
Water Powers of Canada

"Class C" - Where the power to be developed is to be sold, bartered or exchanged.

A licence in respect of a "Class A" or "Class B" application can be obtained by an "owner." "Owner" being defined by the Act as:—

- (a) Any registered owner in the book of indefeasible or absolute fees in any Land Registry Office in the Province;
- (b) Any purchaser or lessee in a registered agreement for purchase or lease;
- (c) Any applicant to register his title as owner or his agreement for purchase or lease;
- (d) Any pre-emptor, homsteader, or purchaser from the Crown in the right of either the Dominion or the Province, or any applicant to so pre-empt, homestead or purchase;
- (e) Any timber licensee or lessee;
- (f) Any other lawful occupant of land or of a mine;
- (g) Any legal representative of an owner (as herein defined) who has died, become insolvent, is a minor, is of unsound mind, or is otherwise under disability;
- (h) Any liquidator of a Company which is the owner of the land (as herein defined).

A licence in respect of a "Class C" application can only be acquired by a municipality empowered by an Act of the Legislature to acquire a licence for power purposes, or to a company authorized by its memorandum of association or by some Act of the Legislature to acquire a licence for that purpose, and in no case until the undertaking has been approved under the "Water Act, 1914."

The following is the procedure relating to the posting and filing of the notice and application for the licence:

(1) The applicant shall post on the ground at conspicuous points near the proposed point of diversion and proposed place of use a notice of his intention to apply for a licence; although printed forms are supplied, the Act does not require that the notice follow any particular form, but it must give the following particulars:—

- (a) The name and address of the applicant;
- (b) The Water Recorder's office in which the application is to be filed;
- (c) The name or a clear description of the stream the water of which is to be diverted or used;
- (d) The quantity of water applied for in acre-feet per annum, cubic feet per second, gallons per day, or miners inches;
- (e) The proposed point or points of diversion;
- (f) The purpose for which the water is to be used;
- (g) The number of the lot or section (and, if subdivided, the number or description of the subdivision) of the land or mine, and, if a mine, the name of the mine, upon which land or mine the water or power is to be used; and, in the case of a "Class C" application, a description of the territory within which the powers of the municipality or company in respect of its undertaking are to be exercised;
- (h) The date when the notice was posted on the ground.