

NAME OF GUIDELINE: ISSUING OF SECTION 14 FINAL WATER LICENCES

APPLICATION: To provide assistance to technical and processing staff involved with the issuance of Final Water Licences

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

The Comptroller or Regional Water Manager may issue a final water licence to a licensee authorizing the quantity of water found to have been used beneficially for the purpose authorized in the conditional water licence. A final water licence may be issued when the time for completing the works authorized under a conditional water licence has expired or anytime after the licensee has completed the works. Once a final licence has been issued the conditional licence is of no further effect.

Water allocation is based on the granting of rights in response to a proposed water use. Licensees are afforded a period of time to perfect or exercise those rights. Section 14 of the *Water Act* allows for bringing the licence granted into line with actual use. In cases where it has been determined that the quantity of water being beneficially used is less than the licensed quantity, a final licence can be issued for a reduced quantity. A final licence is never issued to increase the quantity of water authorized to be used. If a licensee is using more water than authorized, staff must consider whether enforcement action is appropriate. The licensee should be directed to cease using water in excess of the authorized amount and be directed to file an application for more water. Issuing of final licences, under Section 14 of the *Water Act*, has become less common recently, although it is a valuable tool to use in the appropriate circumstances.

Processing of Final Licences

In order to issue a final licence, it is first necessary to determine that the quantity of water is being beneficially used in the manner authorized under the licence. This often requires an on-site inspection and meeting with the licensee to obtain the necessary information regarding quantities of water diverted and the location of the point(s) of diversion and the associated works. In the case of irrigation licences, the area of land where the water rights are being exercised should also be confirmed. Tools which may be used to assist in determining the quantity of water being used and land area include; stopwatch, bucket, flumes, current meters, transit, hip chain, GPS, compass and pacing and other survey equipment, as well as recent air photos.

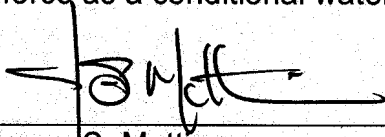
In many cases it is possible to use other alternative methods in order to obtain this information from the office without necessarily having to conduct an on-site inspection. The use of statutory declarations, air photo interpretations, as-built drawings and records of water use can often be used to gather the required information. In irrigation licences, once the irrigated area has been determined it is necessary to multiply this by the applicable duty in order to determine a quantity. For domestic licences a quantity of 500 gallons/day or 2,270 litres/day is common, however, in special circumstances the quantity could be adjusted. (NOTE: a metric system is expected to be in place in 2004).

SECTION
02

WATER PROGRAM
POLICY AND
PROCEDURES MANUAL

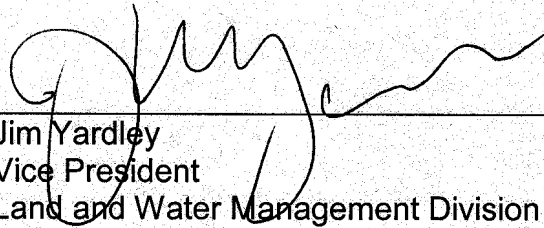
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Final licences often replace conditional water licences and have the same weight, effect or force as a conditional water licence.



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November 5, 2003
Date



Jim Yardley
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Nov 6/03
Date