

clare a forfeiture of the license, and the license so ordered or declared to be forfeited shall be cancelled and shall cease and determine.

Disposal of surplus water to applicants.

**34.** Any licensee shall dispose of any surplus water flowing in his works which is not being utilized or used for the purposes authorized, to any person applying therefor for irrigation purposes and tendering payment for one month in advance at the regular prices. 5

Payment by applicant.

2. Persons so applying shall pay an amount equal to the cost and expense of the works required to convey the surplus water to them, or shall themselves construct such works; and until this is done the delivery of surplus water need not be made. 10

Quantity of water to which applicant is entitled.

3. When the necessary works have been constructed and the payment or tender herein provided for has been made, the applicant shall be entitled to the use of so much of the surplus water as such works have the capacity to carry. 15

Limitation.

4. Nothing in this section shall be construed to give to any person acquiring the right to use surplus water any right to the said surplus water when it is needed by the licensee for the purposes authorized, or to waste or sell or dispose thereof after being used by him, or shall prevent the original owners from retaking, selling or disposing thereof in the usual or customary manner after it has been so used as aforesaid. 20

No discrimination in prices after stated time.

**35.** No licensee undertaking to sell water conveyed by his works shall, subsequent to the first four years after the construction of such works as are necessary to convey the water to the user, discriminate between the users of such water regarding the price thereof. 25

If supply of water is insufficient.

2. If from any cause the whole amount of water agreed to be supplied by a licensee is not available, then each user shall have furnished to him by the licensee so much water as shall bear to the available water the same proportion as his usual supply bears to the whole amount agreed to be furnished. 30

Penalty.

3. Any licensee violating these provisions shall be guilty of an offence against this Act and liable upon summary conviction to a fine not exceeding one thousand dollars for each and every such offence, or to imprisonment for a period not exceeding two months, or to both. 35

Storage of water.

**36.** The minister may grant to any licensee the right to store for irrigation purposes during periods of floods or high water, or during those portions of the year when water is not required for irrigation purposes, any water not being used during such periods. 40

Utilization for that purpose of existing works.

2. Should there be any works for the carriage of water which are not being utilized to their full capacity by their owner, and which can with advantage be utilized to carry the whole or any portion of the water desired to be stored any portion of the distance it is required to be so carried or conducted, without interfering with the use made of the said works by their owner, then the said works shall be placed at the disposal of the licensee desiring to so use it; and if the parties cannot agree upon the compensation to be paid for such service, the minister may fix the rate to be paid therefor. 50