

*The
Farm and Ranch
Water Infrastructure
Program
Regulations*

Expired

March 31, 2013

being

[Chapter F-8.001 Reg 35](#) (effective June 6, 2008) as amended by Saskatchewan Regulations [88/2008](#), [88/2009](#) and [3/2011](#).

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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CHAPTER F-8.001 REG 35
The Farm Financial Stability Act

Title

1 These regulations may be cited as *The Farm and Ranch Water Infrastructure Program Regulations*.

Interpretation

2 In these regulations:

- (a) **“account”** means the Farm and Ranch Water Infrastructure Program Account established pursuant to section 4;
- (b) **“Act”** means *The Farm Financial Stability Act*;
- (c) **“agricultural producer”** means any person engaged in the production of an agricultural commodity who resides in a rural municipality, or on an Indian reserve, listed in Table 1 of the Appendix;
- (d) **“approved project”** means an eligible project that has been approved by the minister pursuant to section 10;
- (e) **“Canada-Saskatchewan Water Supply Expansion Program”** means the Canada-Saskatchewan Water Supply Expansion Program implemented by agreement between the Government of Canada and the Government of Saskatchewan, effective April 1, 2003, as amended from time to time;
- (f) **“community well”** means a well for public use, including use by agricultural producers;
- (g) **“community well project”** means a project undertaken by an eligible applicant to develop a community well as a secure water supply;
- (h) **“eligible applicant”** means:
 - (i) in the case of an on-farm project, an eligible applicant as described in section 6;
 - (ii) in the case of a community well project:
 - (A) a rural municipality listed in Table 1 of the Appendix on behalf of agricultural producers whom it represents; and
 - (B) an Indian band that has land listed in Table 1 of the Appendix on behalf of agricultural producers whom it represents;
- (i) **“eligible expenditures”** means the expenditures set out in section 11;
- (j) **“eligible project”** means an on-farm project or a community well project that complies with the requirements of section 7;
- (k) **“Indian band”** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;

- (l) **“on-farm project”** means a project undertaken by an eligible applicant to develop a secure water supply on the land set out in the application provided to the minister by the eligible applicant;
- (m) **“other governmental assistance”** means any rebates, grants or other financial assistance, including in-kind contributions, received from the Government of Canada, the Government of Saskatchewan or any municipal government respecting eligible expenditures or an approved project;
- (n) **“program”** means the Farm and Ranch Water Infrastructure Program established pursuant to section 3;
- (o) **“program payment”** means a payment made to an eligible applicant pursuant to the program;
- (p) **“secure water supply”** means a long-term source of water and includes wells, pipelines and storage tanks;
- (q) **“storage tank”** means a tank with a capacity of at least 4 500 litres that is used as a secure water supply.

20 Jne 2008 cF-8.001 Reg 35 s2; 17 Oct 2008
SR 88/2008 s3.

Program established

- 3(1) The Farm and Ranch Water Infrastructure Program is established.
- (2) The purpose of the program is to provide program payments to eligible applicants who dedicate those program payments to the development of a secure water supply.

20 Jne 2008 cF-8.001 Reg 35 s3.

Account established

- 4(1) The Farm and Ranch Water Infrastructure Program Account is established in the fund pursuant to clause 24(2)(a) of the Act.
- (2) The Minister of Finance is authorized to deposit into the account:
 - (a) all contributions from the Government of Canada that are directed to the account for the purposes of the program pursuant to an agreement made pursuant to subsection 22(2) of the Act; and
 - (b) from moneys appropriated by the Legislature, all contributions of the Government of Saskatchewan to the program pursuant to an agreement made pursuant to subsection 22(2) of the Act.
- (3) The account consists of:
 - (a) all contributions mentioned in clause (2)(a);
 - (b) all moneys appropriated by the Legislature:
 - (i) for the purposes of the program; or
 - (ii) for any other farm income stabilization purpose, if the Minister of Finance designates that those moneys are to be paid into the account;
 - (c) all earnings on investments of the account; and
 - (d) all other moneys received in the account for the purposes of the program.

- (4) All program payments are to be paid from the account.
- (5) Any surplus remaining in the account when the program is completed is to be returned to the Government of Canada and the Government of Saskatchewan in proportion to each government's contribution to the account.
- (6) The fiscal year of the account is the period commencing on April 1 in one year and ending on March 31 of the following year.

20 Jne 2008 cF-8.001 Reg 35 s4; 17 Oct 2008
SR 88/2008 s4.

Minister to administer account and program

- 5(1) The minister shall administer the account and the program.
- (2) For the purpose of administering the account and the program, the minister may:
 - (a) exercise the powers given to the minister pursuant to the Act; and
 - (b) do any other thing that the minister considers necessary to administer the account or the program.
- (3) Without limiting the generality of subsection (2), for the purpose of administering the account or the program, the minister may:
 - (a) enter into any agreement that the minister considers advisable with any person, agency, organization, association, institution or body;
 - (b) undertake research, conduct studies and provide information to agricultural producers, eligible applicants or persons who, in the minister's opinion, may become eligible applicants in relation to eligible projects or the program;
 - (c) use any moneys received in the account:
 - (i) to pay for the administration of the account and the program; and
 - (ii) to make program payments;
 - (d) invest any moneys in the account that are not presently required for the purposes of the program in any investments that are authorized pursuant to *The Financial Administration Act, 1993* as investments for the general revenue fund; and
 - (e) dispose of any investment made pursuant to clause (d), subject to the terms of the investment, in any manner, on any terms and in any amount that the minister considers advisable.

20 Jne 2008 cF-8.001 Reg 35 s5.

Eligible applicants re on-farm projects

- 6 A person, partnership or co-operative is eligible to apply to have an on-farm project approved by the minister as an eligible project if:
 - (a) in the case of an individual, the individual is a Saskatchewan resident who is at least 18 years of age;
 - (b) in the case of a corporation, partnership or co-operative, the corporation, partnership or co-operative has its head office in Saskatchewan and carries on business principally in Saskatchewan;

- (c) the person, partnership or co-operative owns at least 75 acres of land in a rural municipality listed in Table 1 of the Appendix; and
- (d) the person, partnership or co-operative filed or will file an income tax return respecting farm income in Saskatchewan for the year preceding the year for which an application is made, or for the year for which an application is made, that shows or will show that a substantial portion of income was derived from farm income.

20 Jne 2008 cF-8.001 Reg 35 s6.

Eligible projects

7 For the purposes of these regulations, an eligible project is a project that:

- (a) is undertaken by an eligible applicant;
- (b) involves the development of a secure water supply for the eligible applicant including:
 - (i) in the case of an on-farm project, dugouts, small-diameter and large-diameter wells, shallow buried pasture pipelines and deep buried pipelines; and
 - (ii) in the case of a community well project, community wells and pipelines associated with establishing a loading site;
- (b.1) is initiated on or after March 19, 2008 and completed before January 1, 2011;
- (c) complies with the other requirements of these regulations; and
- (d) is determined by the minister to be an eligible project.

20 Jne 2008 cF-8.001 Reg 35 s7; 17 Oct 2008
SR 88/2008 s5; 2 Oct 2009 SR 88/2009 s3; 11
Feb 2011 SR 3/2011 s3.

Application

8(1) An eligible applicant who wishes to receive a program payment must apply to the minister:

- (a) if the eligible applicant has applied to the Canada-Saskatchewan Water Supply Expansion Program on or after April 1, 2008, by authorizing the minister of Agriculture and Agri-Food Canada to submit to the minister:
 - (i) an application on behalf of the eligible applicant; and
 - (ii) an authorization permitting the minister to use information that the applicant has provided for the purposes of that program; or
 - (b) by providing to the minister a completed application on a form supplied by the minister.
- (2) In the application form mentioned in clause (1)(b), the eligible applicant must:
- (a) describe the proposed eligible project;
 - (b) identify the location of the proposed eligible project by including the legal land description and the rural municipality or Indian reserve in which the land is situated;

- (c) in the case of an application respecting an on-farm project, describe:
 - (i) the farming operation, including the number of acres farmed and the number of livestock, if any; and
 - (ii) the uses for water;
 - (d) describe the water-related problems the eligible project is attempting to address; and
 - (e) describe the benefits of the proposed project.
- (3) Every eligible applicant must:
- (a) in the case of an on-farm project, provide the minister on request with:
 - (i) a copy of the eligible applicant's 2007 income tax return; or
 - (ii) information, satisfactory to the minister, showing that the eligible applicant will derive a substantial portion of income from farm income for the year for which the application is made;
 - (b) provide any additional information that the minister may require to determine that the applicant is an eligible applicant or that a project is an eligible project; and
 - (c) provide the minister with any additional information that the minister may reasonably require to determine the applicant's eligibility for a program payment.
- (4) No eligible applicant shall supply any false or misleading information to the minister on any application form or in response to any request for information from the minister.
- (5) An eligible applicant shall provide the minister with any changes to the information on the applicant's application form.
- (6) Only one application may be submitted for each eligible project.

20 Jne 2008 cF-8.001 Reg 35 s8; 17 Oct 2008
SR 88/2008 s6.

Time limit for submitting applications

- 9(1) Subject to subsection (2), an application must be received by the minister or, in the case of an application that is mailed, be postmarked, on or before December 3, 2008.
- (2) The minister may accept an application received after December 3, 2008 if the minister is satisfied that:
- (a) the eligible applicant had a reasonable excuse for failing to apply within the time limit; and
 - (b) it is not contrary to the public interest.

20 Jne 2008 cF-8.001 Reg 35 s9.

Approval of application

10 On receipt of an application made by an eligible applicant, the minister may approve the eligible project if the minister is satisfied that:

- (a) the applicant is an eligible applicant;
- (b) the project is an eligible project; and
- (c) the eligible applicant has complied with these regulations.

20 Jne 2008 cF-8.001 Reg 35 s10.

Eligible expenditures

11(1) Subject to subsection (3) and section 13, the minister may approve as eligible expenditures any of the expenditures mentioned in subsection (2), if the minister is satisfied that those expenditures were incurred by an eligible applicant for an approved eligible project.

(2) For the purposes of subsection (1), the following are the expenditures that may be approved:

- (a) in the case of on-farm projects:
 - (i) the purchase cost of capital items, including generators, pumps, pipes for shallow buried pasture pipelines and deep buried pipelines, and storage tanks, dedicated to the development of a secure water supply;
 - (ii) construction costs dedicated to the development of a secure water supply, including costs related to:
 - (A) power installation, subject to the limits set out in clause 13(2)(a);
 - (B) dugout excavation;
 - (C) well drilling;
 - (D) the purchasing and installing of screening; and
 - (E) the installing of pipelines;
- (b) in the case of community well projects:
 - (i) the purchase cost of capital items, including pumps, pipes necessary for constructing a water loading site, storage tanks and power loading equipment, dedicated to the development of a community well;
 - (ii) construction costs, including costs related to well drilling, the purchasing and installing of screening and the constructing of buildings, dedicated to the development of a community well;
 - (iii) costs related to site excavation and preparation dedicated to the development of a community well, including road construction costs or costs to improve access to an existing community well;
- (c) costs of services provided for the purposes of the approved project, including costs associated with groundwater exploration, fees paid for consultations that the minister is satisfied are reasonable, and fees associated with the filing of applications and registrations, dedicated to the development of a secure water supply;
- (d) any other costs that the minister is satisfied are specifically required for the execution of the approved project.

- (3) The following are not eligible to be approved as eligible expenditures:
- (a) taxes;
 - (b) costs related to the acquisition of real property;
 - (c) costs of capital items that the minister is satisfied are not specifically required for the execution of the approved project;
 - (d) any other expenditures that the minister determines are ineligible.

20 Jne 2008 cF-8.001 Reg 35 s11; 17 Oct 2008
SR 88/2008 s7.

Claim for program payments

12(1) To make a claim for a program payment, either of the following must be submitted to the minister on or before January 31, 2011:

- (a) if the eligible applicant has submitted a claim respecting an eligible project to the Canada-Saskatchewan Water Supply Expansion Program, claim information that the applicant has provided the minister of Agriculture and Agri-Food Canada for the purposes of that program;
 - (b) the following:
 - (i) a claim in a form provided by the minister for all eligible expenditures that have been paid for the approved project;
 - (ii) a copy of all receipts, invoices, bills or other documents, in a form satisfactory to the minister, with respect to the eligible expenditures that state:
 - (A) the date the expenditure was incurred;
 - (B) the date payment was made;
 - (C) the amount of taxes paid;
 - (D) a detailed description of the expenditure; and
 - (E) information that identifies the applicant and the approved project;
 - (iii) proof satisfactory to the minister that the eligible applicant's approved project meets or will meet the requirements of Saskatchewan Watershed Authority and Saskatchewan Environment for water development; and
 - (iv) a declaration satisfactory to the minister setting out any other governmental assistance received by the eligible applicant with respect to the approved project.
- (2) The minister may require an eligible applicant to supply the minister with any additional information that the minister may reasonably require to evaluate the claim or ensure compliance with these regulations, including original receipts for costs claimed.
- (3) No eligible applicant shall supply any false or misleading information to the minister on any claim form or in response to any request for information from the minister.

- (4) An eligible applicant shall provide the minister with any changes to the information on any claim form.
- (5) An eligible applicant shall allow the minister or any person designated by the minister to inspect:
- (a) the approved project that is the subject of the application; and
 - (b) any records, whether or not at the same location as the approved project mentioned in clause (a), that the minister considers necessary or relevant to evaluate the claim or ensure compliance with these regulations.

20 Jne 2008 cF-8.001 Reg 35 s12; 2 Oct 2009
SR 88/2009 s4; 11 Feb 2011 SR 3/2011 s4.

Program payments

- 13(1)** Subject to subsections (2) and (3), if the minister is satisfied that an eligible applicant has complied with these regulations, the minister may make a program payment to the eligible applicant respecting the approved project that is the subject of the application.
- (2) The amount of a program payment for an on-farm project that has been approved pursuant to section 10 is not to exceed 65% of the eligible expenditures for the approved project less any other governmental assistance:
- (a) to the maximum amount of \$30,000 in the case of power installation costs mentioned in subclause 11(2)(a)(ii); and
 - (b) to the maximum amount of \$60,000 in the case of a project whose purpose was to develop a deep buried pipeline.
- (3) The amount of a program payment for a community well project that has been approved pursuant to section 10 is not to exceed 85% of the eligible expenditures for the approved project less any other governmental assistance.
- (4) If an eligible applicant fails to comply with these regulations, the minister may deny the claim for a program payment.
- (5) If the minister denies a claim for a program payment, the minister shall notify the applicant in writing.

20 Jne 2008 cF-8.001 Reg 35 s13; 17 Oct 2008
SR 88/2008 s8.

Overpayments

- 14(1)** The minister may declare any program payment made to an eligible applicant to be an overpayment if the minister is satisfied that:
- (a) the applicant has knowingly made a false or misleading statement with respect to a material fact on any form or in any information or document provided to the minister pursuant to these regulations;
 - (b) the applicant has knowingly omitted to make a statement or to provide any information or document if the omission results in a statement with respect to a material fact being misleading; or
 - (c) the applicant has failed to comply with these regulations.

(2) If the minister declares a program payment to be an overpayment, the amount of the overpayment is deemed to be a debt due and owing to the Government of Saskatchewan and may be recovered from the eligible applicant in any manner authorized pursuant to *The Financial Administration Act, 1993* or in any other manner authorized by law.

20 Jne 2008 cF-8.001 Reg 35 s14.

Termination if moneys fully utilized

15(1) Notwithstanding any other provision of these regulations, if the minister determines that moneys in the account have been fully allocated, the minister may refuse to approve any application and the applicant is not eligible to receive any program payment with respect to that application.

(2) If the minister makes a determination pursuant to subsection (1), the minister may cause the effective date of the determination:

(a) to be posted on the Internet website of the ministry over which the minister presides; and

(b) to be made public in any other manner that the minister considers appropriate.

(3) The effective date of the determination may be an earlier date than the date on which the minister makes public the effective date of the determination.

(4) The program is terminated on the effective date of the determination as made public by the minister.

20 Jne 2008 cF-8.001 Reg 35 s15.

Coming into force

16(1) These regulations come into force on the day on which they are filed with the Registrar of Regulations.

(2) These regulations expire on March 31, 2013.

20 Jne 2008 cF-8.001 Reg 35 s16; 11 Feb 2011
SR 3/2011 s5.

Appendix

TABLE 1

*[Clause 2(c), subclause 2(h)(ii) and clause 6(c)]***Rural Municipalities**

The Rural Municipality of Souris Valley No. 7
The Rural Municipality of Lake Alma No. 8
The Rural Municipality of Surprise Valley No. 9
The Rural Municipality of Happy Valley No. 10
The Rural Municipality of Hart Butte No. 11
The Rural Municipality of Poplar Valley No. 12
The Rural Municipality of Val Marie No. 17
The Rural Municipality of Lone Tree No. 18
The Rural Municipality of Frontier No. 19
The Rural Municipality of Lomond No. 37
The Rural Municipality of Laurier No. 38
The Rural Municipality of The Gap No. 39
The Rural Municipality of Bengough No. 40
The Rural Municipality of Willow Bunch No. 42
The Rural Municipality of Old Post No. 43
The Rural Municipality of Waverley No. 44
The Rural Municipality of Mankota No. 45
The Rural Municipality of Glen McPherson No. 46
The Rural Municipality of White Valley No. 49
The Rural Municipality of Reno No. 51
The Rural Municipality of Weyburn No. 67
The Rural Municipality of Brokenshell No. 68
The Rural Municipality of Norton No. 69
The Rural Municipality of Key West No. 70
The Rural Municipality of Excel No. 71
The Rural Municipality of Lake of the Rivers No. 72
The Rural Municipality of Stonehenge No. 73
The Rural Municipality of Wood River No. 74
The Rural Municipality of Pinto Creek No. 75
The Rural Municipality of Auvergne No. 76
The Rural Municipality of Wise Creek No. 77

The Rural Municipality of Grassy Creek No. 78
 The Rural Municipality of Arlington No. 79
 The Rural Municipality of Elmsthorpe No. 100
 The Rural Municipality of Terrell No. 101
 The Rural Municipality of Lake Johnston No. 102
 The Rural Municipality of Sutton No. 103
 The Rural Municipality of Gravelbourg No. 104
 The Rural Municipality of Glen Bain No. 105
 The Rural Municipality of Whiska Creek No. 106
 The Rural Municipality of Lac Pelletier No. 107
 The Rural Municipality of Bone Creek No. 108
 The Rural Municipality of Carmichael No. 109
 The Rural Municipality of Piapot No. 110
 The Rural Municipality of Maple Creek No. 111
 The Rural Municipality of Shamrock No. 134
 The Rural Municipality of Lawtonia No. 135
 The Rural Municipality of Coulee No. 136
 The Rural Municipality of Swift Current No. 137
 The Rural Municipality of Webb No. 138
 The Rural Municipality of Gull Lake No. 139
 The Rural Municipality of Big Stick No. 141
 The Rural Municipality of Enterprise No. 142
 The Rural Municipality of Chaplin No. 164
 The Rural Municipality of Morse No. 165
 The Rural Municipality of Excelsior No. 166
 The Rural Municipality of Saskatchewan Landing No. 167
 The Rural Municipality of Riverside No. 168
 The Rural Municipality of Pittville No. 169
 The Rural Municipality of Fox Valley No. 171
 The Rural Municipality of Enfield No. 194
 The Rural Municipality of Maple Bush No. 224
 The Rural Municipality of Miry Creek No. 229
 The Rural Municipality of Clinworth No. 230
 The Rural Municipality of Happyland No. 231

Indian Reserves

Wood Mountain No. 160
 Nekaneet No. 160a

17 Oct 2008 SR 88/2008 s9.

TABLE 2

[Clause 2(c), subclause 2(h)(ii) and clause 8(2)(c)]

Rural Municipalities that are required to provide information re drought

Repealed. 17 Oct 2008 SR 88/2008 s9.

