

Easement
under Section 65 of
The Water Security Agency Act

THIS AGREEMENT MADE BETWEEN:

OF

Insert Full name of Grantor

hereinafter called the “Grantor”, Insert Address of Grantor

- and -

Insert Full name of Grantee

OF

Insert Address of Grantee

hereinafter called the “Grantee”.

WHEREAS the Grantor is the owner of the following land:

ISC Surface Parcel #:					
LSD:	¼ Section:	Section:	Township:	Range:	Meridian:
and/ or	Lot:	Block:	Registered Plan #:		

hereinafter called the “Grantor’s lands”;

AND WHEREAS the Grantee is the owner of the following land:

ISC Surface Parcel #:					
LSD:	¼ Section:	Section:	Township:	Range:	Meridian:
and/ or	Lot:	Block:	Registered Plan #:		

hereinafter called the “Grantee’s lands”;

AND WHEREAS the Grantee has applied for an approval under *The Water Security Agency Act* to construct and operate works described as follows:

hereinafter called the “works”;

AND WHEREAS the works will impact the Grantor’s lands;

NOW THEREFORE in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor hereby grants to the Grantee an easement in the following terms and subject to the conditions contained in this easement or attached to this easement:

1. The Grantor consents and agrees to the construction and operation of the works;

Easement
under Section 65 of
The Water Security Agency Act

2. The Grantor agrees that the Works may affect the Grantor's lands in the following manner:
3. The Grantor consents to the effect on the Grantor's lands stated in paragraph 2 and to any other impact that the Works on the Grantor's lands that might reasonably be expected;
4. The Grantee shall operate the works in accordance with *The Water Security Agency Act* and the regulations under that *Act* and the approval to construct and operate the works
[Provincial Drainage Number: _____].
5. The easement created by this agreement is declared to be appurtenant to and for the benefit of the Grantee's lands;
6. A Certificate may be registered against the Grantor's lands and the Grantee's lands, pursuant to Section 65 of *The Water Security Agency Act*.

IN WITNESS WHEREOF the Grantor and Grantee hereunto set their hands this ____ day of _____, 20____.

Signed by the above named Grantor)
in the presence of:)

Print Name)

(Signature of witness)

Grantor

Signed by the above named Grantee)
in the presence of:)

Print Name)

(Signature of witness)

Grantee

Consent of Non-Ownning Spouses
(Declaration A)

I, _____, the non-owning spouse of
_____, consent to this Instrument.
(Full Name of Person on Title)

I declare that I have signed this consent for the purpose of relinquishing all my homestead rights
in the property described in this Instrument in favour of _____
(Insert Grantee's Name)

_____ to the extent necessary to give effect to this Instrument.

Signature of Non-Ownning Spouse

This is a requirement if the owner of the land has a spouse who is not on title and both spouses have lived on the land.

Note that there could be more than one spouse if one of the owners was cohabiting with someone as a spouse for not less than 2 years, within the previous 24 months.

***The Homesteads Act, 1989 - Certificate of
Acknowledgement
(Certificate B)***

I, _____, _____
(Indicate capacity)

certify that I have examined _____ the non-owning spouse of _____ the owning spouse in this Instrument, separate and apart from the owning spouse. The non-owning spouse acknowledged to me that he or she:

- (a) signed the consent to this Instrument of his or her own free will, and without any compulsion on the part of the owning spouse; and,
- (b) understands his or her rights in the homestead.

I further certify that I have not, nor has my employer, partner or clerk, prepared this Instrument, and that I am not, nor is my employer, partner or clerk, otherwise interested in the transaction involved.

Signature

This is a requirement if the owner of the land has a spouse who is not on title **and** has lived on the land.

Notes

1. Declaration A, on page 3, must be signed by the non-owning spouse of the Grantor if he or she has ever lived on the land affected. The non-owning spouse must then appear before a proper official to be examined separate and apart from the owning spouse and the official must execute Certificate B on this page.

OR

2. If the Grantor has no spouse, or has a spouse who has never lived on the land affected, instead of (1) above, the Grantor must execute the Homestead Affidavit under *The Homesteads Act*, on page 5.

Homestead Affidavit
(Affidavit D)

I, _____ of _____ in the
Province of _____, make oath and say:

1. I am Grantor, named in the within Instrument.
2. My spouse and I have not occupied the land described within this Instrument as our homestead at any time during our marriage.
- or -
2. I have no spouse.
- or -
2. My spouse is a registered owner of the land that is the subject matter of this Instrument and a co-signator of the within Instrument.
- or -
2. My spouse and I have entered into an interspousal agreement pursuant to *The Family Property Act*, in which my spouse has specifically released his or her homestead rights in the land that is the subject matter of this Instrument.
- or -
2. An order has been made by His Majesty's Court of King's Bench for Saskatchewan/Unified Family Court pursuant to *The Family Property Act* declaring that my spouse has no homestead rights in the land that is the subject matter within this Instrument and (the order has not been appealed and the time for appealing has expired) or (all appeals from the order have been disposed of or discontinued).
- or -
2. My spouse is the Grantee named within this Instrument.

SWORN BEFORE ME AT _____)
_____)
in the Province of Saskatchewan,)
_____)
this ____ day of _____, 20____.)
_____)
_____)
_____)

A Notary Public or Commissioner for Oaths
in and for the Province of Saskatchewan.
My appointment expires: _____.

(Signature of Grantor)

This is a requirement if the owner of the land has a spouse who is not on title **and** has lived on the land.

Affidavit of Execution
(To be completed by the Witness)

I, _____ of _____
in the Province of _____, _____
(occupation)

make oath and say as follows:

1. THAT I was personally present and did see _____, named in the within Instrument who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.
2. THAT the same was executed at _____ in the Province of _____, on the _____ day of _____, 20____, and that I am the subscribing witness thereto.
3. THAT I know the said _____ and he/she is in by belief of the full age of eighteen years.

SWORN BEFORE ME AT _____)
_____)
in the Province of Saskatchewan,)
_____)
this ____ day of _____, 20____.)
_____)
_____)
_____)

A Notary Public or Commissioner for Oaths
in and for the Province of Saskatchewan.
My appointment expires: _____.

(signature of witness)

This page is an optional inclusion, but not a requirement.

Affidavit of Execution
(To be completed by the Witness)

I, _____ of _____
in the Province of _____, _____
(occupation)

make oath and say as follows:

1. THAT I was personally present and did see _____, named in the within Instrument who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.
2. THAT the same was executed at _____ in the Province of _____, on the _____ day of _____, 20____, and that I am the subscribing witness thereto.
3. THAT I know the said _____ and he/she is in by belief of the full age of eighteen years.

SWORN BEFORE ME AT _____)
_____)
in the Province of Saskatchewan,)
_____)
this ____ day of _____, 20____.)
_____)
_____)
_____)

(signature of witness)

A Notary Public or Commissioner for Oaths
in and for the Province of Saskatchewan.
My appointment expires: _____.

This page is an optional inclusion, but not a requirement.

Affidavit of Execution
(To be completed by the Witness)

I, _____ of _____
in the Province of _____, _____
(occupation)

make oath and say as follows:

1. THAT I was personally present and did see _____, named in the within Instrument who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.
2. THAT the same was executed at _____ in the Province of _____, on the _____ day of _____, 20____, and that I am the subscribing witness thereto.
3. THAT I know the said _____ and he/she is in by belief of the full age of eighteen years.

SWORN BEFORE ME AT _____)
_____)
in the Province of Saskatchewan,)
_____)
this ____ day of _____, 20____.)
_____)
_____)
_____)

(signature of witness)

A Notary Public or Commissioner for Oaths
in and for the Province of Saskatchewan.
My appointment expires: _____.

This page is an optional inclusion, but not a requirement.