



Ministry of Forests, Lands and Natural
Resource Operations
and
Ministry of Environment

NAME OF POLICY: Refusal of Applications on Over-subscribed Sources

APPLICATION: This policy applies to applications received for new water licences on over-subscribed sources, where a determination has been made that there is no unrecorded water available.

ISSUANCE: Director, Water Management Branch, Ministry of Forests Lands and Natural Resource Operations and Executive Director, Water Protection and Sustainability Branch, Ministry of Environment

IMPLEMENTATION: Ministry of Forests, Lands and Natural Resource Operations and the Ministry of Environment

REFERENCES: *Water Act* (Ch. 483, R.S.B.C. 1996), *Water Regulation* (B.C. Reg. 204/88) and *Water Licensing Demonstration Project* (recommendation 4.11-4)

RELATED POLICIES: When to Conduct Site Inspections and Fee Refunds for Applications

RELATIONSHIP TO PREVIOUS POLICIES: Changes made are as a result of updating water policies. Replaces policy titled: "Refusal of applications on over-subscribed sources" dated January 8, 1996 (Section 2, subsection .03.01.06).

POLICY AMENDMENT: To amend this policy a request must be made in writing to the Director, Water Management Branch, Ministry of Forests, Lands and Natural Resource Operations.

Glen Davidson
Director
Water Management Branch
Ministry of Forests Lands and
Natural Resource Operations

Date

Lynn Kriwoken
Executive Director
Water Protection and Sustainability Branch
Ministry of Environment

Date:

EFFECTIVE DATE: June 1, 2009
AMENDMENT NO: 2 (December 1, 2013)

FILE: 76940-00

Refusal of Water Licence Applications on Over-subscribed Sources

APPROVED AMENDMENTS:		
Effective date	Briefing Note /Approval	Summary of Changes:
June 1, 2009	BN 105976 May 19, 2009	Changes made are as a result of updating water policies. There are no substantive changes from the original version.
December 1, 2013	BN 198568 October 2, 2013	Policy amended in order to provide the current water management agencies of Ministry of Forests, Lands and Natural Resource Operations and the Ministry of Environment.

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1. POLICY STATEMENT

Water licence applications on fully recorded sources may be refused, for purposes consistent with the notation, without additional technical assessment. However, there must not have been significant changes in active licences (e.g., a number of water licence cancellations or abandonments), and there is a current technical assessment of water supply and demand for the source on file.

2. DEFINITIONS

Fully Recorded indicates that based on the information available at the time of the last inspection, no further licences should be considered on this stream.

Over-subscribed means fully recorded for all purposes, with a history of frequent water shortages and/or regulation.

Unrecorded Water is defined in [section 1](#) of the *Water Act* as meaning water, the right to use of which, is not held under a licence or under a special or private Act.

3. REASON FOR POLICY

Significant ministry resources can be spent assessing the viability of a water licence application on a water source that is over-subscribed. Once a water source has been determined to be fully recorded, additional technical assessment of subsequent water licence applications, on the source for that purpose, is not warranted, unless there is reason to believe circumstances may have changed.

4. PROCEDURES

Where previous reports, local data and office knowledge clearly document that a source is oversubscribed a decision to refuse future applications may be made without any additional technical assessment of the source of proposed water use.

Where possible the applicant should be verbally informed of the status of the source prior to acceptance of the application. The Ministry of Forests, Lands, and Natural Resource Operations (MFLNRO) maintains an Internet site of water sources where it has been determined that water is not available for further allocations. Refer to [Water Allocation Restrictions](#) on MFLNRO's Internet.

FrontCounter BC can assist MFLNRO's by providing prospective water licence applicants with a list of sources where it has been determined that water is no longer available for future licensing.

Once informed a source is noted as fully recorded, the client may not chose to pursue an application on that source and benefit by not having to submit the appropriate application fees. The client should also be made aware of MFLNRO's policy for fee refunds for applications (refer to policy Fee Refunds for Applications).



Ministry of Forests, Lands and
Natural Resource Operations
and
Ministry of Environment

NAME OF POLICY:	Use of Water Allocation Plans
APPLICATION:	Where a Water Allocation Plan is in place, this policy applies to applications for water use; except where an intensive analysis is required to adjudicate a water use proposal.
ISSUANCE:	Director, Water Management Branch Ministry of Forests Lands and Natural Resource Operations and Executive Director, Water Protection and Sustainability Branch, Ministry of Environment
IMPLEMENTATION:	Ministry of Forests, Lands and Natural Resource Operations and the Ministry of Environment
REFERENCES:	<i>Water Act</i> (Ch. 483, R.S.B.C 1996) and Water Regulation (B.C. Reg. 204/88)
RELATED POLICIES:	Water Licensing Demonstration Project (recommendation 8.1-4)
RELATIONSHIP TO PREVIOUS POLICIES:	Changes made are as a result of updating water policies. Replaces policy titled: "Utilization of water allocation plans in the adjudication of water licence applications" dated January 8, 1996 (Section 2, subsection .03.01 and .01.01).
POLICY AMENDMENT:	To amend this policy a request must be made in writing to the Director, Water Management Branch, Ministry of Forests Lands and Natural Resource Operations.

Glen Davidson
Director
Water Management Branch
Ministry of Forests Lands and
Natural Resource Operations

Date

13/11/26

Lynn Kriwoken
Executive Director
Water Protection and Sustainability Branch
Ministry of Environment

Date:

2013/11/27

EFFECTIVE DATE: June 1, 2009
AMENDMENT NO: 2 (December 1, 2013)

FILE: 76940-00

Use of Water Allocation Plans

APPROVED AMENDMENTS:		
Effective date	Briefing Note /Approval	Summary of Changes:
June 1, 2009	BN 105976 May 19, 2009	Changes made are as a result of updating water policies. There is no substantive change from the original policy. However, wording has been changed to indicated that the use of Water Allocation Plans “may be used”, instead of “is the preferred method” in order to facilitate water allocation decisions.
December 1, 2013	BN 198568 October 2, 2013	Policy amended in order to provide the current water management agencies of Ministry of Forests, Lands and Natural Resource Operations and the Ministry of Environment.

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1. POLICY STATEMENT

Where in place a Water Allocation Plan, approved by the Regional Water Manager or the Comptroller of Water Rights, may be used for adjudicating water allocation decisions.

2. DEFINITIONS

Water Allocation Plan means a plan containing analysis which determines water availability within a watershed, having taken into account current water supply and existing used and unused licensed demand, together with the requirements for non-consumptive in-stream uses on the main stem and tributaries. The Plan provides recommendations for the future allocation of water within the watershed.

3. REASON FOR POLICY

The adjudication of an application to use water normally requires that the proposal undergo a thorough and rigorous investigation, including a separate supply/demand analysis and a site inspection. However, the use of a [Water Allocation Plan](#) presents an opportunity to undertake a comprehensive supply/demand analysis for an entire watershed. The Plan can then be used as an efficient means of adjudicating current outstanding applications as well as future proposals for water use.

4. PROCEDURES

In determining whether the development of a Water Allocation Plan would be appropriate, consideration may include the following:

- A large number of outstanding water licence applications are located in a watershed;
- The potential for receiving a large number of future water licence applications in a watershed is high;
- Maintenance of non-consumptive instream uses of water on the stream requires a determination be made of existing water supply and licensed demands within a watershed; and
- Savings in staff time and resources required to adjudicate both existing and potential applications justifies the preparation of a water allocation plan.

Use of Water Allocation Plans

A Plan may be considered current if the recommendations remain valid and there are no substantial changes to either water availability or demand. However, consideration should be given to revising the Plan if one or more of the following occurs:

- There is new hydrological information available;
- There are new licences issued or licences have been abandoned or canceled which have significant allocated volumes; or
- Changes to instream needs reduce the reliability of the Plan to assist with new water allocation decisions.

Detailed procedures will be developed as necessary.