

# *The 2009 Farm and Ranch Water Infrastructure Program Regulations*

*being*

Chapter F-8.001 Reg 38 (effective April 30, 2009) as amended  
by Saskatchewan Regulations 8/2011 and 20/2012.

## **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 38

### *The Farm Financial Stability Act*

#### Title

- 1 These regulations may be cited as *The 2009 Farm and Ranch Water Infrastructure Program Regulations*.

#### Interpretation

- 2 In these regulations:

- (a) **“account”** means the 2009 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 in Saskatchewan;
- (d) **“approved project”** means an eligible project that has been approved by the minister pursuant to section 10;
- (e) **Repealed.** 25 Mar 2011 SR 8/2011 s3.
- (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 on behalf of agricultural producers whom it represents; and
    - (B) an Indian band on behalf of agricultural producers whom it represents;
  - (iii) in the case of an irrigation district project, the board of an irrigation district on behalf of the irrigation district it represents;
- (i) **“eligible expenditures”** means the expenditures set out in section 11;
- (j) **“eligible project”** means an on-farm project, a community well project or an irrigation district 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;

(k.1) **“irrigation district”** means irrigation district as defined in *The Irrigation Act, 1996*;

(k.2) **“irrigation district project”** means a project undertaken by an eligible applicant to develop infill for the purpose of expanding the irrigation capacity of the land set out in the application provided to the minister by the eligible applicant;

(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) **Repealed.** 25 Mar 2011 SR 8/2011 s3.

(o) **“program”** means the 2009 Farm and Ranch Water Infrastructure Program established pursuant to section 3;

(p) **“program payment”** means a payment made to an eligible applicant pursuant to the program;

(q) **“program year”** means the period commencing on April 1 in one year and ending on March 31 of the following year;

(r) **“secure water supply”** means a long-term source of water and includes wells, pipelines and dugouts;

(s) **“storage tank”** means a tank with a capacity of at least 4 500 litres that is used as a secure water supply.

8 May 2009 cF-8.001 Reg 38 s2; 25 Mar 2011 SR 8/2011 s3.

#### **Program established**

3(1) The 2009 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.

8 May 2009 cF-8.001 Reg 38 s3.

**Account established**

- 4(1) The 2009 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 program year.

8 May 2009 cF-8.001 Reg 38 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 securities or class of securities authorized pursuant to *The Financial Administration Act, 1993* for the investment of moneys in 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 expedient.

8 May 2009 cF-8.001 Reg 38 s5; 25 Mar 2011 SR  
8/2011 s4.

**Eligible applicants re on-farm projects**

**6** A person, partnership or Indian band 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 or partnership, the corporation or partnership has its head office in Saskatchewan or carries on business in Saskatchewan;
- (c) in the case of an Indian band, the Indian band has reserve land in Saskatchewan and the land on which the proposed on-farm project is to be undertaken is in Saskatchewan and is controlled by the Indian band;
- (d) the person, partnership, or Indian band:
  - (i) owns or occupies at least 75 acres of agricultural land in Saskatchewan;  
or
  - (ii) if it owns or occupies less than 75 acres of agricultural land in Saskatchewan, satisfies the minister that it operates an intensive agricultural operation on the agricultural land; and
- (e) in the case of an individual, partnership or corporation, the individual, partnership or corporation 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 to the satisfaction of the minister that a substantial portion of the individual's, partnership's or corporation's income was derived from farm income in Saskatchewan.

8 May 2009 cF-8.001 Reg 38 s6.

**Eligible projects**

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

- (a) is undertaken by an eligible applicant;
- (b) must be substantially for agricultural purposes;
- (c) must involve 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;
  - (ii) in the case of a community well project, community wells and pipelines associated with establishing a loading site; and
  - (iii) in the case of an irrigation district project, pipelines and associated infrastructure related to infill development to expand irrigation capacity;
- (d) in the case of an application for:
  - (i) an irrigation district project, is commenced on or after April 1, 2011 and with respect to which the eligible applicant undertakes in the application to complete the project on or before March 31, 2013;
  - (ii) an eligible project that is an on-farm project or a community well project, is commenced on or after March 18, 2009 and with respect to which the eligible applicant undertakes in the application to complete the project on or before the earlier of:
    - (A) the date that is 18 months after the date that the eligible applicant receives the minister's approval for the project; and
    - (B) March 15, 2013;
- (e) must comply with the other requirements of these regulations; and
- (f) is determined by the minister to be an eligible project.

8 May 2009 cF-8.001 Reg 38 s7; 25 Mar 2011 SR  
8/2011 s5.

**Application**

**8(1)** An eligible applicant who wishes to receive a program payment for an on-farm project, a community well project or an irrigation district project must apply to the minister by providing to the minister a completed application on a form supplied by the minister.

- (2)** In the application form mentioned in subsection (1), 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) provide an estimate of the costs of the proposed project;

- (d) describe the benefits of the proposed project;
  - (e) 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;
  - (f) in the case of an application respecting an on-farm project or a community well project, describe the water-related problems the eligible project is attempting to address; and
  - (g) in the case of an application respecting an irrigation district project, provide an estimate of the increased irrigation capacity the project will provide.
- (4) 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 most recent 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.
- (5) 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.
- (6) An eligible applicant shall provide the minister with any changes to the information on the applicant's application form as soon as possible after that information changed.
- (7) Only one application may be submitted for each eligible project.

8 May 2009 cF-8.001 Reg 38 s8; 25 Mar 2011 SR 8/2011  
s6.

**Time limit for submitting applications**

- 9(1) Subject to subsections (2) and (3), an application must be received by the minister:
- (a) in the case of an application for an irrigation district project, on or before May 18, 2012; or
  - (b) in the case of an application for an on-farm project or a community well project, on or before August 1, 2012.
- (2) The minister may accept an application mentioned in clause (1)(a) that is received after May 18, 2012 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 to do so.



(3) The minister may accept an application mentioned in clause (1)(b) that is received after August 1, 2012 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 to do so.

8 May 2009 cF-8.001 Reg 38 s9; 25 Mar 2011 SR  
8/2011 s7; 20 Apr 2012 SR 20/2012 s3.

**Approval of application**

**10** Subject to section 15, 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;
- (c) the eligible applicant has complied with these regulations; and
- (d) there are sufficient moneys in the account to fund the application.

8 May 2009 cF-8.001 Reg 38 s10.

**Eligible expenditures**

**11(1)** Subject to subsection (3) and sections 13 and 15, 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 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 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) excavating dugouts;
    - (B) drilling wells;
    - (C) purchasing and installing of screening;
    - (D) installing pipelines;
    - (E) installing fencing to exclude livestock;
    - (F) installing or developing storage tanks; and
  - (iii) costs related to connecting to an existing deep buried pipeline, including any hook-up or subscription costs, subject to the limits set out in subsections 13(3) and (4);

- (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 drilling wells, purchasing and installing screening, installing power and constructing buildings, dedicated to the development of a community well; and
  - (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;
- (b.1) in the case of an irrigation district project:
  - (i) the purchase of cost of capital items, including pipes, pumps, drains and turnouts dedicated to the development of irrigation infrastructure for the purpose of expanding irrigation capacity; and
  - (ii) construction costs related to the installation of pipelines, pumps, drains, turnouts and power dedicated to the development of irrigation infrastructure for the purpose of expanding irrigation capacity;
- (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) in the case of an on-farm project, costs related to the installation of power;
  - (b) costs related to livestock watering bowls and troughs;
  - (c) taxes;
  - (d) costs related to the acquisition of real property;
  - (e) costs of capital items that the minister is satisfied are not specifically required for the execution of the approved project;
  - (f) any other expenditures that the minister determines are ineligible.

**Claim for program payments**

**12(1)** To make a claim for a program payment, the information mentioned in subsection (2) must be submitted to the minister:

- (a) with respect to an approved project that is an irrigation district project, on or before March 31, 2013; and
- (b) with respect to an approved project that is an on-farm project or a community well project, on or before the earlier of:
  - (i) the day that is 24 months after the minister's approval of the project; and
  - (ii) March 31, 2013.

(2) For the purposes of subsection (1), the following information must be submitted to the minister:

- (a) a claim in a form provided by the minister for all eligible expenditures that have been paid for the approved project;
- (b) 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:
  - (i) the date the expenditure was incurred;
  - (ii) the date payment was made;
  - (iii) the amount of taxes paid;
  - (iv) a detailed description of the expenditure; and
  - (v) information that identifies the applicant and the approved project;
- (c) 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;
- (d) a declaration satisfactory to the minister setting out any other governmental assistance received by the eligible applicant with respect to the approved project.

(3) 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.

(4) 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.

(5) An eligible applicant shall provide the minister with any changes to the information on any claim form as soon as possible after that information changes.

(6) 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.

8 May 2009 cF-8.001 Reg 38 s12; 25 Mar 2011  
SR 8/2011 s9.

**Program payments**

**13(1)** For the purposes of this section, “**related to**” means, with respect to an eligible applicant, to be:

- (a) an affiliate, a subsidiary or an associate, within the meaning of *The Business Corporations Act*, of the eligible applicant;
- (b) another person who, within the meaning of *The Business Corporations Act*, controls the eligible applicant; or
- (c) a partner of the eligible applicant.

(2) Subject to subsections (3) to (7), if the minister is satisfied that an eligible applicant has complied with these regulations and has provided the minister with any information that the minister may reasonably require, the minister may make a program payment to the eligible applicant respecting the approved project that is the subject of the application.

(3) Subject to subsection (4), the amount of a program payment to an eligible applicant for an on-farm project that is an approved project is not to exceed 50% of the eligible expenditures for the approved project less any other governmental assistance.

(4) The maximum amount of program payments that may be paid to an eligible applicant and to persons related to the eligible applicant for an on-farm project that is an approved project and for which the eligible applicant or persons related to the eligible applicant have submitted applications pursuant to these regulations is:

- (a) in the case of costs related to the development of a multi-user pipeline, \$15,000; and
- (b) \$60,000, which sum includes the amounts mentioned in clause (a).

(5) Subject to subsection (6), the amount of a program payment for a community well project that is an approved project is not to exceed two-thirds of the eligible expenditures for the approved project less any other governmental assistance.

(6) The maximum amount of program payments that may be paid to an eligible applicant and to persons related to the eligible applicant is \$150,000 for all community well projects:

- (a) that are approved projects; and
- (b) for which the eligible applicant or persons related to the eligible applicant have submitted applications pursuant to these regulations.

(6.1) Subject to subsection (6.2), the amount of a program payment for an irrigation district project that is an approved project is not to exceed 90% of the eligible expenditures for the approved project less any other governmental assistance.

(6.2) The maximum amount of program payments that may be paid to an eligible applicant and to persons related to the eligible applicant is \$4,500,000 for all irrigation district projects:

- (a) that are approved projects; and
- (b) for which the eligible applicant or persons related to the eligible applicant have submitted applications pursuant to these regulations.

(7) If an eligible applicant fails to comply with these regulations, the minister may deny the claim for a program payment.

(8) If the minister denies a claim for a program payment, the minister shall notify the applicant in writing.

8 May 2009 cF-8.001 Reg 38 s13; 25 Mar 2011  
SR 8/2011 s10; 20 Apr 2012 SR 20/2012 s4.

#### **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.

8 May 2009 cF-8.001 Reg 38 s14.

**Termination of approvals**

**15(1)** Notwithstanding any other provision of these regulations, if the minister determines that moneys in the account have been fully allocated to approved projects:

- (a) the minister may refuse to approve any application of an eligible applicant that is received by the minister after the date of that determination; and
- (b) an eligible applicant mentioned in clause (a) is not eligible to receive any program payment in that program year 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.

8 May 2009 cF-8.001 Reg 38 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, 2015.

8 May 2009 cF-8.001 Reg 38 s16; 25 Mar 2011  
SR 8/2011 s11.