



## CHAPTER 97.

## An Act to amend the "Water Act, 1939."

1939, c. 63; 1940, c.  
57; 1941-42, c. 50;  
1944, c. 56; 1945,  
c. 78.

[Assented to 3rd April, 1947.]

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Water Act, 1939, Amendment Act, 1947." Short title.
  
2. Section 2 of the "Water Act, 1939," being chapter 63 of the Statutes of 1939, is amended as follows:—
  - (a.) By striking out of the definition of "conditional licence" the word "and" where it first occurs in the second line, and substituting "or."
  - (b.) By inserting immediately after "limit," in the definition of "regulate," the words "open, shut."Amends s. 2.
  
3. Section 13 is amended by striking out clause (i), which was added to said section by chapter 50 of the Statutes of 1941-42, and substituting the following:—
 

"(i.) To increase or reduce the quantity of water authorized to be diverted or stored where it appears to have been erroneously estimated."

Amends s. 13.
  
4. Section 18 is amended by adding to subsection (6) the following: "Where the Engineer reports in writing to the Comptroller that he examined the works authorized under the licence and found them unfit or unsuitable for use or that he examined the place of use referred to in the licence and found no indication of recent beneficial use of water, the onus shall lie on the licensee to prove that he has complied with the provisions of the Act, the regulations, and the licence." Amends s. 18.

- Amends s. 22. 5. Section 22 is amended by inserting immediately after "Comptroller," in the seventh line, the words "or so much thereof as is payable forthwith."
- Amends s. 34. 6. Section 34 is amended by adding to subsection (1) the following: "and to order any person to remove from any stream any such substance or thing that he has put into or permitted to get into the stream."
- Amends s. 37. 7. Section 37 is amended as follows:—  
(a.) By striking out clause (g), and substituting the following:—  
" (g.) Places, maintains, or makes use of any obstruction in the channel of any stream without authority."  
(b.) By striking out clause (j), and substituting the following:—  
" (j.) Constructs, maintains, operates, or uses any works without authority."  
(c.) By inserting immediately after "Engineer," in the third line of clause (k), the words "or Water Recorder."
- Amends s. 43. 8. Section 43 is amended by adding the following as clause (g):—  
" (g.) The use of any stream for floating timber and the construction, maintenance, operation, alteration, and removal of booms and other installations in the stream."
- Amends s. 46. 9. Section 46 is amended as follows:—  
(a.) By inserting immediately after "Arbitrator," in the third line, the word "Receiver."  
(b.) By inserting immediately after "done," in the fourth line, the words "or left undone."
- Amends s. 47. 10. Section 47 is amended by inserting immediately after "Comptroller," in the second line, the words "Water Recorder."
- Amends s. 53. 11. (1.) Section 53 is amended by striking out subsection (1), and substituting the following:—  
" (1.) Except as otherwise provided in the Letters Patent, the powers of every improvement district shall be exercised and its property managed by Trustees elected by the owners of land in the improvement district, but no owner shall be entitled to vote at an election unless:—  
" (a.) He is a Canadian citizen;  
" (b.) He is twenty-one years old or older; and  
" (c.) He is entitled to be registered as a voter under the 'Provincial Elections Act.' "
- Further amends s. 53. (2.) Section 53 is further amended by adding the following to subsection (5): "and if the vacancies are not then filled, the

Lieutenant-Governor in Council may appoint as Trustees such persons as he thinks proper to fill the vacancies, and it shall not be necessary for any person so appointed to be an owner of land in the improvement district."

(3.) Section 53 is further amended by adding the following as subsection (7) :— Further amends s. 53.

"(7.) Notwithstanding the provisions of this section, the Lieutenant-Governor in Council may appoint the first Trustees of any improvement district, or may appoint a person to conduct the first election of Trustees, and may prescribe the procedure to be followed in conducting any election under this Act."

12. Section 63 is amended by adding the following as subsection (3) :— Amends s. 63.

"(3.) Within one month after the holding of a general meeting of an improvement district the Trustees shall furnish the Comptroller with a true copy of every auditor's report and financial statement presented to or discussed at such meeting."

13. All Letters Patent issued under the "Water Act, 1939," before the coming into force of this Act, except those constituting the Ellison Irrigation District, are hereby declared to be valid and subsisting Letters Patent according to the tenor thereof and shall be deemed to have been validly issued on the respective dates of their issuance. Validates Letters Patent issued before commencement of this Act.

14. The Letters Patent of the Ellison Irrigation District issued on the thirtieth day of January, 1946, are hereby declared to be valid and subsisting Letters Patent according to the tenor thereof and shall be deemed to have been validly issued on the said date of issue. Validation of Ellison Irrigation District.

15. (1.) Except as provided in subsection (2), this Act shall come into force on the day of assent. Commencement.

(2.) Section 14 shall come into operation on a day to be fixed by the Lieutenant-Governor by his Proclamation.

VICTORIA, B. C.

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1947