

NAME OF GUIDELINE: TRANSFER OF APPURTENANCY APPLICATIONS

APPLICATION: To provide assistance to technical and processing staff involved with Transfer of Appurtenancies

ISSUANCE: Director, Policy and Economic Development Branch

IMPLEMENTATION: Service Centres and Field offices
Land and Water Management Division

REFERENCES: Water Programs – Policy and Procedures Manual

RELATIONSHIP TO PREVIOUS GUIDELINES: N/A

Background

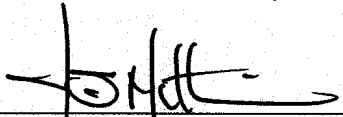
A Transfer of Appurtenancy is granted under Section 19 of the *Water Act* and may only be initiated at the request of the licensee. On compliance by the holder and by the transferee, with the Comptroller's or Regional Water Manager's direction as to giving notice, the Comptroller or Regional Water Manager may transfer the rights and obligations under a licence on the terms he or she considers proper. The objective of a Transfer of Appurtenancy can be to enlarge appurtenancy, include a new area of land due to a re-survey or to transfer a portion or all of the water rights to an entirely new parcel of land.

Processing a Transfer of Appurtenancy

In order to initiate a Transfer of Appurtenancy, an application must be filed by the licensee. The application must be signed by all the registered owners and persons having a substantial interest in the land (ie. registered option to purchase, etc.). Once an application for a Transfer of Appurtenancy has been filed by a licensee, approval holder or permit holder, it must be first determined that the transferee holds a valid interest in the new appurtenant land. This can normally be confirmed by checking the Land Titles database.

It should be determined whether the application is to transfer all of the water rights or only a portion of the water rights. It should also be determined whether or not the receiving appurtenant land is suitable and consistent with the purpose contained within the existing licence. This may require an on-site inspection or the review of air photos in order to make this determination.

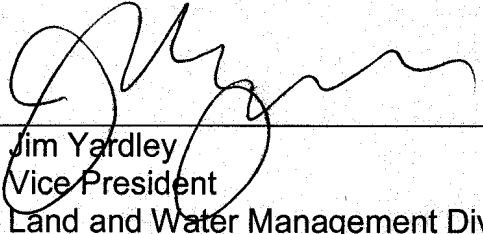
A Transfer of Appurtenancy will normally require new works and, therefore, it should be determined whether any other person's land may be affected by the proposed new works and whether or not there are any notification requirements. Notification should be given, in all cases, where a person's rights may be injuriously affected by the granting of a Transfer of Appurtenancy.



James S. Mattison
Executive Director
Strategic Initiatives Division

November 5, 2003

Date



Jim Yardley
Vice President
Land and Water Management Division

Nov 6/03

Date