

APPENDIX A

Comparison of procedures for the issuance of permits or concessions under the 1942 Costa Rica Ley de Aguas 276, Chapter 373, Florida Statutes and Costa Rican Bill for the Integrated Management of Water Resources popular initiative:

	1942 Costa Rica Water Law 276	Florida Water Law – Ch. 373	Popular Initiative
Permit Required for	Public and Private entities Exception: To meet the needs of <i>ordinary life</i> , such as drinking, washing clothes, pots and any other objects or bathing and watering horses and livestock.	<ul style="list-style-type: none"> All withdrawals or diversions subject to Consumptive Use Permitting Exception: Domestic indoor use for cooking, bathing, sanitation 	<ul style="list-style-type: none"> Any person or entity, public or private, will require a use permit for the use of water resources Exception: To meet the needs of <i>ordinary life</i>, such as drinking, washing clothes, bathing, irrigation for subsistence cultivation, watering or to bathe horses and cattle, among others.
Issued by	ICE/MINAET	WMDs/FDEP	Newly created Directorate of National Water Resources
Existing uses	Person using public waters for twenty years of use, unchecked authority or third party shall be entitled to continue even when they cannot prove how he obtained the proper authorization, subject to the restrictions in Article 21 determines when the flow is not insufficient to supply the needs of the land below.	Existing users must apply for permit	Not explicitly mentioned
Application Requirements	Must specify use to which water will be put, amount that can be used for that purpose, and land to be irrigated by the water (if applicable)	Application must contain: (a) The name of the applicant and his or her address or, in the case of a corporation, the address of its principal business office; (b) The date of filing; (c) The date set for a hearing, if any;	Any application for use of water resources must be submitted by the owner of the property and must contain at least the following requirements: (a) the name and qualities of the person or entity requesting.

		<p>(d) The source of the water supply; (e) The quantity of water applied for (f) The use to be made of the water and any limitation thereon; (g) The place of use; (h) The location of the well or point of diversion; and (i) Such other information as the governing board or the department may deem necessary.</p> <ul style="list-style-type: none"> • If proposed application is <100,000 gal/day, governing board or dept may consider application and objections without a hearing. • If proposed application is >100,000 gal/day and no objection, the governing board or dept, after proper investigation, may, at its discretion, approve the application without a hearing. 	<p>(b) Certification of where the applicant is a legal person. (c) Certification of ownership of the property where the resource will be used (d) Location and identification of the source and hydrologic unit to be built upon and the water source and which is intended to drive back the waters used, indicating the coordinates for both mapping the making or discharge as appropriate. (e) Details of the intended use. (f) Amount requested broken down by use. (g) cadastral map of the properties where they use the resource. (h) Not have been subject to a revocation of the grant attributable to the applicant within the past five years. The rules of this law must define the additional requirements specific to each type of particular use, to be based on their specific characteristics, science and technology.</p>
Duration	Maximum of 30 years	<ul style="list-style-type: none"> • 20 year period, if sufficient data to provide reasonable assurance that conditions for permit will be met for the duration; or • shorter durations reflecting period for which such reasonable assurances can be provided • 5 year compliance reports where necessary to maintain reasonable assurance 	Concessions will be awarded for a term not exceeding 20 years
Modification/am	The water use for granted, may not	Permittee may seek modification of	Modified without any duty to

<p>endment of permit terms</p>	<p>apply to other different without the agreement, which will be awarded as if it were new concession.</p>	<p>any terms of an unexpired permit. If proposed modification involves water use >100,000 gals/day, the application shall be treated in same manner as the initial permit application. Otherwise, the governing board or the department may at its discretion approve the proposed modification without a hearing, provided the permittee establishes that:</p> <p>(a) A change in conditions has resulted in the water allowed under the permit becoming inadequate for the permittee's need, or</p> <p>(b) The proposed modification would result in a more efficient utilization of water than is possible under the existing permit.</p>	<p>indemnify the State where:</p> <p>(a) Where it is decreasing the availability of natural water resources</p> <p>(b) Decreased flow concession at the request of the concessionaire</p> <p>(c) If the Executive has declared a national emergency</p> <p>(d) When the Hydrologic Water Units Plans stipulate it</p> <p>(e) Nonpayment of fee</p> <p>(f) Alteration or contamination of the resource, ecosystem and channels, when no remedial action is taken</p>
<p>Revocation of permits</p>	<ul style="list-style-type: none"> • If purpose for which concession granted is no longer applicable • If ICE concludes that concessionaire has failed to use concession for period of three to five years, is using the water for a different purpose than for which concession granted, or unauthorized transfer of concession 	<p>The governing board or the department may revoke a permit as follows:</p> <p>(1) For any material false statement in an application to continue, initiate, or modify a use, or for any material false statement in any report or statement of fact required of the user pursuant to the provisions of this chapter, the governing board or the department may revoke the user's permit, in whole or in part, permanently.</p> <p>(2) For willful violation of the conditions of the permit, the governing board or the department may permanently or temporarily revoke the permit, in whole or in part.</p>	<p>The concessions will be revoked:</p> <p>(a) Change of the right holder of water use, without prior notice to the National Directorate of Water Resources.</p> <p>(b) Transfer, or tax administration all or part of the grant, directly or indirectly, on behalf of foreign states or governments.</p> <p>(c) Breach of the conditions imposed on the concession.</p> <p>(d) Termination and tested the activity for which they were granted.</p> <p>(e) serious or repeated breach of the rules on conservation and protection of the environment, its ecosystems and natural resources.</p>

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