company pursuant to subsection (1), it may appoint a person or persons to be its representative or representatives at any meeting of the incorporated company or at any meeting of any class of members or creditors of the incorporated company.

(4) Where a person is appointed pursuant to subsection (2), he is entitled to exercise on behalf of the corporation all the powers which the Crown could exercise if it were an individual shareholder or creditor.

(5) Subject to the approval of the Lieutenant Governor in Council, the corporation may transfer, sell or otherwise dispose of debentures or other securities acquired pursuant to subsection (2).

(6) Where 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 prior approval of the Lieutenant Governor in Council before making the purchase.

1983-84, c.W-4.1, s.14; 1988-89, c.55, s.33.

Acquisition of extra-provincial powers

15(1) The corporation has the capacity:

- (a) subject to the approval of the Lieutenant Governor in Council, to incorporate any other corporations for any purpose that, in the opinion of the corporation, will directly or indirectly benefit the corporation; and
- (b) to accept, directly or through subsidiary corporations, extra-provincial powers and rights and to 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*, where 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.

1983-84, c.W-4.1, s.15; 1993, c.C-50.101, s.57.

POWERS AND PURPOSES

Powers and purposes of corporation

16(1) The powers and purposes of the corporation are:

- (a) to manage, administer, develop, control and protect the water and related land resources of Saskatchewan;
- (b) to promote the economical and efficient use, distribution and conservation of the water and related land resources of Saskatchewan;
- (c) to maintain and enhance the quality and availability of the water and related land resources of Saskatchewan for domestic, agricultural, industrial, recreational and other purposes;
- (d) to:
 - (i) undertake and co-ordinate research, investigations, surveys, studies and programs; and
 - (ii) enter into agreements;

with any person or any department, board, corporation or agency of the Government of Saskatchewan, the Government of Canada or the government of any other province or jurisdiction relating to the management, administration, development, conservation, protection and control of the water and related land resources of Saskatchewan;

(d.1) to enter into agreements with the Government of Canada and Indian bands relating to the management, administration, development, conservation, protection and control of any water 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;

- (e) to supply or make water available to any person;
- (f) to receive and consider applications from persons for the use of water or for approval to construct, extend, alter or operate waterworks, sewage works and drainage works and to establish terms and conditions pursuant to which:
 - (i) water may be diverted, supplied, used, treated or stored;
 - (ii) waterworks, sewage works or drainage works may be constructed;
 - (iii) waterworks, sewage works or drainage works, whether existing at the time of the coming into force of this Act or constructed thereafter, may be altered, extended or operated;

- (g) to regulate and control the flow of water in any lake, river, reservoir or other body of water in Saskatchewan;
 - (h) to fix, amend and collect fees, levies, rates or charges that may be levied on and collected from any person on account of any right, privilege or authority granted at any time, whether before or after the coming into force of this Act, pursuant to any Act or former Act of the Legislature of Saskatchewan or Parliament of Canada to any person:
 - (i) 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;
 - (ii) to construct or operate any waterworks, sewage works, drainage works or other works which discharge into, or which utilize, waters in Saskatchewan;
 - (i) to construct, cause to be constructed or acquire by lease, purchase, joint venture or otherwise acquire, manage and operate any works and enter into agreements with any persons or any department, board, commission, corporation or other agency of the Government of Saskatchewan, the Government of Canada or the government of any other province or jurisdiction for the supply of services in connection with the management or operation of those works by the corporation or by the person, department, board, commission, corporation or agency;
 - (j) to do those other things, in addition to those powers and purposes described in clauses (a) to (i), that the corporation considers necessary, incidental or conducive to the efficient exercise of the powers and performance of its duties set out in this Act.
- (2) Where the exercise of the powers described in clauses (1)(d), (f) or (g) involves the entering into of an agreement with the Government of Canada or the government of any other province of Canada or of any other jurisdiction, those powers shall be exercised only with the prior approval of the Lieutenant Governor in Council.
- (3) The corporation may:
- (a) collect, process and store basic data on the quantity, source, use, cost and other aspects of water and the related resources of Saskatchewan;
 - (b) advise the Lieutenant Governor in Council on matters pertaining to the planning, development and use of interprovincial and international waters and of any water use plan or proposed project either inside or outside Saskatchewan that may have implications for the planning, development and use of the water and related resources of Saskatchewan;
 - (c) maintain communication with the Prairie Provinces Water Board and other like organizations respecting all matters that come within the purview of those organizations and that affect the planning, development and use of water and the related resources of Saskatchewan.

c. W-4.1**WATER CORPORATION****Grants and loans**

17(1) Subject to subsection (2), the corporation may make grants on any terms or conditions that it may establish to any person, agency, organization, association, institution or other body within Saskatchewan to enable or assist him or it:

- (a) to develop, operate or control water and the related land resources of Saskatchewan; or
- (b) to construct, extend, alter, acquire or operate any works.

(2) The corporation shall obtain the approval of the Lieutenant Governor in Council before making any grant pursuant to subsection (1) that is in excess of \$100,000 or any other amount that the Lieutenant Governor in Council may prescribe.

(3) Subject to subsection (4), the corporation may make loans, on any terms and conditions that it considers appropriate, to any urban municipality, rural municipality or northern municipality for the purpose of acquiring, constructing, extending, altering or operating any works for the benefit of the municipality and the municipality has the power, subject to any borrowing limitations imposed on it and to the acquisition of any approvals required to be obtained by it, to borrow from the corporation for those purposes.

(4) The corporation shall obtain the approval of the Lieutenant Governor in Council before making any loan pursuant to subsection (3) that is in excess of \$250,000.

1983-84, c.W-4.1, s.17.

EXPROPRIATION**Expropriation**

18(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 Lieutenant Governor in Council, is necessary for the purposes of the corporation.

(2) Subject to subsection (3), *The Expropriation Procedures 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 where that value is required to be calculated:

- (a) making a reasonable deduction for depreciation, deterioration, wear and tear and obsolescence; 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:

- (a) lands;
- (b) leases of lands; or
- (c) easements on lands;

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 or sewage 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 lands described in that subsection; and
- (b) those rights in or with respect to lands described in that subsection that it considers advisable.

(5.1) 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.

(6) The corporation may exercise the powers mentioned in subsections (1) and (5) without:

- (a) any prerequisite or preliminary action or proceeding; and
- (b) any other sanction or authority than this Act.

(7) The powers mentioned in subsections (1) and (5) are deemed to include the right to take, acquire and possess, for any period of time 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.

1983-84, c.W-4.1, s.18; 1997, c.25, s.3.

Acquisition by purchase

19(1) When the corporation desires to acquire land by purchase for any of the purposes mentioned in subsection 18(4), the corporation may acquire the land by transfer from the registered owner pursuant to *The Land Titles Act, 2000* or by proceeding pursuant to section 18.

(2) When the corporation desires to acquire an easement on or with respect to land for any of the purposes mentioned in subsection 18(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 18.

c. W-4.1**WATER CORPORATION**

(3) An easement acquired by the corporation pursuant to this section is deemed to include a right of way over land consisting of the right:

- (a) 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) 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; and
- (c) to inspect, repair, replace, maintain and remove the apparatus and equipment mentioned in clauses (a) and (b) or of any works constructed, maintained or operated by the corporation on the land.

1983-84, c.W-4.1, s.19; 2000, c.L-5.1, s.560.

20 Repealed. 2000, c.L-5.1, s.561.

FINANCE**Appropriations**

21 Out of the moneys appropriated by the Legislature for the purpose, the Minister of Finance may make grants to the corporation:

- (a) to defray losses incurred by the corporation as a result of loans made by it that have not been repaid;
- (b) for the payment of interest on sums borrowed by the corporation;
- (c) for the payment of the administration costs of the corporation;
- (d) for the payment of grants;
- (e) subject to any terms and conditions that may be prescribed, for any other purposes that may be determined by the minister.

1983-84, c.W-4.1, s.21.

Revenues under *The Water Power Act*

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

1983-84, c.W-4.1, s.22.

Borrowing powers of Minister of Finance

23 The Lieutenant Governor in Council may authorize the Minister of Finance to raise by way of loan on the credit of the Government of Saskatchewan, in accordance with *The Financial Administration Act*, any sums of money that the Lieutenant Governor in Council considers necessary for the purposes of this Act.

1983-84, c.W-4.1, s.23; 1988-89, c.42, s.111.

Borrowing power of corporation

24(1) Subject to the approval of the Lieutenant Governor in Council, the corporation may raise by way of loans from time to time any sums of money that the corporation requires for its purposes, including, without limiting the generality of the foregoing:

- (a) the repayment, renewal or refunding from time to time of the whole or any part of any loan raised 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 repayment in whole or in part of any loan or liability or of any bonds, debentures or other securities or indebtedness the payment of which is guaranteed or assumed by the corporation;
- (d) the reimbursement of the corporation for any expenditure made in carrying out any of the powers of the corporation and the repayment in whole or in part of any temporary borrowings of the corporation for any such purposes;

and, for the purpose of such loans, the corporation may issue any bonds, debentures or other securities, bearing any rate or rates of interest and being payable as to principal and interest at any time or times, in any manner, in any place or places in Canada or elsewhere and in the currency of any country or countries that the corporation, with the approval of the Lieutenant Governor in Council, may determine.

(2) The bonds, debentures and other securities mentioned in subsection (1) may be issued in any amounts that will realize the net sums required for the purposes of the corporation, and 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 sum required for the purposes of the corporation, is conclusive evidence of that fact.

(3) Subject to the approval of the Lieutenant Governor in Council, the corporation may sell or otherwise dispose of any bonds, debentures or other securities mentioned in subsection (1) on any terms and conditions that it considers advisable or may, with like approval, charge, pledge, hypothecate, deposit or otherwise deal with them as collateral security.

(4) The Minister of Finance shall:

- (a) negotiate all loans to be made pursuant to this section; and
- (b) arrange all details and do, transact and execute all deeds, matters and things that may be required during the conduct of negotiations or for the purpose of obtaining the loans.

(5) The corporation may treat any securities dealt with as collateral security pursuant to subsection (3) as unissued, when:

- (a) 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
- (b) the corporation again becomes entitled to the securities;

c. W-4.1**WATER CORPORATION**

and may, subject to the approval of the Lieutenant Governor in Council, 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, at its option, may cancel and issue fresh securities to the like amount and in like form in lieu thereof with the like consequences and on the issue or reissue a person entitled thereto has the same rights and remedies as if the securities had not been previously issued.

(6) Subject to the approval of the Lieutenant Governor in Council, the Minister of Finance shall determine the form and manner of execution of any bonds, debentures or other securities issued pursuant to this section.

(7) 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 them, may be engraved, lithographed or printed or otherwise mechanically reproduced on them.

(8) The seal of the corporation, when mechanically reproduced as provided by subsection (7), is of the same force and effect as if manually affixed, and the mechanically reproduced signatures are for all purposes valid and binding on the corporation, notwithstanding that any person whose signature is reproduced has ceased to hold office before the date of issue of the security.

(9) Subject to the approval of the Lieutenant Governor in Council, the corporation may borrow, by way of temporary loans from any chartered bank or from any person or corporation, any sum of money, on any terms, for any purposes and on any conditions 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;

and any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of money and the obtaining of advances by way of temporary loans may be executed in any manner that the corporation may determine.

1983-84, c.W-4.1, s.24.

Guarantee by Saskatchewan

25(1) The Lieutenant Governor in Council may, on any terms that may be stated in the Order in Council passed for the purpose, guarantee the payment of the principal and interest of any bonds, debentures or other securities issued by the corporation and of any loans, indebtedness or evidence of indebtedness, temporary or otherwise, raised by the corporation.

WATER CORPORATION

c. W-4.1

- (2) Any guarantee made pursuant to subsection (1) is required to be in any form and manner that the Lieutenant Governor in Council may approve.
- (3) The Minister of Finance, or any other officers that may be designated by the Lieutenant Governor in Council, shall sign a guarantee made pursuant to subsection (1) and, on being so signed, the Government of Saskatchewan is liable for the payment of the principal and interest of the bonds, debentures, securities, loans and other indebtedness according to the tenor of them.
- (4) Any guarantee signed in accordance with subsection (3) is conclusive evidence of compliance with the terms 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 consolidated fund.

1983-84, c.W-4.1, s.25.

Interest, etc., charge on revenue

- 26** All interest and installments of principal and all sinking fund and other debt service charges, with respect to the loans mentioned in sections 23 and 24, are a first charge on the revenues of the corporation.

1983-84, c.W-4.1, s.26.

Investment

- 27(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 consolidated fund pursuant to *The Financial Administration Act*; and
 - (b) dispose of the investments in any manner, on any terms 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;
 - (b) account for advances made by the Minister of Finance and the repayment of those advances, including provision for the creation and management of a sinking fund for the retirement of the advances; and
 - (c) create and manage a sinking fund for the replacement of moneys borrowed by the corporation pursuant to section 24;
 - (d) determine the sums of money to be paid by the corporation in order to reimburse the Minister of Finance for the full amount of interest paid by him on monies advanced for the purposes of the corporation, and for the charges and expenses incurred by him in providing those monies;
 - (e) determine the times and manner in which the sums of money mentioned in clause (d) shall be paid by the corporation to the Minister of Finance.

1983-84, c.W-4.1, s.27; 1988-89, c.42, s.111.

c. W-4.1**WATER CORPORATION****Fiscal year and audit**

28(1) The fiscal year of the corporation is the period commencing on January 1 in one year and ending on December 31 in the same year.

(2) The Provincial Auditor or any other auditor or firm of auditors that the Crown Investments Corporation of Saskatchewan with the approval of the Lieutenant Governor in Council may appoint, shall audit the accounts and financial statements of the corporation annually and at any other times that the Crown Investments Corporation of Saskatchewan may require.

1983-84, c.W-4.1, s.28; 1993, c.C-50.101, s.57.

GENERAL**Bonding**

29 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.

1983-84, c.W-4.1, s.29.

Insurance of property

30(1) The corporation may cause its property to be insured against loss by fire or from any other cause with any organization authorized to carry on the insurance business in Saskatchewan that may be designated by the corporation.

(2) The corporation may enter into a contract of insurance with any organizations authorized to carry on the insurance business in Saskatchewan insuring the corporation against loss or damage to the person or property of others in any amounts that it considers expedient.

1983-84, c.W-4.1, s.30.

Inspection of records

31(1) A person may, during normal business hours, inspect the records of the corporation respecting:

- (a) applications for the right to use water;
- (b) grants to water use made by the corporation;
- (c) applications for approvals with respect to works; and
- (d) approvals with respect to works given by the corporation.

(2) The corporation shall, on receipt of payment of the prescribed fee, supply copies of any records available for public inspection.

1983-84, c.W-4.1, s.31.

Use of property

32 When the corporation is not using any land, building, plant, machinery, apparatus or equipment belonging to it for the purpose of:

- (a) supplying water;
- (b) operating as a waterwork, sewage work or drainage work; or
- (c) doing any other thing within the corporation's powers and purposes for which that land, building, plant, machinery, apparatus or equipment may have been acquired, constructed or installed;

the corporation may utilize that land, building, plant, machinery, apparatus or equipment for any revenue-producing purposes that it considers proper.

1983-84, c.W-4.1, s.32.

Loan of property

33(1) The corporation may:

- (a) lend to any municipality or person; or
- (b) permit any municipality or person to use;

on those terms and conditions that may be agreed on, any plant, machinery, apparatus or equipment belonging to it for the supply of water or for operating as a waterwork, sewage work or drainage work.

(2) Notwithstanding the fact that any plant, machinery, apparatus or equipment:

- (a) belonging to the corporation; and
- (b) lent or permitted to be used pursuant to subsection (1);

is affixed to land by the municipality or person, the plant, machinery, apparatus or equipment remains subject to the rights of the corporation as fully as before being so affixed.

1983-84, c.W-4.1, s.33.

Power to participate in maintenance and improvement programs

34 The corporation may participate in, and undertake and carry out, programs designed to encourage the maintenance and improvement of waterworks, sewage works or drainage works.

1983-84, c.W-4.1, s.34.

Extent of powers of corporation

35 The compulsory powers conferred by this Act extend to land, building, plant, machinery, apparatus and equipment notwithstanding that:

- (a) the land, building, plant, machinery, apparatus and equipment is or may be deemed to be devoted to public use; or
- (b) the owner of the land, building, plant, machinery, apparatus and equipment possesses the power of taking property compulsorily.

1983-84, c.W-4.1, s.35.

c. W-4.1**WATER CORPORATION****Power to control demand for water or works**

36(1) The corporation may take any steps that it considers advisable to increase, stabilize or decrease the demand for water or works.

(2) Without limiting the generality of subsection (1), the corporation may:

- (a) advertise; and
- (b) disseminate information to the public in any manner, other than by advertising, that it considers appropriate;

concerning its operations and the uses of water or works.

1983-84, c.W-4.1, s.36.

Powers to enforce rates, etc.

37(1) The corporation may enforce payment of rates, charges or rents 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 rates, charges or rents, wherever the goods and chattels may be found.

(2) Where the corporation enforces payment of rates, charges or rents 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 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*.

1983-84, c.W-4.1, s.37; 1988-89, c.55, s.33.

Power to enter premises

38 The corporation may by its officers and employees enter on premises to:

- (a) inspect service conditions;
- (b) read meters; and
- (c) remove meters and other equipment belonging to the corporation.

1983-84, c.W-4.1, s.38.

Powers of entry re removal of illegal dam

39(1) The corporation or any person acting under its instructions may enter on any land 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 body of water.

(2) The corporation and any persons acting under its 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).

WATER CORPORATION

c. W-4.1

(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 subsection (1) may be recovered as a debt due to the corporation from the person who constructed the dam, dyke or other works.

1983-84, c.W-4.1, s.39.

Annual report

40 The corporation shall prepare and submit its annual report and financial statements in accordance with *The Crown Corporations Act, 1993*.

1993, c.C-50.101, s.57.

PART III
Water Rights
GENERAL POWERS

Water vested in Crown

41(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 ground water and all surface water may be established only pursuant to this Act.

(3) The corporation may grant to any person 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.

(4) The corporation may grant water under subsection (3) to any person:

- (a) on an interim or temporary basis; and
- (b) subject to certain conditions to be fulfilled by the person.

(5) The corporation may cancel or alter the right of any person to the use of water where:

- (a) the person agrees to the cancellation or alteration;
- (b) the right was granted:
 - (i) on a temporary basis and the time period for which the right was granted has expired; or
 - (ii) subject to conditions to be complied with by the person and the conditions have not been complied with;
- (c) the water acquired is being used for a purpose other than that for which it was acquired; or
- (d) the corporation considers that the person no longer requires that right or any part of that right.

1983-84, c.W-4.1, s.41.

c. W-4.1**WATER CORPORATION****Prohibitions in relation to water**

41.1 Subject to section 41.2 but notwithstanding any other provision of this Act or any other Act, the corporation shall not grant:

- (a) any approval to construct or operate works for the purposes of taking water out of a watershed; or
- (b) any approval or right to take water out of a watershed.

2001, c.47, s.3.

Exceptions

41.2 Section 41.1 does not apply to water:

- (a) that is transferred or taken for the purposes of transfer between watersheds, or portions of watersheds, within Saskatchewan;
- (b) that is packaged in containers that have a capacity that is less than the maximum capacity prescribed in the regulations;
- (c) that is 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) that is 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) that is of a class prescribed in the regulations or that is removed in a manner or for a purpose prescribed in the regulations.

2001, c.47, s.3.

Cancellation of right to water granted prior to this Act

42(1) Subject to the approval of the Lieutenant Governor in Council, the corporation may cancel the right of any person granted prior to the coming into force of this Act to the use of any water where the corporation considers it to be in the public interest to do so.

(2) No action or proceeding lies against the Crown, any officer of the Crown, the corporation or any officer or employee of the corporation for anything done by the corporation pursuant to subsection (1).

(3) The holder of an unconditional subsisting licence issued pursuant to *The Water Rights Act*, as that Act existed on the day before the coming into force of this Act, whose right 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:

- (a) were used by the holder of that licence to secure water and transport it to the point of use; and
- (b) are of no use to the holder and are surrendered to the Crown.

(4) Where the Crown and the licence holder described in subsection (3) do not agree on:

- (a) the amount to be paid as compensation; or
- (b) the terms of payment of the compensation;

the matter shall be determined by one arbitrator, who is required to be a judge of the court and *The Arbitration Act, 1992* shall apply to the determination.

(5) Where 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.

(6) An appeal lies to the Court of Appeal from a decision of an arbitrator in the same manner as if the decision were a judgment of the court and the decision of the Court of Appeal is final.

1983-84, c.W-4.1, s.42; 1992, c.A-24.1, s.61.

Diversion and use of water prohibited

43(1) Subject to subsection (2), 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;

unless authorized by the corporation.

(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 its water that he may require for domestic purposes on the land, but he is not entitled to impound or divert water by any works unless the authority to do so has been obtained pursuant to this Act.

(3) For the purpose of subsection (2), a dugout constructed for domestic purposes and a pump or other apparatus used to fill a tank, cistern, trough or similar vessel or receptacle or a dugout constructed for domestic purposes is deemed not to be a work.

(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 restrict the right of a person owning or occupying land to use any quantity of ground water that he may require for domestic purposes on the land.

1983-84, c.W-4.1, s.43.

Civil action for diversion of certain surface water

44 A person who:

- (a) diverts or impounds 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 or impounding of water described in clause (a);

without having obtained authority pursuant to this Act, is liable to a civil action for damages at the instance of any person who is or may be damnified by reason of the diversion, impounding or construction.

1983-84, c.W-4.1, s.44.

POWER TO CONSTRUCT WORKS

Power to construct works outside municipalities, on provincial highways etc.

45(1) Subject to subsection (2) and to clause 9(d) of *The Department of Highways and Transportation Act*, 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 city, town, village, hamlet in a rural municipality or northern municipality; and
 - (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 of Highways and Transportation;
 - (b) the Minister of Telephones; 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) When 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 city, town, village, hamlet in a rural municipality or northern municipality, to remove any works:
- (a) constructed or placed on or under that highway, road allowance, road, street, lane or other public place; and
 - (b) belonging to the corporation;

the costs and expenses incurred in the work are required to be apportioned between the corporation and the Department of Highways and Transportation, in any manner that may be mutually agreed on.

(4) Where the corporation and the department are unable to agree on the apportionment of costs described in subsection (3), the Saskatchewan Municipal Board, after any inquiry that it considers advisable, shall make the apportionment.

1983-84, c.W-4.1, s.45; 1989-90, c.5, s.10.

Power to construct works inside municipalities

46(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 city, town, village, hamlet in a rural municipality or northern 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.

WATER CORPORATION

c. W-4.1

(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 city, town, village, rural municipality or northern municipality.

1983-84, c.W-4.1, s.46.

Power to enter on adjoining lands

47 The corporation may enter on:

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

for the purpose of doing all things it considers necessary for the operation, maintenance, repair and replacement of its works or part of its works.

1983-84, c.W-4.1, s.47.

POWER TO SUPPLY WATER AND WORKS

Contract to supply water, works

48(1) The corporation may contract with any city, town, village, rural municipality or northern municipality for the supply of water or works to the city, town, village or northern municipality and to the inhabitants of the city, town, village or northern municipality, or to a hamlet situated within the rural municipality and to the inhabitants of that hamlet.

(2) The council of a city, town, village, rural municipality or northern municipality may contract with the corporation for the supply of water or any works as mentioned in subsection (1).

(3) Notwithstanding any other Act, a contract entered into pursuant to subsection (1) or (2) may be made for any period that may be agreed on, or for an indefinite period, and it is not necessary to obtain the assent of the burgesses to the contract.

1983-84, c.W-4.1, s.48.

Supply and installation of water quality or supply devices

49 The corporation may enter into an agreement with any city, town, village, rural municipality or northern municipality whereby that city, town, village, rural municipality or northern municipality agrees to pay to the corporation those sums of money, on those terms that may be specified in the agreement, to cover the cost of providing and installing any device that controls or improves the quality or supply of water, waterworks or sewage works in buildings whose owners make application for the device.

1983-84, c.W-4.1, s.49.

Power to amend contracts

50(1) The corporation may inform a city, town, village, rural municipality or northern municipality with which the corporation has a contract for the supply of water or works of the corporation's intention to amend the provisions of the contract relating to the rates and charges for that supply, as contained in the contract or any schedule to the contract.

c. W-4.1**WATER CORPORATION**

(2) The corporation shall inform the city, town, village, rural municipality or northern municipality pursuant to subsection (1) by way of a written notice addressed to, in the case of a contract with:

- (a) a city or town, the clerk;
- (b) a village, the secretary-treasurer;
- (c) a rural municipality, the administrator;
- (d) a northern municipality, the clerk.

(3) The corporation shall send the notice mentioned in subsection (2) by registered mail to the clerk, secretary-treasurer, or administrator, as the case may be, at his office, and the notice is required:

- (a) to contain or be accompanied by a copy of the clause, subclause or schedule that is to be made effective in lieu of provisions in the contract or any schedule to the contract; and
- (b) state the date on which the amendment is to take effect.

(4) Subject to subsections (5) and (6), on and after the date specified in the notice, the contract is deemed to be amended in accordance with the terms of the notice.

(5) The council of a city, town, village, rural municipality or northern municipality may within 30 days after receiving from the corporation a notice of amendment, notify the corporation and the Saskatchewan Municipal Board in writing that it considers the proposed amendment to be unfair or unreasonable, and that it wishes to appeal against the amendment.

(6) The Saskatchewan Municipal Board may, by order in writing, made after any hearing that it considers advisable, allow or disallow an appeal made pursuant to subsection (5), and the decision of the board is, subject to subsection (8), final.

(7) Where the Saskatchewan Municipal Board allows the appeal, the Saskatchewan Municipal Board shall make its decision retroactive to the date on which the amended rates and charges were made effective, and the corporation shall make the proper adjustments with customers in the city, town, village, rural municipality or northern municipality.

(8) The corporation may further amend a contract that has been amended pursuant to this section giving a notice in the manner provided for in this section.

(9) This section applies to contracts or agreements with cities, towns, villages, rural municipalities or northern municipalities for the supply of water in bulk for the purposes of distribution systems belonging to or operated by those cities, towns, villages, rural municipalities or northern municipalities and where a contract was entered into between the Saskatchewan Water Supply Board, as that corporation existed on the day before the coming into force of this Act, and a city, town, village, rural municipality or northern municipality, it is deemed to be within the scope of this section as if it had been entered into by the corporation pursuant to this Act.

WATER CORPORATION

c. W-4.1

Exclusive power to supply water, works**51(1)** Notwithstanding:

- (a) any other Act;
- (b) any licence, special franchise granted before or after the coming into force of this Act; or
- (c) any alteration on or after the coming into force of this Act of the limits of a city, town, village, hamlet in a rural municipality or northern municipality;

the corporation has, and is deemed to have had on and from the coming into force of this Act, the exclusive right:

- (d) to supply water and works, or any of them, in any area in which, on that date, water and those works were not being supplied;
- (e) to supply water and waterworks, sewage works and drainage works, or any of them, in any area in which, on that date, the corporation was supplying water and those works;
- (f) to extend the supply of water or waterworks, sewage works and drainage works, or any of them, in or adjacent to any area.

(2) Notwithstanding subsection (1), the corporation may, on any terms and conditions that it considers advisable, consent to another person supplying water or works in any specified area.

1983-84, c.W-4.1, s.51.

POWER TO ACQUIRE WORKS**Power to acquire works****52(1)** The corporation may:

- (a) acquire the works used or intended for use in the distribution, supply, control or protection of water in a city, town, village, rural municipality or northern municipality;
- (b) on an acquisition pursuant to clause (a), cancel any special franchise, licence, right or permission granted to any person to take, divert or use water; and
- (c) construct, maintain or operate within the city, town, village, rural municipality or northern municipality and along, on, under or across any highway, road, street, lane, public place or public water within the jurisdiction of the city, town, village, rural municipality or northern municipality any waterworks or other works for the purpose of distributing, treating or controlling water.

(2) The corporation may effect a cancellation pursuant to subsection (1) by sending a written notice by registered mail addressed to:

- (a) in the case of a city or town, the clerk of the city or town;
- (b) in the case of a village, the secretary-treasurer of the village;

c. W-4.1**WATER CORPORATION**

- (c) in the case of a rural municipality, the administrator of the rural municipality; or
 - (d) in the case of a northern municipality, the clerk of the northern municipality.
- (3) The written notice mentioned in subsection (2) is required to state the date on which the cancellation is to take effect.

1983-84, c.W-4.1, s.52.

ADMINISTRATION OF WORKS**Corporation has general supervision and control****53** The corporation:

- (a) has the general supervision, control and regulation of all matters concerning works;
- (b) may issue orders with respect to the operation, maintenance, repair, extension or alteration of works.

1983-84, c.W-4.1, s.53.

Approval for works required

54(1) Subject to subsection (2), no person shall commence the construction, extension, alteration or operation of any works unless he has first obtained the written approval of the corporation to do so.

(2) Subsection (1) does not apply to:

- (a) the construction, operation, extension or alteration of:
 - (i) piping fixtures comprising plumbing within a building;
 - (ii) works for the operation of a private system of waterworks or sewage works for a single dwelling;
 - (iii) underground piping associated with the collection of sewage that is generated entirely within the boundaries of a city, town or village; or
 - (iv) underground piping associated with the distribution of treated water within the boundaries of a city, town or village; or
- (b) the construction, operation, extension or alteration of works that have been designated or are within a class of works that have been designated by regulations as works with respect to which approval is not required prior to the construction, operation, extension or alteration of the works.

1983-84, c.W-4.1, s.54; 1997, c.25, s.4.

Material to be filed with application

55(1) Every person desiring approval to commence the construction, alteration, extension or operation of any works mentioned in section 54 shall file with the corporation:

- (a) an application in the prescribed form;

(b) permission in writing from the appropriate municipal or other authority for the construction of the works referred to 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 prescribed fee;

(e) where requested by the corporation, a report on the operation of the works;

(f) where:

(i) two or more persons, other than joint tenants or tenants in common of the same parcel of land, apply for the approval; or

(ii) the applicant for the approval proposes to divert water or is diverting water through another person's works;

and where requested by the corporation, a written agreement between the persons involved outlining the manner of and obligations relating to the construction, future operation and future maintenance of the works involved and the apportionment of the costs between them;

(g) any information or material in addition to that described in clauses (a) to (f) that may be requested by the corporation.

(2) The corporation shall not issue an approval for the construction, extension, alteration or operation of any works unless an agreement described in clause (1)(f) is filed with and approved by the corporation, and any approval issued for those works is required to incorporate the provisions of the agreement as approved by the corporation.

1983-84, c.W-4.1, s.55.

Publication of notice

56(1) Subject to subsections (2) and (5), the corporation shall, immediately after an application for an approval is filed with it:

(a) forward a copy of the application and any other material accompanying the application required by section 55 to the minister responsible for the administration of *The Environmental Management and Protection Act*;

(b) make any arrangements it considers necessary to advertise the application in the prescribed manner.

(2) Any person who objects to the granting of the approval applied for may, within a period of 30 days after the day on which the application is first advertised, file with the corporation a statement of his reasons for objection.

(3) Where objections have been received pursuant to subsection (2), 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.

(4) As soon as it 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.

c. W-4.1**WATER CORPORATION**

(5) Where the corporation considers it expedient to do so, it may waive the necessity for advertising the filing of the application.

1983-84, c.W-4.1, s.56; 1988-89, c.42, s.111.

Approved by minister

57(1) On receipt of an application for approval and other material pursuant to section 56, the minister responsible for the administration of *The Environmental Management and Protection Act* shall:

- (a) notify the corporation that he has no objection to the issuance by the corporation of the approval applied for;
 - (b) notify the corporation that he has no objection to the issuance by the corporation of the approval applied for subject to the inclusion in the approval of terms and conditions specified by him; or
 - (c) notify the corporation that he objects to the issuance by the corporation of the approval applied for specifying his reasons for the objection.
- (2) Where the minister responsible for the administration of *The Environmental Management and Protection Act* does not send a notice to the corporation pursuant to subsection (1) within 45 days of the date he received an application for approval or other material pursuant to section 56, he is deemed to have notified the corporation that he has no objection to the issuance by the corporation of the approval applied for.

(3) Where the corporation:

- (a) receives a notice from the minister responsible for the administration of *The Environmental Management and Protection Act* pursuant to clause (1)(b) with respect to an application for an approval, any approval issued by the corporation to the applicant is required to include as terms and conditions of the approval the terms and conditions specified by the minister responsible for the administration of *The Environmental Management and Protection Act* in the notice;
- (b) receives a notice from the minister responsible for the administration of *The Environmental Management and Protection Act* pursuant to clause (1)(c), the corporation shall not issue an approval under section 58 to the applicant.

1983-84, c.W-4.1, s.57; 1988-89, c.42, s.111 and c.55, s.33.

Approval for construction and operation

58(1) Subject to section 57, the corporation may:

- (a) in the case of an application to construct, extend or alter works:
 - (i) issue the approval applied for subject to any terms and conditions that it considers appropriate including fixing the period of time within which the construction, extension or alteration or works is to be completed; or

- (ii) refuse approval for the construction, extension or alteration of the proposed works, if it considers that the construction, extension or alteration is not in the public interest;
- (b) in the case of an application to operate existing works:
 - (i) approve the operation of the works, subject to any terms and conditions that it considers appropriate; or
 - (ii) refuse to approve the operation of the works if it considers that the operation is not in the public interest, make any order that it considers appropriate requiring the alteration, closure, removal, destruction or otherwise rendering inoperable of the whole or any part of the works and fix in the order the period of time within which the order is to be complied with.
- (2) Where it considers it appropriate, the corporation may extend the period of time 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 of any order made by it.
- (3) Where an approval is refused or an order is issued or amended pursuant to this section, notice of the refusal or of the order shall be served on the applicant for the approval.

1983-84, c.W-4.1, s.58.

Replacement of domestic purpose licences with approvals

58.1(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 this 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 it 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.

c. W-4.1**WATER CORPORATION**

(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 77, as if it were an approval issued pursuant to section 58 of this Act.

1997, c.25, s.5.

Registration of notice

59(1) Immediately after it issues an approval pursuant to section 58 or 58.1, the corporation shall register an interest in the Land Titles Registry against the titles to the lands affected based on a notice stating:

- (a) that the approval has been issued;
 - (b) the date of the issuance of the approval;
 - (c) a 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.
- (2) An interest mentioned in subsection (1) is to be registered in the Land Titles Registry without fee.
- (3) Where 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 (1):
- (a) in whole, by submitting an application to discharge the interest; or
 - (b) in part, by submitting an application to amend the interest.
- (4) On the registration of a notice in accordance with this section, the terms and conditions of and the rights and obligations under the approval that is the subject of the notice enures to the benefit of and is 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 this Act applies to any such person in the same manner as if he were the person to whom the approval was originally issued.

1983-84, c.W-4.1, s.59; 1997, c.25, s.6; 2000, c.L-5.1, s.562.

Easements

60(1) Where 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 is other than the applicant, has granted an easement, in the prescribed form, over his 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 have consented to the granting of the easement;

the corporation shall, on being satisfied that they are sufficient and satisfactory and immediately after the issuance of an approval by it, register an interest in the Land Titles Registry against the titles to the lands affected based on a certificate stating that the approval has been issued and setting forth:

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

(2) An interest mentioned in subsection (1) is to be registered in the Land Titles Registry without fee.

(3) On the registration of an interest pursuant to this section, 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 that right runs with the land and is binding on the present and subsequent registered owners of the servient tenement, their heirs, executors, administrators and assigns.

(4) An easement is deemed to be created pursuant to subsection (3) notwithstanding that the dominant and servient tenements are owned by the same person.

(5) 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.

(6) Where the corporation considers it appropriate to do so, the corporation may apply to the Registrar of Titles to discharge the interest registered pursuant to this section:

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

1983-84, c.W-4.1, s.60; 2000, c.L-5.1, s.563.

Non-application of sections 59 and 60

61(1) Subject to subsection (2), sections 59 and 60 do not apply where the construction, extension, alteration or operation of the works with respect to which the approval is issued has been authorized prior to the coming into force of this Act pursuant to another Act providing for the construction, extension, alteration or operation of the works.

(2) Sections 59 and 60 continue to apply with respect to approvals issued pursuant to section 58.1.

1997, c.25, s.7.

c. W-4.1**WATER CORPORATION****Public highways**

62(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, and a copy of the agreement is to be filed with the corporation.

1983-84, c.W-4.1, s.62.

Inspection of works

63(1) The corporation, or any person acting on its instructions, shall 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) where 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) Where, on inspection, it is found that any works are not in accordance with the requirements of the approval issued, the corporation may:
- (a) issue an amended approval, subject to any terms and conditions that it considers appropriate;
 - (b) order any alterations or changes to the works that it considers appropriate; or
 - (c) revoke the approval and make any order that it considers appropriate requiring the closure, removal or destruction or otherwise rendering inoperable of the whole or any part of the works, and state in the order the period of time within which the order is to be complied with.
- (4) Where, on inspection, it is found that any works are in accordance with the requirements of the approval issued, the corporation may, in its discretion, 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.

1983-84, c.W-4.1, s.63.

Cancellation, alteration or suspension of approval

64(1) The corporation may cancel any approval issued by it where it is requested to do so by the person to whom the approval was issued.

(2) The corporation may cancel, alter or suspend any approval issued by it where:

- (a) it is satisfied that the person who has the approval has ceased to exercise the rights granted under it;
- (b) the person defaults in the payment of any rent, royalty, fee, charge or other consideration associated with the approval;
- (c) the person fails to observe, perform or comply with this Act, the regulations or any terms or conditions of the approval;
- (d) the person makes any false or misleading statement in any application, information, materials or plans supplied pursuant to this Act or the regulations in support of an application for approval or for any other purpose pursuant to this Act;
- (e) the approval was issued as a result of a clerical or administrative error or mistake; or
- (f) the person makes unauthorized changes to the works.

(3) Where the corporation intends to cancel, alter or suspend an approval pursuant to subsection (2), it shall cause to be served on the holder of the approval a notice stating:

- (a) its intentions to cancel, alter or suspend the approval together with reasons; and
- (b) that, if the holder of the approval objects to the proposed action, he may, within 30 days after the day on which he is served with the notice, deliver to the corporation a written notice stating his objection, together with reasons, and whether he wishes an opportunity to be heard.

(4) Where:

- (a) no notice of objection pursuant to subsection (3) is received within the 30-day period described in that subsection; or
- (b) after considering any objection filed and making any inquiry and investigation that the corporation considers appropriate;

the corporation may direct the cancellation, alteration or suspension of the approval in accordance with the notice of intention and the corporation shall vary all records accordingly.

(5) Where an approval is cancelled, altered or suspended pursuant to this section, the corporation may make any order that it considers appropriate requiring alterations or changes to or the closure, removal, destruction or otherwise rendering inoperable of the whole or any part of the works and shall state in the order the period of time within which the order is to be complied with.

COMPLAINTS

Filing of complaint

65(1) Any person who:

- (a) claims to have suffered; or
- (b) anticipates that he may suffer;

injury, loss or damage by reason of the construction, extension, alteration or operation of any works may file a written complaint with the corporation.

(2) A complaint filed pursuant to subsection (1) must be in the prescribed form.

(3) No person shall file a complaint with the corporation until he has made a reasonable effort to resolve the complaint through contact with the person or authority that he considers to be responsible for the cause of the complaint.

(4) The corporation may, in any case where it considers it appropriate, waive the requirements of subsection (3).

1983-84, c.W-4.1, s.65.

Notice of complaint and investigation

66 On receipt of a complaint filed pursuant to section 65, 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;
- (b) by itself or by its servants or agent, inquire into and investigate the complaint and, not later than 18 months from the day on which it receives the complaint, render its decision.

1983-84, c.W-4.1, s.66.

Hearings

67(1) The complainant and each person who has been served with a notice in accordance with section 66 is entitled:

- (a) to appear and to be represented before the corporation; and
- (b) be heard on the complaint;

if he serves a written notice that he wishes to appear or be represented before the corporation and be heard on the corporation within:

- (c) in the case of the complainant, 30 days after the day on which the complaint is filed;
- (d) 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 him by the corporation.

(2) Where a person serves a notice in accordance with subsection (1), the corporation shall set a date for a hearing and, at least 14 days before that date, shall serve notice on all persons who served notice on the corporation pursuant to subsection (1) of the date, time and place of the hearing.

(3) The corporation is not required to hear any person who has not given notice in accordance with subsection (1).

(4) 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 (2) does not apply.

1983-84, c.W-4.1, s.67.

Powers under *Public Inquiries Act*

68 The directors of the corporation, in addition to any powers granted to them by this Act, have, for the purposes of hearing a complaint pursuant to section 65, all the powers of commissioners pursuant to *The Public Inquiries Act*.

1983-84, c.W-4.1, s.68.

Copy of decision

69 The corporation shall cause to be served:

- (a) on the complainant; and
- (b) on each person to whom notice has been given pursuant to section 67;

a copy of its decision together with reasons.

1983-84, c.W-4.1, s.69.

Order relating to decisions

70(1) When 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 works with respect to which the complaint was filed; or
- (b) directing or discontinuing any operation, construction, extension, alteration, use or repair of the 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;

and may state in the order the period of time within which the order is to be complied with.

(2) The corporation shall cause a copy of each order made by it to be served on the person to whom it is directed.

(3) An order made pursuant to this section is effective with respect to the whole of the works in respect of which the complaint was filed, and, on the making of the order, any approvals relating to the works and affected by the order are deemed to be amended insofar as is necessary to be consistent with the provisions of the order.

c. W-4.1**WATER CORPORATION**

(4) The corporation may, where it considers it appropriate, extend the period of time within which any order made by it is to be complied with or amend the terms of any order made by it.

1983-84, c.W-4.1, s.70.

Failure to comply with order

71 Where 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 its 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;

and any costs and expenses incurred in carrying out the order are a debt due to and recoverable by the corporation from the person to whom the order was directed.

1983-84, c.W-4.1, s.71.

Mediation of damage claim

72 The corporation has no power to determine liability or award damages or other compensation in respect of 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.

1983-84, c.W-4.1, s.72.

Powers of entry re duties and powers of corporation

73(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 it may from time to time:

- (a) enter at any reasonable time any building, structure, machinery, vehicle, land or water;
- (b) make or require to be made any survey, examination, investigation, test or inquiry that it considers necessary; and
- (c) make, take and remove or may require to be made, taken or removed any sample, copy or extract.

(2) The corporation is liable for any damage or actual costs occasioned by any entry or action taken pursuant to clause (1)(a).

(3) No person shall obstruct a person authorized pursuant to subsection (1) in exercising his powers pursuant to that subsection.

(4) Where entry pursuant to subsection (1) is refused, the corporation may apply *ex parte* to a judge of the court, and the judge may issue an order authorizing the corporation or a person authorized by it to enter and inspect any land, premises or other place.

1983-84, c.W-4.1, s.73.

Limitation of liability

74 Subject to subsection 73(1), no proceedings lie against the corporation, any member of the corporation, its officers, employees or persons authorized by it, the Crown or the minister for any act done in good faith in the execution or intended execution of any power, duty or function pursuant to this Act or for any alleged neglect or default in the execution in good faith of any power, duty or function pursuant to this Act.

1983-84, c.W-4.1, s.74.

Part IV
Miscellaneous
VESTING OF PROPERTY

Vesting of property in corporation

75(1) All the lands, estates, leases, charges, mortgages, encumbrances, securities, assets, properties, effects, rights, credits, choses-in-action and causes of action of every description belonging to, under the control of or standing in the name of:

- (a) the Saskatchewan Water Supply Board, as that corporation existed on the day before the coming into force of this Act; or
- (b) any department, board, commission, corporation or other agency of the Government of Saskatchewan that may be designated by the Lieutenant Governor in Council;

in whole or in part and whether registered or held in the name of the Crown or otherwise in the case of the lands, estates, leases, charges, mortgages, encumbrances, securities, assets, properties, effects, rights, credits, choses-in-action and causes of action belonging to, under the control of or standing in the name of the Saskatchewan Water Supply Board, as that corporation existed on the day before the coming into force of this Act, are hereby transferred to and vested in the corporation without further act, conveyance or other deed or in the name of an agency of the Government of Saskatchewan designated pursuant to clause (b), are deemed to be transferred to and vested in the corporation without any further act, conveyance or deed on a date to be specified in the designation.

(2) The corporation may exercise all the powers, rights and privileges over or with respect to the things and matters mentioned in subsection (1) that the Saskatchewan Water Supply Board or other agency of the Government of Saskatchewan could or might have exercised, and may:

- (a) sell, release, discharge, assign, transfer, convey, dispose of or otherwise deal with all or any of them;
- (b) execute all requisite or proper assignments, transfers, discharges, releases, grants or other conveyances or documents that may be required; and
- (c) exercise all powers in connection with them in the name of the corporation as if they stood in the name of, or had been made to or in favour of, the corporation.

c. W-4.1**WATER CORPORATION**

(3) No suit, action, appeal, application or other proceeding being carried on or power or remedy being exercised with respect to the things and matters mentioned in subsection (1) is to be discontinued or abated on account of this Act, but may be continued in the name of the corporation, and the corporation:

- (a) has the same rights;
- (b) is subject to the same liabilities; and
- (c) shall pay or receive the same costs;

as if the suit, action, appeal, application or other proceeding had been commenced or defended in the name of the corporation.

(4) The corporation may, with respect to the things and matters mentioned in subsection (1):

- (a) bring, maintain and exercise in its own name any suit, action, appeal, application or other proceeding; or
- (b) exercise any power, right or remedy or right of distress;

that the Saskatchewan Water Supply Board or other agency of the Government of Saskatchewan could have brought, maintained or exercised.

1983-84, c.W-4.1, s.75.

Act evidence of transfer

76(1) For the purposes of the Land Titles Registry and every registry office and other public office in Saskatchewan, this Act is a legal and valid grant, conveyance, transfer and assignment to the corporation of all lands or interests in land, all mortgages, charges, encumbrances or other documents and of all other property of every description standing in the name of, or vested in, Saskatchewan Water Supply Board or any department, board, commission, corporation or agency of the Government of Saskatchewan designated for the purposes of subsection 75(1).

(2) Notwithstanding any other Act:

- (a) it is not necessary to register or file this Act or register, file or issue any further or other instrument, document or certificate or make any entry showing the transmission or assignment of title of the property mentioned in subsection 75(1) to the corporation, or in the case of lands under *The Land Titles Act, 2000*, to have title issued in, or to have any mortgage, charge, encumbrance or other document transmitted to, the name of the corporation;
- (b) in any instrument or document whereby the corporation deals with any of the property mentioned in subsection 75(1), it is sufficient to cite this Act as effecting the grant, conveyance or transfer of title from the agency and the vesting of title in the corporation;
- (c) it is not necessary to pay fees in connection with a grant or assignment effected by this Act or any of the property mentioned in subsection 75(1).

WATER CORPORATION

c. W-4.1

(3) The corporation is responsible for all debts, liabilities and obligations of Saskatchewan Water Supply Board and any department, board, commission, corporation or other agency of the Government of Saskatchewan designated pursuant to subsection 75(1) with respect to the matters and things mentioned in that subsection, and nothing in this Act affects the rights of any creditor of, or any person having a claim against Saskatchewan Water Supply Board or any department, board, commission, corporation or other agency of the Government of Saskatchewan with respect to those matters and things, and all those rights may be asserted against the corporation.

1983-84, c.W-4.1, s.76; 2000, c.L-5.1, s.564.

APPEALS

Appeals to Water Appeal Board

77 Any person affected by any action, order or decision of the corporation pursuant to section 41, 58, 63, 64, 66 or 70 may appeal the action, order or decision to the Water Appeal Board in accordance with *The Water Appeal Board Act*.

1983-84, c.W-4.1, s.77.

GRANTS OF WATER RIGHTS

Property in water not transferred by grant of land

78(1) Subject to subsection (1.1), no grant shall be made by the Crown 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 body of water; or

(ii) the water contained or flowing in a body of water described in subsection (1); or

(b) any exclusive or perpetual property, interest or privilege in the land forming the bed or shore of any body of water described in clause (a).

(1.1) 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 Act* of a leasehold interest in all or any portion of land forming the bed or shore of a body of water 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 80.1 for the purposes of the Framework Agreement; or

(d) a grant made for the purpose of assisting Her Majesty the Queen in right of Canada to satisfy or discharge any obligations or undertakings of Her Majesty in right of Canada to Indian bands in Saskatchewan.

c. W-4.1**WATER CORPORATION**

(2) 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 body of water described in clause (1)(a).

(3) 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 body of water;

(b) on the lands forming the bed or shore of any body of water;

lying within an area of land that has been set aside as a tailings disposal area.

1983-84, c.W-4.1, s.78; 1996, c.23, s.2; 1997, c.25, s.8.

Right of diversion not vested in owner

79 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 or conferred pursuant to this Act or the regulations.

1983-84, c.W-4.1, s.79.

Existing rights preserved

80(1) Subject to section 58.1 of this Act, any:

(a) right, privilege or authority granted to any person; or

(b) 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 such operations is amended or cancelled pursuant to this Act.

1983-84, c.W-4.1, s.80; 1997, c.25, s.9.

Framework Agreement implications

80.1 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;
- (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).

1993, c.T-20.1, s.9.

OFFENCES AND PENALTIES

Offences; general

81 Every person who:

- (a) contravenes any provision of this Act or the regulations;
- (b) fails to comply with an order of the corporation;
- (c) hinders or obstructs the corporation or any person authorized or instructed by the corporation in the lawful performance or exercise of its duties or powers;
- (d) knowingly furnishes the corporation or any person acting on behalf of the corporation with false information;
- (e) knowingly misleads or attempts to mislead the corporation or any person acting on behalf of the corporation;
- (f) takes or uses water without having authority from the corporation to do so;
- (g) takes or uses water in contravention of any terms or conditions pursuant to which the taking or use of the water was granted by the corporation;
- (h) constructs, extends, alters or operates any works:
 - (i) without having secured the approval of the corporation; or
 - (ii) in contravention of any terms or conditions prescribed by the corporation with respect to the construction, extension, alteration or operation of those works; or

c. W-4.1**WATER CORPORATION**

(i) takes or uses water after the right of the person to do so has been cancelled by the corporation;

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.

1983-84, c.W-4.1, s.81.

Limitation on prosecutions

82 No prosecution is to be commenced for an offence pursuant to this Act after the expiration of two years from the date of the commission of the alleged offence.

1983-84, c.W-4.1, s.82.

REGULATIONS**Regulations**

83 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.

2001, c.47, s.4.

APPROVALS NOT AFFECTED**Approvals not affected**

84 The granting by the corporation of approval pursuant to this Act for the doing of any act or thing for which approval of the corporation is required does not affect the application of any other Act or regulations which requires:

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

1983-84, c.W-4.1, s.84.

WATER CORPORATION

c. W-4.1

REPEALS

S.S. 1979-80, c.D-33.1

85 *The Drainage Control Act* is repealed.

1983-84, c.W-4.1, s.85.

R.S.S. 1978, c.M-36

86 *The Municipal Water Assistance Act* is repealed.

1983-84, c.W-4.1, s.86.

R.S.S. 1978, c.W-5

87 *The Water Pollution Control Assistance Act* is repealed.

1983-84, c.W-4.1, s.87.

R.S.S. 1978, c.W-7

88 *The Water Resources Management Act* is repealed.

1983-84, c.W-4.1, s.88.

R.S.S. 1978, c.W-8

89 *The Water Rights Act* is repealed.

1983-84, c.W-4.1, s.89.

R.S.S. 1978, c.W-9

90 *The Water Supply Board Act* is repealed.

1983-84, c.W-4.1, s.90.

Effect of repeal

91 Notwithstanding any other Act or law and notwithstanding the repeal of the Acts mentioned in sections 85 to 90, any regulations made pursuant to those repealed Acts remain in force and may be amended or repealed pursuant to this Act as if they had been made pursuant to this Act.

1983-84, c.W-4.1, s.91.

References

92 A reference in any Act, other than this Act, or in any regulation, order, resolution, bylaw or other instrument made in the execution of a power given by statute, or in any document, to *The Water Rights Act* is deemed to be a reference to this Act.

1983-84, c.W-4.1, s.92.

