

General Information on Joint Works Agreement for a Water Licence

JOINT WORKS AGREEMENT: An agreement that allows for the sharing of the responsibilities and costs for the construction and maintenance of a water distribution system that is common to two or more licensees.

WORKS: The *Water Act* defines Works as anything capable of or useful for diverting, storing, measuring, conserving, conveying, retarding, confining or using water, or for producing, measuring, transmitting or using electricity, or for collection, conveying or disposing of sewage or garbage, or for preventing or extinguishing fire, and includes access roads to any of them, and includes the placing of booms and piles in and the removal of obstructions from the banks and beds of streams.

The agreement should contain the following information:

- Name of the source
- Name and address of all applicants/licensees
- A definition of the responsibilities for and costs of construction, maintenance, renewal and operation of the Works
- Description of the Works to be covered by the agreement
- Provisions which make the agreement binding on future owners or applicants
- A provision to settle any disputes among all parties concerned arising from the construction, renewal, and operation of the Works

It is recommended that legal counsel be retained when preparing the agreement to ensure it is enforceable and binding on all parties.
