

Subject: **IRRIGABLE UNITS**

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) This is done through the creation of irrigation districts, the Boards of which have the power to prevent subdivisions of land in the district.

REGISTRATION PROCEDURE

1. "Irrigable unit" means land in the district consisting of:
 - a) a quarter section, a part of a quarter section described in a certificate of title or a surveyed lot, or
 - b) land designated as an irrigable unit under section 23.

2. When the registered owners of land consent in writing, the district may by resolution designate as an irrigable unit, land in the district consisting of any combination of 2 or more quarter sections, parts of a quarter section or surveyed lots where the whole or any part of the land contains irrigation acres and is or can be irrigated as a unit. (2) (There is no longer a requirement for the land to have common ownership; the registered owners may be different.)

3. The irrigation district must file with the Registrar of Land Titles a notice in the prescribed form (FORM 18A) designating any parcel in the district as part of an irrigable unit. (3) Each certificate of title affected by the resolution must be endorsed with a memorandum, which includes all the legal descriptions that are contained within the irrigable unit. An example of the particulars of the memorandum is:

"IRRIGATION DISTRICT RESOLUTION - PART OF AN
IRRIGABLE UNIT" (PF16 TO INCLUDE ALL LANDS
CONTAINED IN THE RESOLUTION).

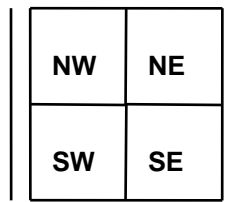
4. An instrument given by the registered owner or any other person owning any estate or interest in an irrigable unit and purporting to transfer, sell, agree to sell or subdivide only a part of the irrigable unit is not valid or effective until the instrument is consented to by the district and a memorandum of the districts consent is endorsed on or annexed to the instrument. (4)

5. The consent of the irrigation district is not required on an instrument or caveat dealing with only part of an irrigable unit where the person in whose favour the document is given is empowered to expropriate. (5)

6. The Land Titles Office will no longer require consent for utility right of ways granted to pipeline operators, (e.g.. Bow River Pipe Lines Ltd.) or for notice of security interests.

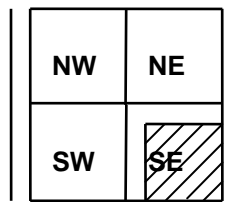
7. An Irrigable Unit resolution may be discharged upon receipt of a notice in the prescribed form ([FORM 18B](#)) that the resolution has been rescinded. (6)

8. Examples of Irrigable Units



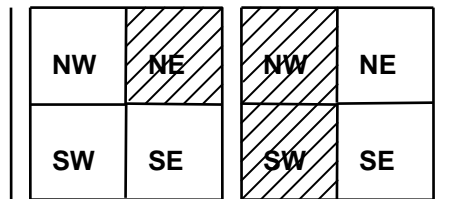
Sec. 1

By definition in section 1(s)(i), each of these quarter sections is an irrigable unit and any entire quarter section may be dealt with without consent unless the District has registered a resolution designating two or more as an "irrigable unit" pursuant to section 23(1).



Sec. 2

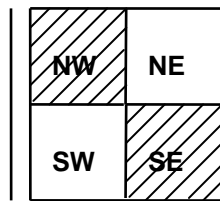
The hatched portion described in a certificate of title by metes and bounds is an irrigable unit by definition in section 1(s)(i). No part of it may be dealt with without consent of the District.



Sec. 2

Sec. 1

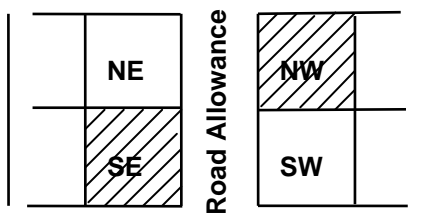
The hatched portion has been designated by a registered resolution as an "irrigable unit" under section 23(1). Only the entire three-quarter sections may be dealt with without the consent of the District.



Sec. 1

The hatched portion has been designated by a registered resolution as an "irrigable unit" under section 23(1). Only the entire two-quarter sections may be dealt with without the consent of the District.

OR



Sec. 2

Sec. 1

STATUTE AND CASE REFERENCES

Statute references are to the Irrigation Districts Act, R.S.A. 2000, c. I-11, unless otherwise indicated.

1. s. 2
2. s. 23(1)
3. s. 23(2); s. 23(3)
4. s. 23(4)
5. s. 23(6)
6. s. 23(7); s. 23(8)