

The Drainage Control Regulations

being

Chapter D-33.1 Reg 1 (effective August 18, 1981) as amended by
Saskatchewan Regulations 95/82 and 106/2006.

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 D-33.1 REG 1

The Drainage Control Act

TITLE AND INTERPRETATION

Title

- 1** These regulations may be cited as *The Drainage Control Regulations*.

Interpretation

- 2** In these regulations:

- (a) “**Act**” means *The Drainage Control Act*;
- (b) “**outlet**” means a natural or artificial channel, river, stream, creek, spring, ravine, coulee, canyon, lake, swamp, marsh or other body of water or watercourse into which the water drained by drainage works will discharge;
- (c) “**permit**” means a permit issued pursuant to section 45 of the Act;
- (d) “**plan**” means a general plan described in section 6 or a detailed plan described in section 7.

28 Aug 81 cD-33.1 Reg 1 s2; 16 Jly 82 SR 95/82 s3.

ACQUISITION OF PERMIT

Application

- 3** Every applicant for a permit shall apply in Form DC-A.

28 Aug 81 cD-33.1 Reg 1 s3.

- 4 Repealed.** 17 Nov 2006 SR 106/2006 s2.

Plans

- 5** For the purposes of clause 43(1)(c) of the Act, an applicant shall file with a watershed commission:

- (a) a general plan described in section 6; and
- (b) a detailed plan described in section 7;

on tracing linen, mylar or any other material that the watershed commission may approve, with the dimensions and units of measurement shown in standard international units.

28 Aug 81 cD-33.1 Reg 1 s5; 16 Jly 82 SR 95/83 s4.

D-33.1 REG 1**DRAINAGE CONTROL****General plan**

6(1) A general plan is required to be not more than 86 centimetres wide, drawn to a scale of not more than 1:5000 and not less than 1:10000, and is required to show:

- (a) the location of the proposed drainage works, including ditches, dams, dykes, pumps, control structures, bridges, culverts, pipelines, drop structures and other works, structures and installations;
 - (b) the location of the outlet to which water is proposed to be drained;
 - (c) the location of all private and municipal roads, provincial highways, ditches, dams, dykes, control gates, bridges, culverts, railroads and underground utilities, including pipelines and power and communication cables, that may be affected by the proposed drainage works;
 - (d) the boundaries of the area proposed to be drained;
 - (e) subject to subsection (3), the boundaries of the area that will contribute runoff through the drainage works;
 - (f) any other information required to determine the volume of water proposed to be drained or retained, either permanently or temporarily;
 - (g) a legal description of all lands affected by the proposed drainage works, including the names of the owners or occupants of the affected land, location of buildings, land areas and the width and areas required for the drainage works on each of the affected lands; and
 - (h) any other information and details that a watershed commission may require.
- (2) Where, because of the large area affected by the proposed drainage works, it is necessary to file more than one general plan, the applicant shall file a key plan showing the whole scheme, drawn to a smaller convenient scale.
- (3) Where the area that will contribute runoff through the drainage works is too large to be shown on a general plan, the applicant shall file a separate plan, drawn to a reasonable scale of less than 1:10000, showing the boundaries of that area.
- (4) Notwithstanding subsection (1), the watershed commission may require or allow all or any part of a general plan to be drawn to a scale greater than 1:5000 or less than 1:10000.

28 Aug 81 cD-33.1 Reg 1 s6.

Detailed plan

7 A detailed plan is required to be drawn to a scale of not less than 1:5000 horizontal and 1:50 vertical, and is required to show:

- (a) the legal description of all lands affected by the proposed drainage works;
- (b) the elevation of the ground on which the drainage works are proposed to be situated;
- (c) the elevations of the left and right banks where the drainage works are proposed to be situated in existing drains, ditches or other watercourses;

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- (d) the elements of the proposed drainage works, including, where applicable, the elevations of ditch grade lines, slope of the ditch grade, bottom width, side slopes, design depth of flow of water, design rate of flow and design frequency of flow;
- (e) the elements and elevations of all other structures associated with the proposed drainage works, including the length and diameter of culverts and invert elevations at the outlet and inlet of the culverts, the elevations of the top of fill over culverts and the length, width, clearance and deck elevations of bridges;
- (f) the location and elevations of underground utilities, including pipelines and power and communication cables, to be crossed by the proposed drainage works;
- (g) typical cross-sections of the drainage ditches showing bottom widths, side slopes and, where applicable, widths of berms and widths and heights of spoil;
- (h) cross-sections of bridges showing opening widths, the locations of piles and abutments, details of the decks and any other structural information considered necessary by a watershed commission;
- (i) the structural elements and specifications of all other related works; and
- (j) any other information and details that a watershed commission may require.

28 Aug 81 cD-33.1 Reg 1 s7; 16 Jly 82 SR 95/82 s5.

Waiver of plans

8 Notwithstanding sections 5, 6 and 7 and where a watershed commission considers it appropriate to do so, it may waive:

- (a) the necessity for filing of a general plan or detailed plan of the drainage works; or
- (b) the necessity for showing any specific information on a plan.

28 Aug 81 cD-33.1 Reg 1 s8; 16 Jly 82 SR 95/82 s6.

Advertising application

9(1) After the filing of the application and other material required under the Act and these regulations and, where the necessity for advertising the filing of an application has not been waived pursuant to subsection 44(5) of the Act, a watershed commission shall immediately prepare and forward to the applicant a notice of the filing in Form DC-B.

(2) Upon receipt of a notice described in subsection (1), the applicant shall immediately forward the notice to the postmaster of the post office nearest the site of the proposed drainage works and to the clerk or secretary treasurer of any municipality that the watershed commission may specify, requesting that the notice be posted in a conspicuous, public place for a period of 21 consecutive days.

(3) After a notice has been posted for the period described in subsection (2), the applicant shall immediately return to the watershed commission a copy of the notice and a certification by the postmaster and clerk or secretary treasurer that the notice was posted in accordance with subsection (2).

(4) Notwithstanding subsections (1) to (3), a watershed commission may prepare a notice of filing of an application in Form DC-B and require any applicant to publish the notice at least once each week for three consecutive weeks in any newspaper that is named by the watershed commission.

(5) Where a notice has been published pursuant to subsection (4), the applicant shall provide the watershed commission with a certificate in which the applicant certifies that the notice was published in accordance with that subsection.

28 Aug 81 cD-33.1 Reg 1 s9.

Permit

10 The prescribed form for a permit is Form DC-C.

28 Aug 81 cD-33.1 Reg 1 s10.

Exclusions from requirement for permit

11(1) No permit is required for:

- (a) drainage works that were in existence on January 1, 1981;
- (b) drainage works constructed under the authority of or pursuant to the instructions or an order of the minister;
- (c) drainage works constructed pursuant to *The Civil Defence Act* in case of disaster or emergency, on the condition that those drainage works are destroyed, removed, or otherwise rendered inoperable immediately after the disaster or emergency ceases to exist;
- (d) drainage works under, through or appurtenant to roads, streets, public highways, lanes, approach roads, railroads and other public utilities, where the purpose of the drainage works is to maintain or accommodate flows of surface water and where the drainage works do not significantly inhibit the passage of the flows and do not divert water from the outlet through which the water would normally drain if it were not for the existence of the roads, streets, public highways, lanes, approach roads, railroads or other public utilities;
- (e) a work that is undertaken to:
 - (i) remove obstructions, including silt, blow dirt, beaver dams, debris, trees and shrubs, from, and the clearing of, channels and water courses;
 - (ii) control soil erosion;
 - (iii) restore conditions when soil is suddenly displaced by erosion;

where, in the case of work described in:

- (iv) subclause (i), (ii) or (iii), water is not diverted by the work from the outlet through which the water would normally drain and where a significant increase in the volume of water downstream does not result;
- (v) subclause (iii), no point of land is filled to an elevation higher than its elevation prior to the erosion and the work is undertaken within one year from the date the soil was displaced;
- (f) drainage works constructed or operated by an owner of land, where the water drained and the drainage works are both located entirely on the owner's land and the water drained does not drain from the owner's land;
- (g) drainage works located entirely within the boundaries of an urban municipality, where the drainage works do not divert water from the outlet through which the water would normally drain;
- (h) land levelling and landscaping for the development of building sites, public parks and public recreation areas;
- (i) drainage works for draining water originating from ground water sources, where the ground water removal is required to be approved under *The Ground Water Conservation Act* or the regulations made under that Act;
- (j) drainage works associated with water power projects that are required to be approved under *The Water Power Act* or the regulations made under that Act;
- (k) drainage works that are required to be approved under *The Department of the Environment Act* or the regulations made under that Act;
- (l) drainage works that are approved under *The Water Resources Management Act*;
- (m) water works and sewage works, as defined in *The Water Resources Management Act*, that are required to be approved under that Act or the regulations made under that Act;
- (n) drainage works constructed under:
 - (i) the *Railway Act* (Canada) as amended from time to time, *The Rural Municipality Act*, *The Urban Municipality Act* or any other Act that enables the Crown or any agency of the Crown to construct drainage works, where construction of the drainage works will be completed prior to December 31, 1981, or any later date that the minister may specify;
 - (ii) *The Conservation and Development Act*, where, prior to January 1, 1981, a written agreement to construct the works was entered into between the Minister of Agriculture and a conservation and development area authority, or a formal commitment for sharing the costs of works was made by the Minister of Agriculture to a conservation and development area authority;

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(iii) *The South Saskatchewan River Irrigation Act*, where the works are located within the boundaries of a district, as defined in that Act, and are constructed for the purpose of draining excess irrigation waters, including irrigation return flows, and where the works do not divert water from the outlet through which the water would normally drain;

(iv) *The Water Users Act*, where the works are located within the boundaries of a water users' district, as provided for in that Act, and are constructed for the purpose of draining excess irrigation waters, including irrigation return flows, and where the works do not divert water from the outlet through which the water would normally drain.

(2) Notwithstanding subsection (1), but subject to the provisions of the Act and these regulations governing permits, a person may apply for, and a watershed commission may issue, a permit authorizing the construction or operation of drainage works described in clauses (1)(a) and (e).

28 Aug 81 cD-33.1 Reg 1 s11; 16 Jly 82
SR 95/82 s7.

GENERAL**Easements**

12 The prescribed form for an easement is Form DC-D.

28 Aug 81 cD-33.1 Reg 1 s12.

Complaints

13 A person who makes a complaint pursuant to subsection 54(1) of the Act shall file a written complaint in Form DC-E.

28 Aug 81 cD-33.1 Reg 1 s13.

Appeals

14 A person who appeals an action, decision or order of a watershed commission pursuant to section 26 of the Act shall make a notice of appeal in Form DC-F.

28 Aug 81 cD-33.1 Reg 1 s14.

Deposit

15 The prescribed sum of money for deposit mentioned in section 27 of the Act is \$100.

28 Aug 81 cD-33.1 Reg 1 s15.

FORM DC-A

APPLICATION FOR PERMIT FOR DRAINAGE WORKS

(Section 3)

1. Full name, address and telephone number of applicant:
(where application is made jointly by more than one person, state full names, addresses and telephone numbers of all joint applicants).
2. Description of what the drainage works will consist of and how it is intended to operate them:
3. Legal description of lands on which drainage works presently are situated or are proposed to be constructed and the names of the owners or occupants of the lands:
4. If the drainage works include a ditch:
 - (a) the approximate length of the ditch: _____
 - (b) the approximate maximum and average depth of the ditch:
maximum depth: _____
average depth: _____
5. Description of other works if something other than a ditch is included:
(here describe pumps, control structures, dykes, bridges, culverts, etc.).
6. Approximate size of area to be drained: _____
7. Location and description of the outlet where the drainage works will drain:
8. Legal description of lands which will be drained by the works, other than those on which the drainage works will be located and the names of the owners or occupants of the lands:
9. Use presently being made of the land to be drained:
10. Past use made of the land to be drained:
11. Intended use of the land after it is drained:
12. Sketch plan of drainage works:
(here provide a sketch plan, or attach a sketch plan, showing as much detail as possible of the drainage works, including land descriptions, location of drainage works, boundary of area to be drained, location of outlet, location of roads, highways, railroads, etc.).

Pursuant to *The Drainage Control Act*, the undersigned applicant(s):

- (a) make(s) application for a permit to (construct and) operate the drainage works herein described;
- (b) agree(s) that if a permit is issued to the applicant(s), the permitted drainage works will be constructed, operated and maintained in accordance with *The Drainage Control Act*, *The Drainage Control Regulations* and the terms and conditions of the permit;
- (c) accept(s) full responsibility for and liability in relation to the permitted drainage works.

Dated at _____, Saskatchewan, this _____ day of _____, 19 ____.

Signature of Applicant(s)

FORM DC-B

NOTICE OF FILING OF APPLICATION
FOR PERMIT FOR DRAINAGE WORKS

(Subsection 9(1))

NOTICE IS HEREBY GIVEN that in accordance with *The Drainage Control Act* and *The Drainage Control Regulations*, an application has been filed with:

by:

for a permit to (construct and) operate drainage work described as follows;

ANY PERSON WHO OBJECTS to the issue of the permit may file a written statement outlining his reasons for objection, with:

WITHIN 30 DAYS after _____ day of _____, 19 __, being the day on which the application is first advertised.

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FORM DC-C

PERMIT FOR DRAINAGE WORKS

(Section 10)

This permit is issued on the _____ day of _____, 19 __, pursuant to *The Drainage Control Act*.

TO: *(here state full name and address of permittee(s)).*

hereinafter called the permittee, is hereby permitted to (construct and) operate drainage works in accordance with this permit, subject to the conditions contained in, or attached to, this permit and to *The Drainage Control Act* and *The Drainage Control Regulations*.

Legal description of lands on which drainage works are located:

Legal description of lands directly affected by the drainage works, other than those on which the drainage works are located:

Description of drainage works and their permitted operation:

Description of outlet where the drainage works will drain:

Name of drainage basin:

DATED at _____, Saskatchewan, this _____ day of _____, 19 __.

Signature

CONDITIONS:

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FORM DC-D
EASEMENT
(Section 12)

This agreement made between:

of

hereinafter called the “grantor”,

– and –

of

hereinafter called the “grantee”.

WHEREAS the grantor is the owner of an estate _____
(here state nature of interest)

in the following described land, situated in nature of interest) the Province of Saskatchewan:

(here insert description of land constituting the servient tenement)

hereinafter called the “grantor’s lands”;

AND WHEREAS the grantee is the owner of an estate _____
(here state nature of interest)

in the following described land, situated in the Province of Saskatchewan:

(here insert description of land constituting the dominant tenement)

hereinafter called the “grantee’s lands”;

AND WHEREAS the grantee has applied for (or has been granted, as the case may be) a permit under *The Drainage Control Act* to operate (or construct and operate, as the case may be) drainage works described as follows:

(here insert description of the drainage works)

AND WHEREAS the said drainage works are or will be located partly or entirely on the grantee’s lands;

AND WHEREAS it appears that the said drainage works will affect the grantor’s lands;

NOW THEREFORE in consideration of

the grantor hereby grants to the grantee an easement in the following terms and subject to the conditions contained in this easement or attached to this easement:

1. The grantor consents and agrees to the operation (or construction and operation, as the case may be) of the drainage works;
2. The grantor agrees that the drainage works may affect the grantor’s lands in the following manner:

(here state the manner in which the grantor’s lands may be affected by the drainage works)

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3. The grantor consents to the effect on the grantor's lands stated in paragraph 2 and to any other effect of the drainage works on the grantor's lands that might reasonably be expected;

4. The grantee shall not operate the drainage works except in accordance with *The Drainage Control Act*, *The Drainage Control Regulations* and the permit authorizing the drainage works;

5. The easement created by this agreement is declared to be appurtenant to and for the benefit of the grantee's lands.

IN WITNESS whereof the grantor and grantee hereunto set their hands this _____ day of _____, 19 ____.

Signed by the above named

in the presence of

Signature

Signed by the above named

in the presence of

Signature

(Attach or include affidavits of attestation as prescribed in form G under The Land Titles Act and the appropriate documentation required under The Homesteads Act)

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FORM DC-E
COMPLAINT
(Section 13)

This complaint is made pursuant to *The Drainage Control Act* and *The Drainage Control Regulations*.

GENERAL INFORMATION

1. Full name, address and telephone number of complainant:

(where a complaint is made jointly by more than one person, state full names, addresses and telephone numbers of all complainants)

2. Location of complainant's residence:

3. Type of injury, loss or damage suffered or anticipated by complainant:

(here state whether the injury, loss or damage results from flooding, erosion, siltation, etc.)

4. Legal description of land on which injury, loss or damage is suffered or anticipated:

5. If buildings are involved, state type and description of buildings:

6. If land is involved, state estimated area affected:

7. Effects other than effects on land and buildings:

8. Date complainant became aware of the problem:

9. Efforts made by the complainant to resolve the problem through contact with the person or authority the complainant considers responsible for the cause of the complaint:

(here state the type of contact made, the date of the contact and the result of the contact)

DRAINAGE WORKS CAUSING PROBLEM

10. Type of drainage works causing the problem:

11. Legal description of land on which drainage works are located:

12. Description of drainage works:

(here provide a brief description of the drainage works, their size, how they were constructed, etc.)

13. When works were constructed:

(here state the approximate month and year the drainage works were constructed)

14. Name, address and telephone number of owner of drainage works:

15. Location of residence of owner of drainage works:

ROADS CAUSING PROBLEM

16. Type of road causing problem:

(here state whether road is private, municipal, provincial highway, etc.)

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- 17. Size and type of culvert or bridge causing problem:
- 18. Nature of problem caused by the road, culvert or bridge:
- 19. Location of the road, culvert or bridge causing problem:

RAILROADS OR OTHER PUBLIC UTILITIES CAUSING PROBLEM

- 20. Type of utility causing problem:
- 21. Nature of problem caused by the utility:
- 22. Location of utility causing problem:

ADDITIONAL INFORMATION

- 23. Additional information or comments that complainant feels would assist in investigating the complaint:

SKETCH PLAN

- 24. Sketch plan illustrating problem prompting this complaint:

(here provide a sketch plan, or attach a sketch plan, showing as much detail as possible to illustrate the problem, including land descriptions, location of ditches, roads, culverts, bridges, etc.)

Dated at _____, Saskatchewan, this _____ day of _____, 19 __ .

Signature of Complainant(s)

28 Aug 81 cD-33.1 Reg 1.

FORM DC-F
SASKATCHEWAN DRAINAGE APPEAL BOARD
NOTICE OF APPEAL
(Section 14)

TAKE NOTICE that the appellant appeals to the Saskatchewan Drainage Appeal Board from the following _____

(decision, order or action)

of _____ :

(here set forth the decision, order or action being appealed)

FURTHER TAKE NOTICE that the appeal is taken on the following grounds:

(here set forth in paragraphs the grounds on which it is contended the decision, order or action appealed against is erroneous)

DATED at _____, Saskatchewan, this _____ day of _____, 19 ____.

Full Name and Address of Appellant

Signature of Appellant

28 Aug 81 cD-33.1 Reg 1.

