

Subject: **IRRIGATION DISTRICTS FORMATION ALTERATION
ETC.**

Date Issued **2010 12 10**

BACKGROUND

The purpose of the Irrigation Districts Act is to provide for the formation, dissolution and governance of the irrigation district in the Province ensuring efficient management and delivery of water to the users. (1) The corporation previously known as the “Board of Directors of the (name of district)” is continued under this Act as a corporation named “(Name the District) Irrigation District” and the district may deal with all matters in its own name. (2)

REGISTRATION PROCEDURE

1. **Form, Amalgamate or Dissolve and Irrigation District** - the Minister of Agriculture, Food and Rural Development may make an order for the formation of a new district, dissolution of a district or amalgamation of two or more districts. A certified copy of the order is required for registration at Land Titles. (3)

2. **Change the Area of an Irrigation District** (amendments, additions and discharges for established irrigation districts) - An established irrigation district may add or remove parcels from the district by forwarding notice in the form and containing matters prescribed by regulations to the Irrigation Secretariat.

A certified copy of the Notice, in the prescribed form (FORM 15), is registered at Land Titles and will result in either the inclusion in a district or the removal from a district. (4)

A memorandum, for items 1 and 2, is placed onto or removed from the appropriate certificate(s) of title. The memorandum is endorsed as (IRCO) on ALTA with the following particulars:

“LAND INCLUDED IN _____ IRRIGATION DISTRICT”

3. **Use of Irrigation Works Agreement** – any person may enter into a Use of Irrigation Works Agreement with an irrigation district to use the irrigation works for purposes other than the delivery or removal of water. If the agreement is with the owner of a parcel as described in section 20(4) of the Irrigation Districts Act, a notice is added to the title. The district will send a certified copy of the notice in the prescribed form (FORM 20A) to Land Titles for registration. It is endorsed as (AGRE) on ALTA with the particulars (PF16)

“AGREEMENT: USE OF IRRIGATION WORKS AGREEMENT WITH THE
_____ IRRIGATION DISTRICT”. (5)

The endorsement may be removed upon receipt of a notice in the prescribed form ([FORM 20B](#)) from the district that the Use of Works Agreement has been cancelled. It is registered as (DISC) on ALTA.

4. **Remote Delivery Agreement** – where a parcel cannot be served by existing irrigation works, the owner of the parcel may enter into an agreement with the irrigation district to deliver water to a specific point for the purpose of irrigating that parcel. The parcel must be included in an irrigation district with the title showing the applicable irrigation endorsement. The irrigation district will send a notice in the prescribed form ([FORM 19A](#)) to Land Titles for registration. It is endorsed as (AGRE) on ALTA. An example of the particulars of the memorandum is:

REMOTE DELIVERY AGREEMENT WITH THE _____
_____ IRRIGATION DISTRICT. (6)

The endorsement may be removed upon receipt of a notice in the prescribed form ([FORM 19B](#)) from the irrigation district that the Remote Delivery Agreement has been cancelled.

LAND COMPENSATION BOARD ORDERS RESULTING FROM SEEPAGE DAMAGE

The Irrigation District Act provides for the designation of a seepage damage area (7) when the district is satisfied of the likelihood of continued and frequent claims against it for all or part of land; a plan of survey of the area must define the damaged area. The Land Compensation Board may make an order setting out the amount of the market value of the seepage damage area and direct payment pursuant to that order. (8)

A copy of the order may be registered at the Land Titles office against the title to the seepage damage area or the land of which it is a part. This order will contain a statement that a plan of survey was done to identify the area affected. The order remains on title and confers on the district an easement within the meaning of section 65(1)(g) of the Land Titles Act entitling the district to permit water to escape by seepage in, on and under the seepage damage area affected. (9) They are endorsed as (ORDE) on ALTA. An example of the particulars of the memorandum is:

"ORDER: SEEPAGE DAMAGE AREA IN THE _____
_____ IRRIGATION DISTRICT."

STATUTE AND CASE REFERENCES

Statute references are to the Irrigation Districts Act, Chapter I-11 2000, unless otherwise indicated.

1. s. 2
2. s. 5; s 1(j)(i)(ii); Schedule Table 1; s. 194, Chapter I-11.7 1999
3. s. 83; s. 22 Land Titles Act, R.S.A. 2000, Chapter, L-4
4. s. 88(2)(a)

- 5. s. 20(6)
- 6. s. 24(4)(5)
- 7. s.157
- 8. s.158
- 9. s.160