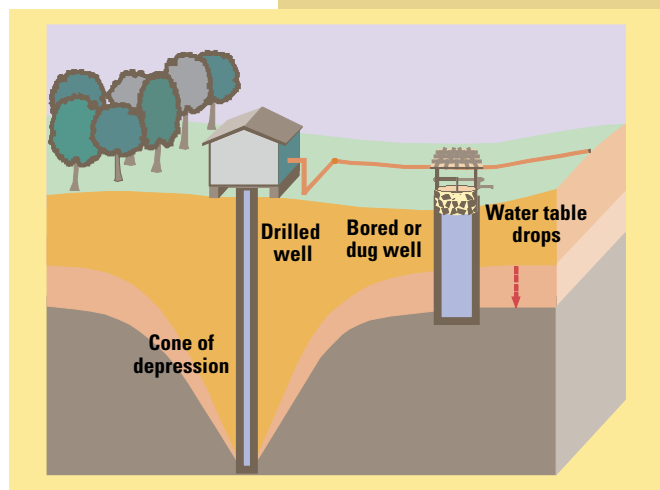


LEGISLATION, POLICY AND PERMITS – WATER-TAKING AND LOW WATER RESPONSE

To protect your rights and the rights of future water users, federal, provincial and local governments have created laws and guidelines that ensure an abundant supply of clean water.

Most of the water-related laws and guidelines that can directly influence the use of irrigation on your farm are listed at the end of this section. If you have concerns or questions regarding irrigation management on your property, be sure to contact relevant government agencies and be aware of bylaws in your area.



When large amounts of water are taken in a short period of time, a cone of depression is created in the area of deeper wells. This can cause neighbouring wells to run dry.

PERMIT TO TAKE WATER

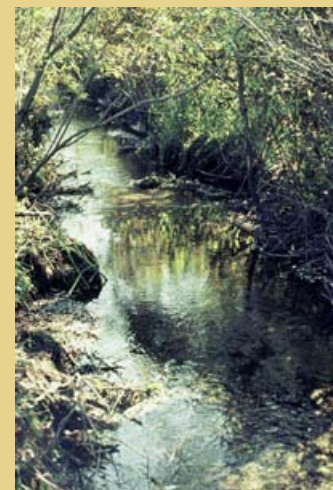
A Permit To Take Water is required if you're taking in excess of 50,000 litres (10,000 Imp gal) per day for any use other than general household activities or livestock watering. The permit is issued under the *Ontario Water Resources Act*.

The permit's purpose is to ensure all water users and the aquatic environment get their fair share while protecting the resource. To make application for a permit, contact your local office of the Ontario Ministry of the Environment. See the blue pages of your telephone directory for the office nearest you.

If you plan to use greater than 50,000 litres per day from surface water, such as rivers, streams, creeks and irrigation ponds supplied by surface waters, **you will be required to provide the following information** with your application for a Permit To Take Water:

- ▶ the flow rate of the river, stream or creek (preferably measured during summer)
- ▶ a location map – see following page
- ▶ the estimated daily rate of water used
- ▶ the volume of water required for irrigation
- ▶ Global Positioning System (GPS) coordinates of withdrawal site if available
- ▶ a completed application form.

Note that the best management practice for replenishing ponds from surface water is to “harvest” the water during peak or high flow. This helps to prevent taking water from watercourses at lowest flows.



Harvest water during higher flows (during spring and/or after heavy rainfall) when withdrawals will have minimum impact on stream flow.

LEGISLATION, POLICY AND PERMITS – WATER-TAKING AND LOW WATER RESPONSE

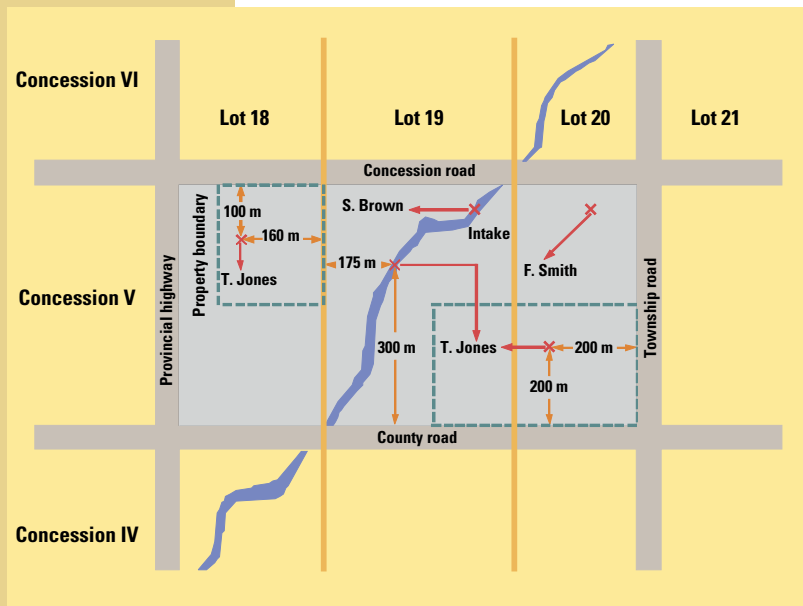
50,000 litres is equal to:

- 13,210 US gallons
- approximately ½ acre irrigated with 1 inch of water
- ½ hectare irrigated with 10 mm of water
- a 500 US gpm irrigation gun operating for 26 minutes
- a 100 m³/h irrigation gun operating for 30 minutes
- 24 hours of lawn watering (at 7 lmp gpm)

If you plan to use greater than 50,000 litres per day from ground water, either from a well, a pond replenished from a well or an excavated pond replenished directly by ground water, you may be required to provide the following information with your application for a Permit to Take Water:

- ▶ a completed Permit To Take Water application form
- ▶ GPS coordinates of withdrawal site if available
- ▶ a location map (see map below)
- ▶ water well records within the survey area
- ▶ details on pumping equipment and intake levels
- ▶ information on subsurface conditions, e.g., pits, drill holes or other excavations
- ▶ pumping test – indicate water level before and after maximum water-taking applied for and time taken for water level to recover.

The above information may be sufficient if ministry officials consider yours to be a low risk situation. Low risk means that there is minimal impact on surrounding users. If the taking is not deemed low risk, further information may be required by the Ontario Ministry of the Environment as determined by the specific situation.



Location maps for Permits To Take Water require general location (lot, concession, direction) as well as water supplies and wells within 0.3 miles (0.5 km) of your source of water. The map, together with estimates of water-taking and supply, will help in the assessment of potential impact on neighbouring users.

LEGISLATION, POLICY AND PERMITS – WATER-TAKING AND LOW WATER RESPONSE

ONTARIO LOW WATER MANAGEMENT

LOW WATER RESPONSE PLAN

The provincial Low Water Response program (developed in March 2000) outlines a process to address low water conditions during extended dry periods. This Ontario-wide approach enables a quick response during periods of low water conditions. Based on current legislation and regulations, it builds on existing relationships among the province, local government and agencies.

The Government of Ontario provides overall direction and coordinates policies. The province provides support where local declarations of extreme low water have been made. At the local level, conservation authorities bring together all the stakeholders (municipalities, ministries, farmers and other user groups) to plan strategies for dealing with low water.

The Ministry of Natural Resources leads the Low Water Response program at the provincial level. Staff from the Ministries of Natural Resources, Agriculture and Food, and Environment provide technical support and serve as advisors to the local Low Water Response teams.

There are three levels of low water response. At Level I, an information and education program is carried out. Everyone is encouraged to conserve water and decrease water use by 10%. Level II requires more conservation efforts with an additional 10% reduction in water use. At Level III, conditions have deteriorated to a point where the province is asked to implement regulations that allocate water use.

As an irrigator, you should consider:

- ▶ having representation on the Water Response Team
- ▶ ensuring you're included in the process of developing low water solutions and your interests are represented
- ▶ implementing more water-saving practices during low water in order to comply with the 10% reduction for Level I and an additional 10% reduction for Level II
- ▶ drawing water from a source other than streams during critical times.

LEGISLATION, POLICY AND PERMITS – WATER-TAKING AND LOW WATER RESPONSE

SOME OF THE LEGISLATION AND GUIDELINES PROTECTING WATER RESOURCES

LAW / GUIDELINE	GOVERNMENT AGENCY	GOAL	RELEVANCE TO LANDOWNER
COMMON LAW	Provincial Courts	<ul style="list-style-type: none"> generally, to protect the rights of people 	<ul style="list-style-type: none"> all landowners bordering water are entitled to have water flow through in its natural state (this relates to both water quality and quantity)
CONSERVATION AUTHORITIES ACT	MNR, Local Conservation Authority	<ul style="list-style-type: none"> to manage and conserve natural resources within watershed jurisdiction 	<ul style="list-style-type: none"> regulations may be in place controlling construction or the placement of fill adjacent to a watercourse
DRAINAGE ACT	OMAF	<ul style="list-style-type: none"> to allow landowners to obtain an improved outlet for their land drainage 	<ul style="list-style-type: none"> general prohibition against the discharge of polluting substances into a drain control of activities in or near a drain and connections to a drain
ENVIRONMENTAL PROTECTION ACT	MOE	<ul style="list-style-type: none"> to protect Ontario's land, water and air resources from pollution 	<ul style="list-style-type: none"> contaminants are not allowed to be discharged into the environment in excess of regulatory limits
FISHERIES ACT	Fisheries and Oceans Canada and Environment Canada	<ul style="list-style-type: none"> to protect fish and fisheries habitat 	<ul style="list-style-type: none"> prohibition of the harmful alteration, disruption or destruction of fish habitat general prohibitions against discharging pollutants to a watercourse that would harm fish or fish habitat
LAKES AND RIVERS IMPROVEMENT ACT	MNR	<ul style="list-style-type: none"> to ensure flow and water level characteristics of lakes and rivers are not altered to the point of disadvantaging other water users 	<ul style="list-style-type: none"> any work forwarding, holding back, or diverting water must receive prior approval from MNR
NUTRIENT MANAGEMENT ACT	OMAF and MOE	<ul style="list-style-type: none"> to manage nutrients so as to enhance environmental protection and provide a sustainable future for agriculture and rural development 	<ul style="list-style-type: none"> standards for the management of nutrients by some livestock farms and others with livestock

LEGISLATION, POLICY AND PERMITS – WATER-TAKING AND LOW WATER RESPONSE

SOME OF THE LEGISLATION AND GUIDELINES PROTECTING WATER RESOURCES

LAW / GUIDELINE	GOVERNMENT AGENCY	GOAL	RELEVANCE TO LANDOWNER
ONTARIO WATER RESOURCES ACT	MOE	<ul style="list-style-type: none"> to protect the quality and quantity of Ontario’s surface and ground water resources 	<ul style="list-style-type: none"> general prohibitions against discharging pollutants to surface or ground water permits are required for the taking of large amounts of surface or ground water, i.e., for irrigation
PESTICIDES ACT	MOE	<ul style="list-style-type: none"> to protect Ontario’s land and surface and ground water resources from damage due to improper use and storage of pesticides 	<ul style="list-style-type: none"> landowners involved in pesticide application as part of a business (farming) are required to take a Grower Pesticide Safety Course regulations are set regarding pesticide storage., e.g., Warning sign identifying the storage site, proper ventilation, no floor drains, concrete impervious floors
PROVINCIAL POLICY STATEMENT, PLANNING ACT	MMAH	<ul style="list-style-type: none"> to provide direction on matters of provincial interest for the wise use and protection of resources, including agriculture, natural heritage features and areas (wetlands and quality and quantity of ground and surface water) 	<ul style="list-style-type: none"> landowners should contact their municipalities regarding how these provincial interests impact their property
PUBLIC LANDS ACT	MNR	<ul style="list-style-type: none"> to protect and perpetuate public lands and waters for the citizens of Ontario 	<ul style="list-style-type: none"> landowners must obtain work permits for any activity on shorelands adjacent to a navigable water shorelands include public or private lands as well as areas that are seasonally inundated with water the bed of a navigable water (below the high water mark) is considered to be public (Crown) land

MMAH = Ontario Ministry of Municipal Affairs and Housing
MNR = Ontario Ministry of Natural Resources

MOE = Ontario Ministry of the Environment
OMAF = Ontario Ministry of Agriculture and Food