

THE GROUND WATER CONTROL ACT

CHAPTER 135

An Act respecting the Control of Ground Water and Water Wells

1. This Act may be cited as "*The Ground Water Control Act*". Short title
[1953, c. 48, s. 1]

2. In this Act,

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| | Interpre-
tation |
| (a) "bore" means to bore, drill or dig into the ground; | "bore" |
| (b) "Department" means the Department of the Government over which the Minister presides; | "Depart-
ment" |
| (c) "Director" means the Director of Water Resources; | "Director" |
| (d) "ground water" means all waters that exist beneath the land surface; | "ground
water" |
| (e) "Minister" means the Minister in charge of the administration of <i>The Water Resources Act</i> ; | "Minister" |
| (f) "operator" means a person who engages in boring operations at a well or undertakes any operation preparatory or incidental to the boring of a well or the reconditioning or abandonment of a well; | "operator" |
| (g) "owner" includes a person | "owner" |
| (i) who is in possession of land, or | |
| (ii) who has the right to the immediate possession of land, | |
| as a lessee, sub-lessee or purchaser under an agreement for sale or as a licensee; | |
| (h) "regulations" means the regulations made pursuant to this Act; | "regulations" |
| (i) "well" means a shaft made by boring, drilling or digging into the ground, and | "well" |
| (i) by means of which ground water is obtained, or | |
| (ii) which is made for the purpose of obtaining ground water. | |

[1953, c. 48, s. 2]

3. This Act applies to all sources of ground water and to all wells whether bored or developed before or after the coming into force of this Act. Application
of Act
[1953, c. 48, s. 3]

4. No person shall commence a well on lands of which he is not the owner unless he is the holder of a subsisting annual permit from the Director entitling him to bore a well thereon. Permit to
bore well
[1953, c. 48, s. 4]

Right of
access

5. The Director or any agent or employee of the Director may enter upon any land in the Province, and has access to all wells, records, plant and equipment, and every operator and owner of a well shall permit the Director, his agent or employee

- (a) to inspect the operations of a well,
- (b) to inspect the records of the operations and inspect the plant and equipment, and
- (c) to take samples or carry out any test or examination that the Director, his agent or employee desires to make. [1953, c. 48, s. 5]

Control of
water

6. (1) If at any time a flow of water from a well is not controlled, the Director or his agents or employees, with the approval of the Minister, may enter upon the lands from which the water is flowing and conduct such operations to control the flow of water as appear to the Director to be necessary or expedient in the public interest.

(2) When any operations are conducted under subsection (1), the Minister may determine

- (a) the cost of the operations to control the flow of water,
- (b) the person or persons who are responsible for the flow of water, and
- (c) the person or persons who are liable for the costs of the operation to control the flow of water.

Payment
of costs

(3) The person or persons determined by the Minister to be responsible for the costs of the operations to control the flow of water shall pay the costs to the Minister and in default of payment the costs may be recovered in any court of competent jurisdiction. [1953, c. 48, s. 6]

Precautions
to be taken

7. The owner of a well at all times shall take such precautions as are necessary for the safety of persons, livestock and other property and for the prevention of damage by reason of the presence or escape of water.

[1953, c. 48, s. 7]

Right of
action

8. No action or proceeding lies against the Director or his agents or employees for any matter or thing done by them in pursuance of or in purported pursuance of any of the provisions of this Act or the regulations.

[1953, c. 48, s. 8]

General
penalty

9. A person who violates a provision of this Act or of the regulations or an order of the Minister is guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars for each offence.

[1953, c. 48, s. 9]

10. The Lieutenant Governor in Council may make ^{Regulations} regulations

- (a) respecting the methods of boring wells and of determining and developing sources of ground water and the precautions and measures to be taken during boring and development operations of wells,
- (b) prescribing the procedure and the conditions under which an operator can obtain a permit, the fee to be paid and the information to be supplied by an applicant for a permit,
- (c) requiring the furnishing of reports, returns, geological and other information and specimens and samples,
- (d) requiring the provision of proper anchorage, casing and cementation of well casings,
- (e) prescribing the specifications of casing and other materials in wells,
- (f) requiring the reporting of dry or insufficiently productive wells,
- (g) prescribing the abandonment of wells and the methods and requirements to be observed in abandonment operations,
- (h) respecting the control and utilization of the flow of water from a well or other source of ground water, and
- (i) respecting
 - (i) any other matter incidental to the conservation, development and control of ground water, and
 - (ii) the boring and management of wells and production therefrom. [1953, c. 48, s. 10]

