

# *The Alkali Mining Regulations*

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Saskatchewan Regulations 444/67 (effective December 6, 1943) as amended by Saskatchewan Regulations 518/64, 443/67, 442/67, 441/67, 440/67, 439/67, 438/67, 437/68, 436/68, 356/76, 16/78, 25/79, 49/87, 59/90, 89/92, 43/1999 and 58/2003.

**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.



## SASKATCHEWAN REGULATION 444/67

under *The Mineral Resources Act*

REGULATIONS UNDER THE MINERAL RESOURCES ACT GOVERNING THE DISPOSAL OF THE RIGHTS, THE PROPERTY OF THE CROWN, TO NATURAL ACCUMULATIONS OF SOLUBLE MINERAL SALTS AND ASSOCIATED MARLS, EXCEPTING THE LANDS COVERED BY LITTLE LAKE MANITOU

These regulations shall be known as “Alkali Mining Regulations”.

“**Minister**” shall mean the Minister of Natural Resources.

“**Surveyed land.**” No land shall be held to be surveyed or resurveyed until the official plan of the survey or resurvey has been confirmed by the Controller of Surveys.

“**Adjoining lands**” shall be those which are not separated by a section, or by any of the regular subdivisions into which a section may be divided.

“**Alkali,**” for the purposes of these regulations, shall be interpreted as including all natural accumulations of soluble mineral salts and associated marls, which occur at, or in the opinion of the Minister, near the surface, including salt marshes, saline sloughs, saline lake basins, brine springs, brine streams and all other types of natural accumulations of soluble mineral salts, whether such salts occur in a solid state or in solution.

“**Alkali mining location**” shall mean an area containing natural accumulations of soluble mineral salts and associated marls, located or staked in accordance with these regulations.

“**Saline solution**” or “**Brine**” for the purpose of these regulations may be defined as an aqueous solution of mineral salts occurring in a natural state and containing more than one per cent. of mineral salts in solution.

“**Group**” shall mean two or more locations described in leases acquired under these regulations, consolidated under one ownership, for the purposes of operation, but the total area included in a group shall not exceed nine square miles.

“**Locator**” shall mean the person who locates or stakes an alkali mining location in unsurveyed territory in the manner prescribed in these regulations.

“**Lessee**” means any individual, company, corporation or municipality, the holder of a lease in good standing, acquired under the provisions of these regulations.

“**Year**” shall mean a period of twelve consecutive calendar months.

“**Mining Recorder**” shall mean the Supervisor of Mines or other officer appointed by the government, for the particular purpose referred to.

**“Legal post”** shall mean a stake or post of any kind of sound timber of sufficient length so that when firmly planted in the ground in an upright position, not less than four feet of such post shall be above ground. The post must be of such diameter that when squared or faced for eighteen inches from the upper end, each face of the squared or faced portion shall be not less than four inches in width across the face for the full eighteen inches, or if a tree of suitable size is found in position, it may be made into a post by cutting the tree off not less than four feet from the ground, and squaring and facing the upper eighteen inches, each face of the portion so squared or faced to be not less than four inches in width. Whether a post is planted or a stump of a tree made into a post, a mound of stones or earth shall be erected around the base of the post, such mound of earth or stones to be not less than three feet in diameter on the ground, and not less than eighteen inches high, cone-shaped and well constructed.

**“Controller of Surveys”** shall mean the officer appointed by the government for the particular purpose referred to.

**1** The right to the naturally occurring “alkali” accumulations, the property of the Crown, may be leased by the Minister to applicants at an annual rental of \$1.00 an acre, payable yearly in advance.

(a) Provided, however, that these regulations shall not apply to lands occupied by any building or land falling within the curtilage of any dwelling house, or land for the time being actually under cultivation, except with the written consent of the owner or person in whom the legal estate therein is vested, or land valuable for water power purposes, or land on which is situated any church or cemetery, or land lawfully occupied for mining purposes, and excepting also lands lying within any incorporated city, town or village, except otherwise specially provided by the Lieutenant Governor in Council, or School Lands, Indian Reserves, Provincial or Dominion Parks, and military, naval, quarantine or other like reservations.

(b) The term of the lease is 20 years and is renewable for further terms of 20 years if the lessee furnishes evidence satisfactory to the minister to show that, during the term of the lease, the lessee has complied fully with the conditions of the lease and with the provisions of *The Crown Minerals Act* and these regulations.

(c) Provided that any applicant acquiring a lease under the provisions of these regulations, to extract alkali accumulations from any source of water supply to which *The Water Rights Act* applies, shall also acquire a water license under the provisions of the said Act.

7 Dec 43 SR 444/67 s1; 27 Jly 90 SR 59/90 s2;  
25 Sep 92 SR 89/92 s3.

**1a** Notwithstanding anything contained in sections 4, 6 and 7 of these regulations the Minister may in his discretion refuse any application for a lease and no applicant shall have any right whatsoever in respect of any alkali applied for until a formal lease has been executed on behalf of the Crown.

15 Nov 46 SR 443/67 s1.

**2** The maximum area of an alkali mining location shall be 1,920 acres, and no lessee shall be permitted to acquire a greater area except by assignment.

The area which a lessee shall be permitted to hold at any time under these regulations, acquired by assignment or otherwise, shall not exceed nine (9) square miles.

The minimum area which may be acquired under these regulations shall be forty (40) acres.

Provided that a person who has been granted a lease of a location, and who subsequently abandons or assigns the same, may, after the expiration of twelve months from the date of the said lease, be permitted to secure another location:

Provided further, however, that such right shall not be granted unless all payments on account of royalty to the Crown, due by such person, have been duly made up to the date of the registration by the department of the assignment of his right to such lease, or up to the date upon which the lease may be relinquished or cancelled.

Any person indebted to the department on account of royalty shall not be entitled to a lease under these regulations until his indebtedness shall have been paid in full or until he shall have otherwise placed himself in good standing.

7 Dec 43 SR 444/67 s2; 19 Nov 54 SR 437/67 s1.

**3** The location applied for, if it comprises surveyed land, shall consist of sections or legal subdivision of sections, but the several parcels comprising the location must adjoin, the greatest length of the location not to exceed six times the greatest breadth thereof, except by permission of the Minister, the whole area applied for not to exceed three square miles.

In unsurveyed territory, if at least one of the lines bounding the tract applied for has been surveyed, and the returns of such survey have been duly received in the office of the Controller of Surveys, an application for a lease of the rights under such tract may be considered under the provisions of this section.

7 Dec 43 SR 444/67 s3.

**4** Application for a location comprising surveyed lands shall be filed by the applicant in person, or by registered mail with the Mining Recorder at Regina, Saskatchewan, or with the District Superintendent for the district in which the rights applied for are situated for transmission to the Mining Recorder, but priority of the application shall be based upon the date of the receipt of such application in the office of the Mining Recorder at Regina, which shall be the office of record for all applications for alkali locations.

7 Dec 43 SR 444/67 s4.

5 Application for a location situated in unsurveyed territory shall contain a description by metes and bounds of the location applied for, and shall be accompanied by a plan showing the position of such location in its relation to some prominent topographical feature or other known point. The plan shall contain sufficient data to admit of the position of the location being definitely shown in the records of the department. The location shall be an area bounded by straight lines, running due north and south and due east and west. The length of such lines shall be 330 feet, or some multiple thereof, and the greatest length of the location shall not exceed six times its greatest breadth, unless by permission of the minister.

A location shall be made in the following manner:

(a) The location applied for shall be defined on the ground by the locator in person, by planting two legal posts at either the eastern or western extremity of the location, such posts to be numbered "1" and "2" respectively. No. 1 post shall be placed at the extreme southeastern or southwestern extremity of the location, and No. 2 post shall be due north from post No. 1. The distance between these posts shall be 330 feet, or some multiple thereof, and upon each post shall be inscribed the name of the locator and the date of the location. Upon post No. 1 there shall be written in addition to the foregoing the words "alkali location"; the distance to post No. 2 and a statement as to whether the area applied for lies to the right or to the left of a straight line drawn through posts No. 1 and No. 2. Thus: Alkali Location ..... feet to post No. 2; area lies to the.....of the line through post No. 1 and post No. 2. In addition to the two posts already mentioned, the locator shall place two or more such posts numbered respectively, 3, 4, etc., on which shall also be inscribed the name of the locator and the date of the location, at such points which best delineate the boundaries of the location.

When the tract which an applicant desires to lease has been located he shall immediately mark the line between post No. 1 and post No. 2 so that it can be distinctly seen in a timbered locality by blazing trees and cutting underbrush, and in a locality where there is neither timber nor underbrush he shall set legal posts or erect mounds of earth or rock not less than two feet high and two feet in diameter at the base in such manner that the direction of the line may be distinctly seen.

(b) All the particulars required to be inscribed on posts No. 1 and No. 2 shall be set out in the application and shall be accompanied by a plan showing the position of the tract in its relation to some prominent topographical feature or other known point, such plan to contain sufficient data to admit of the location being shown definitely in the records of the department.

(c) The locator shall post a written or printed notice on a conspicuous part of the location applied for, setting out his intention to apply within thirty days from the date of such notice for a lease of the alkali rights upon the said location.

(d) The application shall be accompanied by evidence supported by the affidavit of the locator in due form, to show that the above requirements of the regulations have been fully complied with.

**6** Application for a location situated in unsurveyed territory may be made by the locator in person to the Mining Recorder at Regina, Saskatchewan, or by mail on the prescribed form within thirty days from the date upon which the tract applied for was staked, otherwise it will not be considered. Where two or more make application, the Minister is to decide the successful applicant.

7 Dec 43 SR 444/67 s6.

**7** Where two or more persons lay claim to the same location, or to portions of the same location, situated in unsurveyed territory, the right to the lease shall be in him who can prove to the satisfaction of the Minister that he was the first to take possession of the tract in dispute by staking in the manner prescribed in these regulations, and that he made application for a lease within the specified time.

7 Dec 43 SR 444/67 s7.

**8** As soon as the survey of a township has been confirmed, all leases acquired under these regulations embracing any portion of such township so surveyed and confirmed shall be made to conform to the Provincial Lands System of Survey if the Minister so decides, by the substitution of a new lease describing by sections, legal subdivisions of sections, or regular portions of legal subdivisions, as nearly as may be, the tract embraced in the leasehold insofar as the township so surveyed is concerned. If any part of the leasehold is in territory which remains unsurveyed, it shall continue to be described as in the lease originally issued, until such portion is included in a confirmed survey.

7 Dec 43 SR 444/67 s8.

**9** As soon as the survey of a township has been confirmed, all leaseholds embracing any portion of the township so surveyed and confirmed shall be subject to the withdrawal forthwith from the lease, without any compensation to the lessees, of any portions which, in accordance with such confirmed survey, are found to be the property of the Hudson's Bay Company.

(a) Provided, however, that upon such withdrawal being made from any location in good standing, the rental paid on the land so withdrawn, in whole or in part may, in the discretion of the Minister, be refunded to the lessee.

7 Dec 43 SR 444/67 s9.

**10** No person shall enter upon for mining purposes, or shall mine upon lands owned or lawfully occupied by another until he has given adequate security to the satisfaction of the mining recorder for any loss or damage which may be thereby caused, and any person so entering, locating, prospecting, or mining upon any such lands shall make full compensation to the owner or occupant of such lands for any loss or damage so caused, such compensation, in case of dispute, to be determined by a court having jurisdiction in mining disputes.

7 Dec 43 SR 444/67 s10.

**11** The lessee shall not assign, transfer or sublet the rights described in his lease or any part thereof, without the consent in writing of the Minister being first had and obtained.

7 Dec 43 SR 444/67 s11.

**12** The boundary beneath the surface of alkali mining locations shall be the vertical planes in which their surface boundaries lie.

7 Dec 43 SR 444/67 s12.

**13** A fee of \$100.00, together with the rental for the first year of the location applied for, at the rate of \$1.00 an acre per annum shall accompany the application filed in the office of the mining recorder for the district in which the rights applied for are situated, and no application for a lease shall be accepted or recorded unless it is accompanied by the full amount of the rental for the first year at the above rate. The lease, when issued, shall bear date from the date of issue. If, during the term of the lease, the lessee shall fail to pay the rental in advance for each subsequent year at the rate of \$1.00 an acre per annum within thirty days after the date upon which the same became due, the lease shall, at the expiration of the period of thirty days provided for, lapse, and shall, after notice has been duly posted, be open to application under the provisions of these regulations without any declaration of cancellation or forfeiture on the part of the Crown.

7 Dec 43 SR 444/67 s13; 12 Jne 87 SR 49/87 s3;  
25 Sep 92 SR 89/92 s4.

**14** The application fee, together with all rentals paid in advance, shall be refunded if the rights applied for are not available.

7 Dec 43 SR 444/67 s14.

**15** The lease shall be in such form as may be determined by the Minister, in accordance with the provisions of these regulations.

7 Dec 43 SR 444/67 s15.

**16** The Minister may permit a lessee who has acquired by application, assignment or otherwise, more than one lease comprising adjoining locations, and containing a total area of nine square miles or less, to consolidate his operations and expenditure on one or more of the locations described in the leases affected. If the required expenditure is not incurred in connection with one or more of the locations in question, included in a group, within the period specified, and if evidence of such expenditure is not furnished within the prescribed period, the leases included in the group shall be subject to cancellation.

7 Dec 43 SR 444/67 s16.

17 The lessee shall expend in actual development or improvements upon the property leased, or, with the consent of the Minister, in experimental work for the benefit thereof, the sum of \$10,000 for each lease or group of leases. Not less than \$2,500 shall be expended on each lease or group during the first year, and a like sum the second year, and \$5,000 during the third year, unless sooner expended. The lessee shall submit annually at the expiration of each year an itemized statement of the amount and character of said expenditure during such year.

7 Dec 43 SR 444/67 s17.

#### Interpretation

18 In this section and sections 18.1 to 18.9:

(a) **“affiliate”** means an affiliated body corporate within the meaning of subsection 2(2) of *The Business Corporations Act*;

(b) **“anhydrous sodium sulphate”** means natural sodium sulphate from which the water has been removed;

(c) **“average annual selling price”** means, subject to section 18.2, the total amount of revenue received during a year by the producer and its affiliates respecting the arm’s-length sales or other dispositions of sodium sulphate from an operation, not including amounts received on account of transportation, divided by the total number of tonnes of anhydrous sodium sulphate sold or otherwise disposed of in arm’s-length transactions during the year;

(c.1) **“capital asset”** means tangible property installed at a producer’s operation that:

(i) is used in a production process that produces sodium sulphate or uses sodium sulphate as a feedstock in the production of another product; and

(ii) has a useful life of more than one year;

but does not include land or mineral rights;

(c.2) **“efficiency capital”** means new capital assets installed at a producer’s operation that are installed for the purpose of producing a significant improvement in the efficiency of a production process used at the producer’s operation, but does not include sustaining capital or capital assets that are installed for the purpose of producing products that are new to that operation;

(d) **“lease”** means a lease issued pursuant to these regulations;

(e) **“operation”** means an operation in Saskatchewan where sodium sulphate is processed and sold or otherwise disposed of, regardless of the location of the leased property from where the sodium sulphate is produced;

(f) **“processed”** includes treated, concentrated, refined, packaged or prepared for sale or other disposition;

(g) **“produced”** means removed from its *in situ* location;

(h) **“producer”** means a person who has the right to produce and sell or otherwise dispose of sodium sulphate pursuant to a lease;

(h.1) **“sustaining capital”** means capital assets that replace capital assets whose useful life has expired, if:

- (i) the replacement of the capital assets whose useful life has expired is necessary to maintain the ongoing viability of the operation; and
- (ii) the new capital assets do not improve the efficiency of a production process beyond the improvement that can be expected from the replacement of capital assets whose useful life has expired with new equivalent assets;

(i) **“year”** means a calendar year.

18 Jun 99 SR 43/1999 s2; 11 Jly 2003 SR 58/2003 s3.

#### **Royalty calculation**

**18.1** Subject to sections 18.2 to 18.5, every producer shall pay to the Crown, respecting each of the producer’s operations, a royalty on the value of anhydrous sodium sulphate sold or otherwise disposed of during a year, calculated in accordance with the following formula:

$$\text{Royalty} = P \times Q \times R \times S \times C - RC$$

where:

P is the average annual selling price;

Q is the number of tonnes of anhydrous sodium sulphate sold or otherwise disposed of by the producer and its affiliates from the operation during the year;

R is 4%;

S is a scaling factor that is determined by the amount of anhydrous sodium sulphate sold or otherwise disposed of by the producer and its affiliates from the operation during the year as follows:

- (a) 0.7 on the first 18,000 tonnes;
- (b) 1.0 on the next 18,000 tonnes;
- (c) 1.3 on the next 14,000 tonnes; and
- (d) 1.5 on the tonnes in excess of 50,000 tonnes;

C is the ratio of:

- (a) the difference between:
  - (i) the number of tonnes of anhydrous sodium sulphate produced from Crown lands that was sold or otherwise disposed of by the producer and its affiliates from the operation during the year; and
  - (ii) the number of tonnes of anhydrous sodium sulphate mentioned in subclause (i) for which a royalty is not payable in that year by reason of a royalty-free period granted to the producer pursuant to section 18.4;

to:

- (b) the total number of tonnes of anhydrous sodium sulphate produced that was sold or otherwise disposed of by the producer and its affiliates from the operation during the year; and

RC is the royalty credit claimed in accordance with sections 18.41 and 18.42 by the producer during that year.

11 Jly 2003 SR 58/2003 s4.

**Low proportion of sales**

**18.2** Where the volume of sodium sulphate sold or otherwise disposed of in arm's-length sales by the producer or its affiliates is, in the opinion of the minister, a low proportion of the total dispositions from an operation, the average annual selling price for the purposes of section 18.1 is a price approved by the minister.

18 Jun 99 SR 43/1999 s2.

**Equivalent amount to be paid**

**18.3** Where sodium sulphate is sold or otherwise disposed of by the producer in a form other than anhydrous sodium sulphate or retained by the producer or its affiliates for its own use, including where it is used as an input to make other products, the equivalent number of tonnes of anhydrous sodium sulphate, calculated by the producer and approved by the minister, shall be included for the purposes of calculating the royalty payable pursuant to section 18.1.

18 Jun 99 SR 43/1999 s2.

**Royalty-free period**

**18.4(1)** Where a producer engages in the development of a new product that uses sodium sulphate as an input, a royalty-free period of 24 months or an exemption from liability for paying royalties for 15,000 tonnes of anhydrous sodium sulphate or a finished product equivalent, whichever occurs or is applicable sooner, will be provided for the production of sodium sulphate, where:

- (a) the sodium sulphate is produced from Crown lands;
  - (b) the sodium sulphate is used as a feedstock in creating the new product; and
  - (c) the prior written approval of the minister has been obtained by the producer.
- (2) The 24-month period mentioned in subsection (1):
- (a) commences on the day that the minister's written approval is granted; and
  - (b) ends on the anniversary of the day mentioned in clause (a) that falls in the twenty-fourth month after the day the minister's written approval was granted

18 Jun 99 SR 43/1999 s2; 11 Jly 2003 SR 58/2003 s5.

**Royalty credit**

**18.41(1)** Subject to subsection (2) the producer may deduct from sodium sulphate royalties otherwise payable for the year a royalty credit equal to the sum of:

- (a) 40% of the costs of efficiency capital incurred by the producer in the year, including the following costs if the costs were submitted for approval between April 1, 2001 and March 31, 2006 and received the prior written approval of the Minister:
  - (i) the development costs of the new or improved production process that is installed at the producer's operation;
  - (ii) the purchase costs of the capital assets; and
  - (iii) the costs of transporting the capital assets to the producer's operation and installing them; and
- (b) amounts calculated in previous years pursuant to clause (a) that have not yet been deducted from sodium sulphate royalties.

(2) The royalty credit claimed in a year shall not exceed the amount that reduces sodium sulphate royalties payable for the year to zero.

11 Jly 2003 SR 58/2003 s6.

**Transfer of royalty-free period and royalty credits**

**18.42(1)** If a producer, as vendor, sells, transfers or disposes of an operation to another person, as purchaser, who is or becomes a producer, the following are transferred from the vendor to the purchaser for application against sodium sulphate royalties payable at the operation purchased:

- (a) any royalty-free period granted to the vendor with respect to that operation pursuant to section 18.4;
- (b) all royalty credits calculated pursuant to section 18.41 with respect to that operation that have not yet been deducted from sodium sulphate royalties.

(2) The royalty-free period transferred to the purchaser of the operation pursuant to subsection (1) ends at the earlier of:

- (a) the date that the 24-month period granted to the vendor pursuant to section 18.4 ends, as prescribed in clause 18.4(2)(b); and
- (b) the date that the operation has produced and consumed 15,000 tonnes of anhydrous sodium sulphate or finished product equivalent as prescribed by clauses 18.4(1)(a) to (c).

11 Jly 2003 SR 58/2003 s6.

**Payment of royalties**

**18.5(1)** On or before the last day of each quarter in any year, each producer shall:

- (a) estimate the values of the average annual selling price and the number of tonnes of anhydrous sodium sulphate to be sold or otherwise disposed of by the producer and its affiliates from the operation during the year;

- (b) submit a statement of royalty payable on a form acceptable to the minister; and
  - (c) pay to the minister an instalment of the royalty respecting that quarter, calculated in accordance with subsection (2).
- (2) The instalment of royalty payable respecting:
- (a) the first quarter of the year is 25% of the estimated royalty for the year, calculated on the estimate made in the first quarter;
  - (b) the second quarter of the year is the difference between 50% of the estimated royalty for the year, calculated on the estimate made in the second quarter of the year, and the amount paid pursuant to clause (a);
  - (c) the third quarter of the year is the difference between 75% of the estimated royalty for the year, calculated on the estimate made in the third quarter of the year, and the amount paid pursuant to clauses (a) and (b); and
  - (d) the fourth quarter of the year is the difference between the estimated royalty for the year, calculated on the estimate made in the fourth quarter of the year, and the amount paid pursuant to clauses (a), (b) and (c).
- (3) If the amount of an instalment calculated pursuant to clause (2)(b), (c) or (d) is a negative amount, the instalment payable for that quarter is zero.

18 Jun 99 SR 43/1999 s2.

**Final determination of royalties**

**18.6** On or before the last day of the month following the end of each year, the producer shall determine the amount of royalty payable for the year, based on the average annual selling price and actual number of tonnes of anhydrous sodium sulphate sold or otherwise disposed of in the year, and submit a statement of royalty payable on a form acceptable to the minister and:

- (a) where the amount of the royalty payable for the year exceeds the total of the instalments paid pursuant to subsection 18.5(1) for the year, the producer shall pay to the minister the difference between those amounts on or before the last day of the month following the end of the year; and
- (b) where the amount of the instalments paid pursuant to subsection 18.5(1) for the year exceeds the amount of the royalty payable for the year, the minister shall refund to the producer the difference between those amounts within 30 days after receipt of the producer's final royalty return for the year.

18 Jun 99 SR 43/1999 s2; 11 Jly 2003 SR 58/  
2003 s7.

**Interest payable**

**18.7(1)** On or before the last day of the month following the end of each year, each producer shall pay interest at the rate set out in subsection (2):

- (a) for the period from April 1 to June 30 in the year, on the amount, if any, by which 20% of the royalty payable for the year exceeds the amount remitted respecting the first quarter of the year;

- (b) for the period from July 1 to September 30 in the year, on the amount, if any, by which 42.5% of the royalty payable for the year exceeds the amount remitted respecting the first two quarters of the year;
  - (c) for the period from October 1 to December 31 in the year, on the amount, if any, by which 67.5% of the royalty payable for the year exceeds the amount remitted respecting the first three quarters of the year; and
  - (d) for the period beginning on January 1 in the year following, and ending on the day on which payment is received by the minister, on the amount, if any, by which 95% of the royalty payable for the year exceeds the total instalments paid pursuant to section 18.5 for the year.
- (1.1) Within 30 days after receipt of the producer's final royalty return for the year, the Minister shall pay interest to a producer at the rate set out in subsection (2):
- (a) for the period from April 1 to June 30 in the year, on the amount, if any, by which the amount remitted respecting the first quarter of the year exceeds 30% of the royalty payable for the year;
  - (b) for the period from July 1 to September 30 in the year, on the amount, if any, by which the amount remitted respecting the first two quarters of the year exceeds 57.5% of the royalty payable for the year;
  - (c) for the period from October 1 to December 31 in the year, on the amount, if any, by which the amount remitted respecting the first three quarters of the year exceeds 82.5% of the royalty payable for the year; and
  - (d) for the period commencing on January 1 in the year following, and ending on the earlier of the following, the amount, if any, by which the total of the quarterly instalments paid pursuant to section 18.5 for the year exceeds 105% of the royalty payable for the year:
    - (i) the day on which the producer's statement, submitted pursuant to section 18.6, is received by the Minister;
    - (ii) the last day of the month following the end of the year.

(2) For the purposes of subsections (1) and (1.1), the annual rate of interest to be used is the product of:

- (a) 1.2; and
- (b) the Bank of Canada bank rate as of December 31 of the preceding year.

18 Jun 99 SR 43/1999 s2; 11 Jly 2003 SR 58/  
2003 s8.

**When royalties considered paid**

**18.8** Royalties that are payable pursuant to section 18.1 and interest that is payable pursuant to section 18.7 are considered paid when the amount that is required to be paid is received by the minister.

18 Jun 99 SR 43/1999 s2.

**Minister may make determination**

**18.9** The minister may make determinations respecting any questions that arise from time to time pertaining to the interpretation of sections 18 to 18.8.

18 Jun 99 SR 43/1999 s2.

**19** If any arrears of rental or royalty are owing with respect to any location, the Minister may in the name of His Majesty assume absolute possession and control of the location, together with all buildings, works, machinery, and plant upon the location or used in connection with the operation thereof, and he may cause the same to be operated and may retain the whole or any part of the output until such arrears are paid, or he may sell the whole or any part of the said buildings, works, machinery or plant, by public auction on fifteen (15) days' notice and on such terms and conditions as may appear just and expedient.

7 Dec 43 SR 444/67 s19.

**20** The minister or any other officer or person designated by the Minister shall have the right to enter upon any land comprised within an alkali mining location, or the workings there; to examine all records, agreements for sale, financial statements and books of account of the lessee or operator of such mining location, and to make such other examination as may be deemed necessary in order to ascertain whether or not the terms of the lease for such location are being duly complied with.

7 Dec 43 SR 444/67 s20; 29 Aug 47 SR 442/67 s2.

**21** The lease shall in all cases include the alkali mining rights only, the property of the Crown, but the lessee may, upon application, be granted a yearly lease at the rental of one dollar (\$1) an acre per annum payable yearly in advance, of whatever area of the available surface rights of the tract described in the alkali mining lease the minister may consider necessary for the efficient and economical working of the rights granted under such lease.

7 Dec 43 SR 444/67 s21.

**22** In case the surface rights of an alkali mining location are covered by a timber license, grazing lease, petroleum lease, mining claim or other form of terminable grant which does not contemplate the issue of patent, the lease shall not authorize entry thereon, except the permission of the Minister is first had and obtained, and such permission shall be given subject to such conditions for the protection of the rights of such lessee or licensee as it may be considered necessary to impose.

7 Dec 43 SR 444/67 s22.

**23** In case the surface rights of an alkali mining location have been patented, or have been disposed of by the Crown under any Act or regulation which contemplates the earning of patent for such surface rights, and the lessee of the alkali mining rights cannot make an arrangement with the owner of the surface rights, or his agent, or the occupant thereof, for entry upon the location, or for the acquisition of such portion of the surface rights as may be necessary for the efficient and economical operation of the rights acquired under his lease, he may, provided the

mineral rights in the land affected, with access thereto, and the right to use and occupy such portion of the said land as may be necessary for the effectual working of the minerals therein, have been reserved to the Crown in the original grant of the surface rights, apply to the Minister for permission to submit the matter in dispute to arbitration. Upon receiving such permission in writing, it shall be lawful for the lessee to give notice to the owner or his agent, or the occupant, to appoint an arbitrator within a period of sixty days from the date of such notice, to act with another arbitrator named by the lessee, in order to determine:

- (a) What portion of the surface rights the lessee may reasonably acquire for the efficient and economical operation of the rights and privileges granted him under his lease;
- (b) The amount of compensation to which the owner or occupant shall be entitled.

The notice mentioned in this section shall be according to a form to be obtained upon application to the mining recorder and shall, when practicable, be personally served on the owner of such land, or his agent, if known, or the occupant thereof, and after reasonable efforts have been made to effect personal service without success, then such notice shall be served by leaving it at, or sending it by registered mail to, the last known place of abode of the owner, agent, or occupant, and by posting a copy of the same in the office of the Mining Recorder. Such notice shall be served, if the owner or his agent resides in the district in which the land is situated, ten days; if out of the district, and if in the province or territory, twenty days, and if out of the province or territory, thirty days, before the expiration of the time limited in such notice. If the owner or his agent, or the occupant of the land, refuses or declines to appoint an arbitrator, or when for any reason no arbitrator is so appointed in the time limited therefor in the notice provided for by this section, the Mining Recorder shall forthwith, on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent or occupant, or that such owner, agent or occupant wilfully evades the service of such notice, or cannot be found, that reasonable efforts have been made to effect such service, and that the notice was left at the last place of abode of such owner, agent or occupant, as above provided appoint an arbitrator on his behalf.

7 Dec 43 SR 444/67 s23.

**24** In case the two arbitrators cannot agree upon the award to be made, they may, within a period of ten days from the date of the appointment of the second arbitrator, select a third arbitrator, and when such two arbitrators cannot agree upon a third arbitrator, the Mining Recorder shall forthwith select such third arbitrator.

7 Dec 43 SR 444/67 s24.

**25** All the arbitrators appointed under the authority of these regulations shall be sworn before a Justice of the Peace to the impartial discharge of the duties assigned to them and after due consideration of the rights of the owner and the needs of the lessee, they shall decide as to the particular portion of the surface rights which the latter may reasonably acquire for the efficient and economical operation of the rights and privileges granted him under his lease, the area thereof and the amount of compensation therefor to which the owner or occupant shall be entitled.

7 Dec 43 SR 444/67 s25.

**26** In making such valuation the arbitrators shall determine the value of the land irrespective of any enhancement thereof from the existence of minerals thereunder.

7 Dec 43 SR 444/67 s26.

**27** The award of any two such arbitrators made in writing shall be final, and shall be filed with the Mining Recorder within twenty days from the date of the appointment of the last arbitrator. Upon the order of the Minister the award of the arbitrators shall immediately be carried into effect.

7 Dec 43 SR 444/67 s27.

**28** The arbitrators shall be entitled to be paid a per diem allowance of five dollars (\$5), together with their necessary travelling and living expenses while engaged in the arbitration, and the costs of such arbitration shall be borne by the lessee.

7 Dec 43 SR 444/67 s28.

**29** The lessee may be permitted to relinquish at any time the whole or any portion of the location described in his lease, provided he has complied in every respect with the provisions of the regulations, and that all payments on account of rental or other liability to the Crown, due in connection with the lease, have been fully made, and provided the portion of the location which may be retained shall be of such shape as is satisfactory to the Minister, and shall not be of less area than forty acres.

7 Dec 43 SR 444/67 s29.

**30** The lessee shall furnish such returns, plans, maps, etc., as the Minister may from time to time call for.

7 Dec 43 SR 444/67 s30.

**31** Any default in carrying out the terms of the regulations, and any infringement of the rules contained therein, and any falsification of any return called for, shall render the lease subject to cancellation in the discretion of the Minister.

7 Dec 43 SR 444/67 s31.

**32** Whenever a person becomes entitled to a renewal of a lease of alkali deposits or accumulations granted by His Majesty the King in the right of the Dominion of Canada, the Minister may at any time before such right expires grant a lease of such alkali deposits or accumulations for a period of twenty years subject to such terms and conditions, not inconsistent with these regulations, as he may determine.

7 Dec 43 SR 444/67 s32.

## SCHEDULE OF FEES AND RENTALS

Description	Fee
1 Application for permit:	
Local Resident of Little Lake Manitou area .....	\$10.00
Any other person .....	25.00
2 Lease application fee, per lease .....	100.00
3 Annual lease rental, per acre or fraction thereof .....	1.00
4 Registration of assignment .....	30.00
5 Search fee for each disposition:	
by mail .....	10.00
in person .....	10.00
6 Application for extension of time or other concession:	
where no Order in Council required, per disposition .....	30.00
where Order in Council required, per disposition .....	100.00
7 Copy of permit or lease, per document .....	15.00
Copies of any other documents, per page .....	1.00
Certified copies of any documents, per document .....	15.00
8 Change of name of recorded holder of disposition (other than an assignment), per disposition .....	30.00.

25 Sep 92 SR 89/92 s5.

**Little Lake Manitou**

**33(1)** Notwithstanding anything contained herein the Minister may, as, in his discretion, he may deem fit, issue a permit to a person, allowing such person to mine and take Sodium Sulphate, the property of the Crown, from Little Lake Manitou or surrounding area, or any part thereof.

(2) The fee for the issuance of such permit shall be \$10.00, if the applicant is a local resident of the Little Lake Manitou area, and \$25.00 for any other person.

(3) A permittee shall pay to the Crown, royalty on all Sodium Sulphate taken from the property under the permit, as follows:

(a) 10c per hundred pounds, or a fraction thereof, if the permittee is a local resident of Little Lake Manitou area;

(b) 25c per hundred pounds, or fraction thereof, if the permittee is a person other than a local resident of Little Lake Manitou area.

(4) A permittee shall furnish the Minister with sworn returns monthly, or at such times as may be specified, accounting for the full amount of Sodium Sulphate taken from the property under permit, and shall, when so directed by the Minister, make and deliver all such other true and proper returns and statistics in connection with the operation, as the Minister may require.

(5) Any permit issued pursuant to this section may be cancelled by the Minister upon giving thirty days prior notice in writing to the permittee of his intention to do so.

19 Nov 54 SR 437/67 s2; 25 Sep 92 SR 89/92 s6.

## ALKALI MINING REGULATIONS

### INDEX

The reference number at the right indicates the section number, and the bracketed reference number indicates the subsection.

Abandonment .....	2
Alkali accumulations, lease of .....	1
Alkali location, manner of staking in unsurveyed territory .....	(a) 5
Application, for alkali locations on surveyed land .....	4
when binding on Department .....	5
inscription on posts required on accompanying plan .....	(b) 5
accompanied by affidavit .....	(d) 5
time allowed to make .....	6
conflicting on unsurveyed land .....	7
fee and rental .....	13 and 14
for surface rights .....	21
Arbitration, 60 days to appoint .....	23
serving of notice .....	23
appointment of third arbitrator .....	24
arbitrators to be sworn .....	25
valuation by .....	26
award of arbitrators .....	27
per diem allowance .....	28
Arrangements to be made with owner of surface .....	23
Area, of alkali mining location .....	2
length and breadth .....	3 and 5
acquired by assignment .....	2
Arrears to be paid .....	2
of royalty and rental .....	13 and 14
Assignment, must have consent of Minister .....	11
Bond of Indemnity .....	10
Boundary .....	12
Cancellation .....	31
Compensation .....	10
Conflicting leases .....	22
Development expenditures .....	17
Exception of land from regulations .....	(a) 1
Expenditures for development .....	17
Grouping .....	16
Hudson Bay Lands withdrawn upon survey .....	9
Inspection of records and premises .....	20
Land, excepted from regulations .....	(a) 1
Hudson Bay .....	9
Lease, of alkali accumulations .....	1
term of .....	(b) 1
execution by Minister .....	5
new, in subsequent land .....	8

assignment of .....	11
rental in advance .....	13 and 14
renewal .....	32
form of .....	15
grouping of .....	16
conflicting with another .....	22
permission to relinquish .....	29
cancellation of .....	31
License, required where Water Rights Act applied .....	(c) 1
Location, minimum and maximum area of .....	2
new, after expiration of lease .....	2
length and breadth .....	3
application on surveyed land .....	4
application on unsurveyed land .....	5
manner of making .....	(a) 5
Method of marking location .....	(a) 5
Maps, furnished on demand .....	30
Mining on lands lawfully occupied by another .....	10
Notice, of intention to apply for lease .....	(c) 5
to appoint arbitrator .....	23
serving of .....	23
Penalty for default .....	31
Permission to relinquish location .....	29
Plan, of location in unsurveyed territory .....	(b) 5, 5
of mine or workings .....	30
Protection, conflicting leases .....	22
Records, inspection of .....	20
Rental, per acre .....	1 and 13
refund of excess .....	(a) 9
refund if rights not available .....	14
Returns, furnished on demand .....	30
Relocation, when entitled to new lease .....	2
Rights, water .....	(c) 1
surface .....	21
Royalty, when payable .....	18
arrears .....	19
Serving of notice .....	23
Sketch .....	5
Staking on unsurveyed .....	(a) 5
Substituting new lease on subsequent land .....	8
Surface rights .....	21
arrangements to be made with owner .....	23
Survey, Hudson Bay Lands withdrawn upon .....	9
substitution of new lease upon .....	8
Terms of lease .....	(b) 1
Unsurveyed land, manner of application .....	5
manner of location .....	(a) 5
conflicting applications .....	7
Water license required .....	(c) 1

**Editorial Appendix**

Diagrams I, “Method of Staking Alkali Claim in Unsurveyed Territory” and II “Alternative Method of Staking Alkali Claim in Unsurveyed Territory”, of SR 444/67 have not been reproduced in this consolidation; these diagrams may be found in Vol. 39, 1943 of *The Saskatchewan Gazette*, December 7, 1943, pages 21 and 22.

