

by the chief engineer and be forwarded to the department setting forth that the works have been completed in accordance with the application, that the right of way for the works has been obtained, that agreements have been entered into for the supply of water for the irrigation of lands which are not the property of the applicant, and that the works as constructed are capable of carrying and utilizing a stated quantity of water. 5

2. Upon receipt of such certificate the minister shall issue a license to the applicant for the quantity of water to which he is entitled, and such license shall be recorded in the office of the commissioner at Regina. 10

Priority of right

25. Licensees shall have priority among themselves according to the number of their licenses, so that each licensee shall be entitled to receive the whole of the supply to which his license entitles him, before any licensee whose license is of a higher number has any claim to a supply; and if a complaint is made to the minister, or to an officer authorized by him to receive such complaints, that any licensee is receiving water from a source of supply to which another licensee is entitled by virtue of priority of right, and that the licensee having such priority of right is not receiving the supply to which he is entitled, some officer to be named by the minister or the officer to whom complaint is so made, as the case may be, shall inquire into the circumstances of the case, and, if he finds that there is ground for the complaint, shall cause the head-gates of the ditch or other works of the licensee who is receiving an undue supply of water to be closed, so that the supply to which the other licensee is entitled shall pass and flow to his works. 15 20 25

Settlement of disputes.

Licensee's rights limited by capacity of works.

26. When any works for carrying water are not of sufficient capacity to carry the quantity of water acquired by their owner, his exclusive right shall be limited to the quantity which such ditch, flume or other contrivance is capable of carrying; and in case of dispute as to such quantity the minister may order an inspection of the works; and the report and finding of the inspecting officer as to the capacity thereof shall, for the purposes of this section, be final and conclusive. 30 35

Cancellation of license and reservation of water right in certain cases.

27. When the land to be irrigated by the water granted to a licensee is land for which letters patent from the Crown have not been issued, being held by the licensee under a homestead or other conditional entry or a lease in accordance with the provisions of *The Dominion Lands Act*, or under an agreement to purchase such land, the license for such water shall be cancelled upon receipt by the minister of a certificate of the cancellation of such homestead or other conditional entry, lease or sale agreement; but the water right necessary for the irrigation of such land may be reserved for such time as the minister determines, and may be disposed of, together with all works connected therewith, to the next occupant or purchaser of such land, upon such terms and conditions as the minister determines; and the new license issued for such water shall have the same number and hold the same priority of right as the original or cancelled license. 40 45 50