

The Provincial Lands Regulations

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Saskatchewan Regulations 145/68 (effective April 1, 1968) as amended by Saskatchewan Regulations 336/68, 45/70, 9/71, 214/71, 1/72, 100/72, 207/73, 275/73, 13/74, 104/74, 116/74, 237/74, 169/75, 226/75, 281/75, 50/76, 100/76, 116/76, 75/78, 171/78, 99/79, 161/81, 191/81, 33/83, 44/83, 78/83, 79/83, 84/83, 12/84, 7/85, 89/85, 13/86, 101/87, 5/88, 45/88, 91/90, 99/90, 10/91, 99/91, 156/92, 157/92, 54/93, 105/93, [63/95](#), [62/96](#), [110/97](#), [35/1999](#), [81/1999](#), [c.L-5.1 Reg 3, 2000](#), [44/2002](#), [20/2003](#), [55/2003](#), [19/2007](#), [25/2007](#), [58/2008](#), [84/2008](#), [107/2008](#), [100/2009](#), [46/2010](#), [6/2012](#), [37/2014](#), [14/2015](#) and [103/2015](#).

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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The Provincial Lands Regulations

The Provincial Lands Act

SCHEDULE

PART I

Introductory

1 These regulations may be cited as Provincial Lands Regulations and shall apply to provincial lands administered by the Department of Agriculture and Food.

SR 145/68; 11 Jly 2003 SR 55/2003 s3; 27 Apr 2007 SR 25/2007 s3.

2 These regulations shall be construed with reference to the terms and interpretation of *The Provincial Lands Act*.

SR 145/68; SR 10/91; SR 54/93.

Interpretation

In these regulations, unless the context otherwise requires, the term:

1 “**accrued area**” means dry land which formerly formed the bed or shore of a body of water.

2 “**Act**” means *The Provincial Lands Act*.

2.01 “**agricultural lease**” means a lease of provincial lands for the purpose of growing crops, grazing livestock, harvesting hay, or establishing or operating a domestic game farm.

2.1 “**animal unit month**” or “**a.u.m.**” means the amount of forage that, in the opinion of the minister, is needed to support a 1,000-pound cow, with or without calf, for one month.

3 “**appraisal**” means the inspection of the land and the assembling of other data necessary to evaluate the land and “**appraised value**” has a corresponding meaning.

4 “**arable land**” means land which, in the opinion of the minister, is suitable for the production of cereal or other seed or forage crops and can be improved for such purpose by clearing and breaking.

5 “**basic value**” means the initial value of the land determined by applying the appropriate formula to the final rating for the particular class of soil.

6 “**carrying capacity**” or “**c.c.**” means the average potential forage growth of a pasture expressed in animal unit months.

7 “cattle” means animals of the bovine species and where the substitution of other animals is permitted twenty sheep or three horses is the equivalent of four head of cattle.

8 “clearing” means the removal of trees, brush and stumps, and **“breaking”** means the ploughing or other tillage of land which has not previously been cultivated or which, in the opinion of the minister, has ceased to be land under cultivation; and the said terms used jointly **“clearing and breaking”** means either or both.

9 Repealed. 2 Jan 98 SR 110/97 s3.

10 “Department” means the Department of Agriculture, Food and Rural Revitalization.

10.1 “domestic game farm” means a domestic game farm as defined in *The Domestic Game Farm Animal Regulations*.

10.2 “domestic game farm animal” means a domestic game farm animal as defined in *The Domestic Game Farm Animal Regulations*.

11 “final rating” or **“F.R.”** means the numerical classification allocated to a particular soil as modified by certain adjustments indicated in the text and these regulations.

12 “fodder” means and includes legumes, grasses, cereals and other plants which are cut or required to be cut and used as feed for livestock without separating the grain or seed from such plants but such term shall not mean or include the grain or seed separated from such plants.

12.1 “Indian band” means a band within the meaning of the *Indian Act* (Canada) and includes the council of a band.

13 “leasehold” or **“lease unit”** means the parcel or parcels of land demised under the lease.

14 “leaseholder” or **“lessee”** have identical meaning.

15 “livestock” or **“stock”** means any grazing animal that is raised in captivity.

16 “minister” means the Minister of Agriculture, Food and Rural Revitalization.

16.1 “petroleum and natural gas” means petroleum, natural gas or petroleum and natural gas.

16.2 “surface lease” means a lease of provincial lands issued in accordance with section 4 of Part III for the exploration, recovery, storage or transportation of petroleum and natural gas.

17 “text” means the Saskatchewan Soil Survey Reports numbered 12 and 13 issued by the Department of Soils, University of Saskatchewan and the Saskatchewan Rural Land Assessment System, Second Edition, 1950, published by authority of the Department of Municipal Affairs, all as amended at any time and from time to time prior to the appraisal of the lease unit.

PART II
SALE OF LANDS

Sale of agricultural leases

1(1) Where a lessee of provincial lands wishes to purchase the land that he is leasing, the minister may sell that land to the lessee, unless the minister considers withholding the land from sale to be in the public interest.

(2) Sales of leased land shall be:

(a) by cash at the time of sale; or

(b) pursuant to a written agreement for sale including any terms and conditions that the minister considers necessary.

(3) The price at which provincial lands may be sold under this section shall be determined in accordance with Schedule TWO of Part VIII.

(3.1) Notwithstanding subsection (3), the minister may reduce the sale price of the leased lands sold in accordance with this section by the following percentage:

(a) if the lessee's application to purchase is received by the minister before April 1, 2016, by 15% of the sale price mentioned in subsection (3);

(b) if the lessee's application to purchase is received by the minister on or after April 1, 2016 and before January 1, 2017, by 10% of the sale price mentioned in subsection (3);

(c) if the lessee's application to purchase is received by the minister on or after January 1, 2017, and before January 1, 2018, by 5% of the sale price mentioned in subsection (3).

(4) **Repealed.** 6 Mar 2015 SR 14/2015 s2.

(5) **Repealed.** 6 Mar 2015 SR 14/2015 s2.

(6) **Repealed.** 6 Mar 2015 SR 14/2015 s2.

SR 145/68; SR 237/74; SR 161/81; SR 33/83; SR 79/83; SR 91/90; 27 Apr 2007 SR 25/2007 s4; 14 Nov SR 107/2008 s3; 20 Nov SR 100/2009 s2; 30 May 2014 SR 37/2014 s2; 6 Mar 2015 SR 14/2015 s.2; 4 Dec 2015 SR 103/2015 s3.

1A Notwithstanding subsection 7(12), lands acquired by the Department, subject to an existing agreement, option or privilege to purchase, held by a lessee thereof, may be sold by the Minister to the lessee thereof, subject to the terms and conditions of such agreement, option or privilege to purchase.

SR 226/75.

Withholding lands from sale – public interest

1B For the purposes of this Part and Part III, when considering whether withholding leased land from sale is in the public interest, the minister shall have regard to any or all of the following:

- (a) whether the land is required for a public purpose or project;
- (b) whether the land is subject to existing or future surface or mineral dispositions;
- (c) whether the land is adjacent to or near:
 - (i) water bodies; or
 - (ii) other provincial lands held by the Crown;
- (d) whether the land is subject to reservation from sale in accordance with an Act or the regulations made pursuant to an Act;
- (e) whether, in the opinion of the minister, the nature and characteristics of the land are such that the land should be withheld from sale;
- (f) whether, in the opinion of the minister, the land for any other similar reason should remain under the administration of the minister.

4 Dec 2015 SR 103/2015 s4.

2 Repealed. 27 Apr 2007 SR 25/2007 s5.

3 Repealed. 27 Apr 2007 SR 25/2007 s5.

Other sales at agricultural value

4(1)(a) An accrued area may be sold to the owner of the balance of the quarter-section or other parcel within which such accrued area exists or to other persons provided that such owner shall be granted a priority for purchasing at the same price and terms as such other persons and provided further that such priority shall not apply where the accrued area is required for a public project or other public purpose;

(b) Where the balance of the quarter-section within which such accrued area exists was granted as a homestead under the *Dominion Lands Act* or a soldier grant under *The Soldier Settlement Act, 1919*, or a homestead or settlement entry under *The Provincial Lands Act* and the original grantee is still the registered owner thereof, the minister may dispose of such accrued area to such owner without charge other than a transfer fee not exceeding one hundred dollars.

(2) A parcel of vacant provincial lands consisting of less than eighty acres may be sold to any person for the purpose of complementing an existing agricultural enterprise provided that the owner of land adjoining such parcel may be granted a priority.

(3) Sales under subsections (1) and (2) may be at a price determined in accordance with Schedule TWO of Part VIII except where the minister considers that the area or parcel to be sold has a greater value, and shall be for cash or by written agreement providing for payment of not less than one-third of the purchase price in cash at the time of the sale and for payment of the balance in not more than six equal successive annual instalments.

(4) **Repealed.** 27 Apr 2007 SR 25/2007 s6.

SR 145/68; 27 Apr 2007 SR 25/2007 s6.

4.1 Repealed. 27 Apr 2007 SR 25/2007 s7.

Sales subject to approval by order in council

5(1) Subject to subsection (3) but notwithstanding any other provision of this Part, the minister may sell vacant provincial lands that are not required for a public purpose, at a price and on terms determined by the minister.

(2) **Repealed.** 27 Apr 2007 SR 25/2007 s8.

(2.1) Subject to subsection (3) but notwithstanding any other provision of this Part, vacant provincial lands required or taken for roadways, public works, public improvements or other public purposes are to be sold at a price and on terms determined by the minister.

(3) Sales made under this section shall be subject to the approval of the Lieutenant Governor in Council in each case.

SR 145/68; SR 116/76; 27 Apr 2007 SR 25/2007 s8.

Lands for sale to be advertised

6(1) Except for provincial lands sold pursuant to sections 4 and 5 of this Part, the minister shall advertise vacant provincial lands available for sale in a manner that, in the minister's opinion, will ensure broad public awareness of the sale having regard to the type of land being sold and the potential purchasers for that type of land.

(2) If vacant provincial lands are being sold pursuant to this section, the minister may advertise that the lands, together with any chattels and improvements, will be sold by:

- (a) tender;
- (b) public auction; or
- (c) public listing.

(3) If vacant provincial lands are being sold pursuant to this section, the minister may establish any or all of the following:

- (a) the minimum price that the minister will consider for the sale of the lands;
- (b) the criteria that must be met by a person to be eligible to purchase the lands.

(4) If the minister establishes a minimum sale price pursuant to subsection (3), the minister may include notice of that price in any advertisement respecting the sale of the vacant provincial lands pursuant to this section.

(5) Notwithstanding the establishment of a minimum sale price pursuant to subsection (3), the minister may reject any bid or offer to purchase made on the vacant provincial lands advertised for sale pursuant to this section.

27 Apr 2007 SR 25/2007 s9l; 11 Jly 2008 SR 58/2008 s3.

6.1 Repealed. 11 Jly 2008 SR 58/2008 s4.

6.2(1) Every application to purchase vacant provincial lands by tender must be received at or before the time, on the closing date and at the address in Saskatchewan designated in the advertisement, and must be accompanied by a deposit in an amount equal to 5% of the tendered price in the form of a certified cheque.

(2) Every person whose tender is not accepted will receive a refund of his deposit and, where tenders are held for a period of more than 30 days after the closing date, interest will be paid on the deposit by the Department:

- (a) from the closing date to the date of the refund; and
- (b) at a rate of interest determined by the minister.

SR 44/83; SR 45/88.

6.3 The minister may refuse any tender where:

- (a) the sale of those provincial lands would prevent access to other provincial lands;
- (b) the tender prices submitted are significantly below market value; or
- (c) in the opinion of the minister, acceptance of a tender would not be in the best interests of the Crown.

SR 44/83.

6.4 Where a tender is accepted by the minister, the buyer will be required to sign an agreement setting out the terms and conditions of the sale including:

- (a) a description of the provincial lands, chattels and improvements included in the sale;
- (b) the sale price of the provincial lands;
- (c) the date of possession;
- (d) the terms of payment; and
- (e) any other terms or conditions that the minister considers necessary.

SR 44/83.

6.5 Where, following advertisement in accordance with these regulations, the minister is unable to sell vacant provincial lands or where the minister is unable to advertise the land for sale in time to complete the sale prior to the commencement of the next growing season, the minister may deal with the land in any manner authorized in these regulations.

SR 44/83.

Treaty Land Entitlement Agreement

6.6 Notwithstanding any other provision of this Part, the minister may sell provincial lands to an Indian band, pursuant to section 27 of the Act, for the purpose of satisfying or discharging any obligation or undertaking of Saskatchewan pursuant to a Framework Agreement as defined in *The Treaty Land Entitlement Implementation Act*.

SR 54/93.

General provisions governing sales

7(1) Where a lessee who purchases provincial lands pursuant to Section 1 of this Part is indebted to the minister for rent or otherwise in respect of the leasehold the amount of such debt may be included in the selling price, provided that where the lessee purchases only part of the land included in the leasehold the minister shall, in his or her discretion, determine the portion of such debt which shall be so included, and provided further that, upon termination of the purchase agreement, the said debt or portion shall be recoverable by the minister as if it had not been included in the selling price unless the sum paid by the purchaser on account of the principal, exclusive of the minimum initial payment, is greater than the said debt or portion.

(2) Notwithstanding subsection 1(3) of Part II, where land to be sold is subject to a lease or leases under section 4 of Part III, the value of the land shall be the greater of:

- (a) the market value of the land as determined in accordance with SCHEDULE TWO of Part VIII; and
- (b) the present value of future earnings expected to accrue to the Department in respect of the lease or leases under section 4 of Part III for the remaining life expectancy of the exploration or extraction project and, in determining present value, the Farm Credit Corporation interest rate in effect at the time of the sale shall be used.

(3) Where any principal or other amounts payable pursuant to an agreement for sale are in arrears, the principal or other amounts in arrears shall be subject to interest at a rate determined by the minister.

(3.01) Amounts received by way of payment shall be applied at first against interest in arrears, then against any other amounts in arrears and finally against any principal in arrears.

(3.1) Notwithstanding any terms and conditions included in any agreement for sale of provincial lands:

- (a) no interest is to be charged on interest which has accrued or which is in arrears; and
- (b) interest is not to be compounded.

- (4) Any person who wishes to purchase provincial lands shall:
- (a) execute, to the satisfaction of the minister, a sale agreement and any other documents that the minister may require; and
 - (b) provide the executed sale agreement and those other documents to the minister within the time set by the minister.
- (4.1) If a person who wishes to purchase provincial lands fails to comply with subsection (4), the minister may:
- (a) notify that person that the proposed sale to that person will not proceed; and
 - (b) refund to that person, without interest, any funds paid by that person to the minister with respect to the proposed sale.
- (5) Where a leasehold or part thereof is sold to the lessee, the sale effects the termination of the lease or the withdrawal of the part sold, as the circumstances require, provided that the lessee continues to be liable for the payment of the rent to the date of the sale and of any other debt due or accruing due by the lessee to the Crown in respect of such leasehold or part.
- (6) Provincial lands which, in the opinion of the minister, are required for or in connection or conjunction with any public project or other purpose shall not be sold.
- (7) The minister may, at any time prior to the delivery of the executed agreement, withhold any land from sale and may refuse to offer for sale any land for any reason that to him or her seems sufficient.
- (8)(a) The minister may by agreement with the purchaser prescribe the date upon which a sale shall take effect, provided that in the absence of such agreement and subject to subsection (4) of this section the sale shall take effect on the date that the full initial payment is accepted by the minister;
- (b) Where a sale is made retroactively pursuant to this subsection the minister may, in his discretion, waive the interest in respect of the initial payment or any part thereof.
- (9) A retroactive provision contained in an agreement to sell provincial lands shall not:
- (a) invalidate or nullify any agreement, lease, right, privilege or undertaking made or given by the minister, or under his authority, prior to the acceptance of the initial payment for the land, or
 - (b) forfeit to the purchaser any sum of money which, prior to such acceptance, the minister received or to which he became entitled in respect of such agreement, lease, right, privilege or undertaking, or
 - (c) amend or alter the purchase price or the terms of sale as prescribed or authorized by the regulations in force on the day of such acceptance.

(10) The amount of any unpaid rent, debt or other consideration due by the purchaser to the minister may at any time before the issue of the transfer for the land, be added to the price of the land as an instalment in arrears and such amount shall thereupon bear interest at the rate prescribed by the agreement for sale to which such rent, debt or other consideration is added. Provided that, where the minister or any agency of the Government of Saskatchewan has paid any sum of money on account of any loan or other assistance received by the purchaser on the security of a guarantee or other assurance of payment given by or at the request of the minister in connection or conjunction with the improvement, development, operation, electrification or use of the lands so purchased, such sum shall be deemed to be a debt due by the purchaser to the minister.

(11) The minister shall not be under obligation to issue a transfer of the land purchased or any part thereof while any loan or other financial assistance, received by the purchaser on the security of a guarantee or other assurance of payment given by or at the request of the minister in connection or conjunction with the improvement, development, operation, electrification or use of the land so purchased, remains unpaid.

(12) No option to purchase or privilege of purchasing provincial lands shall accrue to any person by reason of any letter or statement or instrument offering, or purporting to offer, such lands for sale or quoting a price therefor or acknowledging or accepting an application or offer to purchase made by such person and such option or privilege shall only be created by a covenant to that effect printed, written or typewritten in an agreement of lease or other similarly executed instrument and shall thereupon be subject to any condition therein expressed and contained.

(13) Where prior to the sale of the land the minister has received or has agreed or offered to accept or has become entitled to a sum of money as compensation or consideration for damage to or use of the land the purchaser shall not claim or be entitled to any part thereof.

(14) Any moneys which after the sale of the land become due and payable in respect of the severance of or damage to any part of the land sold to the purchaser or of the occupation or use thereof shall be paid to and applied by the minister on account of the purchase price of the land in such manner as the minister may direct.

(15) Where after the sale of the land and prior to the issue of the transfer an agreement of easement is required in respect of a right of way for any purpose, the minister may, at the request or with the consent of the purchaser and upon receipt of the required compensation and fees execute such agreement if he is satisfied that all other requirements have been complied with.

(16) A purchaser of provincial lands may pay the whole or any part of the undue balance of the purchase price of the lands at any time without notice or bonus.

(16.1) Where a purchaser makes a payment mentioned in subsection (16) of part of the purchase price of land, the payment does not postpone or otherwise affect the obligation of the purchaser to make payments for the land pursuant to the agreement for sale of the land.

(17) Where under *The Land Surveys Act, 2000* a plan of survey is required before a transfer can be registered the minister may, at the request of the purchaser, cause such survey to be made and the cost of such survey shall be paid by the purchaser.

(18) Where a parcel of provincial lands has been sold to a person who cannot be registered as the owner thereof unless he is registered as the owner of certain land adjoining such parcel, the minister may require such person to submit proof of his ownership of such adjoining land; in default the minister may cancel such sale.

(19) **Repealed.** 7 Dec 90 SR 91/90 s3.

(20) The purchaser of provincial lands shall not assign or transfer his or her rights or interests in those lands without the written consent of the minister, and any assignment or transfer without the minister's written consent is null and void.

(21)(a) The purchaser shall not lease the land or any part thereof or agree to have such land or part thereof used to the benefit of any other person without the consent of the minister, which consent shall be at the discretion of the minister and subject to such conditions as the minister may consider necessary or desirable and no such lease or agreement shall be valid unless it is in writing and has endorsed thereon a memorandum of consent signed by or under the authority of the minister.

(22) If a lease of provincial lands is in the name of two or more persons, the minister, with the consent of all the lessees under the lease, may sell the lands to any of the lessees.

(23) Where an agreement to purchase has been terminated for a default and such default is remedied before the land is otherwise disposed of, it shall be permissible, but not mandatory, for the minister to restore the agreement as if it had not been terminated.

(24) The minister, or any officer acting at the direction or with the authorization of the minister, at any reasonable time, may enter on any provincial lands being sold pursuant to an agreement for sale:

- (a) before the lands are transferred to the purchaser; and
- (b) for the purpose of inspecting the land.

(25) The purchaser of provincial lands shall pay all charges, taxes, rates and assessments that may be charged on or against the lands or that become payable with respect to the lands or with respect to any operations conducted on the lands.

(26) Where a purchaser fails to pay any charges, taxes, rates or assessments required to be paid by the purchaser pursuant to subsection (25), the minister may:

- (a) make the payment;
- (b) add the amount of the payment to any arrears pursuant to the agreement for sale of the land; and
- (c) terminate the agreement in the same manner as the minister might have terminated it for other arrears pursuant to the agreement.

(27) Where an agreement for sale is terminated by the minister, all money paid pursuant to the agreement by the purchaser is forfeited to the minister.

SR 145/68; SR 45/70; SR 9/71; SR 214/71; SR 100/76; SR 78/83; SR 79/83; SR 101/87; SR 91/90; 6 Jly 2001 cL-5.1 Reg 3 s19; 27 Apr 2007 SR 25/2007 s10.

8 Repealed. 27 Apr 2007 SR 25/2007 s11.

PART II A

PURCHASE OF LANDS

1 The minister, or any officer acting by the direction, or with the authority of the minister, may authorize the purchase of any lands and the improvements thereon, which it is deemed in the interest of the Department to purchase.

SR 237/74.

2 The price at which such lands and improvements thereon may be purchased under this section shall be determined in accordance with Schedule Two of PART VIII.

SR 237/74; 27 Apr 2007 SR 25/2007 s12.

PART II B

EXCHANGE OF LANDS

1 The minister, or any officer acting by the direction, or with the authority of the minister, may authorize the exchange of any provincial lands and improvements thereon for other lands and improvements which it is deemed in the interest of the Department to acquire.

SR 169/75.

2 The value of the lands and improvements which may be exchanged under this Section shall be determined in accordance with Schedule Two of Part VIII.

SR 169/75; 27 Apr 2007 SR 25/2007 s13.

PART III
LEASES AND PERMITS

Cultivation leases and permits

1(1) In this section:

- (a) **“A”** means the total number of acres in each risk zone devoted to major crops and summerfallow;
- (b) **“C”** means the total number of acres for each insured crop grown on insured acreage for the risk zone where the land is situated as those acres are reported to the Saskatchewan Crop Insurance Corporation for the year before the year in which the annual rental charge for each cultivated acre will become payable;
- (c) **“insured crop”** means a crop insured by the Saskatchewan Crop Insurance Corporation;
- (d) **“n”** means the total number of crops insured by the Saskatchewan Crop Insurance Corporation in each risk zone;
- (e) **“NCRF”** and **“New Cultivation Rental Formula”** mean the New Cultivation Rental Formula set out in subsection (2);
- (f) **“P”** means the price projected to be received for each crop as determined by the Saskatchewan Crop Insurance Corporation for the year in which the annual rental charge for each cultivated acre will become payable;
- (g) **“risk zone”** means a risk zone as established by the Saskatchewan Crop Insurance Corporation;
- (h) **“S”** means the percentage of the weighted crop value that must be charged for each soil type as determined by the Saskatchewan Crop Insurance Corporation according to the following:
 - Class A & B soils - 18%
 - Class C & D soils - 17%
 - Class E & F soils - 16%
 - Class G & H soils - 15%
 - Class J & K soils - 14%
 - Class M & N soils - 13%
 - Class O & P soils - 12%;

- (i) “Y” means the long-term average summerfallow yield for each crop on each soil type in each risk zone as determined by the Saskatchewan Crop Insurance Corporation.
- (2) The following formula is the New Cultivation Rental Formula:

$$NCF = \frac{C \times P \times Y \times A}{100}$$

- (2.01) Subject to subsection (2.02), the rental fee for Crown agricultural land is:
- (a) for 2012, the 2011 rental fee plus one-third of the positive difference between:
- (i) the rental fee that would otherwise be charged for 2012 calculated using the NCRF; and
 - (ii) the 2011 rental fee;
- (b) for 2013, the 2012 rental fee calculated pursuant to clause (a) plus two-thirds of the positive difference between:
- (i) the rental fee that would otherwise be charged for 2013 calculated using the NCRF; and
 - (ii) the 2012 rental fee calculated pursuant to clause (a); and
- (c) for 2014 and subsequent years, the rental fee calculated using the NCRF.

(2.02) If the rental fee calculated pursuant to clause (2.01)(a) or (b) is greater than the rental fee calculated using the NCRF, the rental fee is the rental fee calculated using the NCRF.

(2.03) The rental fee calculated pursuant to subsections (2.01) and (2.02) is the rental fee that applies to a lease notwithstanding any clause in the lease agreement respecting rental fees.

(2.1) **Repealed.** 2 Jan 98 SR 110/97 s4.

(2.2) **Repealed.** 17 Feb 2012 SR 6/2012 s2.

(2.3) **Repealed.** 17 Feb 2012 SR 6/2012 s2.

(3) **Repealed.** 16 Jly 93 SR 54/93 s5.

(4) **Repealed.** 17 Feb 2012 SR 6/2012 s2.

(5) Where provincial lands that require irrigation for the growth of annual or perennial crops are to be leased, the minister may lease those lands at an annual rental:

- (a) where the land is under cultivation, based on the productive value of the land under unirrigated conditions as may be determined by the minister; and

(b) where the land is not under cultivation, based on the cow-month calculation set out in subsection 3(6);

and, where land is withdrawn from or added to the leasehold property, the annual rental is to be revised accordingly.

SR 145/68; SR 207/73; SR 50/76; SR 171/78; SR 161/81; SR 7/85; 16 Jly 93 SR 54/93 s5; 15 Sep 95 SR 63/95 s2; 2 Jan 98 SR 110/97 s4; 4 Apr 2003 SR 20/2003 s2; 17 Feb 2012 SR 6/2012 s2.

Grazing leases and permits

2(1) The minister may issue a lease of provincial lands for the grazing of livestock.

(2) No provincial lands in excess of 25,000 acres shall be leased to the same lessee at any time without the approval of the Lieutenant Governor in Council.

(3) The lessee shall not, without the written authority of the lessor, graze or permit to be grazed upon the leasehold livestock other than that owned by him and such authority shall lapse on the last day of the calendar year during which it is given unless the contrary is expressed therein.

(4) There is implied in every lease under this section a condition that the lessee shall manage the leasehold in such manner as to utilize all the lands comprised therein without impairing the normal reproduction of the forage vegetation thereon and to this end the minister may require the lessee:

(a) to construct such fences and develop such water facilities as may be necessary to ensure such use;

(b) to increase or decrease the number of livestock grazed by the lessee in any year if, in his opinion, the use made by the lessee is insufficient or excessive.

(5) The lessee shall whenever requested by, or by the authority of, the minister furnish to the department a sworn return showing the number of livestock grazed on such leasehold during any year or years and the names of the owner or owners thereof and such other information as the minister may require in respect thereof.

(6) The minister may authorize the lessee to cut hay growing upon the leasehold, provided that such hay shall be used only for winter feeding the livestock which the lessee is authorized to graze upon the leasehold unless a contrary intention is expressed in such authority.

(7)(a) The lessee shall not cultivate any part of the leasehold without the prior consent of the minister in writing;

(b) The minister may authorize the cultivation of part of the leasehold for the purpose of improving the productivity of the land for pastoral purposes or for the production of fodder or feed.

(8) A grazing lease made for a term of more than five years may be cancelled without showing cause after two years' notice, or such shorter notice as may be provided for in the lease, of intention to do so has been given to the lessee.

(9) Notwithstanding any provision to the contrary in a lease issued pursuant to this section, commencing on January 1, 2002, every holder of a lease issued pursuant to this section, whether issued before or after this subsection comes into force, shall pay a cash yearly rent in the amount calculated as follows:

$$\text{Rent} = \text{price per pound} \times 46 \text{ pounds} \times \text{animal unit month rating} \times 0.8 \times 12.75\%$$

where:

“**animal unit month rating**” means the number of animal unit months applicable to the land in question as rated by the Saskatchewan Assessment Management Agency or as determined by the Department to reflect the current grazing carrying capacity of the land; and

“**price per pound**” means the average price of cattle marketed from October 1 to November 30 of the preceding calendar year as published by the Department for markets in Saskatchewan, weighted as follows:

Feeder steers	500-600 lbs	35.0%
Feeder heifers	500-600 lbs	15.0%
Feeder steers	800-900 lbs	17.0%
Feeder heifers	>800 lbs	21.0%
Slaughter D1-D2 cows		12.0%

(9.1) to (10) **Repealed.** 2 Jan 98 SR 110/97 s5.

(11) Notwithstanding the repeal of subsection (9) as that subsection existed immediately before the coming into force of this subsection, that subsection, as it existed immediately before the coming into force of this subsection, continues to apply with respect to the calculation and collection of rent for the period commencing on January 1, 1997 and ending on December 31, 2001.

SR 145/68; SR 99/79; SR 161/81; SR 13/86;
SR 10/91; 2 Jan 98 SR 110/97 s5; 7 Jun 2002 SR
44/2002 s4.

2A Repealed. SR 161/81.

Hay leases and permits

3(1) The minister may issue a lease of provincial lands for the harvesting of hay grown on the lands or for the production of perennial hay crops.

(a) The minister may lease provincial lands for the harvesting of the hay growing thereon or for the production of perennial hay crops;

(b) Leases under this section shall be at such rent or basis of rent as the minister may from time to time prescribe.

(2)(a) Permits may be granted to any person to cut and take hay growing or grown upon vacant provincial lands in any year upon payment of the dues therefor prescribed by the minister for such year.

(b) The minister may in his discretion:

(i) prescribe the forms of such permit and of the application therefor,

- (ii) prescribe the terms and conditions under which and subject to which such permits may be issued,
 - (iii) determine any priorities for the granting of such permits,
 - (iv) grant to two or more persons, with the consent of each thereof, permits to cut and take hay on the same land if he considers that such land will yield the total quantity of hay so permitted and none of such permittees shall have any priority over the others.
- (c) A hay permit:
- (i) shall convey to the permittee the right to enter upon the land named therein and to cut, cure and take the quantity of hay specified therein but shall not convey to the permittee any right in respect of any hay cut by any other person prior to the granting of the permit,
 - (ii) subject to these regulations, shall vest in the permittee ownership of the hay to the extent of the quantity specified in his permit,
 - (iii) shall not be deemed a disposition of the land.
- (d) Notwithstanding clauses (b) and (c) the minister may, if he considers that the land mentioned in any hay permit will yield more hay than the quantity specified in such permit, at any time before the cutting of such hay:
- (i) prescribe a lesser acreage upon which the permittee shall cut the quantity of hay specified in his permit or
 - (ii) prescribe the date upon which the permittee's right to cut hay on the land specified in his permit shall lapse.
- (e) Where hay is cut or taken by any person without the authority of a permit or by a permittee in excess of the quantity specified in, or in other contravention of, his permit, the minister may cause such hay to be taken wherever it may be found and to be disposed of as he sees fit or he may require such person or permittee to pay in respect of such hay a sum of money not exceeding three times the regular dues prescribed for hay of the same class, provided that, at the discretion of the minister, any person found cutting hay on, or taking hay from, any provincial lands without authority shall, upon information laid by an officer of the department, be liable on summary conviction to a fine of not less than \$25.00 and not more than \$100.00, or to a term of imprisonment of not more than one month, in the discretion of the Court.

- (f)(i) Where a permittee, for reasons beyond his control, has been unable to obtain the quantity of hay specified in his permit the minister may, in his discretion, refund to such permittee the dues paid for the quantity of hay which was not so obtained, provided that the permit fee shall not be refunded and there shall be no refund made if the refundable portion of the dues is less than \$20;
- (ii) Notwithstanding paragraph (i), the minister may refund the permit fee and the dues paid by the permittee if the permit was issued in error or if the permittee was unable to obtain any of the hay specified in his permit because the land was disposed of to a person other than the permittee after the permit was issued.
- (3) There is implied in every permit and in every lease, which authorizes the permittee or lessee to cut and take hay on provincial lands, an undertaking or covenant on the part of the permittee or lessee to harvest the quantity of hay so authorized in a good and husbandlike manner and without waste.
- (4) Notwithstanding the rights and privileges granted to the permittee under a hay permit or to the lessee under any lease of provincial lands, if the hay grown or growing on such lands in any year is not harvested before it reaches the state that the minister, in his discretion, considers reasonable maturity, the minister may, in order to prevent waste, re-enter upon such lands and cause such hay to be cut and taken and the permittee or lessee shall not claim or be entitled to any compensation in respect of such re-entry or cutting and taking, provided that the minister may, in his discretion, refund any part of the dues paid by the permittee or reduce the rent payable for such year.
- (5) No person shall claim or be entitled to receive from the minister any compensation for or in respect of any quantity of hay which he is authorized to cut and take on provincial lands pursuant to a permit or lease in his name, except to the extent provided in this section.
- (6) Notwithstanding any provision to the contrary in a lease issued pursuant to this section, commencing on January 1, 2002, every holder of a lease issued pursuant to this section, whether issued before or after this subsection comes into force, shall pay a cash yearly rent in the amount calculated as follows:

$$\text{Rent} = \text{price per pound} \times 46 \text{ pounds} \times \text{animal unit month rating} \times 2 \times 0.8 \times 12.75\%$$

where:

“animal unit month rating” means the number of animal unit months applicable to the land in question as rated by the Saskatchewan Assessment Management Agency or as determined by the Department to reflect the current grazing carrying capacity of the land; and

“**price per pound**” means the average price of cattle marketed from October 1 to November 30 of the preceding calendar year as published by the Department for markets in Saskatchewan, weighted as follows:

Feeder steers	500-600 lbs	35.0%
Feeder heifers	500-600 lbs	15.0%
Feeder steers	800-900 lbs	17.0%
Feeder heifers	>800 lbs	21.0%
Slaughter D1-D2 cows		12.0%.

(6.1) **Repealed.** 2 Jan 98 SR 110/97 s6.

(7) **Repealed.** 2 Jan 98 SR 110/97 s6.

(8) Notwithstanding the repeal of subsection (6) as that subsection existed immediately before the coming into force of this subsection, that subsection, as it existed immediately before the coming into force of this subsection, continues to apply with respect to the calculation and collection of rent for the period commencing on January 1, 1997 and ending on December 31, 2001.

SR 145/68; SR 99/79; SR 161/81; SR 7/85;
SR 13/86; SR 10/91; 2 Jan 98 SR 110/97 s6; 7
Jun 2002 SR 44/2002 s5.

Leases for domestic game farms

3.01(1) Notwithstanding any other provision of these regulations or any provision in a lease issued or administered pursuant to any other provision of these regulations, no person shall establish or operate a domestic game farm on provincial lands, or raise domestic game farm animals on provincial lands, unless the minister has issued a lease to that person for that express purpose.

(2) No lease for the establishment or operation of a domestic game farm may be issued on lands that are designated as wildlife habitat lands pursuant to *The Wildlife Habitat Protection Act* or the regulations made pursuant to that Act.

(3) Subject to subsection (2), the minister may issue a lease of provincial lands for the establishment and operation of a domestic game farm on any terms and conditions that the minister considers necessary where:

- (a) at least 75% of each parcel of provincial lands to be leased has been cultivated or seeded to tame forage;
- (b) the total area to be leased is wholly contained within a parcel of land owned by the applicant; or
- (c) the minister, in consultation with the Minister of Environment and Resource Management, considers that a lease should issue.

(4) The rental charges and fees payable to the minister for leases pursuant to this section are to be based on the highest and best land use and are to be equal to the rental charges and fees payable pursuant to sections 1 to 3 of this Part for the same uses.

4 Jun 99 SR 35/1999 s4.

Increased rental charge or fee payable for certain lands

3.02(1) Notwithstanding any other provision of these regulations but subject to subsections (2) and (3), the rental charge or fee payable as otherwise calculated pursuant to this Part by a leaseholder pursuant to section 1, 2, 3 or 3.01 that must be paid by the leaseholder is increased by:

(a) 15% for the period commencing on January 1, 2016 and ending on December 31, 2016; and

(b) 30% for the period commencing on January 1, 2017.

(2) Subsection (1) applies only to provincial lands being leased pursuant to section 1, 2, 3 or 3.01:

(a) that are under cultivation; or

(b) that at any time were under cultivation other than:

(i) provincial lands that were part of a community pasture program administered by the Government of Canada or an agency of the Government of Canada; or

(ii) provincial lands that are leased by a co-operative that is incorporated, continued or registered pursuant to *The Co-operatives Act, 1996*.

(3) This section does not apply to any provincial lands leased pursuant to section 1, 2, 3 or 3.01 if the minister is satisfied that withholding the leased land from sale would be in the public interest.

4 Dec 2015 SR 103/2015 s5.

Compensation to agricultural lessee affected by surface lease

3.1(1) Where, pursuant to section 4 of this Part, the minister issues a surface lease with respect to land for which an agricultural lease is in effect:

(a) the land is withdrawn from the agricultural lease for the period during which the surface lease is in effect with respect to the land;

(b) the minister shall compensate the holder of the agricultural lease in accordance with this section; and

(c) the holder of the agricultural lease continues to be liable for the payment of the taxes as if the withdrawal had not been made.

(2) Every holder of an agricultural lease from which land has been withdrawn for the purposes of a surface lease is entitled to receive a one-time payment of:

(a) \$200, in the case of a surface lease issued on or after April 1, 1997 and before October 1, 2008; and

(b) \$500, in the case of a surface lease issued on or after October 1, 2008.

(3) If more than one well is drilled pursuant to a surface lease on lands withdrawn from an agricultural lease, the holder of the agricultural lease with respect to the lands affected is entitled to receive a one-time payment of:

(a) \$200 for the second well, and \$200 for each subsequent well, drilled on or after April 1, 1997 and before October 1, 2008; and

(b) \$500 for the second well, and \$500 for each subsequent well, drilled on or after October 1, 2008.

(4) Subject to subsections (5) and (6), every holder of an agricultural lease from which land has been withdrawn for the purposes of a surface lease is entitled, in each calendar year following the issuance of the surface lease and during the time that the surface lease is in effect, to an annual reduction of the annual rental charges otherwise payable pursuant to the agricultural lease in the following amount:

(a) on or after April 1, 1997 and before January 1, 2009, \$100 for each surface lease affecting the agricultural lease; and

(b) on or after January 1, 2009, \$200 for each surface lease affecting the agricultural lease.

(5) Notwithstanding subsection (4), but subject to subsection (6), if there are two or more producing wells on lands withdrawn from an agricultural lease, the holder of the agricultural lease is entitled to an annual reduction of the annual rental charges otherwise payable pursuant to the agricultural lease in the following amount:

(a) \$100 for the second producing well, and \$100 for each subsequent producing well, for the period commencing on April 1, 1997 and ending on December 31, 2008; and

(b) \$200 for the second producing well, and \$200 for each subsequent producing well, for the period commencing on January 1, 2009.

(6) The maximum annual reduction of annual rental charges to which a holder of an agricultural lease is entitled pursuant to subsections (4) and (5) is 30% of the annual rental charges otherwise payable pursuant to the agricultural lease.

(7) In addition to the compensation payable pursuant to subsections (2) to (6), commencing on January 1, 1998, the minister shall compensate every holder of an agricultural lease for any crop loss suffered by the withdrawal of land from the agricultural lease for the purposes of a surface lease in the amount paid to the Department by the holder of the surface lease pursuant to subsection 4(5) of this Part.

Surface leases respecting petroleum and natural gas

4(1) In this section:

(a) **“pollutant”** means a substance that causes or may cause pollution of a site;

(b) **“pollution”** means the alteration of the physical, chemical, biological or aesthetic properties of a site, including the addition or removal of any substance that:

(i) will render the site harmful to the public health;

(ii) is unsafe or harmful for domestic, municipal, industrial, agricultural, recreational or other lawful uses of the site; or

(iii) is harmful to wild animals, birds or aquatic life;

(c) **“site”** includes the surface, the subsurface, and any water on or below the surface of the land.

(2) The minister may issue a surface lease of any provincial lands required for or in connection or conjunction with any of the following:

(a) the exploration and recovery of petroleum and natural gas;

(b) the use of wellsites to inject water or other materials to enhance the recovery of petroleum and natural gas;

(c) the carrying out of surface operations designed to determine the extent of any deposits of petroleum and natural gas;

(d) the housing of pumping stations, compressor stations, pipeline control facilities, and storage and transportation facilities necessary for the storage or transportation of petroleum and natural gas.

(3) Before commencing any work on the leased lands, the holder of a surface lease shall file a development plan with the Department, acceptable to the minister, detailing the intended location of all drilling, construction and other development activities to be carried out pursuant to the lease.

(4) The holder of a surface lease shall pay to the Department rental charges and compensation in accordance with Schedule Six of Part VIII, subject to the following provisions:

(a) where any drilling, construction or other development activities are to be carried out within 12 months after the lease is issued, both the first year development fee and the annual surface lease rent are due and payable on the issuance of the lease;

- (b) where a surface lease is for a wellsite but no wells are drilled on provincial lands pursuant to the lease, the annual lease rent and the first year development fee is to be prorated based on the actual area of provincial lands that are included in the wellsite;
 - (c) where a surface lease is surrendered within 12 months after it is issued and where no drilling, construction or other development activities have taken place on provincial lands pursuant to the lease, the minister may refund to the holder of the surface lease:
 - (i) the first year development fee; and
 - (ii) that portion of the annual surface lease rental prorated based on the number of days remaining in the first 12 months of the lease;
 - (d) on the request of the holder of a surface lease, the minister may review and adjust the rental related to the access road portion of the surface lease where, in the minister's opinion, circumstances exist that result in the rental for the access road portion being higher than might otherwise be applicable.
- (5) Commencing on January 1, 1998, the holder of a surface lease shall pay to the Department an amount that is equal to the value of any crop loss, as determined by the minister, suffered by a holder of an agricultural lease as a result of the withdrawal of land from the agricultural lease for the purposes of the surface lease.
- (6) Where the surface lease authorizes the leaseholder to utilize temporary work spaces on provincial lands to facilitate development, construction, operation or maintenance under the surface lease, the surface leaseholder shall negotiate directly with and compensate any agricultural leaseholder for any crop loss suffered by the agricultural leaseholder as a result of the surface leaseholder's use of the temporary work space, in an amount agreed to between the surface leaseholder and the agricultural leaseholder.
- (7) The holder of a surface lease issued pursuant to subsection (2) shall, before the expiry or surrender of the lease and at the leaseholder's expense:
- (a) in accordance with *The Oil and Gas Conservation Regulations, 1985*:
 - (i) plug and abandon any well, structure test hole, oil shale core hole or related facility that was drilled or used by the leaseholder; and
 - (ii) remove all materials, refuse, equipment, structures, buildings, concrete bases and other fixtures and personal property placed on the lands by the leaseholder;
 - (b) provide evidence satisfactory to the minister that any pollutant on the site arising from the leaseholder's use of the site is within levels acceptable to the minister; and
 - (c) provide to the Department, and execute, a plan to restore the surface of the lands:
 - (i) as nearly as practicable to the condition that the surface was in before the lease was issued; or

(ii) where it is not practicable to restore the surface to the condition that it was in before the lease was issued, to a condition acceptable to the minister.

(8) Notwithstanding the expiration of a surface lease, until the holder of the surface lease complies with clause (7)(b), the holder remains liable for the payment of rent pursuant to the lease at the rate established for annual surface lease rental pursuant to Schedule Six of Part VIII.

(9) Notwithstanding the expiration of a surface lease, where the holder of the surface lease has complied with clause (7)(b) but until the holder of the surface lease complies with clause (7)(c), the holder remains liable for the payment of rent pursuant to the lease at the rate of one half of the annual surface lease rental established pursuant to Schedule Six of Part VIII.

2 Jan 98 SR 110/97 s8; 4 Jun 99 SR 35/1999 s5.

Leases for other purposes

5(1) The minister may dispose of any vacant provincial lands by lease or permit for purposes other than those hereinbefore mentioned where he considers that such dispositions are in the public interest.

(2) Leases under this section shall be subject to the payment of such rents and to such terms and conditions as may be determined by the minister.

SR 145/68; 2 Jan 98 SR 110/97 s9.

General provisions governing leases

6(1) The minister may cause vacant provincial lands to be advertised for disposition under lease.

(2)(a) Where provincial lands have been advertised pursuant to subsection (1) the selection of a prospective lessee may be made from the eligible applicants;

(b) **Repealed.**

(c) No disposition, or obligation to dispose, of provincial lands shall be created by the selection of a prospective lessee pursuant to clause (a) or by the advertising of such lands pursuant to subsection (1).

(3) The minister may, if he considers it in the public interest and without having first advertised the lands, lease provincial lands:

(a) to a municipality, association or another department or to any agency of Canada;

(b) to another original applicant when a disposition made following the advertising of the lands is cancelled within one year;

- (c) to a former purchaser, former lessee or other person when:
 - (i) the land has been included in the farm unit of such person for not less than five years;
 - (ii) the minister is satisfied that because of location there can be only one logical recipient of the disposition of such land;
 - (iii) the land is required for the rehabilitation of the owner or other occupant of a sub-economic farm unit;
 - (iv) to the former permittee;
 - (d) to any person, association or corporation when the lands are vacant and require extensive development for grazing purposes;
 - (e) for a purpose other than agriculture.
- (4)(a) Notwithstanding subsections (1) and (3) of this section the owner of the balance of a quarter section or other parcel within which an accrued area exists shall be entitled to a priority for a disposition of such accrued area by lease or permit at the same terms and conditions as other persons;
- (b) There is implied in every disposition of an accrued area by lease or permit the condition that it may be cancelled at any time by the minister giving thirty days notice thereof to the lessee or permittee in the event that a question arises concerning the correct boundaries of such area or that the lessee fails to have lawful access to such area.
- (4.1) Every lease of provincial lands to an individual or a body corporate for the purpose of cultivation, grazing, hay or other agricultural production shall be for a term not exceeding 33 years.
- (4.11) Every surface lease of provincial lands shall be for a term not exceeding 21 years.
- (4.2) A lease granted or a permit issued pursuant to section 5 of this Part for the purpose of recreation, industry, commerce, residence, research, experimentation or any other public purpose determined by the minister shall be granted for a term not exceeding 10 years.
- (5)(a) Where for any reason the minister considers that a disposition of provincial lands for a term of more than one year is not desirable he may dispose of such lands under permit;
- (b) A permit issued pursuant to this subsection shall expire not later than on the last day of the year during which it is issued;
 - (c) A permit issued pursuant to this section shall not convey to the permittee any priority for a future or other disposition of the land mentioned therein.

(6) Subject to any qualifications for performance prescribed by or pursuant to these regulations, the following shall be eligible to lease provincial lands:

(a) every person of the full age of eighteen years;

(b) every person under the age of eighteen years;

is self supporting and able to fulfill the terms of the lease provided that such tenancy shall lapse on the day that such person attains the age of eighteen years and such person shall be offered a new lease at the rent and subject to the terms and conditions authorized by the regulations then in effect if such person assumes liability for all unpaid rents, taxes and other debts due in respect of such person's prior occupation of such lands;

(c) every corporation and every registered partnership empowered to carry on in this province the business for which the land is leased;

(d) every municipal corporation;

(e) every department or agency of the government of Canada or of the Province of Saskatchewan.

(7) All leases are subject to the condition that the rent thereby reserved may be adjusted at any time to correct errors.

(8) **Repealed.** SR 50/76.

(9) A lease made pursuant to section 1 or section 2 or section 3 or section 5 may authorize the use of the leasehold for more than one purpose and thereupon the leaseholder shall so use the leasehold unless and to the extent that such use is dispensed with in writing by the minister or under his authority.

(10) There is implied in every lease the condition that the leaseholder shall use every part of the leasehold for the purpose for which it is let and the minister may withdraw from the leasehold any part thereof which is not so used and thereupon subsections (13.1) and (13.2) shall apply to such withdrawal.

(11) There is implied in every lease of provincial lands having frontage on or lying adjacent to a lake or stream the reservation to the Crown of a strip of land one-hundred feet in width inland from and along the bank of such lake or stream.

(12) Subject to any conditions that the Crown considers appropriate, the Crown may permit any person to enter on provincial lands that are the subject of a disposition issued pursuant to this Part for any or all of the following purposes:

(a) to cut and harvest timber;

(b) to explore and search for minerals, sand, gravel, clay or any other material in, on or under the provincial lands;

(c) to conduct surveys of the provincial lands or any part of the provincial lands for any purpose relating to potential uses of the provincial lands.

(13) There is implied in every disposition of provincial lands pursuant to this Part the condition that the minister may cancel the disposition or withdraw any land included in the disposition by giving 30 days' written notice of the cancellation or withdrawal to the holder of the disposition, if all or part of the disposition is required:

- (a) for or in connection with any works constructed or to be constructed pursuant to:
 - (i) *The Saskatchewan Watershed Authority Act, 2005*;
 - (ii) *The Saskatchewan Water Corporation Act*;
 - (iii) *The Water Power Act*;
 - (iv) *The Irrigation Act, 1996*; or
 - (v) *The Conservation and Development Act*;
- (b) for railway purposes;
- (c) for any public purpose; or
- (d) for any other purpose that the minister considers to be in the public interest.

(13.1) If, pursuant to subsection (13), the minister cancels a disposition or withdraws land included in a disposition, the minister shall determine the fair and just compensation to be paid to the holder of the disposition, and the holder of the disposition shall not claim or be entitled to any further or other compensation with respect to the cancellation or withdrawal.

(13.2) The compensation mentioned in subsection (13.1) is effectively paid if it is:

- (a) applied on account of any rent or other debt due by the holder of the disposition to the Crown; or
- (b) remitted to any municipality in payment of taxes owing to the municipality by the holder of the disposition.

(14)(a) In this section the term “**management**” means the making of decisions concerning:

- (i) the areas to be seeded to the different crops and the areas to be retained in summerfallow in each year;
- (ii) the kind and quantity of seed to be used;
- (iii) the kind of implement to be used in each farming operation and the time that each such operation shall be done;
- (iv) the kind of and size of quantity of improvements to be made and the time and cost thereof, and the term “**managerial**” has a corresponding meaning.

(b) Every lease of provincial lands which provides for the growing or harvesting of crops or the pasturing of livestock, unless a contrary intention is expressed therein or unless and to the extent that the approval of the minister is otherwise given in writing by him, or under his authority, is subject to the following conditions:

(i) When the lease is in the name of one person, the lessee shall personally conduct the farming operations of the land without delegating any of the managerial responsibilities where the lease provides for the growing or harvesting of crops and he shall pasture on such lands livestock owned by him where the lease requires the pasturing of livestock;

(ii) When the lease is in the names of two or more persons, each such person shall be and remain actively engaged in the farming operations or management where the lease provides for the growing or harvesting of crops and shall pasture on such lands livestock owned by him where the lease requires the pasturing of livestock;

(iii) When the lease is in the name of a corporation or partnership each person who was a shareholder or member thereof at the execution of the lease and each person who with the approval of the minister has subsequently become a member thereof shall be and remain personally engaged in the farming operations or management where the lease provides for the growing or harvesting of crops or pasture on such lands livestock owned by him where the lease requires the pasturing of livestock;

(iv) When the lease is in the name of a corporation or a partnership there shall be no change in membership or shareholders from those persons who were members or shareholders of the corporation or partnership at the execution of the lease, provided that paragraph (iii) shall not apply to a change in membership or shareholders brought about by the decease of one of the members or shareholders.

(15) All dispositions of provincial lands pursuant to this Part and the rights of the holders of those dispositions are subject to the Act, these regulations and any other regulations made pursuant to the Act.

(16) All dispositions of provincial lands pursuant to this Part are subject to the right of the minister to survey or construct or authorize the survey or the construction of roads, trails, or telephone, telecommunication or power transmission lines, or irrigation or drainage ditches or pipelines for the conveyance of water, sewage, natural gas, petroleum or petroleum byproducts on or across the lands covered by the disposition, and the holder of the disposition is not entitled to compensation or reduction of rent with respect to the road, trail, line, ditch or pipeline unless the minister, in the minister's discretion, authorizes the compensation or reduction.

(17) All provincial lands that are subject to a disposition pursuant to this Part are to be open for inspection by an officer of the Department at any time, and every holder of a disposition pursuant to this Part shall furnish to the Department any additional information that the minister may require to determine if the lands are being managed in a proper manner.

- (18) A disposition, or any part of a disposition, of provincial lands pursuant to this Part may not be assigned or sublet without the written consent of the minister.
- (19) Every request for the minister's approval of an assignment or sublease of a disposition pursuant to this Part must be accompanied by the prescribed assignment fee.
- (20) The minister shall not consent to an assignment of a disposition pursuant to this Part unless:
- (a) all rents, fees and charges pursuant to the disposition are paid;
 - (b) all debts owing by the assignor to the minister or guaranteed by the minister or the Government of Saskatchewan are fully paid or the repayment of those debts is assumed by the assignee; and
 - (c) all taxes assessed against the land or the occupancy of the land by the assignor are paid or arrangements satisfactory to the taxing authority with respect to those taxes have been made.
- (21) The minister may cancel a disposition pursuant to this Part if the holder of the disposition at any time fails to have lawful access to the provincial lands that are the subject of the disposition.
- (22) The holder of a lease shall at the expiry thereof, unless the minister otherwise directs, have a priority for obtaining a new lease subject to the regulations then in force provided that he shall have made application therefor and provided that all rents and taxes are fully paid.
- (22.1) Where a lease is renewed and provides for an increase or decrease in the rent that was prescribed in the lease being replaced, the increase or decrease in the amount of the rent pursuant to the new lease shall be applied in increments determined by the minister.
- (23) Notwithstanding the maximum term prescribed for any lease the minister may, where a lease of provincial lands is surrendered for the purpose of changing the rent for, or the use of such lands or any other terms of tenancy, lease such lands to the former lessee for a term equal to the portion of the term that remained unexpired under the former lease at the time that such lease was surrendered.
- (24) Leases pursuant to section 1, section 2, section 3 or section 3.01 of this Part are subject to the condition that if a lessee, in any year during the period of the said lease, satisfies the minister that part or all of the land contained in his or her lease could not be used during that year for the purpose provided in the lease because of flooding or fire, the rent charged may be adjusted accordingly.
- (25) Notwithstanding any term or condition included in a lease issued pursuant to section 1, 2, 3 or 3.01 of this Part, if the lease terminates by way of surrender, cancellation or sale, the rental charged and payable for the part of the year in which the lease terminates is equal to:
- (a) 0% of the annual rent in the case of a lease terminated in the period commencing on January 1 and ending on April 30 of that year;

- (b) 33 1/3% of the annual rent in the case of a lease terminated in the period commencing on May 1 and ending on June 30 of that year;
 - (c) 66 2/3% of the annual rent in the case of a lease terminated in the period commencing on July 1 and ending on August 31 of that year; and
 - (d) 100% of the annual rent in the case of a lease terminated in the period commencing on September 1 and ending on December 31 of that year.
- (26) Notwithstanding any terms and conditions included in any lease agreement respecting provincial lands, the minister may, with respect to any lease or category of leases, provide that a discount may be granted for the prepayment of rent and that a penalty may be added to rent in arrears.
- (27) For the purposes of subsection (26), the minister may, from time to time:
- (a) prescribe rates for discounts and penalties; and
 - (b) prescribe dates for the granting of discounts or the adding of penalties.
- (28) The minister may prescribe an annual rent for any provincial lands in an amount less than the amounts calculated pursuant to subsections 1(2), 2(9) and 3(6) of this Part, but any amounts prescribed shall not be lower than the lesser of:
- (a) the annual rents as calculated pursuant to those subsections for the same provincial lands for the preceding year; and
 - (b) the annual rents actually payable for the same provincial lands for the preceding year.
- (29) In leases issued pursuant to section 2 or 3 of this Part, the term “**cow month**” means one animal unit month.

SR 145/68; SR 9/71; SR 100/72; SR 50/76; SR 116/76; SR 161/81; SR 191/81; SR 12/84; SR 13/86; SR 101/87; SR 10/91; SR 54/93; 2 Jan 98 SR 110/97 s10; 4 Jun 99 SR 35/1999 s6; 27 Apr 2007 SR 25/2007 s14; 14 May 2010 SR 46/2010 s2.

APPEAL BOARD

- 7(1) A person who appeals to the board pursuant to section 80.2 of the Act shall provide the board with a notice of appeal in writing concisely stating the reasons and grounds for appeal, and the board may refuse to hear an appeal where the person bringing the appeal fails to state with sufficient clarity the grounds of his appeal and the facts on which he is relying.
- (2) The board shall, within 90 days after receipt of the notice of appeal, set a date, time and place for hearing the appeal and shall give 10 days' notice of the date, time and place set for the appeal to:
- (a) the person bringing the appeal;

- (b) any persons whose interests, in the opinion of the board, may be affected by the appeal; and
 - (c) where the subject of the appeal is the allocation of land, the person to whom the minister has allocated the land.
- (3) The board may:
- (a) require its secretary to conduct a field investigation with respect to any matter being appealed and to file that report with the board;
 - (b) grant an extension of time for the filing of an appeal where the application for extension of time has been received before the expiry date for the appeal as established by section 80.2 of the Act;
 - (c) postpone or adjourn an appeal hearing.
- (4) Reports on field investigations conducted by the board secretary shall be filed with the board and made available to persons whose interests, in the opinion of the board, may be affected by the report, and those persons shall be granted an opportunity to answer the report.
- (5) **Repealed.** 11 Jly 2003 SR 55/2003 s4.
- (6) An appellant who does not appear at the hearing shall be deemed to have abandoned and withdrawn his appeal, unless the board has been notified of the appellant's inability to attend and has granted him permission to be absent.

SR 12/84; SR 89/85.

PART III.1 SAND AND GRAVEL

Interpretation of Part

1 In this Part:

- (a) **“exploration permit”** means a permit issued pursuant to subsection 2(1);
- (b) **“lease area”** means the area specified in a sand and gravel lease;
- (c) **“leaseholder”** means the holder of a sand and gravel lease;
- (d) **“permit area”** means the area specified in an exploration permit;
- (e) **“quarry”** means an open pit or excavation made for the purpose of removing sand or gravel;
- (f) **“removal authorization”** means an authorization to remove sand and gravel from a lease area pursuant to subsection 11(1);
- (g) **“road construction material permit”** means a permit issued pursuant to subsection 18(1);
- (h) **“sand”** includes clay required for the construction of an earthen dam or road grade;

- (i) “**sand and gravel disposition**” means an exploration permit, a sand and gravel lease, a road construction material permit, or a removal authorization;
- (j) “**sand and gravel lease**” means a lease entered into pursuant to section 7.

SR 54/93.

Exploration permits

- 2(1) The minister may issue permits allowing exploration for sand and gravel on provincial lands.
- (2) An exploration permit is valid for one year, commencing on the date specified in the permit.
- (3) The holder of an exploration permit has the exclusive right to explore for sand and gravel within the permit area.
- (4) No person shall explore for sand or gravel on provincial lands except under the authority of an exploration permit.

SR 54/93.

Applications for permits

- 3(1) An application for an exploration permit must be in writing and be accompanied by:
 - (a) a legal description or a plan of the proposed permit area;
 - (b) the exploration permit fee prescribed in Schedule One;
 - (c) the exploration permit access fee prescribed in Schedule One;
 - (d) a detailed description of the proposed exploration; and
 - (e) any other information that the minister may require.
- (2) The minister may require an applicant for a permit to submit:
 - (a) a description of the proposed permit area made with reference to Universal Transverse Mercator coordinates in accordance with standards set by the Department; or
 - (b) a survey of the proposed permit area, prepared at the expense of the applicant, by a Saskatchewan land surveyor in accordance with *The Land Surveys Act*.

SR 54/93.

Permit area

- 4(1) The minimum area that may be approved as a permit area on surveyed provincial lands is:
 - (a) a legal subdivision, or the portion of a legal subdivision that is available for disposition; or
 - (b) a river lot, or the portion of a river lot that is available for disposition.

- (2) The minimum area that may be approved as a permit area on unsurveyed provincial lands is 40 acres.
- (3) The maximum area that may be approved as a permit area, on surveyed or unsurveyed provincial lands, is 2,500 acres.
- (4) A permit area on surveyed provincial lands that contains more than one legal subdivision or more than one river lot is to form a single block with boundary lines corresponding to those used in the survey.
- (5) A permit area on unsurveyed provincial lands is to form a single block with boundary lines as specified in the permit.

SR 54/93; 2 Jan 98 SR 110/97 s11.

Test holes

- 5(1) The holder of an exploration permit may make test holes as part of the exploration process.
- (2) After making test holes, the holder of an exploration permit shall submit a plan acceptable to the minister showing the location of the test holes, and shall pay to the Department the fees prescribed in Schedule One for excavations created by a backhoe or dragline and for holes created by an auger.
- (3) The holder of an exploration permit shall, within a reasonable time after making test holes, restore the lands as nearly as possible to their previous condition.

SR 54/93.

Reports

- 6(1) On completion of exploration, and before the expiry of the permit, the holder of an exploration permit shall submit a report acceptable to the Department respecting the exploration.
- (2) A permit holder who fails to comply with subsection (1) is not eligible to receive another exploration permit until he or she submits a report acceptable to the minister.

SR 54/93.

Leases

- 7(1) The minister may enter into sand and gravel leases with persons who are eligible pursuant to these regulations.
- (2) The holder of a sand and gravel lease has, subject to the terms of the lease, the exclusive right to explore for, recover and dispose of sand and gravel on the lands specified in the lease.

(3) A sand and gravel lease does not give the leaseholder any right of access to the surface of the lands specified in the lease unless the minister grants a removal authorization pursuant to section 11.

(4) A sand and gravel lease is valid for the term, not exceeding 21 years, specified in the lease.

SR 54/93.

Entering into leases

8(1) The minister shall enter into a sand and gravel lease with the holder of an exploration permit respecting all or part of the land to which the exploration permit applies where the permit holder:

- (a) applies for a lease before the expiration of the permit; and
- (b) has complied with the Act and these regulations.

(2) The minister may enter into a sand and gravel lease with a person who does not hold an exploration permit but who is eligible to receive a sand and gravel disposition pursuant to these regulations.

SR 54/93.

Application for lease

9(1) An application for a sand and gravel lease must be submitted to the Department in writing and be accompanied by:

- (a) a legal description or a plan acceptable to the minister of the proposed lease area;
- (b) the fee for preparing a sand and gravel lease prescribed in Schedule One;
- (c) the annual fee per acre for the first year of the lease, as prescribed in Schedule One; and
- (d) any other information that the minister may require.

(2) The minister may require an applicant for a sand and gravel lease to submit:

- (a) a description of the proposed lease area made with reference to Universal Transverse Mercator coordinates in accordance with standards set by the Department; or
- (b) a survey of the proposed lease area, prepared, at the expense of the applicant, by a Saskatchewan land surveyor in accordance with *The Land Surveys Act*.

SR 54/93.

Lease area

10(1) The minimum area that may be approved as a lease area on surveyed provincial lands is:

- (a) a legal subdivision, or the portion of a legal subdivision that is available for disposition; or
- (b) a river lot, or the portion of a river lot that is available for disposition.

- (2) The minimum area that may be approved as a lease area on unsurveyed provincial lands is 40 acres.
- (3) The maximum area that may be approved as a lease area, on surveyed or unsurveyed provincial lands, is 640 acres.
- (4) The maximum area prescribed in subsection (3) does not apply to a sand and gravel lease issued to the Department of Highways and Transportation.
- (5) A lease area on surveyed provincial lands that contains more than one legal subdivision or more than one river lot is to form a single block with boundary lines corresponding to those used in the survey.
- (6) A lease area on unsurveyed provincial lands is to form a single block with boundary lines as specified in the lease.

SR 54/93.

Removal authorizations

- 11(1) The minister may grant to a leaseholder, on application by the leaseholder, a removal authorization, authorizing the leaseholder to enter on all or any portion of the lease area to remove sand and gravel.
- (2) An application for a removal authorization must be in writing and be accompanied by:
 - (a) a plan, acceptable to the minister, of the land to be covered by the authorization;
 - (b) documentation, acceptable to the minister, showing that the applicant has access to the area covered by the authorization; and
 - (c) any other information required by the minister.
- (3) The minister may grant a removal authorization with respect to land for which an agricultural lease is in place and, where the minister does so, the land is removed from the agricultural lease for the period during which a removal authorization is in effect in respect of the land.
- (4) Where the minister withdraws land from an agricultural lease pursuant to subsection (3), the minister may compensate the holder of the agricultural lease, during the time that the land is withdrawn from the agricultural lease, as prescribed by the minister from time to time.

SR 54/93.

Fees for active leases

- 12 A leaseholder shall pay annual fees and disturbed acreage charges for the portion of a lease area to which a removal authorization applies at the rate prescribed in Schedule One.

SR 54/93.

Annual production returns

13 Every leaseholder who has a removal authorization with respect to his or her lease shall submit to the minister a completed annual production return for the period January 1 to December 31, in a form acceptable to the minister, within 30 days after the end of the calendar year.

2 Jan 98 SR 110/97 s12.

Royalties and exemptions

14(1) Every leaseholder who is granted a removal authorization shall pay a royalty as prescribed in Schedule One at the same time that the production return required pursuant to section 13 is submitted.

(2) The minister may exempt a leaseholder from the requirement of paying royalties for sand and gravel that is removed if the sand and gravel is to be used by a public body for public works.

(3) If the minister is of the opinion that sand or gravel that has been exempted from royalties pursuant to subsection (2) has been used for purposes other than public works, the minister may require the leaseholder to pay the royalties with respect to that sand or gravel that were previously exempted.

(4) The minister may, in the minister's discretion, exempt the Department of Highways and Transportation from the payment of any fee or royalty otherwise payable pursuant to this Part.

SR 54/93.

Records for royalty purposes

15(1) Every leaseholder who is liable to pay royalties pursuant to these regulations shall keep at or near each quarry in the agreement area records of account satisfactory to the minister, of all sand and gravel taken from the quarry, showing:

(a) the quantity, weight and other particulars of the sand or gravel, and its value; and

(b) the returns from refining, their weights, and any other information necessary for determining whether the amount of royalty payable has been correctly calculated and entered in the records.

(2) In the case of a dispute, the minister shall determine the amount of sand and gravel removed and the royalties payable with respect to the sand and gravel, and the minister's decision shall be final.

SR 54/93.

Delay in quarrying

16(1) If a leaseholder has not commenced quarrying within one year of the date that the lease is entered into, or has suspended quarrying for more than one year, the minister may at any time give notice, in a manner determined by the minister, requiring the leaseholder to satisfy the minister that the delay or suspension is reasonable.

(2) If, within 90 days of the giving of notice pursuant to subsection (1), the leaseholder has not satisfied the minister that the delay or suspension is reasonable, the minister may:

- (a) cancel the lease; or
- (b) require the leaseholder to commence or resume quarrying within a time specified by the minister, failing which the minister may cancel the lease.

SR 54/93.

Reclamation deposit

17(1) Subject to subsection (4), before the minister issues a removal authorization to a leaseholder, the leaseholder shall pay to the Department a reclamation deposit in the form of cash, a bond from a company acceptable to the minister or a letter of credit from a financial institution acceptable to the minister, in an amount determined in accordance with Schedule One.

(2) A reclamation deposit shall be returned to the leaseholder when the leaseholder has ceased quarrying in the area for which a removal authorization is granted and the minister is satisfied that:

- (a) the area has been reclaimed in accordance with standards established by the minister from time to time;
- (b) all debts owed to the Department and any taxes owed to the municipality are paid in full; and
- (c) where applicable, the area is suitable for use by a holder of an agricultural lease.

(3) Where one year has passed since a leaseholder ceased quarrying in an area for which a removal authorization was granted, and the minister is not satisfied that the matters mentioned in subsection (2) have been met, the leaseholder's reclamation deposit is forfeited to the Crown.

(4) A rural municipality, village, town, city or hamlet or an Indian band is not required to pay a reclamation deposit pursuant to subsection (1), where, before the minister issues a removal authorization, the rural municipality, village, town, city or hamlet or the Indian band provides the Department with an irrevocable letter of undertaking to reclaim the leased area, to the minister's satisfaction, within one year after the cessation of quarrying in the leased area.

SR 54/93; 2 Jan 98 SR 110/97 s13.

Road construction material

18(1) The minister may issue road construction material permits authorizing a person who has paid the permit fee prescribed in Schedule One to enter provincial lands to remove material to be used for road construction, in accordance with any terms and conditions set out in the permit.

- (2) On completion of removal of the road construction material, the holder of a road construction material permit shall:
- (a) submit a plan satisfactory to the minister showing the area disturbed by the removal of the material; and
 - (b) submit to the Department the disturbed acreage charge prescribed in Schedule One.
- (3) After removing road construction material, the holder of a road construction material permit remains responsible for:
- (a) ensuring that the area disturbed by the removal of the material is reclaimed according to standards set by the minister from time to time; and
 - (b) complying with any terms and conditions set out in the permit.

SR 54/93.

Compensation to holder of agricultural lease

19 Where any activity authorized by a sand and gravel disposition disrupts the activities of a person who holds an agricultural lease with respect to the lands affected, the minister may compensate the holder of the agricultural lease in an amount to be determined by the minister.

SR 54/93.

No disposition

20 No sand and gravel disposition may be granted with respect to land that is:

- (a) withdrawn by the minister;
- (b) set aside by the Government of Canada for an Indian reserve, national park, military reserve, or other purpose;
- (c) within the boundaries of a provincial park, except with the authorization of the Lieutenant Governor in Council; or
- (d) in the opinion of the minister, required for a public purpose.

SR 54/93.

Persons in arrears

21 No one who is in arrears of any debt owing to the Department is eligible to receive a sand and gravel disposition, either from the Crown or by transfer or assignment, until the debt is paid in full.

SR 54/93.

Change of name

22(1) A holder of a sand and gravel disposition who changes his or her name shall submit to the Department, within 90 days of the change of name:

- (a) a written notification of the change of name;
- (b) the fee prescribed in Schedule One; and
- (c) any other information that the minister may require.

(2) Where the holder of a sand and gravel disposition is a corporation that is required to be registered pursuant to *The Business Corporations Act* and that changes its name or amalgamates with another corporation, the disposition holder shall, in addition to complying with subsection (1), submit to the Department a copy of the certificate issued pursuant to *The Business Corporations Act* evidencing the amendment or amalgamation.

SR 54/93.

Cancellation of dispositions

23(1) The minister may, after giving 30 days' notice of the minister's intention to do so, cancel a sand and gravel disposition where, in the opinion of the minister, the holder of the disposition:

- (a) is in arrears in payments due to the Department;
- (b) is in breach of any term of the disposition; or
- (c) has failed to comply with the Act or these regulations.

(2) The minister may cancel a sand and gravel disposition without prior notice where, in the opinion of the minister, quarrying operations carried on by the disposition holder are likely to prejudicially affect the interests of the Crown or other persons.

(3) Where the minister has cancelled a sand and gravel disposition pursuant to subsection (2), the minister shall:

- (a) as soon as possible, notify the disposition holder of the cancellation; and
- (b) give the disposition holder an opportunity to be heard within 10 days of the cancellation.

(4) Notwithstanding the cancellation of a sand and gravel disposition pursuant to subsection (1) or (2):

- (a) the minister may collect any amounts owing to the Department by the holder of the disposition; and
- (b) the leaseholder remains liable for any costs incurred by the minister for reclaiming the lands that were the subject of the disposition.

(5) Where a sand and gravel disposition is cancelled pursuant to subsection (1) or (2), the holder of the disposition is not entitled to the return of any rent paid in advance.

(6) Where a sand and gravel disposition is cancelled pursuant to subsection (1) or (2), any sand or gravel left on provincial lands by the disposition holder after the cancellation is the property of the Crown.

(7) Where a sand and gravel lease is cancelled pursuant to subsection (1) or (2), the reclamation deposit paid pursuant to section 17 is forfeited to the Crown.

SR 54/93.

Surrender of disposition

24(1) The holder of a sand and gravel disposition may surrender the disposition at any time by submitting to the Department a written notice of termination.

(2) The surrender of a sand and gravel disposition is effective on the receipt of the notice of termination by the Department.

(3) Notwithstanding the surrender of a sand and gravel disposition, the minister may collect any amount owing to the Department by the holder of the disposition, and the holder of the disposition remains responsible to perform any reclamation required pursuant to the terms of the disposition or these regulations, and for any costs incurred by the minister in reclaiming the lands that were the subject of the disposition.

(4) The holder of a sand and gravel disposition who surrenders the disposition is not entitled to the return of any rent paid in advance.

(5) Where the holder of a sand and gravel disposition surrenders the disposition, any sand or gravel left on provincial lands by the disposition holder after the surrender of the disposition is the property of the Crown.

(6) Where a leaseholder surrenders a sand and gravel lease, the reclamation deposit made pursuant to section 17 is forfeited to the Crown.

SR 54/93.

Assignment

25 No sand and gravel disposition may be assigned or transferred except with the prior written consent of the minister.

SR 54/93.

Particulars

26 The holder of a sand and gravel disposition shall, on the written request of the minister, submit to the minister written information or maps, in a form acceptable to the minister, concerning the particulars of the activities carried out under the authority of the sand and gravel disposition.

SR 54/93.

Prohibition

27 No person shall remove sand, gravel or road construction material from provincial lands, except as provided for in these regulations.

SR 54/93.

Disposition holders to indemnify the Crown

28 Every holder of a sand and gravel disposition shall, as a condition of the disposition, indemnify the Crown against all actions, claims and demands for anything done by the disposition holder in the exercise of the rights granted pursuant to the disposition.

SR 54/93.

Transitional

29(1) Every prospecting permit or quarrying lease issued pursuant to The Quarrying Regulations, 1957, being Saskatchewan Regulations 553/67, that conveys rights with respect to sand and gravel on provincial lands and that is valid and in force on the day that *The Provincial Lands Amendment Regulations, 1993* come into force:

- (a) is continued in force pursuant to these regulations, insofar as the prospecting permit or quarrying lease is with respect to sand or gravel; and
 - (b) is deemed to be:
 - (i) in the case of a prospecting permit, an exploration permit;
 - (ii) in the case of a quarrying lease, a sand and gravel lease.
- (2) A prospecting permit or quarrying lease continued pursuant to subsection (1) may be amended, enforced or otherwise dealt with pursuant to these regulations, and is subject to the provisions of these regulations, as if the prospecting permit or quarrying lease was issued pursuant to these regulations.
- (3) Without limiting the generality of subsections (1) and (2):
- (a) if the holder of a prospecting permit that is continued as an exploration permit pursuant to subsection (1) exercises the holder's option to apply for a lease, the holder is entitled to apply only for a sand and gravel lease pursuant to these regulations; and
 - (b) the holder of a quarrying lease that is continued as a sand and gravel lease pursuant to subsection (1) shall pay the fees prescribed in Schedule One and not the fees prescribed in The Quarrying Regulations, 1957, being Saskatchewan Regulations 553/67.
- (4) If there is any conflict between these regulations and the terms and conditions set out in a prospecting permit or quarrying lease continued pursuant to subsection (1), these regulations prevail.
- (5) Every holder of a licence issued pursuant to The Quarrying Regulations, 1957, being Saskatchewan Regulations 553/67, that conveys rights with respect to sand and gravel on provincial lands and that is valid and in force on the day that *The Provincial Lands Amendment Regulations, 1993* come into force:
- (a) may remove sand and gravel from provincial lands in accordance with the terms and conditions set out in that licence; and
 - (b) shall comply with the provisions of The Quarrying Regulations, 1957, as if those provisions continued to apply to that licence, and with the terms and conditions set out in that licence.

SR 54/93.

Application of Part III

30 Sections 6 and 7 of Part III apply to this Part, with any necessary modification.

SR 54/93.

PART IV
EASEMENTS

Agreements of easement for pipelines

1(1) The minister may complete agreements, in the form approved by him, granting to a person or corporation the right, liberty, privilege and easement to use a right-of-way through provincial lands for the laying down, construction, operation and maintenance of a pipeline or pipelines for the carriage, conveyance or transportation of petroleum, gas, water or sewage.

(2) The grantee under subsection (1) shall furnish to the minister such plan or plans of the right-of-way and in such form as the minister may require.

(3) A grantee pursuant to this section shall pay to the Department compensation for loss of ownership rights and land out of production:

(a) in accordance with Schedule Six of Part VIII; or

(b) as determined by the minister:

(i) in the case of an interprovincial pipeline that is subject to the *National Energy Board Act* (Canada); and

(ii) in the case of works and projects carried out by Saskatchewan Water Corporation.

(4) The share of the compensation collected pursuant to this section that is payable to the lessee whose leasehold is subject to the surface lease is to be determined by the minister.

(5) Notwithstanding subsection (3), no compensation is payable by a municipality or public utility company in connection with water, sewage or natural gas pipelines to serve a hamlet, village or town with a population of less than 1,000, or to serve an individual farm or acreage.

(6) An agreement made under subsection (1) of this section shall not be deemed to convey the right, liberty, privilege and easement to erect, construct, place or maintain upon the right-of-way any power or telephone lines, or reservoirs, tanks, tank batteries or other structures unless and to the extent that a contrary intention is expressed in writing in the said agreement.

SR 145/68; SR 7/85; 2 Jan 98 SR 110/97 s14.

Agreements of easement for powerlines

2(1) The minister may complete agreements, in the form approved by him, granting to a person or corporation the right, liberty, privilege and easement to use a right-of-way through provincial lands for the erection, installation, construction, operation or maintenance of one or more power transmission lines, including underground cables, and for purposes incidental thereto.

(2) The grantee under subsection (1) shall furnish to the minister such plan or plans of the right-of-way and in such form as the minister may require.

(3) The compensation for a right-of-way under this section shall be at such rate as the minister may prescribe.

(4)(a) The minister may, without completing an agreement of easement authorize the Saskatchewan Power Corporation to erect, install, construct, operate or maintain upon provincial lands a powerline carrying not more than twenty-four kilo-volts (24 KV) for the distribution of electrical power or energy to consumers who do not use individual loads exceeding twenty-five kilo-volt-amperes (25 KVA);

(b) The authority given under this subsection may be subject to such terms and conditions and to the payment of such compensation and/or fees as the minister may prescribe;

(c) The authority given under this subsection shall lapse upon registration of the transfer for the land in respect of which the authority is given.

SR 145/68.

Agreements of easement for telephone, telegraph and telecommunication lines

3(1) The minister may complete agreements of easement, in the form approved by the minister, granting to any individual or corporation the right, liberty, privilege and easement to use a right of way through provincial lands to erect, instal, construct, operate and maintain poles, towers, anchors, wires, including above-ground and underground cables, and any other necessary structure for the conveyance of telephone and telecommunication messages and signals.

(2) The grantee under subsection (1) shall furnish to the minister such plan or plans of the right-of-way and in such form as the minister may require.

(3) The compensation for a right-of-way under this section shall be at such rate as the minister may prescribe.

(4)(a) The minister may, without completing an agreement of easement, authorize SaskTel or any rural telephone company to erect, instal, construct, operate and maintain rural telephone lines upon provincial lands;

(b) The authority given under this subsection may be subject to such terms and conditions and to the payment of such compensation and/or fees as the minister may prescribe;

(c) The authority given under this subsection shall lapse upon the registration of a transfer for such lands.

SR 145/68; 27 Apr 2007 SR 25/2007 s15.

Agreements in respect of canal right-of-ways and flooding rights

4(1) The minister may complete agreements, in the form approved by him, granting to a person or corporation the right, liberty, privilege and easement to use a right-of-way through or upon provincial lands for or in connection or conjunction with the construction and maintenance of ditches and other works associated therewith.

- (2) The minister may complete agreements, in the form approved by him, granting to a person or corporation the right, liberty, privilege and easement to store water, or cause water to be stored, upon provincial lands.
- (3) Agreements made under subsection (1) and subsection (2) may be subject to such compensation, terms and conditions as the minister may, in his discretion, consider appropriate.
- (4) Agreements made under subsection (1) and subsection (2) shall relate to the use of the surface for the purposes mentioned but shall not convey or be deemed to convey any right, liberty, license or permit to construct any works or perform any act which are required to be conveyed under or in pursuance of any laws of the Province of Saskatchewan other than *The Provincial Lands Act*.
- (5) The applicant for a disposition under subsection (1) or subsection (2) shall make such surveys and provide such plans as the minister may consider necessary or desirable.

SR 145/68.

Agreements of easement for access to other lands

- 4.1(1) Subject to subsection (2), the minister may complete agreements of easement, in the form approved by the minister, granting to any individual or corporation the right, liberty, privilege and easement to use a right of way through provincial lands to gain access to other lands.
- (2) Subject to subsection (3), if the provincial lands are leased, the minister shall obtain the consent of the lessee before entering into an agreement of easement pursuant to subsection (1) with respect to the leased provincial lands.
- (3) Notwithstanding subsections (1) and (2), the minister may, without the consent of the lessee, grant any right, liberty, privilege or easement in leased provincial lands that is expressly or impliedly permitted or reserved to the Crown pursuant to the lease, these regulations or any Act or law.
- (4) The minister shall determine the fees and other terms and conditions of an easement granted pursuant to this section.

27 Apr 2007 SR 25/2007 s16.

General provisions governing agreements of easement

- 5(1) Unless a contrary intention appears therein, an agreement of easement under this Part:
- (a) conveys to the grantee the right of ingress and egress upon the right-of-way for the purposes named in such agreement and reserves to the grantor and his nominees the use of the right-of-way for other purposes;
 - (b) requires the grantee to compensate the grantor and the lawful occupant of the land for damage caused or occasioned by or resulting from the exercise by the grantee of his rights and privileges;
 - (c) vests in the grantee title to the grantee's installations, materials and equipment notwithstanding that the same may be or become affixed to the realty;

- (d) does not convey to the grantee any mines or minerals or water on, in or under the right-of-way;
 - (e) does not place any liability upon the grantee for the destruction or eradication of noxious weeds growing or which may grow upon the part of the right-of-way which is not retained for the exclusive use of the grantee;
- (2) the grantee of an agreement of easement shall:
- (a) in the laying down, erection, installation, construction, reconstruction, replacement, repair or inspection of its lines, apparatus, equipment and accessories cause as little damage as possible and leave no hazard to the use of the land; and, except where the agreement or grantor otherwise directs, bury all pipes to a depth of not less than eighteen inches;
 - (b) so identify each surface structure with a visible marker as to eliminate the incidence of damage to machinery, implements, vehicles and equipment;
 - (c) subsequent to the construction, installation, reconstruction or repair of its lines, apparatus, equipment and accessories, cause the surface of the ground to be restored to the same condition, as nearly as it may be practical to do so, or to a condition acceptable to the minister as being equivalent, as the same were in prior to the entry thereon and the use thereof by the grantee;
 - (d) at his expense, upon discontinuance of the use of the right-of-way for the purposes named in such agreements, dig out, pull up and remove all pipes, poles, wires, anchors, manholes and other fixtures and appurtenances and restore the surface of the right-of-way to the same condition, as nearly as it may be practical to do so, as the same were in prior to the entry thereon and the use thereof by the grantee;
 - (e) provide, when so prescribed by the minister, a bond to ensure the restoration of the surface to the condition required by the provisions of subsection (2)(c) and 2(d) above.
- (3) Notwithstanding anything in this Part, the compensation to be paid in respect of a right-of-way on provincial lands which are disposed of under agreement for sale shall be agreed to between the grantee and the purchaser at a rate which shall not be less than that payable under this Part, and such compensation shall be paid to the minister and applied by him on the purchaser's agreement for sale account.

SR 145/68; SR 237/74.

PART V IMPROVEMENTS

Improvement of land by leaseholder

- 1(1) If authorized by the minister, the holder of a lease of provincial lands may clear, break and work down the lands or seed cultivated lands to perennial forage.

(2) If a leaseholder is authorized to improve provincial lands pursuant to subsection (1), the minister, for any period determined by the minister, may continue to charge rent pursuant to the lease as though the land had not been improved so as to offset some or all of the costs incurred by the leaseholder in improving the lands.

27 Apr 2007 SR 25/2007 s17.

Improvement of land by Department

2(1) The costs of making or placing improvements upon provincial lands used or intended to be used for a project operated and maintained by the minister or before such lands are offered for disposition shall be paid out of funds appropriated for such purpose.

(2) The costs mentioned in subsection (1), in addition to the making and placing of improvements upon the lands, shall also include the purchase of materials and structures on, or to be brought onto, the lands and the transportation, alteration and repair thereof.

(3) Notwithstanding subsection (1), the minister may cause improvements to be made upon the consideration of the use of the land or of benefits to be derived from such improvements.

SR 145/68.

General provisions governing improvements

3(1) The minister may, at any time:

- (a) evaluate the improvements constructed, erected, placed, made or done on or brought onto provincial lands pursuant to subsection 39(3) of the Act; and
- (b) amend that evaluation.

(2) **Repealed.** 27 Apr 2007 SR 25/2007 s18.

(3) Where, upon termination of a disposition, the land or the improvements thereon are required for a public purpose, the minister shall pay the value of such improvements as if such disposition had been cancelled pursuant to subsection (13) of section 6 of Part III.

(4) Where, upon termination of a sale, the land or the improvements thereon are required for a public purpose, the minister may pay for such improvements at a value determined by agreement with the former purchaser or, if such agreement cannot be made and the improvements cannot be removed and are not required for such public purpose, at a value that the minister would consider fair and just if the land were offered for a new disposition.

(5) **Repealed.** 27 Apr 2007 SR 25/2007 s18.

(6) Except with the consent of the minister in writing, no person shall claim a personal estate, right, interest or equity in any improvements constructed, erected, placed, made or done on or brought onto provincial lands by him while he acted in an official capacity for, or with the authority of, the holder of the disposition of such lands or otherwise howsoever.

(7) In every disposition of provincial lands, unless the person acquiring the lands is the last former lessee or purchaser, the person acquiring the lands must either purchase the improvements that are on the lands or pay the minister for the use of the improvements that are on the lands, at a value fixed by and in the manner determined by the minister.

SR 145/68; 27 Apr 2007 SR 25/2007 s18.

PART VI

Repealed. 27 Apr 2007 SR 25/2007 s19.

PART VII

GENERAL PROVISIONS

1 Applications for dispositions of provincial lands shall be in writing and in such form and contain such information as the minister may require.

SR 145/68.

2 Any application for any disposition of provincial lands or for any rights in respect thereof may be refused by the minister for any reason that he deems sufficient in his absolute discretion.

SR 145/68.

3 Every disposition of provincial lands shall be in a form prescribed or approved by, or under the authority of, the minister and may be subject to such terms and conditions not inconsistent with the Act and these regulations as the minister may consider necessary or desirable.

SR 145/68.

4 No person shall have any rights, possessory or otherwise whatsoever, in any provincial lands until the instrument evidencing a disposition of such lands, or any rights therein, is executed and delivered by the minister, or by an officer of the department authorized under the Act to execute the same, and no arrangement, promise or agreement with respect to such rights shall otherwise be binding or enforceable, provided that the minister or such officer may, if he considers it necessary or desirable, authorize any person to use provincial lands without such instrument and thereupon such authorization shall be deemed a permit granted pursuant to subsection (5) of section 6 of Part III.

SR 145/68.

5 No person shall claim or be entitled to any compensation by reason of the withholding of any provincial lands from disposition or the refusal by the minister to dispose of such lands or of any interest therein.

SR 145/68.

6 Every person who occupies provincial lands without the authority of a disposition is a trespasser and any improvements constructed, erected, placed, made or done on, or brought onto such lands shall be deemed to have been forthwith forfeited to the Crown unless the minister otherwise directs.

SR 145/68; 27 Apr 2007 SR 25/2007 s20.

7(1) The holder of a disposition of provincial lands by lease, permit or purchase agreement shall destroy, control and prevent the spreading of noxious weeds and pests on the provincial lands unless the minister has under the disposition assumed the responsibility therefor.

(2) If the holder of the disposition fails to comply with subsection (1) the minister may enter, or authorize entry, upon the land and expend public monies for the destruction, control or prevention from spreading of noxious weeds or for repaying to any municipality its expenses for such purposes in respect of such lands, if such expenses were first authorized by the minister in writing. The minister may recover such expenditure as additional rent in arrear or as a debt due to the Crown or, in his discretion, by adding it to the purchase price as an instalment in arrear when the land is held under purchase agreement.

SR 145/68.

8(1) Repealed. 27 Apr 2007 SR 25/2007 s21.

(2) Where failure to pay rent is due to causes beyond the control of the lessee, and no adequate measures of protection are available to him, the minister may amortize the rent due in any one year over the years following to a maximum of five years, with annual interest at a rate determined by him, providing however:

(i) That the lessee, in order to be granted the amortization referred to must obtain crop insurance coverage for the crop year following the year referred to in subsection (2).

(ii) That in the event that in any year during such period of five years, the lessee due to reasons beyond his control again fails to pay his rent, no such amortization of that year's rent shall be permissible.

(iii) This subsection does not apply to leases made primarily for the pasturing of livestock or to cultivated land required to be seeded to grass for pasture.

SR 281/75; SR 44/83; 27 Apr 2007 SR 25/2007 s21.

9 Repealed. 27 Apr 2007 SR 25/2007 s22.

10(1) Where any department or agency of Canada or of the Province has remitted payment in full for provincial lands in behalf of a person who is, or is entitled to become, the purchaser of such lands the minister may:

(a) cause the transfer of such lands to be prepared conditionally for transmission by such department or agency to the Land Titles Registry;

- (b) on receiving verification of registration of the transfer in the Land Titles Registry, cause the duplicate copy of such transfer to be registered in the records of the department and such payment to be applied to revenue account as of the date that it was received.
- (2) A transfer under subsection (1) shall be null and void unless it is registered in the Land Titles Registry within ninety days from its date.
- (3) Where a purchaser, or a person entitled to become the purchaser, of provincial lands, or his agent, has remitted payment in full for such lands subject to certain conditions the minister may, subject to such assurances as he may require in respect of the payment of any fees payable by the transferee and otherwise, submit to the Land Titles Registry a transfer of such lands in the name of the purchaser subject to such condition as he deems appropriate. The minister shall, on receiving verification of registration of the transfer in the Land Titles Registry, cause the duplicate copy of such transfer to be registered in the department and such payment to be applied to revenue account as of the date that it was received.
- (4) Where provincial lands are transferred in exchange for other lands, the minister may cause all transfers and other instruments to be registered in the Land Titles Registry.
- (5) Where provincial lands are transferred to another department of the Province or of Canada, the minister may cause such transfer to be registered and the resultant duplicate certificate of title to be delivered to such department.

SR 145/68; 6 Jly 2001 cL-5.1 Reg 3 s20.

11 No disposition of an accrued area, other than a transfer, shall be construed as a declaration or affirmation that such area is permanently dry and the minister may at any time before the transfer of such area cancel the disposition and thereupon the holder under such disposition shall be entitled to compensation in accordance with subsections 6(13.1) and (13.2) of Part III, which may include the refund in whole or in part of any purchase monies paid by such holder.

SR 145/68; 27 Apr 2007 SR 25/2007 s23.

12 No former purchaser or former lessee or other person shall have any claim against the Crown or any officer thereof or against the holder of a subsequent disposition in respect of any chattels or other personal property remaining after the expiry or termination of a disposition of such lands, or otherwise howsoever, and such chattels or other personal property may be disposed of by the minister as he sees fit after having mailed to such former purchaser or former lessee or other person, when known, at his last known address a notice to remove the same.

SR 145/68.

13 Where by these regulations or by the terms of any agreement in respect of provincial lands the minister is required to give notice, such notice shall be sufficient if signed by the minister or by any officer by the direction and with the authority of the minister and shall be deemed to be duly given and served if posted, prepaid and registered, to the last known address of the person for whom it is intended, unless the contrary is expressed in such regulations or agreement.

SR 145/68.

14 The minister may perform all acts necessary to give effect to these regulations including all amendments and additions thereto and substitutions therefor, and where any question arises concerning the correct interpretation or intent of any terms, expressions or words used therein the decision of the minister shall be final.

SR 145/68.

PART VIII
SCHEDULE ONE

The fees payable to the department for the services listed in this Schedule, unless otherwise provided in these regulations, are the fees set out opposite the services.

SERVICE	FEE
1 For issuing a lease	\$200.00
2 For consolidating a lease.....	200.00
3 For adding a spouse's name at the time of the agreement or renewal of the agreement.....	no charge
4 For recording a sublease	200.00
5 For executing an assignment of:	
(a) a sale agreement.....	200.00
(b) an agricultural lease	as prescribed by the minister but never less than \$200.00
(c) a non agricultural lease.....	200 per lease to a maximum of \$2,000 if more than 10 leases are assigned at one time
6 For recording a change of name.....	100.00
7 For issuing a permit	40.00
8 For reinstating any disposition.....	100.00
9 For processing a transfer	200.00
10 For issuing a certified copy of any document	
per page	4.00
Minimum	20.00
11 For issuing a certificate required in conjunction with any document or instrument	40.00
12 For exchanging land proposed by the owner of private land	a percent of the total value of lands to be exchanged as set by the minister

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13	For providing services beyond normal functions of responsibilities of the department	as prescribed by the minister
14	Exploration permit fee	40
15	Exploration permit land access fee.....	0.50 per acre
16	Fee for preparing a sand and gravel lease	200
17	Annual fee for acres in a sand and gravel lease not covered by a removal authorization	2 per acre
18	Annual fee for active acres in a sand and gravel lease covered by a removal authorization	10 per acre
19	Disturbed acreage charge for acres in a sand and gravel lease to which a removal authorization applies.....	150 per acre
20	Royalty for sand or gravel.....	0.20 per cubic metre
21	Reclamation deposit	2,500 minimum up to 5 acres and 500 for each additional acre
22	Road Construction Material permit	40
23	Road Construction Material disturbed acreage charge.....	150 per acre
24	Test holes:	
	(a) excavations created by a backhoe.....	5 per excavation
	(b) excavations created by a dragline.....	10 per excavation
	(c) holes created by an auger	5 per hole
25	For registering an easement.....	75
26	For providing a land value report for the purposes of Schedule Two	as prescribed by the minister

SR 99/90; SR 54/93; 2 Jan 98 SR 110/97 s15; 14 Nov SR 107/2008 s4.

Schedule Two

[Part II, sections 1 and 4, Part IIA and Part IIB]

SALE OR PURCHASE PRICE OF LAND AND IMPROVEMENTS

1 The sale price of land and improvements sold by the Department must be at a value that includes any special features of the land, including location, potential use, the presence of forest products or the presence of deposits of sand and gravel or subsurface minerals, and the value of the improvements determined in accordance with this Schedule.

2 The value of land is to be determined, at the minister's discretion, either:

(a) by the Department in accordance with accepted appraisal practices and procedures; or

(b) by an accredited appraiser whose qualifications and procedures are acceptable to the minister.

3 The resale value of any improvement is to be determined by the Department in accordance with accepted valuation practices and procedures.

4 The value of each quarter section or parcel of land may be adjusted to the nearest \$100.

5(1) In this section:

(a) **“comparable land”** means land:

(i) that is located in the same area as the land to be purchased;

(ii) that is similar in type and quality to the land to be purchased; and

(iii) for which a market price is available;

(b) **“land”** means land together with any improvements on the land;

(c) **“market price”** means a sale price recently determined by an arm's-length transaction.

(2) The minister may authorize the purchase of any land if the minister considers the purchase to be in the interest of the Department.

(3) Subject to subsection (4), the price paid for land purchased pursuant to subsection (2) must not exceed an amount equal to the market price of comparable land plus 10%.

(4) If land mentioned in subsection (2) cannot be purchased at a price that meets the requirements of subsection (3), the minister may authorize the purchase of the land at a price that does not exceed an amount equal to the market price of comparable land plus 20%.

(5) If land mentioned in subsection (2) cannot be purchased at a price that meets the requirements of subsection (4), the Lieutenant Governor in Council may authorize the purchase of the land at a price that exceeds an amount equal to the market price of comparable land plus 20%.

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SCHEDULE THREE

Repealed. 27 Apr 2007 SR 25/2007 s25.

SCHEDULE FOUR

Repealed. SR 50/76.

SCHEDULE FIVE

Repealed. 27 Apr 2007 SR 25/2007 s25.

SCHEDULE SIX

Surface Lease Fees and Rentals

DESCRIPTION	AMOUNT
1. First Year Development Fee: (includes wellsites and roads)	
(a) cultivated land	
(i) first 3 acres	\$780 per acre
(ii) each subsequent acre	390 per acre
(iii) existing trail	195 per acre
(b) pasture land	
(i) first 3 acres	720 per acre
(ii) each subsequent acre	360 per acre
(iii) existing trail	180 per acre
2. Annual Surface Lease Rental: (includes wellsites and roads)	
(a) cultivated land	
(i) first 3 acres (min. fee is for 2 acres)	610 per acre
(ii) each subsequent acre	305 per acre
(b) pasture land	
(i) first 3 acres (min. fee is for 2 acres)	590 per acre
(ii) each subsequent acre	295 per acre
3. Multiple Well Heads	350 per head
4. Easements (one time charge)	
(a) cultivated land	780 per acre
(b) pasture land	720 per acre
(c) domestic water pipeline	100 per acre

5. Temporary Work Space (one time charge)	
(a) cultivated land	390 per acre
(b) pasture land	360 per acre
6. Battery Site (including roads)	
(a) first year development fee	780 per acre
(b) annual rental fee - first 3 acres (min. fee is for 2 acres)	1350 per acre
(c) each subsequent acre	305 per acre
7. Surface Lease Amendment Fee	200

5 Apr 2007 SR 19/2007 s2; 11 Jly 2008 SR
58/2008 s5.