

Instructions for Completing Easement under *The Water Security Agency Act*

The attached Easement is in the form prescribed under *The Water Security Agency Act* and *Regulations*. The easement is to be obtained from the owner(s) of lands affected by the works, **other than the lands on which the works are located**.

It is possible that persons other than the owners in fee simple have an interest in the lands involved. Where that is the case, it is the Grantee's responsibility to obtain such consents as may be necessary from those persons.

Names and Descriptions

1. Grantor

The full name and address of the Grantor and the full legal description of the Grantor's lands which will be directly affected by the works is to be inserted on page 1.

2. Grantee

The full name and address of the Grantee and the full legal description of the Grantee's lands on which the works are located, is to be inserted on page 1.

It should be noted that the names, addresses and legal descriptions should be the same as that shown on the Land Titles.

Description of Works

A description of the works is to be inserted on page 1 including dams, dykes, reservoirs, ditches, pumps, culverts, control structures, etc. where appropriate, sizes and capacities should be indicated.

Consideration for the Agreement

On page 2, the consideration in exchange for the agreement should be inserted. The consideration could be payment of a sum of money or some other commodity. "One Dollar" should be inserted where there is no monetary exchange.

Conditions

1. Affect on Grantor's Lands (paragraph 2)

On page 2, insert a statement as to the manner in which the Grantor's lands will be affected by the works. The effect could include drainage or flooding a portion of land, using an existing ditch or watercourse, spillway route or some other direct affect for which an Easement is required.

2. Other Conditions

The easement contains six conditions which are prescribed by *The Water Security Agency Act* and regulations under the Act. Space is provided to insert additional conditions which may be agreed

upon between the parties to the agreement. If required, another page could be attached. Advice should be obtained from a solicitor with respect to the nature and wording of any additional conditions which are added to the Easement.

Signatures

The agreement is to be dated and signed on page 3, by the Grantor and Grantee, before a witness. If a title of the Grantor's or Grantee's lands shows more than one person as the registered owner, (i.e. two persons, as joint tenants or tenants in common) all must sign.

Affidavits

(a) Homestead (Grantor only)

Where the Grantor has a spouse and the spouse has ever lived on the land described on page 1, the spouse must complete and sign the "A. Declaration by Spouse of Grantor under *The Homesteads Act*" on page 3. The spouse must then appear before a Notary Public, Solicitor, or other authorized official, who will examine the spouse separate and apart from the Grantor, and complete the "B. Certificate under *The Homesteads Act*" on page 4.

OR

Where the Grantor has no spouse, or if the Grantor has a spouse but the spouse never lived on the lands described on page 1, or has not resided in Saskatchewan since the marriage, **instead of the above**, the Grantor must appear before a Commissioner for Oaths, Notary Public, or other official empowered to take affidavits and execute the "Affidavit of Grantor under *The Homesteads Act*" on page 5. **Note that two of the three paragraphs (2) which do not apply must be deleted.**

(b) Witness

The witness(es) must appear before a Commissioner for Oaths, Notary Public or other official empowered to take affidavits and complete an "Affidavit of Execution", found on pages 5 and 6.

Completion

The Grantor and Grantee should each retain a copy of the completed agreement. The original completed agreement is to be forwarded to the Water Security Agency.

When all required Easements have been properly completed, executed and received by the Water Security Agency an Approval to Construct and/or an Approval to Operate is issued, the Water Security Agency will register an "Certificate" in the Saskatchewan Land Titles Registry, under Section 65 of *The Water Security Agency Act*. The Certificate is registered against the titles of the lands affected by the works and the lands on which the works are located. Registration of the Certificate creates an Easement as to the rights, benefits and responsibilities resulting from the approval. The easement is attached to the lands against which the Certificate is registered and is binding upon present and future owners of the lands pursuant to Section 65(4) of *The Water Security Agency Act*.