

## CHAPTER 362.

An Act respecting the Drilling of Water Wells and the Conservation and Utilization of Ground Water.

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

- Short title      **1.** This Act may be cited as *The Ground Water Conservation Act*.
- Interpre-  
tation
- "depart-  
ment"
- "drilling"
- "ground  
water"
- "minister"
- "owner"
- "well"
- "well  
driller"
- Purposes  
of Act
- 2.** In this Act:
- (a) "department" means the Saskatchewan Water Resources Commission;
- (b) "drilling" includes boring, digging, driving and jetting;
- (c) "ground water" means water beneath the surface of land;
- (d) "minister" means the member of the Executive Council to whom for the time being is assigned the administration of *The Water Resources Commission Act*;
- (e) "owner" includes a person who is in possession of, or has the right to immediate possession of, land as a lessee, purchaser under an agreement for sale or licensee;
- (f) "well" means an opening made by drilling into the ground for the purpose of obtaining ground water or scientific data on ground water, whether water is obtained or not;
- (g) "well driller" means a person who drills or reconditions a well. 1959, c. 99, s. 2; 1964, c. 35, s. 2.
- 3.** The purposes of this Act are:
- (a) to obtain logs of wells drilled and information on formations and materials encountered during drilling operations in order to assist in ground water and geological studies;
- (b) to provide for the conservation, development and utilization of ground water resources and to prevent pollution and contamination of ground water. 1959, c. 99, s. 3.

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Applica-  
tion of Act

4.—(1) Subject to subsection (2), this Act applies to all sources of ground water and to all wells whether drilled or developed before or after the coming into force of this Act.

(2) This Act does not apply with respect to a well that is drilled or developed by an owner on his land, using equipment owned by him, for the purpose of obtaining water for his domestic use. 1959, c. 99, s. 4.

Licence  
or permit  
required

5. No person shall engage in, or advertise himself as engaged in, the business of well drilling unless he is the holder of a subsisting licence or permit issued under this Act. 1959, c. 99, s. 5.

Commence-  
ment of  
drilling

6. Every person, whether engaged in the business of well drilling or not, shall notify the department before commencing the drilling of a well. 1959, c. 99, s. 6.

Access to  
well drillers'  
records, etc.

7. The minister, or any officer authorized by him for the purpose, shall have access to all wells, records, plant and equipment, and every well driller and owner shall permit the minister or such officer to enter upon the premises, inspect the operations thereon, the records of the operations and the plant and equipment and take samples or carry out any test or examination that the minister or such officer deems necessary. 1959, c. 99, s. 7.

Safety

8.—(1) Every well driller shall, while drilling a well, take such precautions as are necessary for the safety of persons, live stock and other property.

(2) The owner of a well shall take such precautions as are necessary for the safety of persons, live stock and other property and for the prevention of damage by reason of the presence or escape of water. 1959, c. 99, s. 8.

Control of  
flowing  
wells

9.—(1) Where the department requests the owner of a well to control the flow of water from his well and the owner fails to do so, the minister or his authorized agent or employee may enter upon the land from which the water is flowing and conduct such operations to control the flow of water as he deems necessary or expedient.

(2) Where 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 controlling the flow of water; and

(c) the person or persons who are liable for the cost or any part of the cost of the operations to control the flow of water.

(3) The person or persons determined by the minister to be liable for the cost or any part of the cost of the operations to control the flow of water shall pay such cost or such part of the cost, as the case may be, to the minister and in default of payment such cost or such part of the cost may be recovered in any court of competent jurisdiction.

(4) Notwithstanding anything in subsection (2), where in the opinion of the minister the circumstances warrant, the department may pay the cost or part of the cost of operations conducted under subsection (1). 1959, c. 99, s. 9.

Regulations

**10.**—(1) The Lieutenant Governor in Council may make such regulations and orders not inconsistent with this Act as he may consider necessary to carry out its provisions according to their true intent or to meet cases which may arise and for which no provision is made therein, and without restricting the generality of the foregoing may make regulations and orders:

- (a) governing the survey of sources of ground water;
- (b) governing the establishment of ground water conservation programs;
- (c) governing the issue of licences and permits and the suspension and cancellation thereof, and prescribing fees for licences and permits;
- (d) respecting the methods of drilling wells and precautions and measures to be taken during well drilling and development operations;
- (e) respecting the control and utilization of the flow of water from a well during and after drilling operations;
- (f) requiring well drillers and owners to furnish logs, reports and geological and other information and specimens and samples of materials encountered in drilling operations;
- (g) prescribing specifications of casing and other materials in wells;
- (h) governing the spacing and depths of wells;
- (i) respecting the abandonment of wells and prescribing the methods and requirements to be observed in abandonment operations;
- (j) respecting measures for the prevention of pollution and contamination of ground water and prescribing the circumstances in which such measures or any of them shall be taken;

(k) respecting any other matter relating to the conservation, development and control of ground water resources and the drilling and management of wells and the production of ground water therefrom.

(2) Every regulation and order made under this Act shall be published in *The Saskatchewan Gazette* and shall have force and effect on and after the date of such publication. 1959, c. 99, s. 10.

Limitation  
of right  
of action

**11.** Except in case of negligence, no action or proceeding lies against the minister or his authorized agent or employee for any matter or thing done by him in pursuance or purported pursuance of any provision of this Act or the regulations or orders. 1959, c. 99, s. 11.

Penalty

**12.** Every person who violates a provision of this Act or the regulations or an order is guilty of an offence and liable on summary conviction to a fine of not less than \$10 nor more than \$100 for each day during which the violation continues. 1959, c. 99, s. 12.

*Mineral  
Resources  
Act, Oil and  
Gas Conservation  
Act, Public  
Health Act  
and Water  
Rights Act  
not affected*

**13.** Nothing in this Act or the regulations restricts or modifies any provision of *The Mineral Resources Act, The Oil and Gas Conservation Act, The Public Health Act or The Water Rights Act* or the regulations or orders made under any of the said Acts. 1959, c. 99, s. 13.

Transfer of  
certain  
powers and  
duties

**14.** All the powers and duties conferred or imposed upon the Minister of Agriculture with respect to anything done before the first day of December, 1964, under or pursuant to *The Ground Water Conservation Act, 1959*, or the regulations thereunder, or by any agreement, licence, permit, authorization or other form of grant or conveyance made or issued before the first day of December, 1964, pursuant to the said Act or regulations shall, on and from the first day of December, 1964, be deemed to have been conferred or imposed upon the member of the Executive Council to whom for the time being is assigned the administration of *The Water Resources Commission Act, 1964*, c. 35, s. 3.