

The Water Rights Regulations

Repealed

by Saskatchewan Regulations 80/2004
(effective September 1, 2004).

Formerly

Saskatchewan Regulations 905/68
(effective December 6, 1943) as amended by
Saskatchewan Regulation c.L-5.1 Reg 3.

NOTE:

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

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SASKATCHEWAN REGULATION 905/68
under *The Water Corporations Act*

INTERPRETATION

- 1 In these regulations, unless the context otherwise requires, the expression:
- (a) **“Chief Engineer”** means the chief engineer of the Water Rights Branch of the Department of Natural Resources;
 - (b) **“Controller of Surveys”** means the Controller of Surveys appointed under The Land Surveys Act;
 - (c) **“Department”** means the Department of Natural Resources;
 - (d) **“Duty of Water”** means the quantity of water that is required to irrigate one acre of land in each irrigation season;
 - (e) **“Engineer”** means an engineer registered and licensed as a professional engineer under the provisions of The Engineering Profession Act of the Province of Saskatchewan;
 - (f) **“Minister”** means the Minister of Natural Resources;
 - (g) **“Surveyor”** means a surveyor duly qualified to practice in the Province.

7 Dec 43 SR 905/68 s1.

REQUIREMENTS OF APPLICATION

- 2 Every applicant for a license shall file with the minister a memorial on a form provided by the minister, in which the applicant shall set forth:
- (a) his name, residence and occupation;
 - (b) the source from which water is to be diverted and the point of diversion;
 - (c) the probable quantity of water to be used;
 - (d) the size and character of the works to be constructed;
 - (e) the area and location of the land to be irrigated; and
 - (f) the probable number of consumers.

7 Dec 43 SR 905/68 s2.

IF APPLICANT INCORPORATED COMPANY

3 If the applicant for a license is an incorporated company, the memorial shall, in addition to the requirements set out in Section 2 hereof, set forth:

- (a) the names of the directors and officers and their places of residence;
- (b) the date of incorporation;
- (c) the amount of the subscribed and the paid-up capital and the proposed method of raising further funds, if needed; and
- (d) the purpose for which the company is incorporated.

7 Dec 43 SR 905/68 s3.

FILING OF PLANS

4(1) Every applicant for a license shall file with the minister plans on tracing linen and shall include such detail as to permit of the works being located and constructed from them. They shall consist of:

- (a) a general plan;
- (b) a detail plan.

GENERAL PLANS

(2) The general plan shall be drawn to a scale of not more than four hundred feet to one inch and shall show the following:

- (a) the source of supply;
- (b) the position of the point of intake;
- (c) the location of the proposed works, such as main canals or ditches, dams, headgates, reservoirs, flumes, falls, diversion gates, bridges, culverts, intake wells, pipe lines, pump houses, etc.;
- (d) the names of the owners, the areas and the description of all lands affected;
- (e) the position and area on each quarter section or other parcel of land, and the storage capacity of all ponds, reservoirs and basins intended to be constructed for the storage of water.

(3) No plan filed shall have a greater over all width than thirty-four inches.

(4) An index plan showing the whole scheme on one plan to a smaller convenient scale shall also be filed where the area of the ground covered necessitates the filing of more than two separate general plans.

(5) For large or exceptional works the scale of the general plan may be modified at the discretion of the Chief Engineer within the limitations prescribed by The Water Rights Act.

DETAIL PLANS

- (6) Detail plans of structures, dams or dykes shall have plainly marked on them the elevations of the critical parts of the structures referenced to a permanent bench mark which shall be shown properly located and described on the general plan.
- (7) In case of all ditches or canals carrying more than twenty-five cubic feet of water per second, the applicant shall, in addition to the aforesaid information, furnish the following:
- (a) a longitudinal profile of the ditch, showing the bottom profile and the proposed service water line, with a horizontal scale not less than one inch to four hundred feet, and a vertical scale not less than one inch to twenty feet;
 - (b) a plan drawn on a horizontal and vertical scale of one inch to twenty feet, showing when any portion of the water is to be conveyed in fill, cross-sections at a sufficient number of points to fully illustrate all the different forms which the ditch when constructed will take, particularly on side-hills or elsewhere and showing, when water is to be conveyed in cut, cross-sections at the points where the shortest horizontal distance from either side of the bottom of the ditch to the surface of the ground is less than double the bottom width of the ditch;
 - (c) plans of any dams, cribs, embankments or other works by which it is proposed to create or which may have the effect of creating a pond, reservoir or basin of water, or by which it is proposed to obstruct or which may have the effect of obstructing any river, stream, lake, or other source of water supply, which plans shall be prepared on a longitudinal scale of not less than one inch to one hundred feet, and for cross-sections on a scale of not less than one inch to twenty feet, and shall show in detail on a scale of not less than one inch to four feet, the timber, brush, stone, brick or other material intended to be used and how it is intended to be placed in such works; and
 - (d) cross-section maps or plans, the horizontal scale of which shall not be less than one inch to one hundred feet and the vertical scale of which shall not be less than one inch to twenty feet.
- (8) Such cross-section maps or plans shall show:
- (a) the surface of the ground under such pond, reservoir or basin of water, and the surface of the water proposed to be held therein;
 - (b) a sufficient number of lines or levels, so that the contents of the pond, reservoir or basin of water may be accurately determined.
- (9) If the maps show the levels by contour lines they shall show a vertical distance between them not exceeding one foot, providing that a greater interval may be permitted if considered satisfactory by the Chief Engineer.
- (10) The maps and plans shall also contain sufficient information to show clearly the property likely to be affected by the creation of such ponds, reservoirs or basins of water, and the manner in which affected, and shall show in detail, on a scale of not less than one inch to four feet, the proposed manner of controlling and drawing off the water from any such pond, reservoir or basin.

RIGHTS OF WAY PLANS

5 Repealed. 6 Jly 2001 cL-5.1 Reg 3 s26.

CHANGES ORDERED BY THE MINISTER TO BE FILED

6 Any changes and variations ordered by the Minister regarding the plans of the proposed works must be filed by the applicant in the office of the Department and shall form a portion of the record open for public inspection.

7 Dec 43 SR 905/68 s6.

7 No material deviation from the plans filed shall be made without permission of the Chief Engineer and any question arising as to whether any deviation is material or otherwise shall be decided by the Chief Engineer or such officer as the Minister designates.

7 Dec 43 SR 905/68 s7.

8 All maps, plans, and books of reference showing any lands other than Provincial lands necessary to be acquired under the provisions of the Act, by any applicant for right of way or for any purpose in connection with the construction and maintenance of the works, must be signed and certified correct by a duly qualified Saskatchewan Land Surveyor.

7 Dec 43 SR 905/68 s8.

9 Such maps, plans and books of reference shall be prepared and filed in accordance with provisions set forth in Section 5 of these regulations.

7 Dec 43 SR 905/68 s9.

FILING OF PLANS MAY BE WAIVED IN CERTAIN CASES

10 In the case of applications for water for domestic or other purposes, the Minister may, if he sees fit, waive the necessity for filing the plans required by these regulations, and may require the applicants to file a memorial only.

7 Dec 43 SR 905/68 s10.

WHAT MEMORIAL SHALL CONTAIN

11 The minister may order that such memorial shall contain all the information necessary to a full and complete understanding of the rights applied for.

7 Dec 43 SR 905/68 s11.

MEASUREMENT OF WATER

Measurement

12 The measurement of the discharge of any stream, made for the purpose of determining the quantity of water available for a license, authorizing the diversion of water therefrom, or to settle disputes between the holders of such licenses, shall be effected as follows:

7 Dec 43 SR 905/68 s12.

Cross-Sectional Area

13 The area of the actual water cross-section, at the time of measurement, shall be determined by careful measurement of the total width of the stream and by soundings on the line of the cross-section at sufficiently frequent intervals to give an accurate cross-section of the bottom of the stream.

7 Dec 43 SR 905/68 s13.

Velocity

14 The velocity of the stream shall be determined by measurement with any approved type of current-meter, which shall have been previously rated, these measurements being taken at such intervals on the line of cross-section as will ensure the determination of the mean velocity for such subsection between the soundings.

7 Dec 43 SR 905/68 s14.

Mean Velocity

15 The velocity to be determined at each point of measurement with the current-meter shall be the mean velocity for the vertical through that point of the cross-section. Whenever the conditions permit, the mean velocity shall be determined by the "two-point method", that is, the meter shall be held at (.2) two-tenths, and (.8) eight-tenths of the total depth and the mean velocity then obtained by dividing by two the sum of the velocities measured at those depths. When the depth of the stream is one and one-half feet (1½') or less, the (0.6) six-tenths method shall be adopted. Streams flowing less than two cubic feet per second shall, whenever the conditions permit, be measured by means of a weir of standard design approved by the Minister or by a duly authorized officer of the Department.

7 Dec 43 SR 905/68 s15.

Same: "two-point method"

16 In making winter measurements, or whenever ice conditions exist, the mean velocity shall be determined by the "two-point" method.

7 Dec 43 SR 905/68 s16.

Exceptional Cases

17 In exceptional cases the mean velocity may be determined by such other methods as from time to time may be approved by the minister.

7 Dec 43 SR 905/68 s17.

Rating Flume or Section

18 The flow of water through any irrigation ditch or canal, or any ditch or canal carrying water into or out of any reservoir, shall be determined by the construction in the ditch or canal of a rating flume or a section with an artificial permanent control constructed as hereinafter provided. The rating flume or section shall be rated by careful measurement of the cross-sectional area of the flume or section and of the velocity of the water, by current-meter or weir at all stages of flow and under all conditions of control in the rating flume or section, from the minimum to the maximum flow of the canal or ditch.

7 Dec 43 SR 905/68 s18.

Gauge

19 A gauge shall be set in the rating flume or section and marked in feet and tenths. All stages of flow shall be indicated on a table which shall show the flow, in cubic feet per second, through the rating flume or section at every one-tenth of a foot of height shown on the gauge. The table shall be in the form of a certificate signed by the Minister or by a duly authorized office of the Department.

7 Dec 43 SR 905/68 s19.

Measuring Device

20 The quantity of water supplied to consumers by any person or company having a license for the use of water for irrigation shall be measured by water meter, measuring flume, measuring weir, spill-box, or any other device for the measurement of water, but such measuring device must be first approved and sanctioned by the Minister, who shall issue a certificate authorizing the person or company to use such device.

7 Dec 43 SR 905/68 s20.

Volume of Water

21 The volume of water in any lake, pond or reservoir, or other body of still water, shall be measured by careful survey of the outline of such body of water to determine its superficial area, and by measurement of the depth of water at sufficiently frequent intervals to give a correct contour of the bottom of such lake, pond or reservoir, so that the contents thereof may be accurately calculated.

7 Dec 43 SR 905/68 s21.

Discharge of Water

22 The discharge of water from a spring shall be determined by causing all the water flowing therefrom to discharge into a vessel or reservoir of known contents, and noting the time taken to fill such vessel or reservoir, or by measurement of cross-section of the channel carrying the over-flow of such spring as near as possible to its head, and by determining the velocity of the flow therein with the current-meter; or the discharge shall be measured as near as possible to its head by means of a weir of standard design.

7 Dec 43 SR 905/68 s22.

Conventional Equivalent

23 For purposes of administration under these regulations it shall be considered that one cubic foot per second flowing for twenty-four hours is equivalent to two acre-feet.

7 Dec 43 SR 905/68 s23.

RESERVOIR SITES AND RIGHTS OF WAY**Reservoir Leases**

24 Provincial land forming sites for ponds, basins or reservoirs, which has been reserved from general sale and settlement, may be leased to any person or company applying therefor who has satisfied the minister of his or their ability to construct the works necessary to utilize the proposed site for the storage of water and the beneficial use of the same under the provisions of The Water Rights Act.

7 Dec 43 SR 905/68 s24.

Terms

25 Each reservoir lease shall be for a term of five years, subject to the conditions that the lessee shall hold a license or permit in good standing for the water to be stored; that he shall use the land for the purpose mentioned in the lease; that he shall make beneficial use of the stored water in accordance with the terms of his license or permit, and that he shall comply in all respects with the provisions of The Water Rights Act. Failure to comply with these conditions shall render the lease subject to cancellation. Provided the lessee has complied with the conditions of the lease, he shall be entitled to a renewal thereof, subject to the conditions of the regulations then in force, for a further term of five years, and he shall be entitled to the same right of renewal at the expiration of the said term and thereafter at the expiration of the term of any renewed lease, subject in each case to the then existing regulations and to his continued possession of a license or permit under the authority of The Water Rights Act.

7 Dec 43 SR 905/68 s25.

Rental

26 The rental to be paid for Provincial lands leased for reservoir purposes shall be two cents per acre per annum, with a minimum fee of one dollar per annum. The first payment shall be made in advance of the execution of the lease and subsequent payments shall be made annually thereafter on or before the anniversary of the date of the lease; interest will be charged on all overdue payments. At the expiry of the term of any lease the rate of rental and of interest to be charged thereon may be adjusted or altered by the Minister so as to conform to the statutes or regulations then in force. An office fee of \$5.00 shall be charged for the issue of a lease and for each renewal thereof.

7 Dec 43 SR 905/68 s26.

Cancellation

27 Should the lessee at any time cease to use the land for the purposes mentioned, the lease shall be cancelled and the land shall thereupon become available for lease to any applicant therefor who shall have satisfied the Minister of his ability to use the land for the beneficial storage of water and who shall have received a license or permit under the provisions of The Water Rights Act.

7 Dec 43 SR 905/68 s27.

Margin

28 Any lease of land for reservoir purposes shall include, in addition to the area actually covered by water when such reservoir is filled, a strip of land twenty feet in width around the margin of such reservoir, or such greater width as may be necessary, the said width to be measured back from the highest point reached by the water in the reservoir at any point on the margin thereof. Provided, that the width of such marginal strip shall be determined by the Minister and shall be clearly shown on the approved plans of the said reservoir as filed in the office of the Department at Regina.

7 Dec 43 SR 905/68 s28.

Exceeding Ten Acres

29 When application is made for the lease, for reservoir purposes of any area in excess of ten acres, the applicant may be required, if the Minister so determines, to include in the area to be leased the whole of each legal subdivision affected by the reservoir.

7 Dec 43 SR 905/68 s29.

Right of Way for Irrigation Works

30 The right of way for any irrigation ditch or canal or for works connected therewith, through any and all Provincial lands, as shown by the memorial and plans filed in the Department, may be granted to the person or company constructing such ditch, canal or works in connection therewith.

7 Dec 43 SR 905/68 s30.

Right of Way for Other Than Irrigation Works

31 Right of way through Provincial lands for any works, other than irrigation works, constructed under the authority of The Water Rights Act, may be granted by license of occupation upon such terms as the Minister may fix.

7 Dec 43 SR 905/68 s31.

Right of Way Margin

32 The right of way for irrigation works shall comprise a strip, in addition to the width of the ditch, of twenty feet on one side of the ditch or canal and ten feet in width on the other side, such width to be measured in each case from the top of the inner slope of the bank of such ditch, except in cases where the nature of the country traversed shall require a greater width on one side of the ditch to facilitate the construction of a road, in which case sufficient width will be allowed for proper side slopes in constructing such road. The applicant for right of way will be allowed to take the twenty feet strip on whichever side he prefers and to change it from one side to the other when necessary to give a good road. Provided, that a greater width may be granted, not exceeding ten acres in all in any quarter section, when such shall be shown to be necessary for the effective operation of the irrigation system.

7 Dec 43 SR 905/68 s32.

Reservoir Margin

33 In cases where small reservoirs are to be constructed in connection with any irrigation project, the use of any vacant Provincial land covered thereby may be granted at a rate to be decided by the Minister, and the area so granted shall include, in addition to the area actually covered by water when such reservoir is filled, a strip of land twenty feet in width around the margin of such reservoir, the said width to be measured back from the highest point reached by the water in the reservoir at any point on the margin thereof. Provided, that the area of land so taken shall not exceed ten acres in any quarter section.

7 Dec 43 SR 905/68 s33.

PROTECTING SOURCE OF WATER SUPPLY**Natural Channel**

34 Any person or company who secures the right, under the provisions of The Water Rights Act, to construct a reservoir for the storage of water, or to divert water from any source, may deliver the water so stored or diverted into any natural channel, and, after its flow therein to any point where it is desired to again divert the water to be delivered for irrigation purposes, may take out from such channel the volume of water delivered therein from such reservoir or other source, less a deduction of such percentage of the volume delivered for each mile, or *pro rata* for fractions of one mile, over which the said water is carried in the said natural channel, as may be determined by the Minister after the necessary investigations have been made on each such natural channel to fix the loss of water carried therein resulting from seepage, evaporation or other natural causes.

7 Dec 43 SR 905/68 s34.

Measurement

35 The volume of water delivered into, or re-diverted from, any natural channel from reservoir or other source of water supply, shall be measured by suitable rating flumes or sections as hereinbefore provided, for canals, or ditches or by a weir of approved design constructed at such points as may be selected by the Minister, such flumes, sections, or weirs to be constructed by the person or company owning the works for the delivery of such water.

7 Dec 43 SR 905/68 s35.

Gauges

36 A suitable gauge rod shall be placed in the natural channel to be used for the carriage of water at a point where such water is delivered therein, in such a manner as to clearly indicate the rise of water in such channel, consequent upon the added flow from such reservoir or other source of supply, and a gauge rod shall also be placed at the points where the water delivered into the said channel is to be again diverted therefrom so as to show at that point the rise resulting from the volume of water delivered therein, less the loss resulting from the seepage, evaporation or other natural causes as provided in these regulations.

7 Dec 43 SR 905/68 s36.

Diversion

37(1) When water is delivered into any natural channel for carriage therein, it may not be taken out at any lower point on such channel by the individual or company delivering it therein until the gauge rod placed at such point of diversion indicates the same stage of water as that shown at the point where water is delivered into the channel, less the loss resulting from seepage, evaporation and other natural causes as herein referred to.

(2) The owners of ditches heading in any natural channel which is being utilized for the carriage of water as provided by these regulations, shall not divert therefrom any portion of the water delivered therein by any individual or company, as shown by the gauge rods placed in such channels in the manner provided by these regulations.

7 Dec 43 SR 905/68 s37.

Notice

38 Before any individual or company utilizes any natural channel for the carriage of water, a notice shall be issued by such individual or company to the owners of all ditches heading in that portion of such channel to be so utilized, informing them of the date at which the volume of water from any reservoir or other source is to be delivered into such channel, and the ditch owners shall take the necessary steps to prevent the diversion of any portion of the added flow into their ditches.

7 Dec 43 SR 905/68 s38.

Duty of Water

39 The Duty of Water shall be one and one-half (1½) acre-feet, measured at the point or points of delivery of water to any one farm unit, except in the South Saskatchewan Irrigation District No. 1 where the Duty of Water shall be two (2) acre-feet, measured as aforesaid.

8 Oct 76 SR 262/76.

Division of Water

40 All applications for water for irrigation purposes, and the division of the available water supply among applicants therefor, shall be made in the ratio of one and one-half (1½) acre-feet of water to each acre of irrigable land, when possible.

7 Dec 43 SR 905/68 s40.

Spring Flood Schemes

41 The duty to be granted will depend on the duration of the flow, retention of the soil, and the capacity of the works. Provided always that the terms of any now existing licenses which have been issued without provision for a change in the duty of water shall be recognized to such an extent as the water thereby granted may be applied to beneficial use.

7 Dec 43 SR 905/68 s41.

Irrigation Season

42 The irrigation season, or that portion of the year during which water shall be supplied for irrigation, shall extend from the first day of April to the thirtieth day of September, inclusive, in each year, in that area lying south of the South Saskatchewan River between Meridians three and four, and that area lying outside the area as defined shall have an irrigation season extending from the first day of May to the thirtieth day of September, inclusive, in each year.

7 Dec 43 SR 905/68 s42.

RATES OF DIVERSION**Stages of Flow**

43 The stages of flow at which diversion for any purpose defined in the Act shall be authorized are hereby defined, for the purposes of stream administration under the Act, as follows:

- (a) Low water, stage is that flow of water, occurring from natural causes in any source of supply, that has an average duration of one-half or more than one-half of the irrigation season.
- (b) High water stage is that flow of water, occurring from natural causes in any source of supply, that has an average duration of one-sixth but less than one-half of the irrigation season.
- (c) Flood stage is that flow of water, occurring from natural causes in any source of supply, that has an average duration of less than one-sixth of the irrigation season.
- (d) Provided always that the Minister may vary this definition as he thinks necessary on streams where licenses already issued do not conform to these definitions, or for other good reasons.

7 Dec 43 SR 905/68 s43.

Allocation of Rates

44 Unless otherwise stated in any license for the diversion and use of water for irrigation, the holder thereof shall be entitled to divert water from the river, stream, lake or other source of water supply described therein, at the following rates of flow:

At Flood Stages. The effective capacity of the canal or ditch from the point of intake to the reservoir or other works constructed for the purpose of delivering the water to the land, or one-fifteenth (1/15) of a cubic foot per second for every acre of land to be irrigated.

At High Water Stage. For every acre of land to be irrigated one-seventy-fifth (1/75) of a cubic foot of water per second.

At Low Water Stage. For every acre of land to be irrigated one one-hundred and fiftieth (1/150) of a cubic foot of water per second. Provided, always, that this regulation shall not prevent the securing of an irrigation head in cases where rotation has been adopted and approved by the Minister for any district.

7 Dec 43 SR 905/68 s44.

Priority

45 In addition to the assignment of priority to licenses on the several sources of water supply, each license shall be given its proper priority in the drainage basin in which each source of supply is situated, as such drainage basins may from time to time be defined for administrative purposes. As between these two license numbers the order of priority in the drainage basin shall be superior.

7 Dec 43 SR 905/68 s45.

Cost

46 When water is to be used for irrigation, it must be established to the satisfaction of the Minister, precedent to the issue of authorization for the construction of works, that the land can be irrigated at reasonable cost from the works as shown by the plans filed.

7 Dec 43 SR 905/68 s46.

Utilization

47 In any certificate issued under the Act, “**utilization**” is hereby defined as the beneficial use of water for the purpose named in the application.

7 Dec 43 SR 905/68 s47.

LOGGING**Passage of Logs**

48 In any application involving the erecting of a dam or other works in any river, stream, lake, or other waters, under the authority of The Water Rights Act, adequate provision shall be made for the passage of logs, timber, and other products of the forest through or over such dam, or other works, whenever it is shown to the satisfaction of the Minister, by the certificate of the Minister, or by a duly authorized officer of the Department for that purpose, that the local conditions are such as to render this provision necessary.

7 Dec 43 SR 905/68 s48.

Complaint

49 Upon receipt of a complaint that suitable provision has not been made for the passage of logs, timber, or other products of the forest, through or over any such dam or other works, the Minister may order an inspection of the site and make such orders as he deems necessary for preventing a recurrence of the condition.

7 Dec 43 SR 905/68 s49.

Cost of Inspections

50 The Minister shall have the right to charge the cost of such inspection to the licensee.

7 Dec 43 SR 905/68 s50.

WATER AGREEMENTS

Form of Agreement

51 Agreements for the supply of water for any purpose under the terms of The Water Rights Act may be made in such form as may be approved by the Minister.

7 Dec 43 SR 905/68 s51.

Final Agreements

52 All final agreements for the supply of water shall be in triplicate and shall be filed in the office of the Department at Regina, one copy of such agreement being returned to each of the parties thereto with a certificate of record endorsed thereon, and one copy retained in the office of the Department. No agreement for the sale or use of water shall be of any force or effect unless it is duly filed in the office of the Department, as herein provided.

7 Dec 43 SR 905/68 s52.

Interim Agreements

53 All interim agreements for the supply of water shall be in triplicate and shall be recorded in the office of the Department at Regina, and otherwise dealt with as prescribed in the preceding paragraph of these regulations.

7 Dec 43 SR 905/68 s53.

54 Repealed. 9 Jly 71 SR 197/71 s2.

Limit of Quantity

55 No Company shall agree to supply, on any terms, a greater quantity of water than it is entitled to under its permit or license, in accordance with the duty of water.

7 Dec 43 SR 905/68 s55.

Use of Works

56 Any applicant to use water through any canal, ditch or reservoir not the property of the applicant, shall file with the Department at Regina an agreement in triplicate, which agreement shall bind the company or person owning or operating the original works to carry the applicant's water through such works, from the point of intake to the point where the applicant's own works commence, and during the period in which the respective applicants or licensees, as the case may be, shall maintain rights to divert and use water through such works.

7 Dec 43 SR 905/68 s56.

Approval of Agreements

57(1) No such agreement shall be of any force or effect unless it is approved by the Minister and duly recorded in the Department as herein provided.

(2) All agreements for the maintenance and operation of any canal so utilized by two or more applicants shall be similarly recorded and shall be, in all respects, treated as in the foregoing subsection.

7 Dec 43 SR 905/68 s57.

Penalties

58 Any person entering into any agreement to dispose of a greater quantity of water than he is entitled to under his permit or license shall be liable to a fine not exceeding two hundred dollars for each such agreement.

7 Dec 43 SR 905/68 s58.

REGULATION OF SUPPLY**Rotation**

59 Where a quantity of water equal in flow to one irrigating head may be supplied to or used by more than one consumer, the Minister will recognize equitable arrangements for rotation in the time of use of such irrigating head by such consumers; provided that the aggregate of all quantities of water supplied or used by any consumer shall not exceed the quantity of water to which such consumer is entitled in accordance with the duty of water prescribed under these regulations; and provided further, that the aggregate rate of diversion at any time shall not exceed the sum of the rates granted to the several consumers; and provided further, that where such consumers procure their water supply from a company under a form of water agreement duly approved by the Minister, which provides for the continuous delivery of a stated quantity of water throughout the irrigation season, the consent of the company shall be obtained before application is made to the Minister for recognition of any such arrangements for rotation in the use of water.

7 Dec 43 SR 905/68 s59.

Irrigating Head

60 An irrigating head of water is hereby defined as a stream of water flowing at the rate of two and one-half cubic feet per second.

7 Dec 43 SR 905/68 s60.

Water Masters

61 Water masters appointed by the Minister are hereby empowered to open sluice gates from reservoirs whenever water has been improperly impounded, to close ditches to irrigation schemes, and to take such other action as may be necessary and legal to ensure that the provisions of The Water Rights Act are carried out according to their true intent and meaning.

7 Dec 43 SR 905/68 s61.

Change in Point of Diversion

62 Every licensee or applicant who has been authorized to divert water, or to construct works for the diversion of water, who desires to materially change the point of diversion as set forth in his application, authorization, or license, to another point on the same source of supply, shall make application to the Minister on the prescribed form, accompanied by plans showing the method of constructing the new works, their location, and relation to the original project. If, after investigation has been made in the field, the Minister is satisfied that no other right, or rights, will be prejudicially affected by the proposed change, he shall, if he considers such action necessary, require public notice of the application to be given in the same manner as in the case of the original application. If, in the opinion of the Minister, any other right, or rights, will, or may be, prejudicially affected, he shall submit the application to the Department with such recommendation as he considers necessary, and no further action shall be taken until the Minister's decision has been given. After such public notice has been given, or immediately, if public notice is not required, the Minister shall report upon all protests received by him and shall recommend such action as he may consider to be in the public interest, including, if he considers it necessary, the issue of supplementary authorization for the construction of the required new works. In submitting any such application the Minister shall, if he recommends favourable consideration thereof, recommend the date from which priority shall be assigned thereto. The cost of any field investigation under these regulations, or such portion thereof as the Minister decides, shall be borne by the licensee or applicant.

7 Dec 43 SR 905/68 s62.

REGULATING DIVERSION**Rating Flume or Section**

63 Each irrigation ditch or canal shall be provided by the owner thereof with a rating flume or measuring section with a permanent control or section. The rating flume shall be constructed in the ditch or canal at such point below the headgates thereof as may be selected and shall be built in accordance with plans approved by the Minister, or such officer duly authorized by the Department. Usually one rating flume or section shall be constructed near the headgates, but in large canals or ditches, and exceptionally in small ones, additional rating flumes or sections shall be constructed by the owners at such other points in the canal or ditch as may be selected by the Minister, or such other officer duly authorized by the Minister.

7 Dec 43 SR 905/68 s63.

Gauge

64 Each rating flume or section shall be provided with a suitable gauge, which shall be properly and clearly marked in feet and tenths. Each rating flume or measuring section shall have constructed across it, with its upstream face on the normal section passing through the gauge, a suitable footbridge from which to make current-meter measurements of the velocity of the water in the flume or section wherever such bridge is determined to be necessary by the Minister. Each gauge shall have plainly marked on it the depth of water that the person or company is licensed or permitted to carry through the flume at the stages of low water, high water, and flood, as determined by the Minister, or such other officer duly authorized by the Department to administer the waters of the streams from which the diversion is licensed. Each ditch owner shall be required, whenever notified by the Minister, to submit properly certified records, in the manner and on the forms prescribed by the Minister, of the gauge heights in the rating flume or measuring section covering the whole of the season during which water is run through the ditch or canal.

7 Dec 43 SR 905/68 s64.

Stream gauge

65 The Minister may authorize some officer to place a gauge, or gauges, in all streams, or reservoirs used as a source of supply for irrigation ditches or canals. The gauge rod, or gauges, are to be permanently placed at some point for convenient reference, and clearly marked so that the rise or fall of water in such stream or reservoir can be readily noted therefrom. The stages of low water, high water, and flood water, as hereinbefore defined, shall be determined by the Minister or such other officer as the Minister may designate.

7 Dec 43 SR 905/68 s65.

Stages of flow

66 The stages of flow so determined shall define the rights of diversion as granted by license and in cases of dispute the decision of the Minister shall be final.

7 Dec 43 SR 905/68 s66.

Daily gauge height readings

67 When directed in writing by the Minister, the irrigators will be required to take daily gauge height readings on their ditches for the purpose of record and to submit such readings to the Department.

7 Dec 43 SR 905/68 s67.

Forms

68 The Minister may from time to time prescribe such forms as he deems necessary for the administration of the Act and of these regulations, including the following:

Reference to Section of Act or Regulations	Description	Form Number
		W.R.
Act 18	Memorial	1
Act 16	License for preliminary work	2
Act 19	Public Notice of Application	3
Act 18-2A	Application to cross road allowance	4
Act 18-2A	Application to cross railway lines	5
Act 18-2A	Application for right of way over Provincial lands	6
Act 21	Authorization for construction of works	7
Act 16	Temporary permit	8
Act 37-2	Certificate for license	9
Act 37-3	Licenses	10-10A
Act 42	Reservoir Lease	11
Act 50	Cancellation of authorization	12
Act 50	Cancellation of license	13
Reg's	Transfer of application	14
Reg's	Agreement to use water	15
Reg's	Partial cancellation of authorization	16
Reg's	Certificate of measuring device	17
Reg's	Certificate of rating flume or section	17A
Reg's	Application to change point of diversion	18
Act 38	Certificate of Easement	20

FEES

69(1) Subject to subsection (2), the following fees shall be paid to the Commission:

- (a) For a licence to do preliminary work \$ 10.00
- (b) For a licence under section 38 of The Water Rights Act:
 - 0 to 100 acre-feet \$ 10.00
 - 101 to 500 acre-feet 25.00
 - 501 to 10,000 acre-feet 100.00
 - 10,001 to 20,000 acre-feet 200.00

For licences above 20,000 acre-feet, the fees shall be fixed by the Lieutenant Governor in Council.
- (c) For each transfer of an interest in any water right prior to the issue of a licence, excluding domestic projects having a capacity of five acre feet or less \$ 10.00
- (d) For each transfer of a water licence excluding domestic projects having a capacity of five acre feet or less \$ 10.00
- (e) For each transfer of a water right or licence for a domestic project having a capacity of five acre feet or less no fee.

(2) No fee is payable by a Department of the Government of Canada or a Department of the Province of Saskatchewan for a licence under section 38 of The Water Rights Act.

(3) Where an application for a licence is cancelled because the applicant fails to comply with the Act or the regulations, all fees payable in respect of the application are forfeited to the Crown.

(4) A separate licence is required for each stream or other source of supply from which water is to be diverted.

(5) A fee for a licence is payable prior to the issuance of any authority for the construction of works or the diversion, storage or use of water.

18 Apr 69 SR 71/69; 9 Jly 71 SR 197/71 s3.