



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

NAME OF GUIDANCE: Application Referrals, First Nations Consultation and Notices

APPLICATION: This guidance applies to applications submitted under the *Water Sustainability Act* and that are considered complete for further processing and adjudication.

ISSUANCE: Executive Director, Water Protection and Sustainability Branch ENV and Director, Water Management Branch, FLNR


IMPLEMENTATION: ENV, FLNRO, OGC, FCBC

REFERENCES: *Water Sustainability Act* (Ch. 15, S.B.C. 2014)
Water Sustainability Regulation (B.C. Reg. 36/2016)
Dam Safety Regulation (B.C. Reg. 40/2016)
Water Protection Act (Ch. 484, R.S.B.C. 1996)


RELATED POLICIES: Water Licence Application Assessment and Processing for Decision

RELATIONSHIP TO PREVIOUS POLICY: Replaces previous guidance *Water Licence Application, Notice and Referral*

POLICY AMENDMENT: Formal requests to amend this policy are to be directed in writing to the Executive Director, Water Protection and Sustainability Branch, ENV


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

14/06/23
Date


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

16.06.23
Date

APPROVED AMENDMENTS:		
Effective date	Briefing Note /Approval	Summary of Changes:
June 7, 2016	June 7, 2016	New policy

TABLE OF CONTENTS

1.	POLICY STATEMENT	4
2.	DEFINITIONS.....	4
3.	REASON FOR POLICY	4
4.	REFERRALS.....	5
4.1	The referral process.....	5
4.2	Local government referrals.....	6
4.3	Provincial government referrals.....	6
4.4	Federal government referrals	7
5.	FIRST NATIONS CONSULTATION	7
6.	NOTICE TO LEGAL OBJECTORS	8
6.1	<i>Water Sustainability Act</i> and regulation requirements.....	8
6.1.1	Determining who receives notice.....	9
6.2	When the decision maker may provide notice	10
6.3	Domestic groundwater users.....	10
6.4	Late notices	10
6.5	Advertising in a newspaper.....	11
7.	RECEIPT AND RESPONSE TO CONCERNS AND OBJECTIONS	11
7.1	Concerns	11
7.1.1	Concerns from domestic groundwater users.....	12
7.2	Accommodation for First Nations	12
7.3	Objections from legal objectors	12
7.3.1	Hearings	12
8.	PERSONAL INFORMATION AND CONSENT	13

1. POLICY STATEMENT

This policy provides guidance for meeting referral and notice requirements for applications received under the *Water Sustainability Act* (WSA) as well as guidance on First Nations Consultation.

2. DEFINITIONS

Relevant terms are defined under Section 1 [*definitions*] of the WSA. These include: **applicant, aquifer, authorization, change approval, comptroller, decision maker, drilling authorization, government water records, groundwater, personal information, public personal information, sensitive stream, stream, stream channel, taking action, undertaking, use approval, water manager, works.**

Other terms used in this document have the following meaning:

Appurtenant means the land, mine or undertaking to which water rights are assigned or made appurtenant on the issue of a water licence, use approval, change approval or permit over Crown land.

Concern (as contrasted to an objection) means a comment or concern identified about the impacts of an application received from:

- A legal objector, where the comment or concern is not actually an objection under WSA,
- A person or entity, including a subject matter expert, providing a reply to a referral on an application,
- A person or entity who is not a legal objector but is interested in and may potentially be affected by an application if it is granted, and may include general comments or concerns from First Nations (who may not be formal objectors) which may not have been received during formal consultation.

Legal objector is a person identified in Sections 13(1)(a) and 13(1)(b) [*objections to applications and decision maker initiatives*] of the WSA.

Riparian means relating to the bank of a stream, river or lake and, in the case of a riparian owner, means land immediately adjoining the bank.

3. REASON FOR POLICY

This document provides guidance for referrals, First Nations Consultation and notices related to applications received under the WSA.

The referral process involves the sharing of applications by the ministry with other relevant local, provincial and federal agencies to ensure that awareness of the application is made known so that further action can be identified. Referral requirements may differ by application type.

The province's duty to consult First Nations is triggered where it contemplates an action or decision that may have adverse impacts on Aboriginal Interests (claimed or proven Aboriginal or treaty rights). The scope of the duty to consult is proportional to the strength of claims and seriousness of impacts – providing notification is at the low end of the spectrum. Consultation may reveal a duty to accommodate in certain circumstances.

Notice requirements may differ by application type. Notice is sent to potential legal objectors and to referral agencies for applications under the WSA where the decision maker considers that, for example:

- The rights of an authorization holder is likely to be detrimentally affected if the application is granted,
- A land owner whose land is likely to be physically affected if the application is granted, or
- The application has significant public interest (e.g., a pumped storage project on a lake may have broad impacts).

4. REFERRALS

While there is no explicit legal requirement to undertake a referral, as part of the process to review and make a decision on an application, the effects of an application must be assessed. As such, the referral process may engage local, provincial and federal government agencies in the review of an application.

The referral process supports the decision maker's decision on an application under Section 13 of the WSA by ensuring that due consideration is given to an application by relevant government agencies to determine if there are any concerns with the application or to assess any potential impacts of a project.

4.1 The referral process

The referral process is generally initiated by the ministry through FrontCounter BC. In some regions responsibility may then be transferred with the application to the water program to oversee the referral process (including consideration of concerns received), and subsequent assessment and processing of the decision. Referrals are tracked through the electronic referral system (eReferrals).

When an application is considered to be complete, an *Application Acknowledgement and Letter of Notice* is generated automatically by eLicensing and is sent to the applicant. The letter acknowledges the receipt and acceptance of the application, and communicates to the applicant that the application may be referred for comment to other government agencies having statutory responsibilities related to the application. In circumstances where eReferrals cannot be used to manage the referral process, preference should be given to referring relevant portions of the application electronically by Protective Document Format (or PDF).

Depending on the nature of the application, one or multiple local, provincial or federal government agencies are contacted and provided with a copy of the application. As part of the process of acquiring an authorization, change approval, permit, drilling authorization or

amendments or changes to these, other government agencies may have regulations that may be relevant.

The number and range of referrals is at the discretion of the ministry and often depends on the specifics of the application. Agencies that receive an application as a referral should have a minimum of 30 days to comment; however this amount of time may vary by district or region. Check the requirements for your region.

Note that under Section 12 [*consents respecting personal information*] of the Water Sustainability Regulation (WSR) consent to disclose the personal information of the applicant is required to submit an application, including for referral of that application to a third party or to a referral agency. See Part 8 below for further information regarding collection, use and disclosure of personal information.

Additional information can be found in the following resource, *The Water Applicant's Agency Resource Guide*.

4.2 Local government referrals

If the application falls within the geographical and jurisdictional area of an improvement district, regional district or municipality (or other local authority) a referral may be considered necessary. If the appurtenant land or place of use identified in the application is within a service area of a local authority, they may already be able to supply water to the applicant. If this is the case, the decision maker may wish to consider this in the decision on the application.

4.3 Provincial government referrals

There are a number of reasons to refer applications to provincial staff, for example:

- Subject matter experts reside across a number of ministries (e.g., ecosystems, hydrogeologist, hydrologist, biologist),
- Related requirements under legislation administered by other ministries may also be relevant,
- Public health and safety may be a concern,
- An environmental assessment certificate or certificate exemption may be needed, or
- As a courtesy and part of good business practices.

Table 1 provides a general listing of provincial agencies that are most frequently sent referrals for applications under the WSA. Please check your region for any specific requirements.

Table 1. Example provincial agency referrals (not an exhaustive list)

Note: ministry names are subject to change, there may also be additional agencies requiring referral.

Agency	Examples of water uses which may be referred
Ministry of Environment	Applications for use of water for conservation, industrial, mining, oil and gas, water power purposes
Environmental Assessment Office	Applications that are reviewable projects under the <i>Environmental Assessment Act</i>
Ministry of Forests Lands and Natural Resource Operations	Applications for use of water for conservation, industrial, mining, oil and gas, water power purposes
Ministry of Agriculture	Applications for use of water for industrial, irrigation purposes
Ministry of Energy and Mines	Applications for use of water for industrial, mining, oil and gas purposes
Ministry of Health	Applications for community water use involving multiple connections, domestic water use
Oil and Gas Commission	Applications for use of water for industrial, mining or oil and gas purposes
Ministry of Transportation and Infrastructure	Applications for use of water for industrial, water power purposes
Ministry of Natural Gas Development	Applications for use of water for oil and gas, industrial purposes

4.4 Federal government referrals

Applications may also be of interest to federal government agencies. Check in your region for any specific arrangements or requirements for referrals to federal agencies. Referrals to federal agencies may vary by type of application and region and may include:

- Fisheries and Oceans Canada – Applications may be referred, unless there is a written arrangement or memorandum of understanding (MOU) which indicates that a referral is not required in particular instances.
- Parks Canada – If the application falls within or the proposed works would cross into a federal park or reserve.
- Transport Canada – Depending on the nature of the proposed works, the application may have been referred if the structure might impact on navigable waterways, including streams.

Other federal agencies where a referral may be necessary include, depending on the specifics of the application, Aboriginal Affairs and Northern Development Canada, Agriculture and Agrifood Canada, Environment and Climate Change Canada, Health Canada or Natural Resources Canada.

5. FIRST NATIONS CONSULTATION

The Province is legally obligated to consult with and, where necessary, accommodate First Nations in relation to land and resource decisions that have potential to adversely impact their Aboriginal Interests.

A key early consideration is to determine the appropriate level of consultation on each specific application. This is determined based on the strength of the case supporting the existence of the Aboriginal Interests, as well as on the potential for adverse impacts on them resulting from the proposed activity. Resources are available to help with this assessment. Staff should discuss the most current consultation procedures with their First Nation advisors and use corporate level tools and resources such as, *Government of BC Procedures for Meeting Legal Obligations*

When Consulting First Nations (May 2010). It is important to document steps in consultation and to keep records related to consultation in the file. First Nations Consultations are tracked through the Consultation Report Tracking System.

Note that under Section 12 [*consents respecting personal information*] of the WSR consent to disclose the personal information of the applicant is required on submission of the application. If any third party information is also to be disclosed, that consent is required prior to consulting with First Nations. See Part 8 below for further information regarding collection, use and disclosure of personal information.

There are a number of tools available to assist staff when consulting with First Nations:

– Consulting with First Nations	http://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations
– Consultation Guide (The ‘C-Guide’)	http://cguide.nrs.gov.bc.ca/docs/html_files/index.html?pl=ql-c_guide
– Consultation Report Tracking System (CRTS)	https://spc-marr.gov.bc.ca/FNCCT/CRTS/Consultation_Centre/default.aspx
– Involving Proponents When Consulting First Nations	http://cguide.nrs.gov.bc.ca/pdf%20and%20docx/Current/4-Guide%20%20Involving%20Proponents%20March%202011.pdf
– Respecting the Crown’s Obligations to Consult and Accommodate First Nations	http://cguide.nrs.gov.bc.ca/pdf%20and%20docx/Current/Accommodating_Aboriginal_Interests.pdf
– WSA Impact Tool	https://spc-env.gov.bc.ca/lws/FNE/SitePages/Home.aspx [Note that the tools is available staff on the ENV WSA First Nations Sharepoint site]
– Consultative Areas Database	http://maps.gov.bc.ca/ess/sv/cadb/

In all cases, check with regional ministry First Nations advisors on how to proceed with any engagement activities.

6. NOTICE TO LEGAL OBJECTORS

6.1 *Water Sustainability Act and regulation requirements*

Under Sections 13(1) and 13(8) [*objections to applications and decision maker initiatives*] of the WSA, the decision maker must direct an applicant to give notice to legal objectors, as required, in accordance with Section 117 [*delivery and publication of documents and information*]. Notice must be provided for applications for:

- (i) Authorizations and amendments to authorizations involving a change to the works,
- (ii) Change approvals and amendments to change approvals involving a change to the works,
- (iii) Drilling authorizations and amendments to drilling authorizations,
- (iv) Transfers of appurtenancy, and
- (v) Abandonment of rights under an authorization.

Note that affected land owners under Section 13(1)(b) of the WSA may include private citizens, governments, government agencies, Crown corporations (provincial or federal, e.g., BC Hydro,

CN) or private corporate entities. In some cases, these entities may qualify as both legal objectors and referral agencies.

Under Section 13(9)(c) the decision maker has the discretion to direct an applicant to give notice to any person whose input the decision maker considers advisable and who are not legal objectors. For amendments to authorizations and change approvals which do not involve a change in works, the decision maker can direct that notice be provided. This may depend on whether another's rights will be detrimentally affected or physically affected in the case of land.

Note that Section 13(14) of the WSA allows the decision maker to give notice to either legal objectors or any person the decision maker considers under Section 13(9)(c) instead of the applicant.

All notices are tracked through eLicensing. Note that eLicensing generates a listing of all upstream and downstream licensees, as well as any licensees on tributaries. Use approvals and change approval holders are tracked separately.

6.1.1 Determining who receives notice

As noted above, under the WSA, decision makers must direct that notice be given to potential objectors the decision maker considers are likely to be detrimentally affected. This requires that the decision maker determine who may be impacted by an application; therefore, decision makers must decide who receives notice pursuant to the WSA and in accordance with the WSR. Impacts to authorization and change approval holders and applicants, riparian owners and land owners can arise in a number of situations, resulting in notice being needed. A few examples include (but are not limited to) where:

- Increased erosion from changes to the natural course of a stream as a result of the construction of the works,
- The works are proposed to cross land owned by a person other than the applicant,
- There is a potentially connected aquifer nearby that could be affected.

Also note that:

- Section 13(9)(c) [*objections to applications and decision maker initiatives*] of the WSA provides that a decision maker may give notice “to any person whose input into the decision the decision maker considers advisable”.
- Section 14(5) [*powers respecting applications and decision maker initiatives*] of the WSA states, “In considering an application for a new licence that relates to the region as defined by the Columbia Basin Trust Act, the decision maker must consider the current long term Columbia Basin Management Plan under section 15 [Columbia Basin Management Plan] of that Act.”
- Section 117 [*delivery and publication of documents and information*] of the WSA provides additional requirements when giving notice.
- Section 14 of the WSR allows the decision maker to provide notice through advertising in a publication (e.g., a local newspaper, either print or digital).

6.2 When the decision maker may provide notice

Under Section 13(14) [*objectives to applications and decision maker initiatives*] of the WSA, the decision maker can give notice instead of the applicant. There may be times when it is appropriate for the decision maker to do so.

In the case of a legal objector, a potential legal objector was not given notice but wishes to submit an objection. In these cases, it may be more efficient for the decision maker to provide notice to that person.

In other cases, other persons (or entities such as a local watershed group) who are not legal objectors may have concerns. Under Sections 13(9)(c) the decision maker can determine that input from these individuals would be advisable and could either provide notice directly or require the applicant to do so. These persons are not legal objectors but are given notice in order to provide them with the opportunity to comment on an application for the decision maker to consider. Any such concern received would not be a formal objection.

In some situations, a decision maker may want to provide notice directly, for example, if the application is very complex, is high profile (e.g., water power project) or has an established relationship with an active group who may be affected by the application (e.g., watershed group or First Nation).

The decision maker may also be required to provide notice in cases where there has been no consent given for the decision maker to disclose the personal information of a legal objector. See Part 8 below for further information regarding collection, use and disclosure of personal information.

6.3 Domestic groundwater users

Domestic groundwater users may be affected by a proposed new water use in the same way that other water users are affected. As domestic groundwater users are excluded from obtaining an authorization, except by regulation, they would not be considered as legal objectors based on their use of water. Under Section 14(4) [*powers respecting applications and decision maker initiatives*] of the WSA, the decision maker must take into account the quantity of water that domestic groundwater users are authorized to divert, which would be limited to a quantity for domestic purpose. In deciding on applications, decision makers should consider the potential for impacts to domestic groundwater users and, as appropriate, provide any potentially affected domestic groundwater users with an opportunity to express their concerns. These persons are not legal objectors as such but may be given notice in order to provide them with an opportunity to comment on an application for the decision maker to consider. Any such concern received would not be a formal objection.

6.4 Late notices

In some cases, a decision maker may initially decide that a potentially affected person will not be impacted by an application and notice will not be sent. However, these persons may request

notice in order to submit an objection. The decision maker can provide a late notice to that person. A field inspection may also identify additional people who may require late notice. Section 14(2) [*notice requirements and objections*] of the WSR allows for this to occur up to the date of decision.

6.5 Advertising in a newspaper

Section 14 [*notice requirements and objections*] of the WSR provides discretionary authority for the decision maker to give additional notice through publication in a printed or electronic newspaper:

- **Advertising is advised** on higher complexity applications where the application would typically involve greater risk and would typically be a large water use proposal such as: a major water power production, a large scale irrigation, industrial, oil and gas, or mining operation, or water works for a new municipal water supply system.
- **Advertising should be considered** where the source of intended water use has many licence holders downstream of the proposed intake.
- **Advertising is not generally needed** where the source identified does not have any supply concerns or individual notice is only required for a small number of water licence holders or applicants.

Section 117(2)(d) [*delivery and publication of documents and information*] of the WSA deals with delivery by publication in a newspaper.

7. RECEIPT AND RESPONSE TO CONCERNS AND OBJECTIONS

The adjudication of the application should take into account any concerns and/or address any objections that were filed against the application for the consideration by the decision maker. Ensure all correspondence is placed in the file. In more contentious cases, it may prove useful to maintain a list of items considered.

7.1 Concerns

Concerns can be received from:

- An agency through the referral process,
- A legal objector as a result of a notice (a concern from someone not having status as a legal objector would not be considered a legal objection, see below),
- Another person or entity that received notice (e.g., domestic groundwater user),
- A First Nation that may or may not be a legal objector.

Generally, all concerns are documented when received and the sender of a concern acknowledged. Concerns may then be considered in the technical report and as part of the process to make a decision on the application. While the decision maker would acknowledge the concerns and would take them into consideration, a concern is not grounds for a hearing.

7.1.1 Concerns from domestic groundwater users

As a domestic groundwater user cannot be a legal objector (until required to obtain a water licence), any concerns received from them would not be considered as formal legal objections and so cannot trigger a hearing. However, under Section 14(4) [*powers respecting applications and decision maker initiatives*] of the WSA, the decision maker is obliged to take into account the quantity of water such persons are authorized to divert from an aquifer for domestic purpose. Therefore, these concerns should be considered by the decision maker as informing the decision to be made. A letter acknowledging receipt of any concerns should be sent.

7.2 Accommodation for First Nations

The Province may be required to take steps to consult with and, where required, accommodate a First Nation where a proposed activity has potential to adversely impact Aboriginal Interests. Check with regional Ministry First Nations advisors on how to proceed.

7.3 Objections from legal objectors

In response to a notice letter, the decision maker may receive an objection to an application. When an objection letter is received, it must be determined whether the writer qualifies as a legal objector. Verification as a legal objector can be determined, for example, from the person's existing water right (authorization number for a licence, use approval or a change approval number), applications for them, and where works cross land, the legal description of the land affected or the land's location relative to a stream in the case of riparian land.

If the writer is a legal objector, a letter is sent, acknowledging receipt of the objection. If the writer is not a legal objector, an acknowledgement letter is sent to the person explaining why the concern cannot be accepted as a legal objection. As such a determination may trigger an appeal, the letter should contain sound evidence (e.g., legal, scientific) supporting the reasons why the concern is not considered or accepted as an objection. Acknowledgement letters are generated in eLicensing.

Once review and assessment of the application is complete, including how the objections were considered, a response to the objector is sent, indicating whether their objection was upheld or not (i.e., dismissed). Under Section 13(7) [*objections to applications and decision maker initiatives*] of the WSA, the decision maker must give notice of the decision on an application to any person who delivered an objection on the application. In particular, notice of the decision should identify the reasons the objection was upheld or dismissed and why and, if upheld, how it factored into the decision. This would generally be based on the specific details of the application and why the objection was not sufficient enough to refuse the application.

7.3.1 Hearings

If an objection is received from a legal objector, the decision maker must decide and document whether a hearing will be held or not. If a hearing is held, the decision maker must notify the applicant and any person who delivered an objection of the details of the hearing and provide an opportunity for them to be heard. Hearings can be held in person or in writing as per Sections 95

[*inquiry powers*], 96 [*maintenance of order at hearings*] and 97 [*contempt proceeding for uncooperative person*] of the WSA.

8. PERSONAL INFORMATION AND CONSENT

The *Freedom of Information and Protection of Privacy Act* governs the collection, use and disclosure of information by government agencies. The WSA and WSR provide further authorities for ministry staff supporting the collection, use and disclosure of personal information.

In addition to collecting personal information from the applicant (with the appropriate consents), ministry staff can collect public personal information and government water records. Public personal information (see definition in WSA) and government water records (see definition in the WSA) can also be used to verify personal information collected from the applicant. In particular, Sections 12 [*application and decision maker initiative procedures*], 13 [*objections to applications and decision maker initiatives*], 14 [*powers respecting applications and decision maker initiatives*] and 117 [*delivery and publication of documents and information*] of the WSA and Section 12 [*consents respecting personal information*] of the WSR detail these authorities in relation to the collection use and disclosure of information in relation to an application.

Generally, applications must include consents from the applicant(s) and should include consents of any third parties identified in the application related to the collection, use and disclosure of personal information by ministries for the purposes of managing the application and future authorization, change approval and/or permit. This consent is required for the disclosure of personal information contained in the application and in related objections or submissions for the purpose of providing notice, entertaining objections, undertaking any referrals, or consulting with First Nations.

In the case of an applicant, consent to the disclosure of personal information in the application is required with the application. If consent for the disclosure of personal information of a third party (such as a potential legal objector) is not provided and has never been provided, consent must be obtained from the person whom the information is about in order to provide notice, entertain objections, undertake referrals or consult First Nations. If consent is not obtained, personal information must be removed prior to initiating a referral or consulting with First Nations and, if an applicant does not have third party consent and that consent is not otherwise available, it may be necessary for notice to be given by the decision maker.

For consultation practices please refer to the most current “Updated Procedures for Meeting Legal Obligations when Consulting First Nations”, including the latest Accommodation Guide, which includes information regarding assessments for seriousness of impact, strength of claim, and level of consultation and accommodation.

- The Impact Tool is used for **completed applications** of decisions pursuant to the *Water Sustainability Act*.
- The Impact Tool is designed to assess the seriousness of impacts to biophysical resources. It is anticipated that the assessment of seriousness of impact through the application of this Impact Tool will be the **same for all First Nations**.
- The Impact Tool may be useful during engagement with First Nations to explore a shared understanding of the potential impacts of a specific decision on biophysical resources.
- Assessment of the seriousness of impact on each First Nations’ asserted Rights and Title or Treaty Rights is to be completed in CRTS. The Impact Tool in combination with Strength of Claim assessments (SOC) provides relevant information to assess the seriousness of impact to First Nations asserted Rights and Title or Treaty Rights.
- For First Nations with agreements specifying the consultation levels and/or consultation process for water authorizations, please follow the agreement - **Use the Impact Tool as applicable**.
- Please see Impact Tool Guide below for assistance.
- Once completed, upload this Impact Tool and Associated Documents in the Preparation and Initiation screen of the corresponding consultation record in CRTS (Note: this Impact Tool replaces: Preparation and Initiation screen’s Key Impact Factors and Physical Impacts - Land and Water Sections (only) in CRTS).

FILE #:	TECHNICAL LEAD:
APPLICATION TYPE:	CONSULTATION LEAD:

Step 1. Overview – To be completed by water technical staff

- For applications where the answer to all of the following three questions is “No”, the potential impact will likely be low and the subsequent consultation level would likely be **notification** (Please see notification template).
- Proceed to Step 2A if answering “Yes” questions #1 or 2.
- Complete Step 2B if answering “Yes” to question #3.
- For existing well applications, we anticipate the answer to be “No” - no physical or terrestrial impact. If so, skip Step 2B.
- See Guidance on Step 1 in the next table below.
- Record your rationale in the space provided.

1. Scarcity: Is water scarcity a concern <i>locally</i> (i.e., source on which the application is based) AND/OR a concern <i>regionally</i> (watershed level)?	<input type="checkbox"/> Yes , complete Step 2A for allocation of water volume	<input type="checkbox"/> No
----------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	------------------------------------

Technical Information or Rationale:

Remote location with no known licenced demand on the source stream.

2. As per the hydraulic connectivity policy: Is this source a “stream” or hydraulically connected to a “stream”? See WSA - Part 1.1 Definitions	<input type="checkbox"/> Yes or unknown; complete Step 2A for allocation of water volume	<input type="checkbox"/> No
----------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------	------------------------------------

Technical Information or Rationale:		
3. Is there potential for physical, terrestrial or riparian impacts from water works activities?	<input type="checkbox"/> Yes , complete Step 2B for physical, terrestrial and riparian impacts	<input type="checkbox"/> No
Technical Information or Rationale:		

IMPACT CRITERIA	Guiding Questions – Step 1. Overview
1. Local /Regional Water Scarcity	<p>1. Local scarcity: Is there evidence of scarcity (including seasonal availability) of water resources from this specific source e.g. stream or aquifer? Evidence could include long-term groundwater level monitoring, streamflow gauging, past incidences where licenced users were required to reduce use, water allocation plans and water budget.</p> <p>2. Regional scarcity: Is there evidence of scarcity (including seasonal availability) of water resources in the general area, such as from adjacent aquifers or within the same watershed, including from this specific source?</p> <p>Consider factors that contribute to the level of water scarcity: volume, timing, Environmental Flow Needs (EFN), source, type of use, consumptive vs. non consumptive use, cumulative effects, water supply and water reserves.</p>
2. Hydraulic Connectivity	Hydraulic connectivity decision /determination is made in accordance with the hydraulic connectivity policy (official policy yet to be released – link to be added).
3. Terrestrial Impacts	Refer to criteria under Step 2B. No terrestrial impacts may be observed, for example, in the case of an existing well, where no new infrastructure will be required.

Step 2A. Impact Assessment – Water Resources. To be completed by **water technical staff** if answering “Yes” to Step 1 - Question 1, 2 or 3.

- For each impact criteria, record your rationale within the box corresponding to your assessed level of impact.
- Where there is no information for a given impact criteria, you **cannot** complete the impact assessment. Additional information/resources need to be obtained.
- Indicate if the impact criteria are not applicable in the column “Criteria not applicable?”

Impact Criteria – For the allocation of the water volume.	Criteria not applicable?	ASSESSING POTENTIAL IMPACT: Consider each of these impact criteria in the context of its potential adverse impact on water and water dependent resources.		
		<i>Assessed Level of Impact</i>		
		MINOR (negligible, low)	MODERATE	SERIOUS
NA	<i>Spectrum Indicators</i>			
1. Water Scarcity		Non consumptive use of water OR regional and local water scarcity do not exist.	Local water scarcity exists but regional water scarcity does not.	Regional water scarcity exists (i.e. watershed and/or aquifer level or greater). (e.g., limited to freshet, existing storage requirements)
2. Fish populations/Fish habitat /Migration routes		No impacts to fish populations or fish habitat and/or effects will be mitigated through Environmental Flow Needs (EFN) policy or other measures. (e.g., timing of suitable volumes and flows to sustain healthy fish and habitat maintained)	Very localized impacts to fish populations or habitat that does not threaten the long-term health of a fish population (e.g., diversions reach for power project).	Fish population or habitat will be adversely impacted. (e.g., dams or diversion rates that permanently alter fish habitat)
3. Wildlife populations or wildlife habitat/ Migration routes		No or minimal impact to wildlife populations or habitat through changes in water level. (e.g., aquatic and riparian habitats and the wildlife dependent on them)	Extent of adverse impact is small in relation to know wildlife populations or habitat availability.	Extent of adverse impact is not small in relation to wildlife populations or habitat availability.

4. Plant and/or Vegetative communities		No or minimal impact to plant or vegetative communities through changes in water level. (e.g., plants growing in bogs, marshes, wetlands and riparian areas)	Extent of adverse impact is small in relation to known plant or vegetative communities.	Extent of adverse impact is not small in relation to known plant or vegetative communities.
5. Navigation/ Transportation		General access and transportation routes by are not impeded.	Periodic or short term low water flows may impede transportation on the waterway.	Significant impact to access or transportation on the waterway.
6. Temporal		Short term allocation of water (up to 2 year approval)	Fixed term licence	Long term allocation of water granted in perpetuity.

Identify level of water allocation impacts (circle one):	Minor	Moderate	Serious
-----------------------------------------------------------------	-------	----------	---------

Provide rationale for chosen level of water allocation impacts:

Step 2B. Impact Assessment – Physical, terrestrial and/or riparian impacts of water works activities – To be completed by **water technical staff** if answering “Yes” to Step 1 - Question 4


- For each impact criteria, record your rationale within the box corresponding to your assessed level of impact.
- Where there is no information for a given impact criteria, you **cannot** complete the impact assessment. Additional information/resources need to be obtained.
- Indicate if the impact criteria are not applicable in the column “Criteria not applicable?”

Impact Criteria – For Physical Terrestrial and/or Riparian Impacts	Criteria not applicable?	ASSESSING POTENTIAL IMPACT: Consider each of these impact criteria in the context of potential impacts on land resources created by water work activities.		
		<i>Assessed Level of Impact</i>		
		MINOR (negligible, low)	MODERATE	SERIOUS (high)
	NA	<i>Spectrum Indicators</i>		
1. Permanence		Removable, restorable; temporary disturbance of land and associated biophysical features; land is relatively unencumbered and continues to be available for uses consistent with its current state.		Permanent (e.g. land alienation or alteration); land is irreversibly altered.
2. Temporal/ project duration		Short-term authorization or short-term use.		Long-term authorization or effects of authorization or use persists over long term.
3. Exclusivity		Open to other uses; other uses of the land continue to be available (e.g., Crown land still available for hunting, fishing, gathering).	Some use can occur.	Permanent closures, excludes others (e.g., land permanently flooded for reservoir).
4. Access		No increased public access; no restriction of FN access, or future uses; temporary disruption of access to the land, limited disruption of access to surrounding lands (e.g. other available access).	Increase in seasonal access.	High increase in public access, (e.g. new access); such as high increase in public hunting pressures; restriction of FN access to exercise Aboriginal interests (such as hunting, fishing, gathering, ceremonial).

5. Terrestrial or Riparian Resource Renewability (Reversible or restorable)		Quickly renewable or restorable (e.g. annual - grass)	Moderate term renewability or restorability (e.g. timber)	Not renewable or restorable (e.g. minerals, gravel)
6. Potential Disturbance		Very little to no disturbance; area already significantly disturbed; minor works are underground (e.g., drilled water mains, pipe running above ground)	Moderate potential disturbance works are underground but involves some disturbance above ground (e.g., buried water pipes, digging trenches)	High degree of disturbance (e.g., road building)
7. Size/ geographic extent		Small Geographic Area (e.g. footprint of works limited)	Medium geographic area	Large geographic area (e.g. large pipelines, flooding)
9. Fish populations/Fish habitat /Migration routes		No impacts to fish populations or fish habitat and/or effects will be mitigated through Environmental Flow Needs (EFN) policy or other measures. (e.g., timing of suitable volumes and flows to sustain healthy fish and habitat maintained; spawning, foraging habitat)	Very localized impacts to fish populations or habitat that do not threaten the long-term health of fish populations. (e.g., diversions reach for power project).	Fish population or habitat will be adversely impacted. (e.g., dams or diversion rates that permanently alter fish habitat)
10. Wildlife populations or wildlife habitat/ Migration routes		No or minimal impact to wildlife habitat or populations through water works activities (e.g., aquatic habitats and wildlife dependent on wetlands and riparian habitats; foraging, breeding, nesting)	Very localized impacts to wildlife habitat or populations that do not threaten the long-term health of wildlife populations.	Wildlife habitat or populations will be adversely impacted.

11. Plant and/or Vegetative communities		No or minimal impact to plant or vegetative communities through changes in water level. (e.g., plants growing in bogs, marshes, wetlands and riparian areas)		Plant and/or vegetative communities will be adversely impacted by changes in water level. Extent of impact is large.
12. Seasonality		Activity is seasonally flexible (e.g., can be timed to avoid seasonal use of resources)		Activity is seasonally inflexible (e.g., fixed timing would impact seasonal use of resources)
Identify level of terrestrial, physical and/or riparian impacts (Choose one):		Minor	Moderate	Serious
Provide rationale for level of terrestrial impacts:				

DRAFT

Step 3. Assessed Overall Impact – Use highest impact between water and terrestrial assessments (Choose one):	Minor	Moderate	Serious
Provide rationale for Overall Impact level:			
Assessed Overall Impact (mark “X” on impact spectrum range)			

DRAFT

IMPACT TOOL GUIDE

This guide is supplemental to the Impact Tool and provides guidance to staff regarding use of the Impact Tool.

1. **Step 2A and 2B - Is the “Impact Criteria” applicable to the decision/activity or is there no information?** Consider each criterion to determine if it applies to your decision/activity. If not, mark “NA” under the “Criteria not applicable? The questions below can assist.
2. **Step 2A and 2B - For each applicable Impact Criteria, is the potential impact low, moderate or high?** Consider each Impact Criteria’s potential to impact on water land and resources. Identify the potential impact using the “*Assessed Level of Impact*”, and the associated “*Spectrum Indicators*”. Indicate (e.g., with an ‘X’) the seriousness of impact (minor, moderate or serious) for each applicable criteria and provide your rationale. The questions below can assist you in the assessment. Determine the level of impact for Step 2A and/or Step 2B by considering the seriousness of impact of all the individual criteria. Indicate your choice by an ‘X’ or circle and provide your rationale.
3. **Step 3 - Is the “assessed overall impact” of the decision/activity at a minor, moderate or serious impact?**
 - Unless there are legislated mitigation measures, the assessment of overall impact is the highest level of impact between water (Step 2A) and terrestrial (Step 2B) assessments. Choose by an ‘X’ or circle to indicate your choice. Use an ‘X’ on the arrow to show level of impact on the spectrum from minor to serious.
 - Provide a detailed rationale for the choice. Once completed, upload this Impact Tool under “Associated Documents” in the “Preparation and Initiation” screen of the corresponding consultation record in CRTS (Note: this Impact Tool replaces: Preparation and Initiation screen’s Key Impact Factors and Physical Impacts - Land and Water Sections (only) in CRTS).

Guiding questions to consider when using the Impact Checklist:

IMPACT CRITERIA	Guiding Questions – Step 2A. Water Resources
1. Water Scarcity	<p>Local scarcity would be on the stream source or nearby tributaries or an aquifer, including where a well is hydraulically connected.</p> <p>Regional scarcity relates to the area in general (e.g., watershed or aquifer level). Regional scarcity is higher impact as it indicates that lands that are subject to title claims may not have reasonable access to water. Water restrictions are a good source of coarse filter information along with local knowledge. Consider supply against existing demands (licensing, reserves and EFN requirements).</p> <ol style="list-style-type: none"> 1. Is there evidence of scarcity (including seasonal availability) of water resources from this specific source and/or any adjacent source (e.g., stream or aquifer)? Evidence could include long-term groundwater level monitoring, streamflow gauging, past incidences where licenced users were required to reduce use. Consider factors that contribute to the level of water scarcity: timing, EFN, source, type of use, consumptive vs non consumptive use, cumulative effects, water supply and water reserves, water budget. 2. How significant is the volume of water in comparison to what is available locally and regionally? 3. Have water objectives been established under section 43 of the WSA for the

	<p>watershed, stream, aquifer or environmental feature?</p> <ol style="list-style-type: none"> Is there a water sustainability plan that is applicable to this application? Has a temporary protection order been designated for the area that this application is in in the last 3 years, 5 years? Would the proposed water use be considered non-consumptive? Examples of water use that may be considered non-consumptive include: conservation storage; industrial fish hatcheries; some types of industrial effluent dilution, land-improvement, mining, or power; open-loop geothermal energy; stream storage or aquifer storage. In general, to be considered non-consumptive the water will either remain within or return to the water source, although this may be at a different time (season) or in a different location than the extraction. Although a water use may be considered non-consumptive, there may be an alteration of water quality (e.g. temperature, chemistry) as a result of the use that should be considered as part of the impact assessment.
2. Fish populations/Fish habitat/Fish migration routes	<ol style="list-style-type: none"> Will the allocated volume of water potentially adversely impact a fish population or fish habitat? If so, to what extent? A small reach (diversion reach for example) or over a large area? Will the diversion or storage of water impact water quality (temperature, etc.), which may in turn impact fish populations? Will the decision/ activity disturb fish habitat or migration routes? Is there a conservation concern applicable to the area or species? <p>Addition guidance may be found within the Environmental Flow Needs policy.</p>
3. Wildlife populations/ Wildlife habitat/ Migration routes	<ol style="list-style-type: none"> Will the allocated volume of water potentially adversely impact wildlife populations or wildlife habitat? (e.g., breeding, feeding, nesting habitat for waterfowl) What is the extent of the impact to wildlife habitat and/or wildlife population? Will the effect create local or contribute to regional wildlife scarcity? Is there a conservation concern applicable to the area or species? Will the decision/ activity disturb species habitat or migration routes?
4. Plant and/or Vegetative communities	<ol style="list-style-type: none"> Will the volume allocation impact vegetation or other resources by changes in soil moisture regimes etc.? Will the effect create local or contribute to regional plant or vegetative community scarcity? Is there a conservation concern applicable to the area or species?
5. Navigation/ Transportation	<ol style="list-style-type: none"> Will allocating water impact transportation or access on the watercourse (i.e. can no longer paddle on the stream) at various times of the year (e.g., rapids become impassable when low flows are experienced). <p>Reminder: EFN policy does not consider whether there are adequate flows for transportation.</p>
6. Temporal	<ol style="list-style-type: none"> Is the water right permanent? Is the nature of the water right such that it is very unlikely to become available in the near or distant future (i.e., municipal waterworks vs. a use approval)?

IMPACT CRITERIA	Guiding Questions – Step 2B. Physical, terrestrial and/or riparian impacts
1. Permanence (impact of decision on the land)	<ol style="list-style-type: none"> 1. Will the decision/activity result in permanent alienation of land and resources? 2. Will the decision/activity result in a permanent alteration of the land or other natural resource? 3. Will the effects of the decision/activity persist for a long time?
2. Temporal Aspect (duration of license/use)	<ol style="list-style-type: none"> 1. Is the decision/activity associated with a use that is long term relative to other forms of use? 2. Is this license replaceable or extendable? 3. Can this license be transitioned into longer term license? 4. Will the decision/activity take a long time to carry out?
3. Exclusivity	<ol style="list-style-type: none"> 1. Will the decision/activity result in the use of land or resources by one user and exclude others?
4. Access	<ol style="list-style-type: none"> 1. Will the decision/activity result in new public access to land or resources that were not previously accessible? 2. Will the decision/activity restrict access to land or resources that were previously accessible? 3. Will the decision/activity alter historical access or control points to an area beyond the activity?
5. Resource Renewability	<ol style="list-style-type: none"> 1. Are the resources associated with the proposed decision/activity non-renewable or not sustainable? 2. If the resource is renewable, will it take a long time for it to renew?
6. Potential Disturbance	<ol style="list-style-type: none"> 1. Will the decision/activity disturb soil, water, air, vegetation, fish or wildlife habitat, or fish or wildlife populations (noise impacts on wildlife or spiritual areas should be considered)? 2. Is rehabilitation and/or restoration required post-activity?
7. Size	<ol style="list-style-type: none"> 1. Will the decision/activity affect a large geographic area? i.e., what is the footprint of the works?
8. Fish populations/Fish habitat/Fish migration routes	<ol style="list-style-type: none"> 1. Will the water works and related activities potentially adversely impact a fish population or fish habitat? 2. If so, to what extent? A small reach (diversion reach for example) or over a large area? 3. Will the diversion or storage of water impact water quality (temperature, etc.), which may in turn impact fish populations? 4. Will the decision/ activity disturb fish habitat or migration routes? 5. Is there a conservation concern applicable to the area or species? <p>Addition guidance may be found within the Environmental Flow Needs policy.</p>
9. Wildlife populations/ Wildlife habitat/ Migration routes	<ol style="list-style-type: none"> 1. Will the water works and related activities potentially adversely impact wildlife populations or wildlife habitat? (e.g., breeding, feeding, nesting habitat for waterfowl) 2. What is the extent of the impact to wildlife habitat and/or wildlife population? 3. Will the effect create local or contribute to regional wildlife scarcity? 4. Is there a conservation concern applicable to the area or species? 5. Will the decision/ activity disturb species habitat or migration routes?
10. Plant and/or Vegetative communities	<ol style="list-style-type: none"> 1. Will the water works impact vegetation or other resources by changes in soil moisture regimes etc.? 2. Will the effect create local or contribute to regional plant or vegetative

	community scarcity? 3. Is there a conservation concern applicable to the area or species?
11. Seasonality	1. Will the water works impact seasonal uses of natural resources? 2. Is the timing of the activity inflexible to changes that enable use?

DRAFT

NAME OF PROCEDURE: Water Licence Application, Assessment For Decision

APPLICATION: Applies to the assessment of an application for a new water licence

ISSUANCE: Director, Management and Standards Branch

IMPLEMENTATION: To all Water Stewardship Division staff

REFERENCES: *Water Act* (Ch. 483, R.S.B.C. 1996)
Water Regulation (B.C. Reg. 204/88)

RELATIONSHIP TO PREVIOUS PROCEDURE: Ministry of Environment, Procedure Manual, Volume 6, Section 7, Sub Sections .02.05.00 and 02.06.00, February 1, 1983
Ministry of Environment, Lands and Parks, Water Licensing Demonstration Project, Section 4.6, October 13, 1995
BC Environment, Water Programs Policy and Procedures Manual, Volume 1, Section 2, Sub Sections .03.01.05 and .03.01.06 January 8th, 1996

PROCEDURE AMENDMENT: Requests for substantive changes should be directed to the Director, Management Standards Branch.

Glen Davidson
Director
Management and Standards Branch
Water Stewardship Division

Jim Mattison
Assistant Deputy Minister
Water Stewardship Division

Date

Date

EFFECTIVE DATE:
AMENDMENT NO:

FILE: 76940-00

APPROVED AMENDMENTS:		
Effective date	Briefing Note /Approval	Summary of Changes:
	None	Changes made are as a result of updating water policies and procedures.

Table of Contents

TABLE OF CONTENTS.....	3
1. PURPOSE.....	1
2. DEFINITIONS.....	1
3. OVERVIEW - PRELIMINARY ASSESSMENT	4
3.1 Quick Licensing Under the Water Act.....	6
3.2 Water Allocation Plans	7
4. REVIEW OF THE APPLICATION FILE	8
4.1 Additional In-office Assessment.....	9
4.1.1 Water Reserves	11
4.1.2 Water Allocation Restrictions.....	12
4.1.3 Reports Available in WLIS/POI.....	13
4.1.4 Web-based Query Reports	14
5. ABORIGINAL CONSULTATION AND REFERRAL	14
6. SITE INSPECTION.....	15
6.1 Key Components of a Site Inspection.....	15
6.1.1 Recording the Site Inspection	19
6.1.2 Late Notification	19
6.1.3 Columbia Basin Trust	19
7. WATER SUPPLY AND DEMAND	20
7.1 Water Allocation.....	20
8. REPORT FOR A WATER LICENCE APPLICATION	20
8.1 Completing The Report – Key Elements	20
8.1.1 Key Elements of the Report.....	20
9. OBJECTIONS AND CONCERNS.....	26
10. REFUSAL.....	27
APPENDIX 1: FIRST NATIONS REFERRAL.....	28
APPENDIX 2: SITE INSPECTION FORM	29
APPENDIX 3: SAMPLE LETTER LATE NOTIFICATION.....	34
APPENDIX 4: REPORT FOR A WATER LICENCE APPLICATION	36
APPENDIX 5: CLAUSES USED IN WATER LICENSING	39

1. PURPOSE

This procedure provides an overview on the assessment process for a new water licence application.

2. DEFINITIONS

Comptroller means a person employed by the government or government corporation and designated in writing by the Minister as the Comptroller of Water Rights and includes any persons designated in writing by the Minister as acting, deputy or assistant comptrollers.

Engineer means a professional engineer employed by the government or a government corporation and designated in writing by the Comptroller as an engineer and includes a Regional Water Manager.

Excluded Stream means a stream that is designated as a “sensitive stream” under the Fish Protection Act and identified in the Sensitive Stream Designation and Licensing Regulation or a stream or part of a stream that is designated as an “excluded stream” from the Quick Licensing process.

If a stream is excluded, its tributaries are automatically excluded as well from Quick Licensing.

Duty is the depth of water which is typically applied to irrigate a crop over the growing season. It is dependant upon the local climate, soil type, and crop. For example, in the dry south Okanagan the duty may be 3 feet, in order to irrigate 1 acre over a growing season 3 acre-feet of water would be needed.

Fully recorded means an administrative term meaning that there is not sufficient water available to issue a water licence.

Joint Works Agreement is a written arrangement, voluntary or directed by the Regional Water Manager or Comptroller of Water Rights, under Section 33 of the Water Act, which identifies the shared use of works authorized by a water licence.

Landowners Consent Form is identified in Schedule D of the Water Regulation and is used for Quick Licensing. It provides written permission for works, authorized by a water licence, to cross or affect land held by another land owner.

Point of Diversion (PD) the point on a stream where the applicant proposes or a licensee is authorized to divert water from a stream. Points of diversion are identified by PD and a 5 digit number

For example: PD59048 is generated by the WLIS system. Older water licences may have a one or two character point of diversions – e.g., A, AA, A3.

Point of Interest (POI) means commonly referred to as POI, this is an automated system which is typically accessed from WLIS. POI provides a hierarchal listing of water sources and points of interest.

Point of Rediversion means the point on a stream where water is re-diverted to the place of use, the water having been previously diverted from another stream which is the licensed source. There is no licensed use of water from the stream on which the point of rediversion is located.

Quick Licensing is a process identified in Section 12.1 of the *Water Act*, for adjudicating water licence applications for small quantities of water (which are not over the maximum eligible quantity) and on sources where additional withdrawal would have not adverse impact on other users (not an excluded stream).

Riparian relates to owners of property located adjacent to a body of water have traditionally enjoyed certain riparian (stream or river banks) and littoral (sea or lake-shore) rights. For simplicity, the term riparian is used for all rights pertaining to the shore or bank of a body of water.

Regional Water Manager means a person employed by the government or a government corporation and designated in writing by the Minister as a Regional Water Manager and includes a person designated in writing by the Minister as an acting or Assistant Regional Water Manager.

Sensitive Stream the *Fish Protection Act* provides for the Lieutenant Governor in Council (Cabinet) to designate a stream as a sensitive stream, if it is considered that the designation will contribute to the protection of a population of fish whose sustainability is at risk because of inadequate flow of water within the stream or degradation of fish habitat.

The Sensitive Streams Designation and Licensing Regulation lists the province's sensitive streams.

Stream defined in the *Water Act* as including a natural watercourse or source of water supply, whether usually containing water or not, ground water, and a lake, river, creek, spring, ravine, swamp and gulch.

Stream Channel means the bed of a stream and the banks of a stream, whether above or below the natural boundary and whether usually containing water or not, including side channels

Unrecorded Water means water the right to use which is not under a licence or under a special or private Act.

Water Development Plan provides additional detail on proposed water use. The Plan required for a water licence application with a proposed diversion rate of over 100 cubic metres (m³) or 25,000 gallons a day.

Water Users' Community means any public corporate body incorporated under the Section 51 of the *Water Act*, and includes a water users' community formed under a former Act

Under the *Water Act*, the Comptroller may at any time issue to a group 6 or more licensees a certificate of incorporation incorporating them into a water users' community with the name the Comptroller considers advisable.

WLIS means Water Licence Information System, which is a computer system that manages water application and licence information. Use acronym "WLS" to activate.

Water Reserve a means be which the government of British Columbia, through an order of the Lieutenant Governor in Council (Cabinet), can define the public interest and set priorities for future allocation of water from a stream, or within all or part of a watershed, Section 44 of Water Act

Water Reserves are established by Order-in-Council and withhold all, or part, of the unrecorded water of a stream from being diverted and used under a water licence. A Water Reserve may:

- enable a person to investigate the suitability of a stream for any purpose;
- make provision for a water supply for a waterworks, irrigation or power purpose;
- hold water for the use of the Crown for any purpose; or
- effect a treaty entitlement of a First Nation.

Works are defined in the *Water Act* as anything capable of or used for:

- diverting, storing, measuring, conserving, conveying, retarding, confining or using water,
- producing, measuring, transmitting or using electricity, or
- collecting, conveying or disposing of sewage or garbage or preventing or extinguishing fires.

Works also include:

- booms and piles placed in a stream,
- obstructions placed in or removed from streams or the banks or beds of streams,
- changes in and about a stream, and
- access roads to any of them

3. OVERVIEW - PRELIMINARY ASSESSMENT

The complexity level of the new water licence application needs to be determined in order to provide the appropriate amount of resources for adjudicating the proposal. Water licence applications can generally be categorized into three complexity levels, low, moderate and complex.

Low complexity applications can generally be reviewed without a site investigation, while moderate proposals may require an assessment with the applicant at the site of proposed water use.

Complex applications will most likely always require at least one and often several site inspections.

Table 1 provides additional details on application complexity and the required effort for adjudication

Table 1: Complexity Rating for a Water Licence Application

Complexity & Processing Level	General Characteristics of the Water Application
<p>Low Complexity</p> <p>Express processing</p>	<p>Low Complexity simple, small volume applications, which can be processed:</p> <ul style="list-style-type: none"> • used for Quick Licensing or for any water applications with diversion rates up to 100,000 litres or 100 cubic metres (25,000 gallons) a day. • used where supply and demand analysis is completed by water allocation staff or estimates of supply are readily available to staff from existing information sources.
<p>Moderate Complexity</p> <p>Standard processing</p>	<p>Moderate complexity is where referrals or site inspections <i>may</i> be required.</p> <p>Estimates of water supply <i>may</i> not be readily available for the source but estimates can be made by staff and qualified by site measurements to determine water availability.</p> <p>Factors include:</p> <ul style="list-style-type: none"> • streamflow measurements, • one or more referrals, • a site inspection, • the water source has been designated as a sensitive stream, under the <i>Fish Protection Act</i>, or it has been identified as requiring minimum flow requirements for fish protection, • the water source is on, or flows through an Indian Reserve, or has been identified as having aboriginal interests, or • additional information is required to assess the application – e.g., plans, reports and assessments.

Table 1: Complexity Rating for a Water Licence Application, continued

Complexity & Processing Level	General Characteristics of the Water Application
<p>Complex</p> <p>Additional Processing is Required and will vary according to level of complexity of the application</p>	<p>Applications require a project management approach to determine those actions required to achieve the 140-day target-turn-around-time (TATT).</p> <p>There is a high likelihood that the number and complexity of referrals might mean that a 140-day TATT may not be achievable.</p> <p>Proposed water use will require complex operational and structural considerations.</p> <p>Factors include:</p> <ul style="list-style-type: none"> • complex referrals, • a more rigorous hydrologic analysis, • storage reservoir, spillway and reservoir design, where dam safety is a concern, and rule curves for reservoir operation, • statistical analysis for waterworks, • streamflow estimates, streamflow monitoring • instream flow issues, and • complex First Nation issues.

3.1 Quick Licensing Under the Water Act

Quick Licensing, under Section 12.1 of the *Water Act*, is a fast track process for adjudicating water licence applications. It is used for both new licences as well as amendments to existing licences.

If the application is eligible for quick licensing, an “authorized official” may issue the new water licence or an amendment to an existing water licence. Authorized officials can only be designated by the Regional Water Manager or Comptroller of Water Rights.

Quick Licensing is only applied to small quantities on water sources where additional withdrawal would have no impact on other water users. There also must be no significant environmental, First Nations, or fisheries concerns. Water Managers may also include additional criteria.

In order to be eligible for Quick Licensing the application must meet the following criteria:

1. An eligible application for Quick Licensing must not be on an “excluded stream”, which includes a stream designated as a sensitive stream (see definitions), and it must be either:
 - (a) domestic use with an allocation volume not exceeding 2,270 litres or 2.27 cubic metres (approximately 500 gallons) a day;
 - (b) irrigation use, with an allocation volume not exceeding 1,233 cubic metres (approximately 1 acre-foot per annum);
 - (c) for minor agricultural use with an allocation volume not exceeding 11,365 litres or 11.365 cubic metres (approximately 2,500 gallons) a day or 1,233,000 litres or 1,233 cubic metres (approximately 1 acre-foot) per annum; or
 - (d) a water use purpose and quantity which is specified by an Order of the Minister.
2. Excluded streams, water sources which cannot support Quick Licensing, are created by an Order of the Minister. A list of excluded streams are organized by region.
3. If the proposed works will cross, flood or otherwise affect another person’s land, the landowner(s) must provide prior written consent. The Water Regulation specifies Landowner’s Consent Form which can be used to obtain consent.

3.2 Water Allocation Plans

If a Water Allocation Plan has been established, which includes the source of proposed water use, a site investigation may not be necessary. Water Allocation Plans provide an inventory of existing water use demands and provide direction on future water use.

For additional information refer to the Water Allocation Plan Policy.

4. REVIEW OF THE APPLICATION FILE

The water licence application file should contain all of the information which has been submitted and accepted as a complete water use proposal.

1. Key material found on the water licence application file should include the following:
 - (a) the completed application;
 - (b) the drawing of the proposed water use activity which includes the site of water use, works and land crossed;
 - (c) a map showing the general area of the water licence application;
 - (d) survey plan;
 - (e) Certificate of Title or Crown land lease; and
 - (f) Clearance Report (WLIS 3100).
2. Additional key items of the application package may include the following:
 - (a) the Proof of Serving or Advertising Declaration for parties which may have an interest in the water use proposal;
 - (b) referral responses from agencies, local government, private companies or First Nations;
 - (c) a letter from a landowner which provides consent for that proposed works to cross their land or a Landowner Consent Form (used for Quick Licensing);
 - (d) Joint Works Agreement;
 - (e) Water Development Plan;
 - (f) Schedule 2 – Dam & Reservoir Information;
 - (g) Schedule 3 – Waterpower information;
 - (h) Objection letters;
 - (i) responses from the referral of the application; and
 - (j) Water Allocation Plan which encompasses the proposed source of water use.

4.1 Additional In-office Assessment

The technical assessment of the application may include the following general steps:

1. Confirm the general category of water availability for the proposed source of water supply – for example:
 - (a) Fully Recorded;
 - (b) Water Reserve;
 - (c) First Nation Interests;
 - (d) Sensitive Stream under the *Fish Protection Act*;
 - (e) Restrictions;
 - (f) Contains existing licences and applications;
 - (g) Excluded Stream (for Quick Licensing);
 - (h) New (e.g., a new spring which has never been licensed); and
 - (i) Ample Availability.
2. Confirm the location of the application, which includes proposed area of use, source (including tributaries) and works, using any of the following:
 - (a) the Applicant's Drawing and maps provided with the application;
 - (b) the Point of Interest (POI) component of WLIS;
 - (c) automated spatial overlays (ArcView, GOAT and iMap);
 - (d) hard copy maps (historic water rights and topographic); and
 - (e) aerial photographs.

Refer to the Water Rights Spatial Data Process for additional information on how spatial data is used and managed.

3. It may also be necessary to note the characteristics of the watershed, in regard to:
 - (a) Define the drainage areas above the proposed point of diversion and the total watershed area of the source; and

- (b) Note any natural reservoirs (i.e., lakes, swamps, sloughs, etc.) or possibilities for development of man-made reservoirs.
4. Review reports on existing water licence and applications – for example:
- (a) Water Reserves list;
 - (b) Web-based Water Allocation Restriction list;
 - (c) WLIS/POI Reports; and
 - (d) Web-based Water Licence Query Tool.
5. Review any hydrometric and/or meteorological data for the watershed or adjacent watersheds – if needed:
- (a) develop appropriate correlations and/or assimilation of data in order to approximately estimate the stream-flow at the proposed point of diversion and other significant points of interest (e.g., critical fisheries reach);
 - (b) compare extractive uses from the source (and/or watershed) and estimated stream flows in order to estimate water availability; and
 - (c) use a Beneficial Use Declaration to collect information on the actual use of water from the source or tributaries.

4.1.1 Water Reserves

Section 44 of the *Water Act* provides for water reserves to be established on a water source, or within all or part of a drainage system. Water reserves are intended to define the public interest and set priorities for future allocation of the province's water resource.

Common purposes of water reserves include the following:

- enable a person to investigate the suitability of a stream for any purpose;
- make provision for a water supply for a waterworks, irrigation or power purpose;
- hold water for the use of Crown land for any purpose; or
- effect a Treaty or other entitlement of a First Nation.

Water Reserves are established by the government of British Columbia through an Order-in-Council of the Lieutenant Governor in Council (Cabinet). Depending on the nature of the water reserve, approval of the Minister or Cabinet may be required before a new water licence can be issued.

On the relatively rare occurrence that a new water licence application proposes water use from a source with a water reserve the following actions should occur:

1. Water use purposes for domestic or land improvement are not subject to the conditions of a water reserve and a water licence may be issued without further action.
2. If a new water licence is to be issued for the purpose for which the reserve was established there is no further action required. However, the priority date for the new water licence should be the same as the Order-in-Council which established the reserve
3. If the water reserve provides for new water licences to be issued for purposes other than that which the reserve was established and without referral to Cabinet or the Minister, the licence can be granted. However the priority date of the new water licence must be the same as the Order-in-Council which established the reserve.

In addition, the new water licence should also contain the following provision:

- The rights granted under this licence are subject to a water reserve established by Order in Council No [Insert: Number] dated [Insert: Date]

4. In some cases the Minister or Cabinet must review a request and provide their consent to issue a new water licence for a purpose other than that for which the water reserve was established.
5. If approval is obtained for a new water licence to issue the new water licence must have a priority date with is the same as the Order-in-Council which established

In the event that the proposed water source in on a reserve assistance from water resource specialists with the Water Management Branch in Victoria should be obtained.

The water application Clearance Report (WLIS 3100) should list whether the is a water reserve on the source of intended water use.

In addition, a list of Water Reserves can be found on WSD Internet site.

4.1.2 Water Allocation Restrictions

Water Allocation Restricts are assigned to surface water sources as a management tool in order to assist with management of the province's water resources.

These restrictions may range from including a minimum fish flow clause in a water licence (refer to Appendix 4, Table 2) to suspending the issue of any further water licences. When an investigation of a water source, which typically occurs with the assessment of a new water licence application, indicates that it is nearing its capacity to support further withdrawals the Water Stewardship Technical Officer will initiate a restriction. Water restrictions are considered will other relevant information, when making further water allocation decisions.

Common water restriction notations include the following:

- Refused No Water (RNW), indicates that a previous application for a water licence was refused because there was insufficient water in the stream to grant the application.
- Fully Recorded (FR), indicates that based on the information available at the time of the last site inspection, no further licences should be considered on this source. In this case, it is likely that a new water licence was issued in the past; however, it was the last new water allocation which the water source could support
- Possible Water Shortage (PWS), indicates that this stream is nearing the Fully Recorded state and there is the potential for periods of insufficient water.

- Fully Recorded Except (FR-EXC), indicates that based on the information available at the time of the last site inspection, no further licences should be considered on the source, except for licences for specified (limited) purposes and quantity.

Fully Recorded Except When Storage, is common restriction which is occurring with greater frequency with increased use of the province's water resource. A source with this restrictive designation means that purposed water use purpose (e.g., irrigation) must be supplied from water storage.

- Office Reserve (OR) indicates that this is a specialized comment which should be taken into consideration before making any water allocation decision on the source.

As with water reserves, the water application Clearance Report (WLIS 3100) should list whether there is a water restriction on the source of intended water use

In addition, a list of water restrictions can be found on the Web-site.

4.1.3 Reports Available in WLIS/POI

There are several reports available in WLIS/POI which provide information on existing water licences and water licence applications. These reports include:

1. Downstream Notification Report (WLIS 2200), provides a listing of the downstream users who may require notification
2. Licence Demand Report (WLIS2300), provides a report of the water demand, either by Point of Diversion on a source hierarchy, or by purpose use code term in licence order.
3. Stream Register Report (WLIS 2B00), provides all licensing information in a stream register format, for a selected water district, precinct, region, watershed or water source – with start and end points.
4. Upstream/Downstream Users Report (WLIS2C00), provides information on individual source or on a source hierarchy.
5. Licence Register Report (WLIS2D00), provides all licensing information as in the Stream Register report, except that multiple Points of Diversion are grouped by licence, not by hierarchical order.

6. Community Watershed Report (WLIS2F00), lists Community Watersheds existing in a given water district, precinct, or watershed for a given watershed/community watershed combination, or for a given plan number

Addition detail on reports can be found in Section 5 of the WLIS and POI User Guide

4.1.4 Web-based Query Reports

There is [Water Licence Data Query Tool](#) on the Water Stewardship Internet Site. This tool quickly provides several reports on water licence data from the data warehouse. For example existing water licences and applications can be reported on a specified water source

It should be noted that the data is comprised of active water licences and applications and is updated from the data warehouse nightly.

5. ABORIGINAL CONSULTATION AND REFERRAL

Consultation becomes necessary when a Ministry of Environment (MOE) action or decision being considered may affect an aboriginal interest. MOE must, in all cases, ensure any aboriginal rights and title that may exist are not unjustifiably infringed.

It is imperative that consultation occur wherever it appears there is a sound claim or a good prima facie (at first glance) case of aboriginal rights and/or title. Staff cannot make a legal determination as to the existence of aboriginal rights or title, nor can they acknowledge the existence of a particular aboriginal right claimed by a First Nation. Rights and title can only be confirmed through treaty or by the courts.

In most circumstances, given the nature of MOE actions, a complete and formal assessment of soundness of claim may not be necessary to determine to proceed with consultation.

For example, if the licence application proposes a point of diversion located upstream on a source or watershed that flows through an Indian Reserve, the Band should be contacted. In addition, if the proposed application would affect (e.g., degrade water quality, flood or cross) any portion of an Indian Reserve, the local Band office must be contacted.

In situations where staff are unsure whether a decision or activity warrants consultation, caution requires that consultation be carried out. **Consultation should begin as early as possible in the decision making process, ideally as soon as an action requiring consultation is being proposed.**

Additional information on consultation can be found on MOE's Intranet site for [Aboriginal Relations](#), which provides [Consultation Tools](#).

Staff should also be aware of whether a First Nation has ratified a Final Agreement under a process to acquire a Treaty. Final Agreements may grant water rights and governing authority to First Nations for water in British Columbia.

Staff should also be aware of whether a First Nation has ratified a Final Agreement under a process to acquire a Treaty. Final Agreements may grant water rights and governing authority to First Nations for water in British Columbia.

Appendix 1 provides a sample letter which may be used to initiate a referral of a water licence application to First Nations.

Diary the referral for a period of 45 days for a response.

6. SITE INSPECTION

Site inspections should only be conducted when it provides: essential technical information, for an application to be processed in a quick timeframe, or an opportunity to develop relationships that will facilitate a timely decision.

The Water Stewardship policy on Site Investigations provides further guidance on whether to conduct a field inspection of the application based on the complexity level of the proposal.

6.1 Key Components of a Site Inspection

Wherever possible, conduct the field inspection accompanied by the applicant and, where necessary, personnel from other agencies having an interest in the application.

The following list of components for the site inspection can be recorded on the Site Inspection Form.

Appendix 2 contains a Field Inspection Form.

1. Contents of the Application

Interview the applicant and confirm whether the information on the application is still valid – key items include:

- (a) the location of the proposed source;
- (b) the system which the source is tributary to, if previously not known;
- (c) the purpose or purposes of water use;
- (d) the quantity of water required;
- (e) the location and nature of works (existing and proposed); and

- (f) whether the applicant is aware of any existing licences.

2. Proposed Water Source

Assess the volume of flow at the source. Also enquire about any background or historic information concerning stream flows that the applicant may possess:

- (a) Where insufficient streamflow records exist, measure the streamflow with bucket and stopwatch, weir, partial flume, flow meter, float and stopwatch, some other method, or make a rough estimate;
- (b) If a series of streamflow records is required request the applicant to take measurements over a specified period of time and submit them to the office;
- (c) Record weather conditions preceding measurements to indicate the stream flow may be above or below normal or average;
- (d) In some circumstances, for example where there is a heavy demand on water, the installation of a permanent gauging situation may be required;
- (e) It may be beneficial to the applicant to provide information on stream flows , quantities of flow presently held under licenses on the source (and/or watershed), instream requirements (i.e., fish requirements), quantities possibly available for licensing (and what time of year available) and the possibility of development on the source (i.e., dams, on and off stream reservoirs, dugouts); and
- (f) Confirm the name of the source. For sources which are not named refer to the Water Licence Application – Naming of Water Sources.

3. Works

Assess the feasibility and location of the proposed works by:

- (a) Sketch out or survey the location of the point(s) of diversion and the works (both existing and proposed) by pacing, or with hand compass, optical rangefinder (or tape measure) and hand level, a GPS unit;
- (b) If the source is a licensed spring and separate works (intake, pipeline) are being employed, show this on the site sketch;
- (c) Note whether any proposed points of diversion would be joint with another existing water licence on application.

- (d) Record if a points of rediversion will be required and there location to any existing points of diversion or mouths of creeks; and
- (e) If storage is needed, record and compare with Schedule 2 – Dam & Reservoir Information the location and characteristics of the reservoir and the dam.

4. Other Lands Affected

Check whether the works will affect (occupy, cross, or flood) land with an interest held by another party – for example, private land, Crown land tenure, Indian Band, municipality.

- (a) All third party land which will be affected should be recorded and the applicant should be informed to try and secure a landowners agreement where possible;
- (b) If the clearance process did not already identify an assess Crown land which is affected, stautsing will be required to determine possible conflicts; and
- (c) If a Permit over Crown land (PCL) is required the location and dimensions should be noted. A PCL is still required if the applicant is a provincial ministry or agency.

5. Objections

Assess possible effects the proposal may have on any applicants/licensees, riparian owners, other land owners, the interests of any agency or the environment:

- (a) If applicable, assess the validity of any objection received concerning the application; and
- (b) Contact all objectors and determine the nature of any conflicts and/or the reason for their objection.

6. Location of Proposed Water Use

Determine whether the land description where the water is proposed to be used is consistent with the actual site – for example:

- (a) Surveyed areas which may or may not be excepted from the Certificate of Title of the appurtenant land may be used as the boundaries for the parcel where the water is proposed to be used;

If it is practical and does not unnecessarily restrict the area of proposed water use. This could include right-of-ways for pipelines, roads, easements, railways and possibly the areas of a restrictive covenant;

- (b) Domestic water use should be restricted to the smallest surveyed or legally described area containing the place of use.
- (c) If the application is for irrigation, confirm the number of hectares (acres) which will be required - in regard to the duty which is required by the soil type; and
- (d) If the proposed appurtenant land includes a subdivision within an Indian Reserve, the appropriate Canadian Land Survey Records Number (a CLSR number) from the federal Department of Indian and Northern Affairs.

7. Referrals

Confirm whether a referral has been made to all appropriate agencies, which is typically done prior to the site inspection. Refer to the Notification and Referral Procedure.

- (a) If additional referrals are required, instruct the applicant to do so, or consider whether it would be more efficient for your office to initiate the referral.

8. Differences Between the Application and Site Assessment

If appropriate, discuss with the applicant differences between the water licence application and the results of the assessment of the proposal. Discussion may include:

- (a) the need for additional flow assessments, referrals and or notifications;
- (b) the possibility of granting a water licence as indicated in the application or with different water use purposes (possible additional fees), flows, or with various conditions of water use; or
- (c) the possibility of refusing the application for lack of available surface water.

6.1.1 Recording the Site Inspection

As mentioned previously, the Site Inspection Form can be used to record information. Refer to Appendix 2.

It is recommended that the completed Site Inspection Form be kept with the water licence application file, and where key processing steps are tracked records may be updated which indicate that the site inspection has been completed.

6.1.2 Late Notification

The site inspection may determine that additional licence holders need to be notified of the proposed application.

Appendix 3 provides a sample letter for late notification of a water licence application.

6.1.3 Columbia Basin Trust

Section 12 (2) of the *Water Act* states the following in regard to considering an application and the Columbia Basin Trust.

Section 12 (2)

Powers of the comptroller or regional water manager respecting applications

In considering an application under Sub Section (1) that relates to the region defined by the *Columbia Basin Trust Act*, the comptroller or the regional water manager must consider the current long term Columbia Basin Management Plan adopted for the Columbia Basin Trust under Section 15 of that Act.

The Columbia Basin takes in almost all of the Kootenay region and the southern tip of the Prince George region. It should be noted that Columbia Basin Management Plan is primarily an economic plan. The Columbia Basin Trust may have an interest in the economic impacts of proposed large-scale water use.

7. WATER SUPPLY AND DEMAND

The adjudication of an application for a new water licence is essentially an assessment of water supply and demand. Water supply is the rate of flow of water which can be expected to be equaled or exceeded at a specific time of the year. In contrast, water demand can be considered as the water requirements over a period of time for particular water use purposes.

7.1 Water Allocation

Water allocation decision should consider the characteristics of the purpose of water use and the period of time that water shortages can be tolerated without undue hardship or adverse economic consequence.

The assessment of water demand requires:

- an estimate of peak daily usage;
- annual or seasonal consumption; and
- acceptable frequency and durations of water shortages.

8. REPORT FOR A WATER LICENCE APPLICATION

Refer to the Water Technical Report (WTR) for producing a report on a water licence application.

Appendix 4 provides the outline for the water licence application report.

8.1 Completing The Report – Key Elements

A guide has also been developed to assist with completing the report, which is referred to as the WTR Template Report Writing Assistance.

8.1.1 Key Elements of the Report

In addition to summary information on the applicant and proposed water use, the report contains several key Sections.

1. Administrative Details

(a) Source and Point of Diversion (POD):

- Provide any comments related to the source or POD that should be placed in the stream register.

- For example, the source flows east and then south prior to entering right of receiving water upstream of PD123456, there are no changes to the placement or location of the POD required.

(b) Reserves and Restrictions

Provide any comments with respect to Water Reserves (Section 44 of the Water Act) or restrictions placed against the proposed source of water use.

- For example, there should be a notation placed on the stream register that fully records the stream unless it is fully supported by storage, or this application is for domestic purpose and therefore not subject to Water Reserve Order-in-Council 418-83 which applies to the Bulkley River and Tributaries.

(c) Other Licences on Dominant Land

This Section is used for describing any water licences that are also appurtenant to the land of proposed water use (commonly referred to as the dominant land).

(d) Objections

Include any accepted objections which have been made against the water licence application.

Include recommendations for each accepted objection should be provided.

(e) Joint Works

Details should be provided on which works are shared, whether a Joint Works Agreement (JWA) has been established in writing and if the applicant has or should be encouraged to seek a JWA.

(f) Notifications

Any parties that have been notified and referrals should be included, with a summary of comments or results of any discussion with a notified party.

This Section should also recommend notification or referral which has not yet occurred.

(g) Land Related Issues

(i) Ownership

Include any details around the ownership of the land of intended water use (commonly referred to as the dominant land)

Also, include if there will be works on any neighboring private land.

(ii) Crown Land Affected

If the works will affect Crown land, include a description of the land crossed or occupied (e.g., dam or powerhouse site), along with the dimensions in metric units.

In most cases this information will be used to draft a Permit Over Crown land.

However, if another form of Crown land tenure is recommended it should be stated. Refer to the Water Policy, Tenure Requirements for Crown Land for various tenure options.

(iii) Land File Cross Reference

Provide any land files that are cross referenced with the water licence application and any information from Lands Operations which may be important.

(h) Special Clauses for the Cover Letter.

Include special clauses which are not common in the cover letter for the water licence.

- for example, do not reference the standard provision that a water licensing decision may be appealed
- if a PCL is issued along with the water licence the following clause may be used “A Permit over Crown land (PCL) has been issued with your water licence. The PCL provides authorization for your works to be constructed and maintained on Crown land. You may want to consider obtaining tenure with a right-of-way issued under the *Land Act*.”

Refer to Tables 1 of Appendix 5 for a complete list of clauses for the water licence covering letter.

(i) Special Clauses for the Licence.

Provide specific provisions (clauses) to be included in the water licence document

Refer to Table 2 of Appendix 5 for a complete list of clauses for the new water licence.

(j) First Nation Information

If applicable provide information on First Nation interests.

Attach additional information, such as an Aboriginal Interest Assessment to the Water Licence Application Report

2. Technical Information

(a) Watershed Characteristics

This Section is used to provide technical information about the watershed.

- for example the slope, cover, aspect and size.

(b) Water Balance

(i) Supply

This Section contains specific technical information on the supply of water for the proposed source of water use, in regard to whether there is sufficient availability to support the issue of a new water licence

(ii) Demand

This Section includes an inventory of all known licensed amounts referencing licence number and the authorized water withdrawal.

Information should also be provided on seasonal and peak period water use – for example water licences for irrigation which authorize water use during the growing season from April 1st to September 30th.

(c) Licence and Quantity Justification

This Section includes reasons for recommending the issue of a water licence and the actual amount of water to be authorized.

Information may also be provided on long-term (e.g., twenty-year) water demand such as the delivery of water to homeowner with a waterworks licence.

This Section may also include water demands and duty requirements for different types of soil type, which would provide the rationale for either increasing or decreasing the proposed amount of water use.

(i) Description of Works

Describe the works which will be authorized by the water licence to supply water to the applicant.

(ii) Power Requirements

This Section is used to describe the applicant's waterpower requirements.

(d) Environmental Considerations

Provide any information on environmental considerations which are associated with the water licence application. That is, indicate the concern and what measures and actions will be taken.

- for example, include water licence provisions (clauses) associated with habitat, sediment control, construction timing windows and other riparian issues.

(e) Site Inspection

This Section may be used to include details about the Site Inspection, such as individuals interviewed, dates and agencies which were involved.

Include any comments or action items which were identified.

(f) Technical Drawings

This Section is used to provide drawings and related specifics which have been gathered in association with the water licence application – for example the, applicants drawing, maps, plans, the site inspection sketch

3. Recommendations

This Section includes recommendation for licence issue or refusal. Reference should also be made to whether the new water licence will contain provisions (clauses) associated with authorized water use.

Appendix 5 provides the clauses which are inserted into the Water Licence Application Report.

9. OBJECTIONS AND CONCERNS

The adjudication of the application will also address objections and concerns which were filed against the proposal. A decision will be made either to issue a new water licence or to refuse the application. The following pertains to a decision to issue a new water licence.

Although each objection or concern may be addressed with wording specific to the water licence application, often a standard response can be used. Standard responses may include the following:

- There is water available to meet the licensed demand;
- Senior licences are protected by priority;
- The quantity of the water which has been authorized in the new water licence has been reduced from the amount which was originally proposed in the water licence application;
- The irrigation portion of the water licence application has been denied as there is insufficient water available;
- The irrigation portion of the water licence has been denied as there is insufficient storage available to support irrigation use;
- The domestic portion authorized has been determined to be adequate for the domestic of the applicant;
- The [Insert: Purpose] water demand under this application, and including all other demands around the lake, will not significantly impact the lake level, the water requirement for fish and your licensed water rights; and
- The issue of a new water licence should not adversely impact on your licensed water rights.

10. REFUSAL

The assessment of the water licence application may also result in the refusal of the proposal.

Reasons why an application for a new water licence may be refused include but are not limited to the following:

- The source of proposed water supply is fully recorded under existing water licences and there is not sufficient water in the source to support a new licence;
- There is insufficient water available in the proposed source, even if storage could be developed, to support a new water licence authorizing irrigation;
- There is insufficient water available in the proposed source to support a new water licence authorizing irrigation, unless storage is developed;
- There is not sufficient flow in the proposed source to maintain the fish resource and to issue a new water licence;
- The proposed source of water supply has been determined to be groundwater, and at present the Water Act does not provide for groundwater to be licensed;
- There is already sufficient water available under an existing licence to meet the applicant's proposed water use requirements;
- The applicant has not provided sufficient information and material to process the water licence application; and
- It has been determined that the applicant does not own or hold tenure in the land where the water is proposed to be used.

Appendix 1: First Nations Referral

Letterhead

Date: [REDACTED]

File: [REDACTED]

Band
Address

Dear [REDACTED]:

Re: Application for a Water Licence on [REDACTED] filed by [REDACTED] for [REDACTED] purpose

The Ministry of Environment, Water Stewardship Division has received an application for a water licence and is adjudicating the application. The application is attached [OPTION] with a referral package]

Please review this application [OPTION] and referral package], and provide any comments you may have. Specifically, we are looking for information with respect to any aboriginal interests that may exist on, or adjacent to, the land or water source under application, the nature and extent of those interests and comments regarding how, specifically, the proposal might impact those interests. If you identify a potential impact, please indicate what measures, if any, would address your concerns.

Comments should be provided **within 45 days** from the date of this referral. If a response is intended, but cannot be provided within this time frame, please advise the Ministry of Environment, Water Stewardship Division as soon as possible. If you do not contact us within 45 days, the Ministry of Environment, Water Stewardship Division, will continue with its review of the proposal, including the consideration of potential aboriginal interests, without your input

If you require further information, please contact [OPTION] this office [OR] the Water Officer noted on the referral form]

[OPTION] add list of First Nations to be notified.

Yours truly,

Name
Position
Agency

Enclosure

Office

Appendix 2: Site Inspection Form



WATER ACT

FIELD INSPECTION FORM for a WATER LICENCE

Date: _____ File # _____
Inspected by: _____ Precinct _____
Time of Inspection and Weather Conditions: _____
Person(s) Contacted: _____

SOURCE INFORMATION:

Map # _____ PD # _____ Air Photo # _____
Official/Local Name of Source (or unnamed): _____
(if unnamed give suggested name)
Stream Flow (Measured/Estimated): _____
Method of Measurement: _____
(Bucket & Watch, Floating Chip, Flow Meter, Parshall Flume, Other)
Location of Measurement: _____
Other Observations on Source and Flow: _____
Ground Condition: Dry Moist Saturated

PURPOSE:

Domestic # of Buildings (Constructed/Not Constructed)
of Stock Garden (Yes/No) Size:
Industrial (Stock watering) # of Stock
Irrigation Area to be Irrigated:
Cleared (Yes) (Area) (No) (Area)

EFFECTIVE DATE:
AMENDMENT NO:

FILE: 76940-00
PAGE: 29

Appendix 2: Site Inspection Form Water Licence Application, continued

_____ Storage: Area of Reservoir _____
(Area)

Dimensions and Type of Dam: _____
(height/length)

Hazard Rating: (Very High) (High) (Low) (Very Low)
Plans Required (P. Eng.) (Yes) (No)

Other Details: _____

Other Purposes: _____

WORKS:

Detailed Description of Works: _____

(Location, Size, Capacity, Type, Age, Installation Details, etc)

Works Are: Not Constructed Being Constructed Completed

Works Are Joint With: _____

APPURTENANT LAND:

Any Changes from that noted on the Application: _____

Other Licenses on Appurtenant Land: _____

Amendments Required: _____

Appendix 2: Site Inspection Form Water Licence Application, continued

INTERESTED PARTIES:

Were all Downstream (or Affected) Licensees, and Applicants Served?
(Yes) (No)

If not, who must be served? _____

Were all Affected Landowners Served? (Yes) (No)
If not, which lands are affected? _____

Are Additional Referrals Required? (Yes) (No)

OBJECTIONS:

Who was Contacted? _____

Results of Discussions: _____

CROWN LAND:

Dimensions of Area Affected: _____

How Affected? (pipeline, ditch, dam, flooded) _____

OTHER INFORMATION:

Water Reservation on Source? (No) (Yes)

Are Fish Present? (No) (Yes)

First Nation?

Indian Reserve on Source? (No) (Yes)

Archaeological Evidence? (No) (Yes) if so, what is evident?

Appendix 2: Site Inspection Form Water Licence Application, continued

PHOTOGRAPHS TAKEN: (state location and direction viewed)

RECOMMENDATIONS:

Signature: _____

Date: _____

Appendix 2: Site Inspection Form Water Licence Application, continued

SKETCH:

(include source, affected land, roads/access, stream measurement locations, gauge locations, other relevant information)

A large grid for sketching site inspection details. The grid is approximately 30 columns wide and 40 rows high, providing a structured area for drawing and labeling site features.

Appendix 3: Sample Letter Late Notification

Letterhead

Date: [REDACTED]

File: [REDACTED]

Client
Address

Dear [REDACTED]:

Re: Water Licence Application on [REDACTED]

We have under consideration an application for a water licence filed by [REDACTED]. As the location of the point of diversion was not determined until a field inspection was completed, you were not notified of the application during the early stages of review.

[OPTION] see page two for clauses

A plan showing the proposed works and point of diversion is provided for your convenience.

Please advise us if you have any objections or comments regarding this application. Further information can be obtained from the applicant at the following address [REDACTED].

If a response is not received in our office by [REDACTED] we will assume that you have no concerns regarding this application.

Please do not hesitate to contact [OPTIONAL INSERT] this office [OR] Name at Phone Number if you have any questions.

You may also wish to refer to our website at <http://www.env.gov.bc.ca/wsd/>.

Yours truly,

Name
Position
Agency

Enclosure

Office

Appendix 3: Sample Letter Late Notification, continued

Optional clauses for insertion

1. It has been recommended that a new licence be granted which would authorize the diversion and use of [REDACTED] from [REDACTED] for [REDACTED] purpose on [REDACTED].
2. The proposed location of the point of diversion will be located upstream from your authorized point of diversion.
3. The proposed works will affect your property being [REDACTED]. The works will consist of [REDACTED] and shall be located approximately as shown on the attached plan.
4. Our investigation has found that the proposed works will be located on the following Crown land [REDACTED].

Appendix 4: Report for a Water Licence Application



WATER ACT

REPORT for Water Licence Application

A Basic Applicant Information

Applicant	File
Address	
Phone	Water District
Priority Date	Precinct
Source:	Tributary to
WR Map	PD Number
Appurtenant Land	Description
	C/T
	PID
Works proposed constructed	
Water Allocation Plan	

This application should be **GRANTED REFUSED** as Conditional Water Licence **NUMBER** for:

Purpose	Quantity	Period of Use	Duty	Area
---------	----------	---------------	------	------

B. Administrative Details

1. Source and POD
2. Reserves and Restrictions
3. Other Licences on Dominant Land
4. Notifications

Appendix 4: Report for a Water Licence Application, continued

- 5. Objections
- 6. Joint Works
- 7. Land Related Issues
 - a. Ownership
 - b. PCLs
 - c. Land File Cross Reference
- 8. Special Clauses for Cover Letter
- 9. Special Clauses for Licence
- 10. First Nation Information
- 11. Required System and GIS Coverage Updates

C. Technical Information

- 1. Watershed Characteristics
- 2. Water Balance
 - a. Supply
 - b. Demand
- 3. Licence and Quantity Justification
 - a. Description of Works
 - b. Power Requirements

File:

Page 2 of 3

Appendix 4: Report for a Water Licence Application, continued

4. Environmental Considerations

5. Site Inspection

6. Technical Drawing

D. Recommendations

Prepared _____ Date _____
Name
Title

Reviewed _____ Date _____
Name
Title

Accepted _____ Date _____
Name
Title

File:

Page 3 of 3

Appendix 5: Clauses Used in Water Licensing

Note: the yellow highlight indicates wording which is common to all water licences and covering letters

Table 1: **Covering Letter** – New Water Licence – **Common** Clauses and Advice

Category	Name (Listed Alphabetically)	Wording
Clauses Common to All Covering Letters	Licence Approved start of letter	The investigation of your application has been completed. Enclosed is a copy of your new [Enter New Licence]. Please read the documents carefully. Any error in the licence should be brought to the attention of this office as soon as possible.
	Fees	If additional fees are required, you will be advised by the Comptroller of Water Rights.
	Please Note the Following:	1. Water licences do not authorize entry on privately owned land for the construction of works. Permission of the affected landowner must be obtained or an easement expropriated. For your protection, permission should be in writing and registered with the appropriate Land Title Office.
		2. Permission must be obtained from the appropriate government agency prior to installing works across lands, roadways and other right-of-ways.

Appendix 5: Clauses Used in Water Licensing, continued

Table 1: **Covering Letter** – New Water Licence – **Common** Clauses and Advice, continued

Category	Name (Listed Alphabetically)	Wording
Clauses Common to All Covering Letters	Please Note the Following: (continued)	<p>3. In order for you to keep your water licence in good standing, the following must be observed:</p> <ul style="list-style-type: none"> a) continued beneficial use of water, as authorized under your licence; b) payment of annual rentals; c) compliance with the terms of your licence; and d) compliance with the terms of the Water Act.
	Notify Regional Manager If	<p>Please notify the Regional Water Manager if:</p> <ul style="list-style-type: none"> a) there is any change in your mailing address; b) you sell the land to which the licence is appurtenant; c) you propose to subdivide the land to which the licence is appurtenant; or d) you propose to alter the works authorized under the licence.

Appendix 5: Clauses Used in Water Licensing, continued

Table 1: **Covering Letter** – New Water Licence – **Common** Clauses and Advice, continued

Category	Name (Listed Alphabetically)	Wording
<p>Clauses Common to All Covering Letters (continued)</p>	<p>Appeal Clause</p>	<p>Section 92 of the Water Act gives the recipient of this notice the right to appeal my decision. Information on filing an appeal can be found on the Environmental Appeal Board Web site at: http://www.eab.gov.bc.ca/.</p> <p>A right of appeal from my decision lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing; (2) include grounds for the appeal; (3) be directed by registered mail to the Chair, Environmental Appeal Board, PO Box 9425 Stn Prov Govt., V8W 9V1 or personally delivered to the office of the board at 4th Floor, 747 Fort Street in Victoria, BC V8W 3E9; (4) be delivered within 30 days of receiving this letter, and (5) be accompanied by a fee of \$25, payable to the Minister of Finance and Corporate Relations.</p>

Appendix 5: Clauses Used in Water Licensing, continued

Table 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses

Category	Name (Listed Alphabetically)	Wording
Administrative	Abandonment on Condition of New Licence Issue	We have received your notice to abandon [Insert: Water Licence Number] upon the issue of this new water licence. Accordingly, [Insert: Water Licence Number] will be abandoned and removed from our active records.
	Contact	If you have any questions regarding this licence or inquiries concerning water management, please contact [Name and Phone Number].
	(MOT) Road Permit Required	As a Section of pipeline will lie beneath a public roadway a permit from the Ministry of Transportation (MOT) will be required. Please contact the MOT office near you.
	Precaution Water Shortage	In the event of a water shortage you should take precautions as the water source may not produce the quantity of water which has been licensed.
	Permit over Crown land	A permit over Crown land has been issued with this licence to provide authorization for the placement of those works described by your water licence on Crown land. You should consider obtaining tenure for those works on Crown land with a registered easement or right of way issued under the <i>Land Act</i> from the Integrated Land Management Bureau of the Ministry of Agriculture and Lands.
	Quantity Adjusted from Application	The quantity of water approved has been [Reduced/Increased] from the amount applied for, following discussion with our representative regarding your proposed use [Insert: Further Explanation if Required].

Appendix 5: Clauses Used in Water Licensing, continued

Table 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Administrative (continued)	Rate of Withdrawal	The quantity of water authorized to be diverted is based on a constant rate of withdrawal from the source over a 24 hour period. You may require supporting storage to help ensure an adequate supply of water as the flow in most sources varies from season to season and from day to day.
	Refund	The current refund policy is available from the government website at http://www.env.gov.bc.ca/wsd/water_rights/licence_application/fees_refunds.html . For further information please contact BC Environment, Revenue Section at 250 387 6037.

Appendix 5: Clauses Used in Water Licensing, continued

Table 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Administrative (continued)	Substitution	The water licence attached to this letter is issued in substitution of [Insert: Water Licence Number]
	Utility Right-of-way Trespass	Your works appear to cross or otherwise affect a utility right-of-way. You are required to contact the utility for permission to use or construct works within that right-of-way.
	Water Users' Community (WUC) Letters of Incorporation	Please petition the Comptroller of Water Rights to include this water licence in the Letter of Incorporation for the Water Users' Community.
Environmental Aquatic and Fish	Fish Screening Short	The intake must be screened in accordance with Fisheries and Oceans Guidelines. Please refer to the Fisheries and Oceans Canada website for further information www.dfo-mpo.gc.ca/
	Fish Screening General	We wish to inform you that the water body serves as a spawning and rearing area for fish. The protective requirement for Section 30 of the federal <i>Fisheries Act</i> must be met. Accordingly, it will be necessary for you to screen your water intake to protect against entry of small fish. Refer to the Fisheries and Oceans Canada Web-site: www.dfo-mpo.gc.ca/ For your guidance, we are enclosing a copy of the Fish Screening Directive which describes the screening specifications which satisfy fish protection requirements. Fisheries and Oceans Canada should be contacted for appropriate instream works methods and timing constraints.

Appendix 5: Clauses Used in Water Licensing, continuedTable 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Environmental Aquatic and Fish (continued)	Fish Screening Requirements Directive Southern Interior Streams	Screening requirements are as presented in the document, Fish Screening Directive for Southern Interior Streams. The document can be requested from the Ministry of Environment at the following E-mail address: phil.epp@gov.bc.ca . Additional information regarding fish screens is also available in the Department of Fisheries and Oceans document Freshwater Intake End-of-Pipe Fish Screen Guideline available on the DFO website at: www.dfo-mpo.gc.ca/Library/223669.pdf .
	Intake Level Protect Fish Okanagan Lake	The water intake must be no less than three (3) meters below the water level of Okanagan Lake.
	Kokanee Spawning General	Please note that your property [Insert: Legal Description of Property], lies adjacent to a know Kokanee shore spawning area. Your water intake must be placed at least three (3) metres below the surface. You must also screen your intake according to federal Fisheries Screening Requirements, and any work that will be made below the high water mark must be made between [Insert: Early Date] and [Insert: Later Date]. A copy of federal Fisheries Screening Requirements is enclosed.

EFFECTIVE DATE:
AMENDMENT NO:

FILE: 76940-00
PAGE: 45

Appendix 5: Clauses Used in Water Licensing – Table 1 Covering Letter, continued

Table 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Environmental Aquatic and Fish (continued)	Kokanee Spawning Okanagan Lake	Work below the high water mark or natural boundary of Okanagan Lake must be carried out between June 1 and Sept 30, unless a Qualified Environmental Professional certifies in a report that the shoreline is not used by kokanee shore spawners. Established Best Management Practices must be adhered to during any works within the natural boundary of the lake. A copy of the Waterline Intake Best Management Practice can be obtained from the Ecosystem Section, Ministry of Environment in Penticton at (250) 490-8200.
Lakebed	Cowichan Lake	Be advised that the bed of Cowichan Lake is owned by Pacific Forest Products (Timberwest Forest Corp, Properties Division, 3 - 4890 Rutherford Road, Nanaimo BC V9T 4Z4) and we advise that you should contact them concerning obtaining a legal right of way or easement.
	Shawnigan Lake	Be advised that the bed of Shawnigan Lake is owned by Pacific Forest Products (Timberwest Forest Corp, Properties Division, 3 - 4890 Rutherford Road, Nanaimo BC V9T 4Z4) and we advise that you should contact them concerning obtaining a legal right of way or easement.
	Sproat Lake	Be advised that a portion of the bed of Sproat Lake is owned by Pacific Forest Products (Timberwest Forest Corp, Properties Division, 3 - 4890 Rutherford Road, Nanaimo BC V9T 4Z4) and a portion is owned by the Crown. We advise that you should contact Pacific Forest Products to determine ownership and concerning obtaining a legal right of way or easement.

Appendix 5: Clauses Used in Water Licensing – Table 1 Covering Letter, continued

Table 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Land	Alluvial Fan	<p>A field inspection of your point of diversion and works used to convey water to your place of use has revealed that they are located on a alluvial fan.</p> <p>An alluvial fan is an accumulation of sediment that has been deposited where a stream changes from a confined channel with relatively steep gradient in a canyon or gully to an unconfined channel with a relatively gentle gradient on a lowland or plain. The stream channel (stream bed) becomes broader and shallower as its gradient decreases.</p> <p>During periods of high runoff, sediment and debris laded water reaches the relatively flat alluvial fan, the course sediment and debris can settle our and/or jam up in the stream channel and force water to flow over the land surface causing flooding and erosion.</p> <p>Care must be exercised during planning, construction, maintenance, operation and possible abandonment of the authorized works to ensure that flooding and erosion problems are not exacerbated by your activities on the alluvial fan. It is your obligation, as the licensee, to ensure compliance with clause [Insert: Clause Number] of the licence.</p>
	Entry: Private Land	<p>This water licence does <u>not</u> authorize entry onto private land. Permission must be obtained from the owner(s) prior to entering or constructing works on any private lands.</p>

Appendix 5: Clauses Used in Water Licensing – Table 1 Covering Letter, continued

Table 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Land (continued)	Permit Over Crown Land (PCL)	A Permit over Crown land (PCL) has been issued with this licence to provide authorization for the placement of works described by your water licence on Crown land. You should consider obtaining tenure for those works on Crown land with a registered easement or right of way issued under the <i>Land Act</i> from the Ministry of Agriculture and Lands (Integrated Land Management Bureau).
Works	Division Tank 1 Required	Please note under clause [(j)] of your water licence that all water diverted shall pass through a division tank constructed to specifications set by an Engineer under the <i>Water Act</i> and maintained by the licensee.
	Division Tank 2 May be Required	The Comptroller or Regional Water Manager may require that all water shall pass through a division tank constructed to terms of reference set by an Engineer under the <i>Water Act</i> . The division tanks shall be designed by and constructed under the supervision of a professional engineer registered to practice in the province of British Columbia.
	Division Tank 3 Design Specified	You are required to construct a division tank with specifications set by an engineer with hydraulic experience. The design must be accepted by our office prior to construction and all costs associated with the design and construction shall be the responsibility of the licensee.
	Joint Works Example	You are urged to develop a Joint Works Agreement to clarify issues surrounding your shared works. Please find enclosed general information and an example.

Appendix 5: Clauses Used in Water Licensing – Table 1 Covering Letter, continued

Table 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Works (continued)	Joint Works Order	This licence does not authorize the connection onto existing licensed works until such time as a Joint Works Agreement is signed by all licensees involved. Alternatively, you or any licensee on the joint works system may petition the Comptroller of Water Rights or Regional Water Manager to order joint works under Section 33 of the <i>Water Act</i> .
	Joint Works Permission Required	This licence does not authorize the construction onto existing licensed works until such time as you have obtained permission from the owners of the licensed works.
	Metering	Please note that your water licence may require you to install a flow metering device to record the rate and volume of water diverted under this licence. You should ensure that your works can accommodate this request should it be made at a future date.
	Safe Drinking Water	You are advised that the <i>Drinking Water Protection Act</i> , and the Drinking Water Protection Regulation under that Act, govern the construction, installation, alteration, extension, and operation of joint works that form part of a domestic water system supplying more than one single-family residence. It is the responsibility of the licensee to comply with the Act and Regulations noted above. Your local Regional Health Authority will be able to assist you.

Appendix 5: Clauses Used in Water Licensing – Table 1 Covering Letter, continued

Table 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Works (continued)	Water Users' Community Required	<p>This licence is subject to the applicant becoming a member of the [Insert: Name] Water Users' Community and complying with their rules and regulations.</p> <p>The [Insert: Name] Water Users' Community should be sent a copy of the licence c/o [Insert: WUC Manager] and advised to petition the Comptroller of Water Rights to have their letters of incorporation amended to include the new water licence.</p>

Appendix 5: Clauses Used in Water Licensing , continued

Table 2: New Water Licence – Provisions Common to All Licences

Category	Name	Wording
Clauses Common to all New Water Licences	Licence Holder	The owner/owners of the land to which this licence is appurtenant is/are hereby authorized to divert/use/store water as follows:
	Variations Depending On Who is the Licence Holder	
	Undertaking	The owner/owners of the undertaking to which this licence is appurtenant is hereby authorized to divert/use/store water as follows:
	Certificate of Public Convenience and Necessity	The holder of a certificate of public convenience and necessity as set out in clause (g) hereof, is hereby authorized to divert/use/store water as follows:
	Municipality	The [name of the municipality] to which this licence is appurtenant is hereby authorized to divert/use/store water as follows:
	Licence Issued to the Province	The [official title of the Minister] as represented by [name of associated agency or company (e.g., Ducks Unlimited)] is hereby authorized to divert/use/store water as follows:
	Indian Band	The [name of the Indian Band] is hereby authorized to divert/use/store water as follows:
	Commission or Board	The [name of the Commission or Board] duly authorized representative of [Ministry Responsible] is hereby authorized to divert/use/store water as follows:
	District (defined under Section 7 of the <i>Water Act</i>)	The [Name of District] is hereby authorized to divert/use/store water as follows:
BC Hydro	The British Columbia Hydro and Power Authority is hereby authorized to divert/use/store water as follows:	

EFFECTIVE DATE:
AMENDMENT NO:

FILE: 76940-00
PAGE: 51

Appendix 5: Clauses Used in Water Licensing, continued

Table 2: **New Water Licence** – Provisions **Common** to All Licences, continued

Category	Name	Wording
Clauses Common to all New Water Licences (continued)	Source	(a) The stream on which the rights are granted is [Source Name].
	Variations Source Depending on Purpose:	
	Storage	The stream on which the rights are granted is [Source Name] and the reservoir is [Source Name].
	Conservation Use	The stream affected by the rights granted is [Source Name].
	Conservation Storage	The source of the water-supply and the storage site is [Source Name].
	Point of Diversion	(b) The point[s] of diversion is/are located as shown on the attached plan.
	Variations Point of Diversion:	
	Storage	The storage site is located as shown on the attached plan.
	Rediversion	The [storage site and the] points of diversion and rediversion are located as shown on the attached plan.
	Date of Precedence	(c) The date from which this licence shall have precedence is [Date].
	Purpose	(d) The purpose[s] for which this licence is issued is/are [Purpose].

Appendix 5: Clauses Used in Water Licensing, continued

Table 2: **New Water Licence** – Provisions **Common** to All Licences, continued

Category	Name	Wording
Clauses Common to all New Water Licences (continued)	Quantity	(e) The maximum quantity of water which may be diverted is [Amount and Rate].
	Variations For Quantity Storage:	
	Storage (1) Irrigation	The maximum quantity of water which may be diverted to fill the reservoir is [Amount and Rate] and the maximum quantity of water which may be used is [Amount and Rate], subject to the water being available from storage.
	Storage (2) Conservation	The maximum quantity of water which may be held in storage is [Amount] and the maximum quantity of water which may be used to fill the reservoir is [Amount and Rate], and such additional quantities as may be authorized from time to time in writing by the Regional Water Manager.
	Period of Use	(f) The period of the year during which the water may be used is [Period]. domestic purpose: throughout the whole year irrigation purpose (most, but not all): from 1 st April to September 30 th
	Variations For Period:	
	Storage and Diversion	The period of the year during which water may be diverted, used and stored is throughout the whole year.

Appendix 5: Clauses Used in Water Licensing, continued

Table 2: **New Water Licence** – Provisions **Common** to All Licences, continued

Category	Name	Wording
Clauses Common to all New Water Licences (continued)	Variations For Period, continued	
	Storage (1) Irrigation	The period of the year during which water may be used to fill the reservoir is [Period] and the stored water may be used during the period from [Period].
	Storage (2) Conservation	The reservoir may be filled from [Period] and the water released from storage at any time of the year.
	Appurtenancy	(g) The land upon which the water is to be used and to which this licence is appurtenant is [Legal Description].
	Variations of the Appurtenancy Depending on the Type of Water Use:	
	Conservation	The land upon which the water is to be used and to which this licence is appurtenant is the conservation project of the licensee within [Legal Description].
	Irrigation	The land upon which the water is to be used and to which this licence is appurtenant is [Legal Description] of which [Insert: hectares][Insert: acres] may be irrigated.
	Land Improvement	The land upon which the water is to be used and to which this licence is appurtenant is the land improvement project of the licensee within [Legal Description].
	Mining	The land upon which the water is to be used and to which this licence is appurtenant is the mining project of the licensee within [Legal Description].

Appendix 5: Clauses Used in Water Licensing, continued

Table 2: **New Water Licence** – Provisions **Common** to All Licences, continued

Category	Name	Wording
Clauses Common to all New Water Licences (continued)	Variations of the Appurtenancy Depending on the Type of Water Use, continued	
	Stockwatering	The land upon which the water is to be used and to which this licence is appurtenant is the stockwatering project of the licensee within [Legal Description].
	Power Supplied to Residence	The land upon which water is to be used is [Insert: legal description of land where the powerhouse is situated] on which a powerhouse is situated, and the land to which the licence is appurtenant is [Insert: either “said land” or, if the land on which the power is to be used differs from that on which the powerhouse is situated Insert: the legal description of the land on which the power is used].
	Power Commercial Distribution (confirm Chris Morgan)	The land upon which the water is to be used and to which the licence is appurtenant is the land on which the powerhouse of the [Insert: Name] Generating System is situated, described as that parcel or tract of land within [Insert: Legal Description] [Option: tenured under the <i>Land Act</i> , held under Lands File No [Number].
	Waterworks Indian Band	The land upon which the water is to be used and to which this licence is appurtenant is Indian Reserve [Identify Reserve].
	Waterworks Municipality	The land upon which the water is to be used and to which this licence is appurtenant is all the lands within the boundaries of [Insert: the name of the municipality , improvement district, etc.].

EFFECTIVE DATE:
AMENDMENT NO:

FILE: 76940-00
PAGE: 55

Appendix 5: Clauses Used in Water Licensing, continued

Table 2: **New Water Licence** – Provisions **Common** to All Licences, continued

Category	Name	Wording
Clauses Common to all New Water Licences (continued)	Waterworks Utility	The land upon which the water is to be used and to which this licence is appurtenant is the undertaking of the applicant within [Legal Description].
	Works	(h) The authorized works are [Describe Works] which shall be located as shown on the attached plan.
	Works Constructed & Beneficial Use	(i) The construction of the said works shall be/has been completed and the water is being beneficially used prior to:[Date]. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.

Appendix 5: Clauses Used in Water Licensing , continued

Table 2A: New Water Licence – Optional Pick Clauses

Category	Name (Listed Alphabetically)	Wording
Administrative	Alternate Water Supply	This licence may be cancelled or amended in any respect at any time, on one year's notice in writing by the Comptroller of Water Rights, when a feasible alternative supply of water becomes available.
	Beneficial Use	The licensee shall submit to the Regional Water Manager, a Beneficial Use Declaration and a drawing prepared to the water licence application drawing standards showing the point of diversion, area of beneficial use, all associated works, and the legal boundaries of the appurtenant land, on or before the [] day of [] 20[].
	Records Kept	This licensee shall keep records on actual water use as directed by an Engineer under the <i>Water Act</i> and have all records available.
	Supplementary Licence	This licence is supplementary to [Insert: Water Licence Number] and the maximum quantity of water which may be diverted under this licence is the quantity which together with the quantity available under [Insert: Water Licence Number] will provide [Insert: Quantity].
	Reserve	The rights granted under this licence are subject to a water reserve established by Order in Council No [Insert: Number] dated [Insert: Date]
	Termination	This licence terminates on [Insert: Date]. Prior to the termination date, the licensee may apply to the Comptroller of Water Rights or the Regional Water Manager in accordance with the provisions of the <i>Water Act</i> to amend this licence to extend its term.
	Works Constructed	The construction of the said works has been completed and the water is being used. The licensee shall continue to make regular beneficial use of the water in a manner authorized herein.

EFFECTIVE DATE:
AMENDMENT NO:

FILE: 76940-00
PAGE: 57

Appendix 5: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick Clauses, continued**

Category	Name (Listed Alphabetically)	Wording
Dam	Cease Diversion	The diversion of water from [Insert: Source] shall cease when storage has reached fully capacity of the reservoir.
	Dam Safety Officer (DSO) Satisfaction	The dam authorized under clause (h) is subject to the Dam Safety Regulations and shall be designed, constructed and maintained to the satisfaction of a Dam Safety Officer under the <i>Water Act</i> and in accordance with the Canadian Dam Association Guidelines.
	Draft Operation, Maintenance and Surveillance (OMS)	The construction of the said works must not commence until a draft Operation, Maintenance and Surveillance Manual (including a surveillance schedule for first filing) and an Emergency Preparedness Plan have been submitted to and accepted by an Engineer under the <i>Water Act</i> .
	Drawings	As Constructed Drawings of the works authorized by this licence must be submitted by the licence holder to the Regional Water Manager [Before]
	Final Operation, Maintenance, Surveillance and Emergency Preparedness Plan	Final construction drawings, Operation, Maintenance and Surveillance Manual and Emergency Preparedness Plan must be submitted to the Dam Safety Officer during the first year of operation.
	Leave: Diversion	Following the substantial completion of construction, filling of the reservoir must not commence until written leave to commence diversion is given by an Engineer under the <i>Water Act</i> .
Domestic	Dwelling Restriction	This licence authorizes the use of water for domestic purpose in [Insert: Number] dwelling [s] located approximately as shown on the attached plan.

Appendix 5: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick** Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Domestic (continued)	Water Users Community	The rights granted herein are exercisable only during such times as the licensee remains a member of the [Insert: Name of Water Users Community].
	Water Users Community Works Satisfaction of Engineer	The rights granted herein are exercisable only during such times as the licensee remains a member of the [Insert: WUC Name] Water Users' Community, and as long as works under [Insert: Water Licence Number], or any licence issued in substitution thereof, are being maintained and operated to the satisfaction of an Engineer under the <i>Water Act</i> .

Appendix 5: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick** Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Environmental	Aquatic Life Preservation	The diversion of water authorized under this licence may be regulated at any time by an order of an Engineer under the <i>Water Act</i> , in order to maintain flow in the stream for the preservation of aquatic life. Regulation includes allowing, commencing, stopping, limiting, opening, shutting and prohibiting the diversion of water.

Appendix 5: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick** Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Environmental (continued)	Environmental Management Plan (EMP)	<p>To construct the works authorized under clause (h) of this licence, the licensee must:</p> <ol style="list-style-type: none"> <li data-bbox="995 542 1881 651">(1) Ensure that the plans for the works to be constructed are signed and sealed by a professional engineer registered in the province of British Columbia (referred to as the Design Engineer); <li data-bbox="995 672 1873 781">(2) Ensure that a professional engineer in the province of British Columbia (referred to as the Construction Engineer) supervises the construction of works; <li data-bbox="995 802 1906 1105">(3) Submit to an Engineer under the following: <ol style="list-style-type: none"> <li data-bbox="1100 862 1843 927">a. plans that show the general arrangement of works to be constructed, <li data-bbox="1100 954 1814 987">b. criteria for the design of the works to be constructed, <li data-bbox="1100 1015 1906 1047">c. criteria for the operation of the works to be constructed, and <li data-bbox="1100 1075 1654 1107">d. a schedule for the construction of works; <li data-bbox="995 1127 1850 1268">(4) Prepare an Environmental Management Plan (refer to as the EMP) for the management and mitigation of construction impacts, which plan is to be to the satisfaction of an Engineer under the <i>Water Act</i>; and <li data-bbox="995 1295 1829 1360">(5) Obtain leave to commence construction, in writing, from an Engineer under the <i>Water Act</i>.

EFFECTIVE DATE:
AMENDMENT NO:

FILE: 76940-00
PAGE: 61

Appendix 5: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick Clauses, continued**

Category	Name (Listed Alphabetically)	Wording
Environmental (continued)	Fish: Minimum Flow	The diversion of water authorized under this licence may be restricted or prohibited at any time by an Order in writing of an Engineer under the <i>Water Act</i> , in order to maintain a minimum flow in the stream for the preservation of fish life.
	Minimum Level	This licence does not authorize the diversion and use of water at any time when the water level of [Insert: Source] falls below the minimum elevation of [Insert: Number] meters ([Insert: Number]) feet. [Option: established by an Engineer under the <i>Water Act</i>].
	Monitoring Program	The licensee must: <ol style="list-style-type: none"> (1) Prepare a monitoring program suitable to determine the nature of any impacts on [Insert: Fish and or Wildlife] to the satisfaction of an Engineer under the <i>Water Act</i>. (2) Implement the program to the satisfaction of an Engineer under the <i>Water Act</i>. (3) Continue the program for [Insert: Number] years following the commencement of operation of the works or to the satisfaction of an Engineer under the <i>Water Act</i>, and (4) At the completion of the monitoring program, prepare a report that identifies the nature of any impacts on [Insert: Fish and or Wildlife] and implement the appropriate mitigation and/or compensation to an Engineer under the <i>Water Act</i>.

Appendix 5: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick** Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Environmental (continued)	Independent Engineer (IE) and Environmental Monitor (EM)	<p>Before submitting information the licensee must retain, to the satisfaction of an Engineer under the <i>Water Act</i>:</p> <ol style="list-style-type: none"> (1) A professional engineer registered in the province of British Columbia (refer to as the Independent Engineer – IE) who will provide services to an Engineer under the <i>Water Act</i>, for the regulation of the construction of the works as outlined in Schedule 1; and (2) A person (referred to as the Environmental Monitor – EM) who will provide services to an Engineer under the <i>Water Act</i>, and other agencies to monitor environmental impacts from the construction of the works in accordance with the Environmental Management Plan, in accordance with Schedule 2.
	Operation Works	<p>The licensee must operate the works authorized under clause (h) above in accordance with:</p> <ol style="list-style-type: none"> (1) procedures ordered by an Engineer under the <i>Water Act</i>, including any order for the regulation of the diversion, rate of diversion and use of water as may be required for the preservation of [Insert: Fish and or Wildlife] and for the provision of flow for whatever activities; and (2) any amendment of the procedures ordered by an Engineer under the <i>Water Act</i>.

EFFECTIVE DATE:
AMENDMENT NO:

FILE: 76940-00
PAGE: 63

Appendix 5: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick Clauses, continued**

Category	Name (Listed Alphabetically)	Wording
Mining	Drainage	When the mining operation is completed, the licensee shall reestablish drainage in the area, to the satisfaction of an Engineer under <i>the Water Act</i> .
	No Discharge	This water licence does not authorize the disposal or discharge of mine effluent tailings.
	Site Reclaimed	Upon cessation of mining operations, the dam and all works associated with the dam shall be removed and the site reclaimed to the satisfaction of an Engineer under the <i>Water Act</i> .
	Tailing Pond	All tail water from the mining operation must be ponded to remove suspended solids before being returned to the stream.
Power	Appurtenancy	The land upon which the water is to be used and to which the licence is appurtenant is the land on which the powerhouse of the [Insert: Name] Generating System is situated, described as the parcel or tract of land with [Insert: Legal Description], tenured under the <i>Land Act</i> , held under Lands File No. [Insert: Number].
	Appurtenancy Residential	The land upon which water is to be used is [Insert: Description of Land where the powerhouse is situated] on which a powerhouse is situated, and the land to which the licence is appurtenant is <i>said land</i> [or if the land on which the power is to be used differs from that on which the powerhouse is situated Insert: description of the land on which the power is to be used].
	As-Builts	As-Built, record drawings, or an equivalent must be submitted to an Engineer under the <i>Water Act</i> within one year of commissioning.
	Operation, Maintenance and Surveillance (OMSP)	Within two years of commissioning the power plant, an Operation, Maintenance and Surveillance Plan and an Operating Parameters and Procedure Report must be submitted to an Engineer under the <i>Water Act</i> .

Appendix 5: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick** Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Power (continued)	Operational Parameters and Procedures (OPPR) and Leave to Commence	<p>Before commencing operation of the works authorized under clause (h) the licensee must:</p> <p>(1) Submit a report for acceptance by an Engineer under the <i>Water Act</i> on the parameters and procedures for the operation of the works authorized under clause (h), these parameters and procedures shall be based on the information on the generation of electricity and the social and environmental values considered in the issuance of this licence; and</p> <p>(2) Receive leave to commence the diversion and use of water authorized in this licence, in writing, from an Engineer under the <i>Water Act</i>.</p>
	Operating Plan	An interim Operation Plan must be submitted to and leave in writing received from an Engineer under the <i>Water Act</i> for interim commissioning of the power plant prior to start-up of power production.
	Residential Dwelling	The power generated may be used in one dwelling located approximately as shown on the attached plan
	Additional Dwelling and Enterprises	The power generated pursuant to this licence may be supplied to [Insert: Number of Dwellings, and or Commercial Enterprises] on [Insert: Description of Land and which Power is to be used] located approximately as shown on the attached plan.
	Return Water	The water used in the generation of power shall be returned to the stream above any downstream points of diversion.

EFFECTIVE DATE:
AMENDMENT NO:

FILE: 76940-00
PAGE: 65

Appendix 5: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick Clauses, continued**

Category	Name (Listed Alphabetically)	Wording
Stockwatering	Outside Wetted Perimeter	The industrial stockwatering purpose authorized by this licence is for use outside the wetter perimeter of the source in a trough located approximately as shown on the attached plan.
Storage	Lake Level	The level at which water is held in the reservoir shall be as directed by an Engineer under the <i>Water Act</i> , and the difference between the maximum and minimum levels shall not exceed [Insert: Height] metres [Insert: Height] feet.
	Must Be From Storage	Any water diverted and used pursuant to this licence during the period from [Insert: Period of Use], must be taken from storage provided in the reservoir authorized under [Insert: Water Licence Number] or any licence issued in substitution thereof.
	Maximum Quantity	The maximum quantity of water which may be held in storage is [Insert: Volume] cubic decametres ([Insert: Volume] acre-feet, and the maximum quantity of water to be diverted is [Insert: Maximum Quantity] cubic metres a year ([Insert: Volume] gallons per year.

Appendix 5: Clauses Used in Water Licensing , continuedTable 2A: **New Water Licence – Optional Pick** Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Works	Alluvial Fan	Construction, maintenance or operation of the works outlined in clause (h) shall not result in the lowering or weakening of the natural stream bank any existing bank protection works.
	Backflow Prevention	This licence does <u>not</u> authorized a interconnection to any public water system without the use of a device to prevent backflow.
	Changes	Changes or modifications to the works authorized under clause (h) hereof may be ordered at any time by an Engineer under the <i>Water Act</i> to ensure proper operations of said works.
	Design Plans	Design plans for the works authorized by this licence must be prepared by a professional engineer registered in British Columbia and submitted to an Engineer under the <i>Water Act</i> . [Option: Construction of said works authorized shall not commence until leave is given in writing by an Engineer under the <i>Water Act</i> .]
	Division Tank Required	All water diverted must pass through a division tank constructed to specifications set by an Engineer under the <i>Water Act</i> and maintained by the licensee.
	Flow Measuring 1	The licensee shall install works to meter and record the rate of flow and quantity of water delivered under this licence. [Optional Insertion: <i>Flow</i> meter records shall be retained by the licensee and be available upon request for inspection by an Engineer under the <i>Water Act</i>].
	Kalamalka Lake	The works authorized under clause (h) hereof shall be constructed to operate with a lake elevation of 390.6 to 392.3 metres (1281.7 to 1287.0 feet) Geodetic Survey of Canada datum.

EFFECTIVE DATE:
AMENDMENT NO:

FILE: 76940-00
PAGE: 67

Appendix 5: Clauses Used in Water Licensing , continued

Table 2A: **New Water Licence – Optional Pick Clauses**, continued

Category	Name (Listed Alphabetically)	Wording
Works (continued)	Leave Construction:	The construction and or reconstruction of the works authorized in clause (h) shall not commence until plans prepared by a professional engineer registered in British Columbia have been submitted to and written leave to commence construction granted by an Engineer under the <i>Water Act</i> .
	Leave Operation (Prince George)	Operation of the works authorized in clause (h) shall not commence until leave is given in writing by an Engineer under the <i>Water Act</i> .
	Maintained	The works authorized under clause (h) hereof shall be maintained to the satisfaction of an Engineer under the <i>Water Act</i> .
	Okanagan Lake	The works authorized under clause (h) hereof shall be constructed to operate within a lake elevation of 340.41 to 343.09 metres (1116.8 to 1125.6 feet) Geodetic Survey of Canada datum.
	Okanagan Lake Intake	The water intake must be no less than three (3) meters below the lowest water level of Okanagan Lake.
	Osoyoos Lake	The works authorized under clause (h) hereof shall be constructed to operate with a lake elevation of 276.9 to 280.1 metres (908.5 to 919 feet), Geodetic Survey of Canada datum.
	Skaha Lake	The works authorized under clause (h) hereof shall be constructed to operate with a lake elevation of 336.2 to 338.6 metres (1102.9 to 1111.0 feet), Geodetic Survey of Canada datum.

Appendix 5: Clauses Used in Water Licensing , continued

Table 2A: **New Water Licence – Optional Pick** Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Works (continued)	Subservient Licence	The rights granted hereunder are exercisable only during such times as the works authorized under [Insert: Water Licence Number], or any licence issued in substitution thereof is being maintained and operated to the satisfaction of an Engineer under the <i>Water Act</i> .
	Vaseux Lake	The works authorized under clause (h) hereof shall be constructed to operate with a lake elevation of 326.1 to 328.8 metres (1069.9 to 1078.7 feet), Geodetic Survey of Canada datum.
	Waterworks	The maximum quantity of water which may be diverted is [Insert: Quantity] cubic metres per year ([Insert: Quantity] gallons per year), provided the maximum daily diversion does not exceed [Insert: Quantity] cubic metres ([Insert: Quantity] gallons).

Appendix 5: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses

Category	Name (Listed Alphabetically)	Wording				
Administrative	Abandonment	A notice of abandonment has been received for [Insert Licence to be Abandoned]. The covering letter should indicate that upon issuance of this new licence, the original licence being amended [Insert Licence to be Abandoned] will be abandoned.				
	Aboriginal Interests	A Concise Aboriginal Interest Considerations Report (CAICR) is attached to this report for a new water licence.				
	Aboriginal No Infringement	The granting this licence amendment should not infringe on aboriginal rights as [Insert: Reasons].				
	Additional Amendment/ Notification	[Insert: Conditional/Final] Water Licence [Insert: Number] requires amendment under Section [Insert: Section] of the <i>Water Act</i> [Optional: and the affected persons should be notified]. <table border="1" data-bbox="995 946 1898 1052"> <thead> <tr> <th>Name</th> <th>Address</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Name	Address		
	Name	Address				
	Additional Amendment Report	The amendment report for [Insert: Conditional/Final] water licence [Insert: Number] is also being forwarded under separate cover.				
Appurtenancy	This licence is appurtenant to [Insert: Description].					
Appurtenancy Boundaries	As the appurtenant land falls with the boundaries of [Insert: Authority], a copy of the water licence should be forwarded to same.					

Appendix 5: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Administrative (continued)	Appurtenancy Power Commercial	The application is to provide commercially distributed power; therefore the licence should be appurtenant to: The land upon which the water is to be used and to which the licence is appurtenant is the land on which the powerhouse of the [Insert: Name] Generating System is situated, described as that parcel or tract of land within [Insert: Legal Description] [Option: tenured under the <i>Land Act</i> , held under Lands File No [Number].
	Appurtenancy Power Residential	The application is to provide power to a residence; therefore the licence should be appurtenant to: The land upon which water is to be used is [Insert: legal description of land where the powerhouse is situated] on which a powerhouse is situated, and the land to which the licence is appurtenant is [Insert: either “said land” or, if the land on which the power is to be used differs from that on which the powerhouse is situated Insert: the legal description of the land on which the power is used].
	Appurtenant Land No Other Applications and Licences	There are no water licences appurtenant or any other applications outstanding on the dominant land (the land of intended water use) under this application.
	Comments Distributed	A copy of the comments received by the referral agencies should be sent to the applicant.

Appendix 5: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording					
Administrative (continued)	Joint Works	<p>The following joint works are related to this application:</p> <table border="1"> <thead> <tr> <th>Licence</th> <th>Common Works</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Licence	Common Works			
	Licence	Common Works					
	Joint Works None	There are no joint works related to this application.					
	Late Service	<p>Please late serve and refer the application to the following:</p> <table border="1"> <thead> <tr> <th>Name</th> <th>Address</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Name	Address			
	Name	Address					
Objections None	There are no objections against this application.						
Objections Filed	<p>The following objections were filed against this application:</p> <table border="1"> <thead> <tr> <th>Name</th> <th> </th> </tr> </thead> <tbody> <tr> <td>Objection</td> <td> </td> </tr> <tr> <td>Results</td> <td> </td> </tr> </tbody> </table>	Name		Objection		Results	
Name							
Objection							
Results							
Objection Dismissal Discussed	The dismissal of the objection has been discussed with the objector [Insert: Date].						

Appendix 5: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Administrative (continued)	Objection Concerns Addressed	<p>It is recommended that the [Insert: Objection or Concern] filed by [Insert: Name] be dismissed on the basis that: [Inset: Reason]</p> <ol style="list-style-type: none"> (1) there is water available to meet the licensed demand. (2) senior licences are protected by priority. (3) the quantity of the water which has been authorized in the new water licence has been reduced from the amount which was originally proposed in the water licence application. (4) the irrigation portion of the water licence application has been denied as there is insufficient water available. (5) the irrigation portion of the water licence has been denied as there is insufficient storage available to support irrigation use. (6) the domestic portion authorized has been determined to be adequate for the domestic of the applicant. (7) the [Insert: Purpose] water demand under this application, and including all other demands around the lake, will not significantly impact the lake level, the water requirement for fish and your licensed water rights. (8) The issue of a new water licence should not adversely impact on your licensed water rights.
	Objections Upheld Application Refused	<p>It is recommended that the [Insert: Objection or Concern] filed by [Insert Name] be upheld and the objector be advised that the application is refused on the basis of insufficient water.</p>

Appendix 5: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording				
Administrative (continued)	Permit over Crown Land (PCL) Not Required	The works to be authorized under this application lie on private land, therefore a Permit over Crown Land is not required.				
	Permit over Crown land (PCL) Required	A Permit over Crown land (PCL) is required to authorize works indicated on this application. The legal description of the Crown land to be occupied by the works is [Insert: Description]. The dimensions of the PCL required are [Insert: the number of metres] metres [Insert: the number of feet] feet in length and [Insert: the number of metres] metres [Insert: the number of feet] feet in width, covering an area of [Insert: the number of hectares] hectares [Insert: the number of acres] acres.				
	Referral Applicant	A copy of the comments received by the referral agencies should be sent to the applicant.				
	Referral Comments	Comments received about notifications and referral were collected from the following individuals, organizations and agencies: <table border="1" data-bbox="993 1040 1896 1161"> <thead> <tr> <th>Name</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Name	Comments		
	Name	Comments				
Water Users' Community New Licence	This licence is subject to the applicant becoming a member of the [Insert: name of Water Users' Community] and complying with their rules and regulations. Note: The [Insert: name of Water Users' Community] should be sent a copy of the licence [Option: c/o WUC Manager] and advised to petition the Comptroller of Water Rights to have their Letter of Incorporation amended to include the new licence.					

Appendix 5: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording						
Administrative (continued)	Water Users' Community Existing Members	The applicant already hold [Insert: Water Licence Number] on [Insert: Source] and are members of the [Insert: Name] Water Users' Community. Note: The Water Users' Community should be sent a copy of the cover letter and have this new file included in the Letter of Incorporation.						
Demand	Consumptive Demand	The Consumptive Demand is equivalent to [Insert: Quantity] cubic metres a day, or [Insert: Quantity] gallons a day, or [Insert: Quantity] cubic metres per second or [Insert: Quantity] cubic-feet per second, based on a 120/90 day irrigation period.						
	Current Demand (Table)	<p>The Current Demand on [Insert: Source] to which this application is proposed is detailed as follows:</p> <table border="1"> <thead> <tr> <th>Licence or Application</th> <th>Purpose</th> <th>Volume Allotted</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>* Denotes current application</p>	Licence or Application	Purpose	Volume Allotted			
	Licence or Application	Purpose	Volume Allotted					
Total Demand	The Total Demand is equivalent to [Insert: Quantity] cubic metres a day or [Insert: Quantity] gallons a day, or [Insert: Quantity] cubic metres per second or [Insert: Quantity] cubic-feet per second, based on a 120/90 day irrigation period.							

Appendix 5: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Environmental	Federal Fisheries Office	The federal Department of Fisheries Office (Fisheries and Oceans Canada) should be sent a copy of the covering letter and licence.
	Fish Farm	The applicant should be advised in the cover letter that they must obtain a Commercial Fish Farm Licence from the Ministry of Environment in order to raise fish.
	Fish Screening	The applicant should be advised in the cover letter that the federal Department of Fisheries (Fisheries and Oceans Canada) requires that their intake be screened according to the federal Screening Requirements. The federal Fisheries Department Office should be sent a copy of the cover letter and licence.

Appendix 5: Clauses Used in Water Licensing , continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Power	Power Works Description	<p>A review of the proposed waterpower system with the proponent has determined that the works consist of the following:</p> <ul style="list-style-type: none"> ◆ Diversion Structure ~ ◆ The intake ~ ◆ Balancing Reservoir ~ ◆ Penstock ~ ◆ Pipeline ~ ◆ Head ~m (~ feet) – ~ psi static ◆ Turbine ~ ◆ Generator ~kW ◆ Tailrace ~

Appendix 5: Clauses Used in Water Licensing , continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Power (continued)	Power Flow Requirements	<p>The amount of flow required by this scenario was derived using the following formula:</p> $P_{(kW)} = \frac{Q_{(cms)} \times g \times d_{(Kg / m^3)} \times H_{(m)} \times \sigma}{1000}$ <p>Where: P = Power output (kW) Q = Plant discharge (m³s⁻¹) g = acceleration due to gravity (9.8 m(s²)⁻¹) d = density of Water (1000 kg·m³) H = Net available head (m) σ = plant efficiency in percent (decimal)</p> $Q(cms) = \frac{P_{(kW)} \times 1000}{g \times d_{(Kg / m^3)} \times H_{(m)} \times \sigma}$ <p>Flow = ~ m³s⁻¹ (~ cfs)</p>

Appendix 5: Clauses Used in Water Licensing , continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Works	Description	<p>A review of the proposed water system with the applicant has determined the works will consist of the following:</p> <ul style="list-style-type: none"> • Diversion Structure • Intake • Irrigation system • Waterworks water distribution system • Dam • Balancing Reservoir • Pipeline • Sump • Pump • Tank

Appendix 5: Clauses Used in Water Licensing , continued

Table 4: Recommendation for a Water Licence Application

Category	Name (Listed Alphabetically)	Wording
Decision	Granted	<p>Further to Section C of this Report, it is recommended that a new water licence be issued</p> <p>Subject to the clauses and provisions which are contained in Section B 8 & 9 Administrative Details</p>
	Refused	<p>Further to Section C of this Report, it is recommended that the application be refused.</p> <ol style="list-style-type: none"> (1) The source/watershed which you applied on [Insert: Source Name] is fully recorded under existing licences and there is insufficient water in the source to enable me to grant a new licence. (2) The irrigation portion of your water licence application has been refused as there is insufficient water available to support the water use purpose. (3) The irrigation portion of this water licence application has been refused as there is insufficient storage developed to support irrigation use. (4) There is not sufficient flow in [Insert: Source Name] to maintain the fish resource and to support further licensed water demands. (5) The proposed source of water supply is groundwater. At present that the <i>Water Act</i> does not provide for groundwater to be licensed. (6) There is sufficient water under [Insert: Water licence or Licences] to meet the required water quantity.

Appendix 5: Clauses Used in Water Licensing, continued

Table 4: Recommendation for a Water Licence Application, continued

Category	Name (Listed Alphabetically)	Wording
Decision (continued)	Refused (continued)	<p>(7) You have not replied to our letter of [Insert: Date] in which you were reminded to submit material in support of your water licence application your application.</p> <p>(8) You were unable to acquire the necessary Crown land lease or Licence of Occupation to establish required tenure to the land for which this application was submitted. As a result you do not qualify for a water licence under Section 7 of the Water Act.</p>

NAME OF PROCEDURE: Water Licence Application, Processing A Decision

APPLICATION: Applies to the processing function for a new water licence application

ISSUANCE: Director, Management and Standards Branch

IMPLEMENTATION: To all Water Stewardship and Front Counter BC staff

REFERENCES: Water Act (Ch. 483, R.S.B.C. 1996)
Water Regulation (B.C. Reg. 204/88)

RELATIONSHIP TO PREVIOUS PROCEDURE: Ministry of Environment, Procedure Manual, Volume 6, Section 7, Sub Sections .02.07.00, .02.08.00 and .02.09.00
Ministry of Environment, Lands and Parks, Water Licensing Demonstration Project Sections 4.8, 4.9 and 4.10
BC Environment, Water Programs Policy and Procedures Manual, Volume 1, Section 2, Sub Sections .03.01.07, .03.01.08 and .03.01.09

PROCEDURE AMENDMENT: Requests for substantive changes should be directed to the Director, Management Standards Branch.

Glen Davidson
Director
Management and Standards Branch
Water Stewardship Division

Jim Mattison
Assistant Deputy Minister
Water Stewardship Division

Date

Date

EFFECTIVE DATE:
AMENDMENT NO:

FILE: 76940-00

APPROVED AMENDMENTS:		
Effective date	Briefing Note /Approval	Summary of Changes:
	None	Changes made are as a result of updating water policies and procedures.

1. Table of Contents

1.	TABLE OF CONTENTS.....	3
2.	PURPOSE.....	1
3.	DEFINITIONS.....	1
4.	LEGISLATION	4
5.	OVERVIEW - REPORT FOR A WATER LICENCE APPLICATION.....	6
5.1	Working with the Report	6
6.	WATER LICENCE ISSUE	10
6.1	Preparing the Water Licence Document.....	12
6.1.1	Standard Wording for Licence Document.....	13
6.2	Water Licence Plat.....	20
6.3	Permit Over Crown Land.....	21
6.4	Cover Letter	21
6.5	Objections and Concerns	22
6.6	Quick Licensing.....	22
6.7	Distribution of Licence Copies	22
7.	REFUSAL OF A WATER LICENCE APPLICATION	23
8.	SYSTEM UPDATES.....	24
	APPENDIX 1: REPORT FOR WATER LICENCE APPLICATION	25
	APPENDIX 1A: CHECKLIST REPORT FOR QUICK LICENSING.....	28
	APPENDIX 2: CLAUSES USED IN WATER LICENSING.....	29
	APPENDIX 3: CLIENT OBJECTION OR CONCERN ADDRESSED	72
	APPENDIX 4: WATER LICENCE TEMPLATE.....	74
	APPENDIX 5: TEMPLATE WATER LICENCE PLAT.....	75
	APPENDIX 6: PERMIT OVER CROWN LAND TEMPLATE	76
	APPENDIX 8: REFUSAL WATER LICENCE APPLICATION.....	80

2. PURPOSE

The purpose of this procedure is to provide the basic processes which are involved in processing a decision for a new water licence application.

3. DEFINITIONS

Appurtenant means the land, mine or undertaking to which water rights are assigned or made appurtenant to with the issue of a water licence.

Comptroller means a person employed by the government or a government corporation and designated in writing by the minister as the comptroller of water rights and includes any persons designated in writing by the minister as acting, deputy or assistant comptrollers.

Improvement District means either the public corporate body or the tract of land incorporated under the Local Government Act and includes an improvement district constituted under a former Act.

Licence means all licence issued under the *Water Act*.

Licensee and licence holder means an owner of any land, mine or undertaking with respect to which a licence is issued under the *Water Act*, or a former Act

Mine includes a placer or mineral claim or land held or occupied under the mining laws of British Columbia for the purpose of winning a mineral from it, whether held in fee simple or by virtue of a record, lease, licence or application.

Municipality includes a regional district incorporated under the Local Government Act.

Owner means a person entitled to possession of any land, mine or undertaking in British Columbia, and includes a person who has a substantial interest in the land, mine or undertaking.

Point of Diversion (PD) the point on a stream where the applicant proposes or a licensee is authorized to divert water from a stream. Points of diversion are identified by PD and a 5 digit number

For example: PD59048 is generated by the WLIS system. Older water licences may have a one or two character point of diversions – e.g., A, AA, A3.

Point of Interest (POI) means commonly referred to as POI, this is an automated system which is typically accessed from WLIS. POI provides a hierarchal listing of water sources and points of interest.

Priority date means when more than one licence has been issued on the same stream, the licence with the earliest priority has the first right to available supply.

Quick Licensing means a process, under Section 12.1 of the *Water Act*, for adjudicating water licence applications for small quantities of water (which are not over the maximum eligible quantity) and on sources where additional withdrawal would have not adverse impact on other users (not an excluded stream).

Regional Water Manager means a person employed by the government or a government corporation and designated in writing by the minister as a regional water manager and includes a person designated in writing by the minister as an acting or assistant regional water manager.

Sensitive Stream means The Fish Protection Act provides for the Lieutenant Governor in Council (Cabinet) to designate a stream as a sensitive stream, if it is considered that the designation will contribute to the protection of a population of fish whose sustainability is at risk because of inadequate flow of water within the stream or degradation of fish habitat.

The Sensitive Streams Designation and Licensing Regulation list the province's sensitive streams.

Undertaking, in relation to an application or licence, means a project for the diversion, carriage, use and sale of water or power produced from water, the use of which is referred to in the application or licence, includes all land and other property acquired or to be acquired in connection with the project, and the general scheme of the acquisition, maintenance and operation of the works.

Water Reserve a means be which the government of British Columbia, though an order of the Lieutenant Governor in Council (Cabinet), can define the public interest and set priorities for future allocation of water from a stream, or within al or part of a watershed.

Water Reserves are established by Order-in-Council and withhold all, or part, of the unrecorded water of a stream from being diverted and used under a water licence. A Water Reserve may:

- enable a person to investigate the suitability of a stream for any purpose;
- make provision for a water supply for a waterworks, irrigation or power purpose;
- hold water for the use of the Crown for any purpose; or
- effect a treaty entitlement of a First Nation.

Water (Allocation) Restriction are placed on streams to alert staff and clients of current or potential water availability concerns.

Restrictions may range from including minimum fish flow clauses in a water licence, to suspending the issuance of any further licences on a water body.

Water Users' Community means any public corporate body incorporated under Section 51 of the *Water Act* , and includes a water users' community formed under a former Act

Under the *Water Act*, the Comptroller may at any time issue to a group 6 or more licensees a certificate of incorporation incorporating them into a water users' community with the name the Comptroller considers advisable.

Water Utility means person/business who owns or operates equipment or facilities for the delivery of domestic water service to five (5) or more dwelling or to a corporation for compensation.

WLIS means **Water Licensing Information System**, which is a computer system that provides a wide range of information and support tools for the Water Management Program – to active type 'WLS'.

Works are defined in the *Water Act* as anything capable of or used for:

- diverting, storing, measuring, conserving, conveying, retarding, confining or using water,
- producing, measuring, transmitting or using electricity, or
- collecting, conveying or disposing of sewage or garbage or preventing or extinguishing fires.

Works also include:

- booms and piles placed in a stream,
- obstructions placed in or removed from streams or the banks or beds of streams,
- changes in and about a stream, and
- access roads to any of them.

4. LEGISLATION

The *Water Act* also establishes what may result from the adjudication of a water licence application. Section 12 of the Act provides the following.

Section 12

Powers of comptroller or regional water manager respecting applications

- (1) With respect to an application, whether objections to it are filed or not, the comptroller or the regional water manager may
 - (a) refuse the application,
 - (b) amend the application in any respect,
 - (c) grant all or part of the application,
 - (d) require additional plans or other information,
 - (e) require the applicant to give security for the purpose and in the amount and form the comptroller or the regional water manager considers proper, and
 - (f) issue to the applicant one or more conditional or final licences on the terms the comptroller or the regional water manager considers proper.

Section 12 also contains additional provisions which are not shown here.

Section 5 of the Act stipulates rights acquired under a water licence.

Section 5

Rights acquired under licences

A licence entitles its holder to do the following in a manner provided in the licence:

- (a) divert an use beneficially, for the purpose and during or within the time stipulated, the quantity specified in the licence;
- (b) store water;
- (c) construct, maintain and operate the works authorized under the licence and necessary for the proper diversion, storage, carriage, distribution and use of the water or the power produced from it;
- (d) alter or improve a stream channel for any purpose; and
- (e) construct fences, screens and fish or game guards across streams for the purpose of conserving fish or wildlife.

Section 7, of Act provides for who may acquire a water licence.

Section 7

Who may acquire licences

A licence for any one, 2 or 3 purposes defined in Section 1 may be issued by the comptroller or the regional water manager to any of the following:

- (a) an owner of land or a mine;
- (b) a holder of a certificate of convenience and necessity issued under *the Public Utilities Act*, R.S.B.C. 1960, c, 323, or under the *Water Utility Act*;
- (c) a municipality, improvement district, water users' community or development district;
- (d) a commission, board or person having charge of the administration of any land, mine, or other property owned or controlled by a ministry, department, branch, or other subdivision of the government of Canada or of British Columbia;
- (e) the Greater Vancouver Water District or the Greater Nanaimo Water District, or any other water district incorporated by an Act of the Legislature; and
- (f) the British Columbia Hydro and Power Authority.

Section 26 of the Act establishes the requirement for a Permit Over Crown land as follows

Section 26

Permits over Crown land

- (1) On compliance with the regulations by a licensee or a person to whom approval was given under Section 8 or 9, the comptroller or regional water manager may issue to the licensee or person one or more permits authorizing the flooding of Crown land or the construction, maintenance or operation on the land or works authorized under a licence or approval.
- (2) A person must not cause Crown land to be flooded or construct, maintain or operate works on it unless the person holds a permit authorizing that flooding, construction, maintenance or operation.

Section 92 provides for an appeal to be made to the Environmental Appeal Board for a decision made under the *Water Act*, refer below

Section 92

Appeals to Environmental Appeal Board

- (1) Subject to Sub Sections (2) and (3), an order of the comptroller, the regional water manager or an engineer may be appealed to the board by
- (a) the person who is subject to the order,
 - (b) an owner whose land is or is likely to be physically affected by the order, or
 - (c) a licensee, riparian owner or applicant for a licence who considers that their rights are or will be prejudiced by the order.

Section 92 also contains additional provisions which are not shown here.

5. OVERVIEW - REPORT FOR A WATER LICENCE APPLICATION

The Water Licence Application (Report) will provide a decision on whether to issue a new water licence or to refuse the application.

In addition, this report will also contain provisions, in the form of clauses, which specify the conditions of water use and the responsibilities of the water licence holder.

Reference the procedure Assessment of a Water Licence Application for additional details on the Report for a Water Licence Application.

5.1 Working with the Report

While working with the Report, staff should not make any alterations to the original. However, should amendments be required these should be endorsed and dated by the approving officer responsible for the Report.

Appendix 1 provides a standard Report for a Water Licence Application in the Water Technical Report (WTR) format.

Appendix 1A provides a Checklist Report for Processing a Water Licence Application by Quick Licensing.

Appendix 2 provides a list of clauses, referenced in the report, which may be used in the cover letter and the licence.

The first part of the Report to review is Section D, Recommendations. This Section will direct either the issue of a water licence, or the refusal of the application.

Section A, Basic Application Information

This Section provides a complete summary of the water licence application, including details on the applicant, proposed water use and source.

Section, B, Administrative Details

This Section provides information and direction on required processing activities. Section B includes the following.

1. Source and Point of Diversion (POD)

This contains comments related to the source or POD that should be placed in the comment field in WLIS against the licence/file record.

- For example, “The *Source* flows east and then south prior to entering right of *Receiving Water* upstream of PD33333.”; or
- “There are no changes to the placement or location of the POD required.”

2. Water Reserves and Water Allocation Restrictions

This contains comments with respect to the Section 44 Water Reserves or Water Allocation Restrictions placed against the stream in POI hierarchy and the licence/file record in WLIS.

- For example, “There should be a notation placed on the stream register that fully records the stream unless backed by full storage.”; or
- “This application is for Domestic Purpose and therefore not subject to the Section 44 Reserve entitled OIC 418 – 83 covering the Bulkley River and it’s Tributaries.”

3. Other Licences on the Appurtenant Land

This Section is used for describing any water licences that are also appurtenant to the land where the water will be used.

It would be beneficial to list any other licences which are in appurtenant land in the comment field for the licence/file.

4. Notifications

Any parties that have been notified or referred should be included here with the summary of comments or results of any discussion with the notified party.

There are times when another party must be notified; recommendations to the late notice can be included here.

5. Objections

Any objections charged against the application should be discussed here. A brief summary of each and any dialogue around the objection should be included. A recommendation for each objection to be upheld or dismissed must also be included.

Objectors should be sent a letter which conveys the wording provided in the Report from this Section.

6. Joint Works

This Section will identify if the new licence will shore existing works which have been authorized by another water licence .

Details will include which works are shared; whether a joint works agreement has been made, whether the applicant has or should be encouraged to seek a written agreement etc.

7. Land Related Issues

(a) Ownership

This Section may include details around the ownership of the dominant (appurtenant) land. Also, if there are works on any neighboring lands.

(b) Permits over Crown land (PCLs)

This Section will indicated if a PCL is needed to accompany the new water licence. A legal description and all dimensions must be incorporated.

(c) Crown land Files

This Section should include any Crown lands files that are cross referenced with this application and any information from Lands Operations that may be important to the review.

8. Special clauses for the cover letter

This is an important Section as it contains direction to include clause and direction to the client in the cover letter which accompanies the water licence.

9. Special clauses for the licence

This is an important Section as it contains the provisions (clauses) to be included in the new water licence.

10. First Nation Information

Information associated with First Nations is included in this Section. If an Aboriginal Interests Assessment is made, that document should be attached to your report.

In addition, this Section might also require notification of First Nation or may provide additional requirements.

Section C, Technical Information

This Section provides the technical analysis for the water licensing decision. Generally, this information is used for the water licensing documentation which follow.

Section D, Recommendations

This Section provides a succinct recommendation on whether to issue a water licence or to refuse the application.

6. WATER LICENCE ISSUE

Section D of the Report for a Water Licence Application should indicate whether a new water licence will be issued or the application is to be refused. Section B, the Administrative Details of the Report will provide information on the contents of the water licence, cover letter and if applicable objections and a Permit over Crown land.

If the Report recommends the issue of a new water licence the following activities will need to occur:

1. Prepare Licence and Supporting Documents

The following documents will need to be drafted in accordance with the information contained in the Report for a Water Licence:

- an original and a copy of the licence on blank white paper;
- if a PCL is to be issued, an original and a copy of the PCL;
- any support documents, e.g., objection dismissals etc.; and
- a covering letter.

2. Licence and Permit over Crown land (PCL) Signing

The following positions are authorized to sign a water licence and, when needed, the accompanying PCL, namely:

- Regional Water Manager,
- Assistant Regional Manager,
- Comptroller of Water Rights,
- Deputy Comptroller of Water Rights,
- a staff member in an acting capacity in the positions mentioned above, and
- an Authorized Official, under Section 12.1 of the *Water Act* for quick licensing.

Forward to the following to the appropriate authority:

- the original and copies of the licence,
- the original and copies of the PCL,
- any letters dismissing objections or addressing fisheries concerns, and
- the licence covering letter.

3. Prepare photo-copies

Prepare photocopies of the licensing documents for the file, for any third parties, which may include:

- Improvement Districts and Municipalities;
- Department of Indian and Northern Affairs;
- Duck Unlimited and other private entities;
- objectors to the application; and
- Water Revenue (Ministry of Environment, Corporate Services).

4. Issue of Water Licence

On or as soon as possible after the date of issue for the licence, send to the licensee:

- a covering letter;
- a signed copy of the licence and if required a signed copy of the PCL; and
- a signed copy of the plat.

If required, send letters dismissing objections to objectors and letters dismissing fisheries concerns to the appropriate agencies – include a copy of the licence with each letter.

Send photo-copies of the licence and plat to other persons or agencies noted at the top of the draft licence.

If the licence is being issued to a Minister of the Crown, ensure that it is sent to the agency of the Ministry which has ongoing responsibility for the project being licensed, and that it is **not** sent to the Minister's office.

Send to Water Revenue and Management:

- the original signed copy of the licence, PCL (if required) and plat, and
- a copy of the covering letter, and a copy of the Report.

6.1 Preparing the Water Licence Document

The terms and conditions of a typical water licence include the following:

- the name and location of the stream from which water may be taken or stored;
- the location of the intake on the stream;
- the priority date of the licence;
- the purpose or purposes which the water may be used;
- the maximum quantity of water which may be used or stored;
- the time of the year during which the water may be used;
- the land where the water is to be used and to which the licence is attached;
- the authorization to construct works to divert and convey water from the stream to the place of use; and
- other clauses which define special terms for a particular use.

Appendix 4 provides a sample of standard water licence template.

The Report will stipulate both the general parameters of the new water licence, as shown above, as well as additional clauses (provisions) for water use.

Appendix 2 (Table 2) provides a list of possible clauses used in a water licence.

If the water licence is not a Quick Licence, the licence should only be signed by the Regional, Assistant Regional Water Manager, Comptroller of Water Rights or Deputy Comptroller of Water Rights.

6.1.1 Standard Wording for Licence Document

It is important to maintain consistency in the structure of the water licence document. With the exception of water licences which are established to authorize unique water use activities, water licences should follow the wording structure which is provided below.

1. Licence Heading – who the water licence is issued to

Most water licence should be headed using the following wording:

“ The owners of the land to which this licence is appurtenant are hereby authorized to divert and use [Optional: and store]water as follows.”

However, as mentioned previously, Section 7 of the *Water Act* not only provides for a landowner to acquire a water licence the following entities may also be licensees.

In place of “The owners of the land to which this licence is appurtenant are hereby authorized to divert and use water as follows:”, the licence document should name the entity where the water users are the following:

- the name of the company which owns the mine;
- holder of a certificate on convenience and necessity issued under the Utilities Commission Act , or under the Water Utility Act;
- municipality, improvement district water users community or development district;
- commission, board or person having charge of the administration of any land, mine;
- a ministry, department or other subdivision of the government of Canada or British Columbia;
- the Greater Vancouver Water District or the Greater Nanaimo Water District, and any other water district incorporated by an Act of the Legislature; and
- the British Columbia Hydro and Power Authority.

Table 1 below provides a matrix will indicates the appropriate naming of the licence holder on the licence.

Table 1: Naming Provisions for a Water Licence Document.

Licence holder (frequent)	Wording at the top of the water licence
Standard property owner	“The owners of the land to which this licence is appurtenant are hereby authorized to divert and use [Optional: and store]water as follows:”
A water undertaking project (e.g., bottling of water or water delivery)	“The owner of the undertaking to which this licence is appurtenant is hereby authorized to divert and use [Optional: and store]water as follows:”
The holder of a Certificate of Public Convenience and Necessity (e.g., large-scale water supplier)	“The holder of a certificate of public convenience and necessity as set out in clause (g) hereof, is hereby authorized to divert and use [Optional: and store]water as follows:”
Municipality	“ The [Name of the municipality] to which this licence is appurtenant is hereby authorized to divert and use [Optional: and store]water as follows:”
A Crown Agency, or company (e.g., Ducks Unlimited) working for the Crown	“[Official Title of the Minister] as represented by [Name of associated agency or company (e.g., Ducks Unlimited)] is hereby authorized to divert and use [Optional: and store]water as follows:”
Indian Band	“[Name of the Indian Band] is hereby authorized to divert and use [Optional: and store]water as follows:”
Commission or Board	“[Name of the Commission or Board] duly authorized representative of Insert: Ministry Responsible] is hereby authorized to divert and use [Optional: and store]water as follows:”
A District – that is, as defined by Section 7 of the <i>Water Act</i>	“[Name of District] is hereby authorized to divert and use [Optional: and store]water as follows:”
British Columbia Hydro and Power Authority	“British Columbia Hydro and Power Authority is hereby authorized to divert and use [Optional: and store]water as follows:”

2. Clause (a) – the source

This clause is used to specify the following:

- the stream affected by the rights granted;
- the source of water supply; and
- the storage site (where appropriate).

The most common wording for this clause is as follows:

“ The source on which the rights are granted is [Insert: Name of Source].”

3. Clause (b) – location of the point of diversion

This clause is used in conjunction with a plan (i.e., the plat) which is attached to the licence in order to identify the location in the watershed of the water source. This clause is used to specify the following:

- a point or points of diversion;
- a point or points of rediversion (where appropriate);
- a point or points of storage, or the storage site (where appropriate); or
- a combination of the above.

The most common wording for this clause is as follows:

- (b) The point of diversion is located as shown on the attached plan.

4. Clause (c) – date of precedence (the licence’s priority date)

This clause is used to specify the following:

- the precedence of the licence by date; and
- where appropriate, the existence of a water reserve which if invoked would affect the priority of the licence on the stream.

The most common wording for this clause is as follows:

“ The date from which this licence shall have precedence is [Insert: Date].”

5. Clause (d) – the purpose or purposes of water use

This clause is used to specify the purpose(s) for which the licence is issued. A water licence can contain up to three water use purposes. A sub-purpose in brackets is recommended wherever it would be useful to further clarify the manner in which the water will be used. For example conservation (enhancement of fish habitat)

The most common wording for this clause is as follows:

“The purpose for which this licence is issued are [Insert: Water Use Purpose].”

6. Clause (e) – quantity of water which is authorized to be diverted.

This clause is used to specify the following:

- the maximum quantity of water which may be diverted and or uses and or stored; or
- the level at which an impoundment of water may be maintained; and
- any circumstances which may limit or restrict the use of storage of the allocated water.

The most common wording for this clause is as follows:

“The maximum quantity of water which may be diverted is [Insert: Quantity].”

7. Clause (f) – period of water use

This clause is used to specify the following:

- the period during which water may be diverted and/or;
- the period during which water may be used and/or;
- the period during which water may be stored and/or;
- the period during which the rights granted may be exercised; or
- any circumstances during which these periods may be restricted.

The most common wording for this clause is as follows:

”The period of the year during which the water may be used is [Insert: Period].”

8. Clause (g) – the licence appurtenancy

This clause is used to specify the following:

- the place of use and/or storage of water, and/or;
- the appurtenancy of the licence, and or;
- to define the project or scope of the undertaking.

For most water licences the wording for the licence’s appurtenancy in Clause (g) is as follows”

“The land upon which the water is to be used and to which this licence is appurtenant is [Insert: legal description]”

However, water licences for conservation, mining, stockwatering, watering, waterworks or water power use are described using specific wording for their appurtenancy – that is, which replaces Clause (g) in the water licence document .

Table 2 provides specific wording to Clause (g) for describing the licence’s appurtenancy.

Table 2: Water Use Appurtenancy Descriptions

Water Use Purpose	The land upon which the water is to be used and to which this licence is appurtenant is [Insert: wording shown below]
Conservation	the conservation project of the licensee within [Insert: legal description of the appurtenant land]
Irrigation	[Insert: legal description of the appurtenant land] of which [Insert: hectares (Insert: acres) may be irrigated.
Land Improvement	the land improvement project of the licensee within [Insert: legal description of the appurtenant land]
Mining	the mining project of the licensee within [Insert: legal description of the appurtenant land] held under Mineral Lease #
Stockwatering	the stockwatering project of the licensee within [Insert: legal description of the appurtenant land]

Table 2: Water Use Appurtenancy Descriptions, continued

Water Use Purpose	The land upon which the water is to be used and to which this licence is appurtenant is [Insert: wording shown below]
Waterworks	<p><u>For a Utility</u></p> <p>the undertaking of the applicant within [Insert: legal description of the appurtenant land]</p> <p><u>For a Municipality</u></p> <p>all the lands within the boundaries of [Insert: the name of the municipality , improvement district, etc.].</p> <p><u>Indian Reserves</u></p> <p>Indian Reserve [Insert: number, name of Reserve and the Land District that it is located in]</p>
Water Power	<p><u>Residential (supplied by the land owner to property)</u></p> <p>The appurtenant land is the land where the electricity is proposed to be use. (Note: This is not necessarily the land where the power generating plant is located)</p> <p><u>Commercial of General</u></p> <p>If the proposed power is to used only by the applicant, the appurtenant land is the land where the electricity is to be used.</p> <p>If the power is being distributed to several persons, or another party the appurtenant land is the land where the power generating plant is to be located.</p> <p>In which case use a powerhouse site situated on [Insert: legal description of the appurtenant land]</p>

9. Clause (h) – authorized works and location

This clause is used to specify the following:

- the works that are authorized to be constructed; and
- where appropriate, any specifications related to those works

This clause is also used in conjunction with the plan (plat) which is attached to the water licence, which portrays the location of the authorized works.

The most common wording for this clause is as follows:

“The authorized works are [Insert: Works] which shall be located as shown on the attached plan.”

10. Clause (i) – completion of construction of works and beneficial use of water

This clause is used to specify the following:

- the conditions, if any under which construction of the works may be commenced;
- any other specifications relating to scheduling of construction that are necessary;
- a date by which the construction of the works shall be completed and the licensee must either:
 - make beneficial use of water; or
 - exercise the rights granted by the water licence.

The standard completion date should be December 31st of the year which allows a period of the balance of the year in which the licence is granted plus 3 full years

- For example, a water licence issued anytime during 2006 would in most cases have a completion date of December 31st 2009.

A possible exception is where the applicant is a municipality or other public water supply agency, or if the project is major in scope, refer to the Report for a Water Licence Application for a case-specific recommendation.

The most common wording for this clause is as follows:

- “The construction of the said works shall be completed and the water shall be beneficially used prior to 31st December [Insert: year]. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.”

6.2 Water Licence Plat

A water licence plat forms part of the water licence. The plat, which is often referenced in the water licence, provides important spatial information on the location of water use, source of water withdrawal (storage if applicable) and authorized works.

For many new water licences the applicant's drawing which is accepted with the application should be utilized instead of drafting a new plat. Plats should be created for water licences where:

- licensed works cross land not owned by the applicant and where the landowner's consent has not been obtained;
- the new water licence authorizes a point of diversion and or works which departs from the original application; and
- where the water licence has a high level of complexity; the licence falls within the Complex category of the Complexity and Processing Level (refer to procedure: Water Licence Application, Assessment for Decision, Section 3 Table 1).

If technical engineering and survey drawings and plans are included in the decision to issue a water licence, these may be referenced in the licence document; however, they do not necessarily need to be attached. Wording in the licence should reference the drawing or plan name, revision number and the date it was signed.

The applicant's drawing or new plat attached to the water licence should include the following:

- water district; precinct; land district;
- file number; licence number; PCL number (if required);
- the source of water withdrawal and if applicable storage and points of redirection;
- the appurtenant land (showing the legal description) and adjacent parcels including any exceptions in the legal of the licence, source, point of diversion and works, if known
- the legend should include the scale; map number; symbols which denote point of diversion/re-diversion, pipelines, ditches, dams, etc. and Crown land area; and
- the signature of staff who are authorized to sign the water licence.

Appendix 5 provides a sample template for a water licence plat.

6.3 Permit Over Crown Land

The Report for a Water Licence Application will also indicate whether a permit over Crown land (PCL) is required. The PCL document must:

- describe the area of Crown land to be occupied;
- specify the actual dimension which are required; and
- indicated the water licence to which it is attached.

In addition, there are two particularly important aspects concerning the issue of a PCL, namely:

- if an existing water licence on the same appurtenant land includes a PCL for the same Crown land as new water licence, draft a new permit that replaces the existing one, and which refers to both the existing water licence and the new water licence; and
- a single PCL may also be prepared for the occupation of different areas of Crown land provided that the existing water licence and the new water licence are related (e.g., a water licence which authorized diversion of water and second water licence which authorized storage). However, both water licence must have the same appurtenancy

Appendix 6 provides a sample of a Permit over Crown land.

6.4 Cover Letter

In addition to the water licence a new licence holder should also receive a cover letter. The cover letter provides information on the licence amendment and reminds the holder of their obligations.

In addition, as Section 92 of the *Water Act* provides the licence holder with the right to appeal the decision, the covering letter should also provide information on the appeal process.

Using the information contained Administrative Details in the Report for a Water Licence Application draft the cover letter for signature.

If the water licence is not a Quick Licence, the cover letter should only be signed by the Regional or Assistant Regional Water Manager

Confirm whether other entities need to be copied on the cover letter and provided with a copy of the new water licence (see Section 5.7).

Appendix 7 provides a sample cover letter for a new water licence

Appendix 2 (Table 1) provides a list of possible provisions which would be include in the over letter.

6.5 Objections and Concerns

The Water Licence Application Report will indicate whether objections or concerns were filed against the water licence application. Draft a letter using information provided in the Report for the signature of the Assistant or Regional Water Manager.

If the client meets the criteria which is stipulated in Section 92 of the *Water Act*, include at the bottom of the letter appeal information to the Environmental Appeal Board. If the client does not have the criteria under Section 92 do not include the appeal provision.

Appendix 3 provides a standard letter to reply to objections and concerns.

6.6 Quick Licensing

If the adjudication of the water application results in the recommendation to issue a new water licence as a Quick Licence under Section 12.1 of the *Water Act*, note the following:

- The water licence, covering letter, and if applicable accompanying Permit over Crown land can be signed by an Authorized Official; and
- The water licence decision cannot be appealed under Section 92 of the *Water Act*.

Appendix 1A provides a checklist report for processing a water licence application by Quick Licensing.

Additional information on Quick licensing is available to staff on the Water Stewardship Division Intranet, and to the public on the Internet.

6.7 Distribution of Licence Copies

There are a few instances where copies of water licences should be sent to other entities in order to inform that of authorized water use. The cover letter for the water licence with a “Pc” to the appropriate entity *may* be used to help ensure that a copy of the licence is sent.

The following agencies may have an interest in receiving a copy of the new water licence

- Improvement Districts or Municipalities

If the new water licence falls within the boundaries of an improvement district or a municipality provide a of the water licence.

- Indian Reserve:

If the new water licence falls within an Indian Reserve provide a copy of the water licence to:

Department of Indian and Northern Affairs
Lands, Revenue and Trusts
1138 Melville Street
Vancouver BC V6E 4S3

- Duck Unlimited:

If the licence is being issued to Ducks Unlimited provide a copy of the water licence to the actual landowner.

- Provincial Fisheries and Wildlife agencies of the Ministry of Environment.

If interest was shown in the application forward a copy to the appropriate federal or provincial agency. For example, Fisheries and Oceans Canada .

- Objectors:

Objectors or concerned clients submitted correspondence regarding the application should receive a copy of the water licence.

7. REFUSAL OF A WATER LICENCE APPLICATION

The Report for a Water Licence Application (Report) may recommend that the water licence application be refused.

The following steps should be followed when the Report directs that an application be refused:

- Draft the letter for the signature of the Assistant or Regional Water Manager which conveys to the applicant that the water application has been refused.

Appendix 8 provides a sample letter which refuses a water licence application after it has been adjudicated.
- Note whether a copy of the letter should be sent to those entities which responded to a referral of the application.
- Update records in WLIS to indicate the refusal of the application, and any restrictions or comments that also have been provided in the Report.

8. SYSTEM UPDATES

As part of the new water licence issue process, it is very important that the water automated systems be updated to reflect the issue of a new water licence or the refusal of the application.

- Water Licence Information System (WLIS)

Update WLIS fields to ensure that all of the data fields contain correct information, in particular regard to possible changes to:

- client name and address;
- purpose of water use;
- the priority date of the licence;
- the appurtenancy (i.e., legal description);
- source of water use, and if applicable storage; and
- area of land irrigated, and if applicable term of water use.

- Point of Interest System (POI)

Check POI to ensure that the authorized point of diversion is correctly reflected POI hierarchy.

- Spatial Coverages

Spatial coverages should also be updated in order to reflect the new water licence, for:

- licence appurtenancy;
- point of diversion and source location; and
- and land crossed by works.

The [Training Guidelines for Water Processing](#) and the [WLIS & POI User Guide](#) provide additional detail on licence data changes and how to make system updates

Appendix 1: Report for a Water Licence Application



WATER ACT

REPORT for Water Licence Application

A Basic Applicant Information

Applicant	File
Address	
Phone	Water District
Priority Date	Precinct
Source:	Tributary to
WR Map	PD Number
Appurtenant Land	Description
	C/T
	PID
Works proposed constructed	
Water Allocation Plan	

This application should be **GRANTED REFUSED** as Conditional Water Licence **NUMBER** for:

Purpose	Quantity	Period of Use	Duty	Area
---------	----------	---------------	------	------

B. Administrative Details

1. Source and POD
2. Reserves and Restrictions
3. Other Licences on Dominant Land
4. Notifications

Appendix 1: Report for a Water Licence Application, continued

- 5. Objections
- 6. Joint Works
- 7. Land Related Issues
 - a. Ownership
 - b. PCLs
 - c. Land File Cross Reference
- 8. Special Clauses for Cover Letter
- 9. Special Clauses for Licence
- 10. First Nation Information
- 11. Required System and GIS Coverage Updates

C. Technical Information

- 1. Watershed Characteristics
- 2. Water Balance
 - a. Supply
 - b. Demand
- 3. Licence and Quantity Justification
 - a. Description of Works
 - b. Power Requirements

File:

Page 2 of 3

Appendix 1: Report for a Water Licence Application, continued

4. Environmental Considerations

5. Site Inspection

6. Technical Drawing

D. Recommendations

Prepared _____ Date _____
Name _____
Title _____

Reviewed _____ Date _____
Name _____
Title _____

Accepted _____ Date _____
Name _____
Title _____

File:

Page 3 of 3

Appendix 1A: Checklist Report for Quick Licensing



Ministry of Environment

Water Stewardship Division

QUICK LICENCE APPLICATION REPORT

Licence No.: [redacted] File No.: [redacted]
 Source: [redacted]

ELIGIBILITY CONFIRMATION

Is this source eligible for Quick Licensing?
 Volume rate does not exceed Maximum Eligible Quantity?
 Landowner Consent Required ? No Yes Received ?

IS THE FOLLOWING INFORMATION IN WLIS CORRECT?

Water District: Priority:
 Water Rights Map: Precinct:
 PID: POD:
 Licensee: Appurtenancy:
 Mailing Address:

RECOMMENDATIONS

This application should be granted for:

Purpose	Quantity	Period of Use
Dom	[redacted]	whole year

PCL: Required ?
 [redacted] m. (0.0 ft.)* long by [redacted] m. (0.0 ft.)* wide having an
 area of [redacted] 0.0* ha(s) (0.0* acre(s)). **Note: right click fields with * to update**

Covering letter: The covering letter should not include information on appeals.

Other [redacted]

Special Clauses: The domestic purpose authorized by this licence is for use in one dwelling located approximately as shown on the applicants drawing?
 The licence should include the lake elevation clause for the source.

Other [redacted]

Prepared by: [redacted] Date: [redacted]

Reviewed by: [redacted] Date: [redacted]

Appendix 2: Clauses Used in Water Licensing

Note: the yellow highlight indicates wording which is common to all water licences and covering letters

Table 1: **Covering Letter** – New Water Licence – **Common** Clauses and Advice

Category	Name (Listed Alphabetically)	Wording
Clauses Common to All Covering Letters	Licence Approved start of letter	The investigation of your application has been completed. Enclosed is a copy of your new [Enter New Licence]. Please read the documents carefully. Any error in the licence should be brought to the attention of this office as soon as possible.
	Fees	If additional fees are required, you will be advised by the Comptroller of Water Rights.
	Please Note the Following:	<ol style="list-style-type: none"> 1. Water licences do not authorize entry on privately owned land for the construction of works. Permission of the affected landowner must be obtained or an easement expropriated. For your protection, permission should be in writing and registered with the appropriate Land Title Office. 2. Permission must be obtained from the appropriate government agency prior to installing works across lands, roadways and other right-of-ways.

Appendix 2: Clauses Used in Water Licensing, continued

Table 1: **Covering Letter** – New Water Licence – **Common** Clauses and Advice, continued

Category	Name (Listed Alphabetically)	Wording
Clauses Common to All Covering Letters	Please Note the Following: (continued)	<p>3. In order for you to keep your water licence in good standing, the following must be observed:</p> <ul style="list-style-type: none"> a) continued beneficial use of water, as authorized under your licence; b) payment of annual rentals; c) compliance with the terms of your licence; and d) compliance with the terms of the Water Act.
	Notify Regional Manager If	<p>Please notify the Regional Water Manager if:</p> <ul style="list-style-type: none"> a) there is any change in your mailing address; b) you sell the land to which the licence is appurtenant; c) you propose to subdivide the land to which the licence is appurtenant; or d) you propose to alter the works authorized under the licence.

Appendix 2: Clauses Used in Water Licensing, continued

Table 1: **Covering Letter** – New Water Licence – **Common** Clauses and Advice, continued

Category	Name (Listed Alphabetically)	Wording
<p>Clauses Common to All Covering Letters (continued)</p>	<p>Appeal Clause</p>	<p>Section 92 of the Water Act gives the recipient of this notice the right to appeal my decision. Information on filing an appeal can be found on the Environmental Appeal Board Web site at: http://www.eab.gov.bc.ca/.</p> <p>A right of appeal from my decision lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing; (2) include grounds for the appeal; (3) be directed by registered mail to the Chair, Environmental Appeal Board, PO Box 9425 Stn Prov Govt., V8W 9V1 or personally delivered to the office of the board at 4th Floor, 747 Fort Street in Victoria, BC V8W 3E9; (4) be delivered within 30 days of receiving this letter, and (5) be accompanied by a fee of \$25, payable to the Minister of Finance and Corporate Relations.</p>

Appendix 2: Clauses Used in Water Licensing, continued

Table 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses

Category	Name (Listed Alphabetically)	Wording
Administrative	Abandonment on Condition of New Licence Issue	We have received your notice to abandon [Insert: Water Licence Number] upon the issue of this new water licence. Accordingly, [Insert: Water Licence Number] will be abandoned and removed from our active records.
	Contact	If you have any questions regarding this licence or inquiries concerning water management, please contact [Name and Phone Number].
	(MOT) Road Permit Required	As a Section of pipeline will lie beneath a public roadway a permit from the Ministry of Transportation (MOT) will be required. Please contact the MOT office near you.
	Precaution Water Shortage	In the event of a water shortage you should take precautions as the water source may not produce the quantity of water which has been licensed.
	Permit over Crown land	A permit over Crown land has been issued with this licence to provide authorization for the placement of those works described by your water licence on Crown land. You should consider obtaining tenure for those works on Crown land with a registered easement or right of way issued under the <i>Land Act</i> from the Integrated Land Management Bureau of the Ministry of Agriculture and Lands.
	Quantity Adjusted from Application	The quantity of water approved has been [Reduced/Increased] from the amount applied for, following discussion with our representative regarding your proposed use [Insert: Further Explanation if Required].

Appendix 2: Clauses Used in Water Licensing, continued

Category	Name (Listed Alphabetically)	Wording
Administrative (continued)	Rate of Withdrawal	The quantity of water authorized to be diverted is based on a constant rate of withdrawal from the source over a 24 hour period. You may require supporting storage to help ensure an adequate supply of water as the flow in most sources varies from season to season and from day to day.
	Refund	The current refund policy is available from the government website at http://www.env.gov.bc.ca/wsd/water_rights/licence_application/fees_refunds.html . For further information please contact BC Environment, Revenue Section at 250 387 6037.
	Substitution	The water licence attached to this letter is issued in substitution of [Insert: Water Licence Number]
	Utility Right-of-way Trespass	Your works appear to cross or otherwise affect a utility right-of-way. You are required to contact the utility for permission to use or construct works within that right-of-way.
	Water Users' Community (WUC) Letters of Incorporation	Please petition the Comptroller of Water Rights to include this water licence in the Letter of Incorporation for the Water Users' Community.

Appendix 2: Clauses Used in Water Licensing, continued

Table 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Environmental Aquatic and Fish	Fish Screening Short	The intake must be screened in accordance with Fisheries and Oceans Guidelines. Please refer to the Fisheries and Oceans Canada website for further information www.dfo-mpo.gc.ca/
	Fish Screening General	<p>We wish to inform you that the water body serves as a spawning and rearing area for fish. The protective requirement for Section 30 of the federal <i>Fisheries Act</i> must be met. Accordingly, it will be necessary for you to screen your water intake to protect against entry of small fish. Refer to the Fisheries and Oceans Canada Web-site: www.dfo-mpo.gc.ca/</p> <p>For your guidance, we are enclosing a copy of the Fish Screening Directive which describes the screening specifications which satisfy fish protection requirements. Fisheries and Oceans Canada should be contacted for appropriate instream works methods and timing constraints.</p>
	Fish Screening Requirements Directive Southern Interior Streams	Screening requirements are as presented in the document, Fish Screening Directive for Southern Interior Streams. The document can be requested from the Ministry of Environment at the following E-mail address: phil.epp@gov.bc.ca . Additional information regarding fish screens is also available in the Department of Fisheries and Oceans document Freshwater Intake End-of-Pipe Fish Screen Guideline available on the DFO website at: www.dfo-mpo.gc.ca/Library/223669.pdf .

Appendix 2: Clauses Used in Water Licensing, continued

Table 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Environmental Aquatic and Fish (continued)	Intake Level Protect Fish Okanagan Lake	The water intake must be no less than three (3) meters below the water level of Okanagan Lake.
	Kokanee Spawning General	Please note that your property [Insert: Legal Description of Property], lies adjacent to a know Kokanee shore spawning area. Your water intake must be placed at least three (3) metres below the surface. You must also screen your intake according to federal Fisheries Screening Requirements, and any work that will be made below the high water mark must be made between [Insert: Early Date] and [Insert: Later Date]. A copy of federal Fisheries Screening Requirements is enclosed.
	Kokanee Spawning Okanagan Lake	Work below the high water mark or natural boundary of Okanagan Lake must be carried out between June 1 and Sept 30, unless a Qualified Environmental Professional certifies in a report that the shoreline is not used by kokanee shore spawners. Established Best Management Practices must be adhered to during any works within the natural boundary of the lake. A copy of the Waterline Intake Best Management Practice can be obtained from the Ecosystem Section, Ministry of Environment in Penticton at (250) 490-8200.

Appendix 2: Clauses Used in Water Licensing, continued

Table 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Lake Bed	Cowichan Lake	Be advised that the bed of Cowichan Lake is owned by Pacific Forest Products (Timberwest Forest Corp, Properties Division, 3 - 4890 Rutherford Road, Nanaimo BC V9T 4Z4) and we advise that you should contact them concerning obtaining a legal right of way or easement.
	Shawnigan Lake	Be advised that the bed of Shawnigan Lake is owned by Pacific Forest Products (Timberwest Forest Corp, Properties Division, 3 - 4890 Rutherford Road, Nanaimo BC V9T 4Z4) and we advise that you should contact them concerning obtaining a legal right of way or easement.
	Sproat Lake	Be advised that a portion of the bed of Sproat Lake is owned by Pacific Forest Products (Timberwest Forest Corp, Properties Division, 3 - 4890 Rutherford Road, Nanaimo BC V9T 4Z4) and a portion is owned by the Crown. We advise that you should contact Pacific Forest Products to determine ownership and concerning obtaining a legal right of way or easement.

Appendix 2: Clauses Used in Water Licensing, continuedTable 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Land	Alluvial Fan	<p>A field inspection of your point of diversion and works used to convey water to your place of use has revealed that they are located on a alluvial fan.</p> <p>An alluvial fan is an accumulation of sediment that has been deposited where a stream changes from a confined channel with relatively steep gradient in a canyon or gully to an unconfined channel with a relatively gentle gradient on a lowland or plain. The stream channel (stream bed) becomes broader and shallower as its gradient decreases.</p> <p>During periods of high runoff, sediment and debris laded water reaches the relatively flat alluvial fan, the course sediment and debris can settle our and/or jam up in the stream channel and force water to flow over the land surface causing flooding and erosion.</p> <p>Care must be exercised during planning, construction, maintenance, operation and possible abandonment of the authorized works to ensure that flooding and erosion problems are not exacerbated by your activities on the alluvial fan. It is your obligation, as the licensee, to ensure compliance with clause [Insert: Clause Number] of the licence.</p>
	Entry: Private Land	This water licence does <u>not</u> authorize entry onto private land. Permission must be obtained from the owner(s) prior to entering or constructing works on any private lands.

Appendix 2: Clauses Used in Water Licensing, continued

Table 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Land (continued)	Permit Over Crown Land (PCL)	A Permit over Crown land (PCL) has been issued with this licence to provide authorization for the placement of works described by your water licence on Crown land. You should consider obtaining tenure for those works on Crown land with a registered easement or right of way issued under the <i>Land Act</i> from the Ministry of Agriculture and Lands (Integrated Land Management Bureau).
Works	Division Tank 1 Required	Please note under clause [(j)] of your water licence that all water diverted shall pass through a division tank constructed to specifications set by an Engineer under the <i>Water Act</i> and maintained by the licensee.
	Division Tank 2 May be Required	The Comptroller or Regional Water Manager may require that all water shall pass through a division tank constructed to terms of reference set by an Engineer under the <i>Water Act</i> . The division tanks shall be designed by and constructed under the supervision of a professional engineer registered to practice in the province of British Columbia.
	Division Tank 3 Design Specified	You are required to construct a division tank with specifications set by an engineer with hydraulic experience. The design must be accepted by our office prior to construction and all costs associated with the design and construction shall be the responsibility of the licensee.
	Joint Works Example	You are urged to develop a Joint Works Agreement to clarify issues surrounding your shared works. Please find enclosed general information and an example.

Appendix 2: Clauses Used in Water Licensing, continuedTable 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Works (continued)	Joint Works Order	This licence does not authorize the connection onto existing licensed works until such time as a Joint Works Agreement is signed by all licensees involved. Alternatively, you or any licensee on the joint works system may petition the Comptroller of Water Rights or Regional Water Manager to order joint works under Section 33 of the <i>Water Act</i> .
	Joint Works Permission Required	This licence does not authorize the construction onto existing licensed works until such time as you have obtained permission from the owners of the licensed works.
	Metering	Please note that your water licence may require you to install a flow metering device to record the rate and volume of water diverted under this licence. You should ensure that your works can accommodate this request should it be made at a future date.
	Safe Drinking Water	You are advised that the <i>Drinking Water Protection Act</i> , and the Drinking Water Protection Regulation under that Act, govern the construction, installation, alteration, extension, and operation of joint works that form part of a domestic water system supplying more than one single-family residence. It is the responsibility of the licensee to comply with the Act and Regulations noted above. Your local Regional Health Authority will be able to assist you.

Appendix 2: Clauses Used in Water Licensing, continued

Table 1A: **Covering Letter** New – Water Licence – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Works (continued)	Water Users' Community Required	<p>This licence is subject to the applicant becoming a member of the [Insert: Name] Water Users' Community and complying with their rules and regulations.</p> <p>The [Insert: Name] Water Users' Community should be sent a copy of the licence c/o [Insert: WUC Manager] and advised to petition the Comptroller of Water Rights to have their letters of incorporation amended to include the new water licence.</p>

Appendix 2: Clauses Used in Water Licensing , continued

Table 2: New Water Licence – Provisions Common to All Licences

Category	Name	Wording
Clauses Common to all New Water Licences	Licence Holder	The owner/owners of the land to which this licence is appurtenant is/are hereby authorized to divert/use/store water as follows:
	Variations Depending On Who is the Licence Holder	
	Undertaking	The owner/owners of the undertaking to which this licence is appurtenant is hereby authorized to divert/use/store water as follows:
	Certificate of Public Convenience and Necessity	The holder of a certificate of public convenience and necessity as set out in clause (g) hereof, is hereby authorized to divert/use/store water as follows:
	Municipality	The [name of the municipality] to which this licence is appurtenant is hereby authorized to divert/use/store water as follows:
	Licence Issued to the Province	The [official title of the Minister] as represented by [name of associated agency or company (e.g., Ducks Unlimited)] is hereby authorized to divert/use/store water as follows:
	Indian Band	The [name of the Indian Band] is hereby authorized to divert/use/store water as follows:
	Commission or Board	The [name of the Commission or Board] duly authorized representative of [Ministry Responsible] is hereby authorized to divert/use/store water as follows:
	District (defined under Section 7 of the <i>Water Act</i>)	The [Name of District] is hereby authorized to divert/use/store water as follows:
	BC Hydro	The British Columbia Hydro and Power Authority is hereby authorized to divert/use/store water as follows:

EFFECTIVE DATE:
AMENDMENT NO:

FILE: 76940-00
PAGE: 41

Appendix 2: Clauses Used in Water Licensing, continued

Table 2: **New Water Licence** – Provisions **Common** to All Licences, continued

Category	Name	Wording
Clauses Common to all New Water Licences (continued)	Source	(a) The stream on which the rights are granted is [Source Name].
	Variations Source Depending on Purpose:	
	Storage	The stream on which the rights are granted is [Source Name] and the reservoir is [Source Name].
	Conservation Use	The stream affected by the rights granted is [Source Name].
	Conservation Storage	The source of the water-supply and the storage site is [Source Name].
	Point of Diversion	(b) The point[s] of diversion is/are located as shown on the attached plan.
	Variations Point of Diversion:	
	Storage	The storage site is located as shown on the attached plan.
	Rediversion	The [storage site and the] points of diversion and rediversion are located as shown on the attached plan.
	Date of Precedence	(c) The date from which this licence shall have precedence is [Date].
	Purpose	(d) The purpose[s] for which this licence is issued is/are [Purpose].

Appendix 2: Clauses Used in Water Licensing , continued

Table 2: **New Water Licence** – Provisions **Common** to All Licences, continued

Category	Name	Wording
Clauses Common to all New Water Licences (continued)	Quantity	(e) The maximum quantity of water which may be diverted is [Amount and Rate].
	Variations For Quantity Storage:	
	Storage (1) Irrigation	The maximum quantity of water which may be diverted to fill the reservoir is [Amount and Rate] and the maximum quantity of water which may be used is [Amount and Rate], subject to the water being available from storage.
	Storage (2) Conservation	The maximum quantity of water which may be held in storage is [Amount] and the maximum quantity of water which may be used to fill the reservoir is [Amount and Rate], and such additional quantities as may be authorized from time to time in writing by the Regional Water Manager.
	Period of Use	(f) The period of the year during which the water may be used is [Period]. domestic purpose: throughout the whole year irrigation purpose (most, but not all): from 1 st April to September 30th
	Variations For Period:	
	Storage and Diversion	The period of the year during which water may be diverted, used and stored is throughout the whole year.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2: **New Water Licence** – Provisions **Common** to All Licences, continued

Category	Name	Wording
Clauses Common to all New Water Licences (continued)	Variations For Period, continued	
	Storage (1) Irrigation	The period of the year during which water may be used to fill the reservoir is [Period] and the stored water may be used during the period from [Period].
	Storage (2) Conservation	The reservoir may be filled from [Period] and the water released from storage at any time of the year.
	Appurtenancy	(g) The land upon which the water is to be used and to which this licence is appurtenant is [Legal Description].
	Variations of the Appurtenancy Depending on the Type of Water Use:	
	Conservation	The land upon which the water is to be used and to which this licence is appurtenant is the conservation project of the licensee within [Legal Description].
	Irrigation	The land upon which the water is to be used and to which this licence is appurtenant is [Legal Description] of which [Insert: hectares][Insert: acres] may be irrigated.
	Land Improvement	The land upon which the water is to be used and to which this licence is appurtenant is the land improvement project of the licensee within [Legal Description].
	Mining	The land upon which the water is to be used and to which this licence is appurtenant is the mining project of the licensee within [Legal Description].

Appendix 2: Clauses Used in Water Licensing, continued

Table 2: **New Water Licence** – Provisions **Common** to All Licences, continued

Category	Name	Wording
Clauses Common to all New Water Licences (continued)	Variations of the Appurtenancy Depending on the Type of Water Use, continued	
	Stockwatering	The land upon which the water is to be used and to which this licence is appurtenant is the stockwatering project of the licensee within [Legal Description].
	Power Supplied to Residence	The land upon which water is to be used is [Insert: legal description of land where the powerhouse is situated] on which a powerhouse is situated, and the land to which the licence is appurtenant is [Insert: either “said land” or, if the land on which the power is to be used differs from that on which the powerhouse is situated Insert: the legal description of the land on which the power is used].
	Power Commercial Distribution (confirm Chris Morgan)	The land upon which the water is to be used and to which the licence is appurtenant is the land on which the powerhouse of the [Insert: Name] Generating System is situated, described as that parcel or tract of land within [Insert: Legal Description] [Option: tenured under the <i>Land Act</i> , held under Lands File No [Number].
	Waterworks Indian Band	The land upon which the water is to be used and to which this licence is appurtenant is Indian Reserve [Identify Reserve].
	Waterworks Municipality	The land upon which the water is to be used and to which this licence is appurtenant is all the lands within the boundaries of [Insert: the name of the municipality , improvement district, etc.].

Appendix 2: Clauses Used in Water Licensing, continued

Table 2: **New Water Licence** – Provisions **Common** to All Licences, continued

Category	Name	Wording
Clauses Common to all New Water Licences (continued)	Waterworks Utility	The land upon which the water is to be used and to which this licence is appurtenant is the undertaking of the applicant within [Legal Description].
	Works	(h) The authorized works are [Describe Works] which shall be located as shown on the attached plan.
	Works Constructed & Beneficial Use	(i) The construction of the said works shall be/has been completed and the water is being beneficially used prior to:[Date]. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: New Water Licence – Optional Pick Clauses

Category	Name (Listed Alphabetically)	Wording
Administrative	Alternate Water Supply	This licence may be cancelled or amended in any respect at any time, on one year's notice in writing by the Comptroller of Water Rights, when a feasible alternative supply of water becomes available.
	Beneficial Use	The licensee shall submit to the Regional Water Manager, a Beneficial Use Declaration and a drawing prepared to the water licence application drawing standards showing the point of diversion, area of beneficial use, all associated works, and the legal boundaries of the appurtenant land, on or before the [] day of [] 20 [] .
	Records Kept	This licensee shall keep records on actual water use as directed by an Engineer under the <i>Water Act</i> and have all records available.
	Supplementary Licence	This licence is supplementary to [Insert: Water Licence Number] and the maximum quantity of water which may be diverted under this licence is the quantity which together with the quantity available under [Insert: Water Licence Number] will provide [Insert: Quantity].
	Reserve	The rights granted under this licence are subject to a water reserve established by Order in Council No [Insert: Number] dated [Insert: Date]
	Termination	This licence terminates on [Insert: Date]. Prior to the termination date, the licensee may apply to the Comptroller of Water Rights or the Regional Water Manager in accordance with the provisions of the <i>Water Act</i> to amend this licence to extend its term.
	Works Constructed	The construction of the said works has been completed and the water is being used. The licensee shall continue to make regular beneficial use of the water in a manner authorized herein.

EFFECTIVE DATE:
AMENDMENT NO:

FILE: 76940-00
PAGE: 47

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick Clauses, continued**

Category	Name (Listed Alphabetically)	Wording
Dam	Cease Diversion	The diversion of water from [Insert: Source] shall cease when storage has reached fully capacity of the reservoir.
	Dam Safety Officer (DSO) Satisfaction	The dam authorized under clause (h) is subject to the Dam Safety Regulations and shall be designed, constructed and maintained to the satisfaction of a Dam Safety Officer under the <i>Water Act</i> and in accordance with the Canadian Dam Association Guidelines.
	Draft Operation, Maintenance and Surveillance (OMS)	The construction of the said works must not commence until a draft Operation, Maintenance and Surveillance Manual (including a surveillance schedule for first filing) and an Emergency Preparedness Plan have been submitted to and accepted by an Engineer under the <i>Water Act</i> .
	Drawings	As Constructed Drawings of the works authorized by this licence must be submitted by the licence holder to the Regional Water Manager [Before]
	Final Operation, Maintenance, Surveillance and Emergency Preparedness Plan	Final construction drawings, Operation, Maintenance and Surveillance Manual and Emergency Preparedness Plan must be submitted to the Dam Safety Officer during the first year of operation.
	Leave: Diversion	Following the substantial completion of construction, filling of the reservoir must not commence until written leave to commence diversion is given by an Engineer under the <i>Water Act</i> .
Domestic	Dwelling Restriction	This licence authorizes the use of water for domestic purpose in [Insert: Number] dwelling [s] located approximately as shown on the attached plan.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick** Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Domestic (continued)	Water Users Community	The rights granted herein are exercisable only during such times as the licensee remains a member of the [Insert: Name of Water Users Community].
	Water Users Community Works Satisfaction of Engineer	The rights granted herein are exercisable only during such times as the licensee remains a member of the [Insert: WUC Name] Water Users' Community, and as long as works under [Insert: Water Licence Number], or any licence issued in substitution thereof, are being maintained and operated to the satisfaction of an Engineer under the <i>Water Act</i> .

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick** Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Environmental	Aquatic Life Preservation	The diversion of water authorized under this licence may be regulated at any time by an order of an Engineer under the <i>Water Act</i> , in order to maintain flow in the stream for the preservation of aquatic life. Regulation includes allowing, commencing, stopping, limiting, opening, shutting and prohibiting the diversion of water.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick Clauses**, continued

Category	Name (Listed Alphabetically)	Wording
Environmental (continued)	Environmental Management Plan (EMP)	<p>To construct the works authorized under clause (h) of this licence, the licensee must:</p> <ol style="list-style-type: none"> <li data-bbox="940 505 1902 613">(1) Ensure that the plans for the works to be constructed are signed and sealed by a professional engineer registered in the province of British Columbia (referred to as the Design Engineer); <li data-bbox="940 638 1864 743">(2) Ensure that a professional engineer in the province of British Columbia (referred to as the Construction Engineer) supervises the construction of works; <li data-bbox="940 768 1850 1068">(3) Submit to an Engineer under the following: <ol style="list-style-type: none"> <li data-bbox="1045 824 1791 898">a. plans that show the general arrangement of works to be constructed, <li data-bbox="1045 922 1759 954">b. criteria for the design of the works to be constructed, <li data-bbox="1045 979 1850 1011">c. criteria for the operation of the works to be constructed, and <li data-bbox="1045 1036 1598 1068">d. a schedule for the construction of works; <li data-bbox="940 1092 1902 1198">(4) Prepare an Environmental Management Plan (refer to as the EMP) for the management and mitigation of construction impacts, which plan is to be to the satisfaction of an Engineer under the <i>Water Act</i>; and <li data-bbox="940 1222 1902 1295">(5) Obtain leave to commence construction, in writing, from an Engineer under the <i>Water Act</i>.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick Clauses, continued**

Category	Name (Listed Alphabetically)	Wording
Environmental (continued)	Fish: Minimum Flow	The diversion of water authorized under this licence may be restricted or prohibited at any time by an Order in writing of an Engineer under the <i>Water Act</i> , in order to maintain a minimum flow in the stream for the preservation of fish life.
	Minimum Level	This licence does not authorize the diversion and use of water at any time when the water level of [Insert: Source] falls below the minimum elevation of [Insert: Number] meters ([Insert: Number]) feet. [Option: established by an Engineer under the <i>Water Act</i>].
	Monitoring Program	The licensee must: <ol style="list-style-type: none"> (1) Prepare a monitoring program suitable to determine the nature of any impacts on [Insert: Fish and or Wildlife] to the satisfaction of an Engineer under the <i>Water Act</i>. (2) Implement the program to the satisfaction of an Engineer under the <i>Water Act</i>. (3) Continue the program for [Insert: Number] years following the commencement of operation of the works or to the satisfaction of an Engineer under the <i>Water Act</i>, and (4) At the completion of the monitoring program, prepare a report that identifies the nature of any impacts on [Insert: Fish and or Wildlife] and implement the appropriate mitigation and/or compensation to an Engineer under the <i>Water Act</i>.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick Clauses**, continued

Category	Name (Listed Alphabetically)	Wording
Environmental (continued)	Independent Engineer (IE) and Environmental Monitor (EM)	<p>Before submitting information the licensee must retain, to the satisfaction of an Engineer under the <i>Water Act</i>:</p> <ol style="list-style-type: none"> <li data-bbox="932 532 1915 669">(1) A professional engineer registered in the province of British Columbia (refer to as the Independent Engineer – IE) who will provide services to an Engineer under the <i>Water Act</i>, for the regulation of the construction of the works as outlined in Schedule 1; and <li data-bbox="932 727 1915 899">(2) A person (referred to as the Environmental Monitor – EM) who will provide services to an Engineer under the <i>Water Act</i>, and other agencies to monitor environmental impacts from the construction of the works in accordance with the Environmental Management Plan, in accordance with Schedule 2.
	Operation Works	<p>The licensee must operate the works authorized under clause (h) above in accordance with:</p> <ol style="list-style-type: none"> <li data-bbox="932 1042 1915 1179">(1) procedures ordered by an Engineer under the <i>Water Act</i>, including any order for the regulation of the diversion, rate of diversion and use of water as may be required for the preservation of <u>[Insert: Fish and or Wildlife]</u> and for the provision of flow for whatever activities; and <li data-bbox="932 1237 1915 1302">(2) any amendment of the procedures ordered by an Engineer under the <i>Water Act</i>.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick Clauses, continued**

Category	Name (Listed Alphabetically)	Wording
Mining	Drainage	When the mining operation is completed, the licensee shall reestablish drainage in the area, to the satisfaction of an Engineer under <i>the Water Act</i> .
	No Discharge	This water licence does not authorize the disposal or discharge of mine effluent tailings.
	Site Reclaimed	Upon cessation of mining operations, the dam and all works associated with the dam shall be removed and the site reclaimed to the satisfaction of an Engineer under the <i>Water Act</i> .
	Tailing Pond	All tail water from the mining operation must be ponded to remove suspended solids before being returned to the stream.
Power	Appurtenancy	The land upon which the water is to be used and to which the licence is appurtenant is the land on which the powerhouse of the [Insert: Name] Generating System is situated, described as the parcel or tract of land with [Insert: Legal Description], tenured under the <i>Land Act</i> , held under Lands File No. [Insert: Number].
	Appurtenancy Residential	The land upon which water is to be used is [Insert: Description of Land where the powerhouse is situated] on which a powerhouse is situated, and the land to which the licence is appurtenant is said land [or if the land on which the power is to be used differs from that on which the powerhouse is situated Insert: description of the land on which the power is to be used].
	As-Builts	As-Built, record drawings, or an equivalent must be submitted to an Engineer under the <i>Water Act</i> within one year of commissioning.
	Operation, Maintenance and Surveillance (OMSP)	Within two years of commissioning the power plant, an Operation, Maintenance and Surveillance Plan and an Operating Parameters and Procedure Report must be submitted to an Engineer under the <i>Water Act</i> .

Appendix 2: Clauses Used in Water Licensing, continuedTable 2A: **New Water Licence – Optional Pick Clauses**, continued

Category	Name (Listed Alphabetically)	Wording
Power (continued)	Operational Parameters and Procedures (OPPR) and Leave to Commence	<p>Before commencing operation of the works authorized under clause (h) the licensee must:</p> <p>(1) Submit a report for acceptance by an Engineer under the <i>Water Act</i> on the parameters and procedures for the operation of the works authorized under clause (h), these parameters and procedures shall be based on the information on the generation of electricity and the social and environmental values considered in the issuance of this licence; and</p> <p>(2) Receive leave to commence the diversion and use of water authorized in this licence, in writing, from an Engineer under the <i>Water Act</i>.</p>
	Operating Plan	An interim Operation Plan must be submitted to and leave in writing received from an Engineer under the <i>Water Act</i> for interim commissioning of the power plant prior to start-up of power production.
	Residential Dwelling	The power generated may be used in one dwelling located approximately as shown on the attached plan
	Additional Dwelling and Enterprises	The power generated pursuant to this licence may be supplied to [Insert: Number of Dwellings, and or Commercial Enterprises] on [Insert: Description of Land and which Power is to be used] located approximately as shown on the attached plan.
	Return Water	The water used in the generation of power shall be returned to the stream above any downstream points of diversion.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick Clauses, continued**

Category	Name (Listed Alphabetically)	Wording
Stockwatering	Outside Wetted Perimeter	The industrial stockwatering purpose authorized by this licence is for use outside the wetter perimeter of the source in a trough located approximately as shown on the attached plan.
Storage	Lake Level	The level at which water is held in the reservoir shall be as directed by an Engineer under the <i>Water Act</i> , and the difference between the maximum and minimum levels shall not exceed [Insert: Height] metres [Insert: Height] feet.
	Must Be From Storage	Any water diverted and used pursuant to this licence during the period from [Insert: Period of Use], must be taken from storage provided in the reservoir authorized under [Insert: Water Licence Number] or any licence issued in substitution thereof.
	Maximum Quantity	The maximum quantity of water which may be held in storage is [Insert: Volume] cubic decametres ([Insert: Volume] acre-feet, and the maximum quantity of water to be diverted is [Insert: Maximum Quantity] cubic metres a year ([Insert: Volume] gallons per year.

Appendix 2: Clauses Used in Water Licensing, continuedTable 2A: **New Water Licence – Optional Pick Clauses, continued**

Category	Name (Listed Alphabetically)	Wording
Works	Alluvial Fan	Construction, maintenance or operation of the works outlined in clause (h) shall not result in the lowering or weakening of the natural stream bank any existing bank protection works.
	Backflow Prevention	This licence does <u>not</u> authorized a interconnection to any public water system without the use of a device to prevent backflow.
	Changes	Changes or modifications to the works authorized under clause (h) hereof may be ordered at any time by an Engineer under the <i>Water Act</i> to ensure proper operations of said works.
	Design Plans	Design plans for the works authorized by this licence must be prepared by a professional engineer registered in British Columbia and submitted to an Engineer under the <i>Water Act</i> . [Option: Construction of said works authorized shall not commence until leave is given in writing by an Engineer under the <i>Water Act</i> .]
	Division Tank Required	All water diverted must pass through a division tank constructed to specifications set by an Engineer under the <i>Water Act</i> and maintained by the licensee.
	Flow Measuring 1	The licensee shall install works to meter and record the rate of flow and quantity of water delivered under this licence. [Optional Insertion: <i>Flow</i> meter records shall be retained by the licensee and be available upon request for inspection by an Engineer under the <i>Water Act</i>].
	Kalamalka Lake	The works authorized under clause (h) hereof shall be constructed to operate with a lake elevation of 390.6 to 392.3 metres (1281.7 to 1287.0 feet) Geodetic Survey of Canada datum.

EFFECTIVE DATE:
AMENDMENT NO:

FILE: 76940-00
PAGE: 57

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick Clauses**, continued

Category	Name (Listed Alphabetically)	Wording
Works (continued)	Leave Construction:	The construction and or reconstruction of the works authorized in clause (h) shall not commence until plans prepared by a professional engineer registered in British Columbia have been submitted to and written leave to commence construction granted by an Engineer under the <i>Water Act</i> .
	Leave Operation (Prince George)	Operation of the works authorized in clause (h) shall not commence until leave is given in writing by an Engineer under the <i>Water Act</i> .
	Maintained	The works authorized under clause (h) hereof shall be maintained to the satisfaction of an Engineer under the <i>Water Act</i> .
	Okanagan Lake	The works authorized under clause (h) hereof shall be constructed to operate within a lake elevation of 340.41 to 343.09 metres (1116.8 to 1125.6 feet) Geodetic Survey of Canada datum.
	Okanagan Lake Intake	The water intake must be no less than three (3) meters below the lowest water level of Okanagan Lake.
	Osoyoos Lake	The works authorized under clause (h) hereof shall be constructed to operate with a lake elevation of 276.9 to 280.1 metres (908.5 to 919 feet), Geodetic Survey of Canada datum.
	Skaha Lake	The works authorized under clause (h) hereof shall be constructed to operate with a lake elevation of 336.2 to 338.6 metres (1102.9 to 1111.0 feet), Geodetic Survey of Canada datum.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: **New Water Licence – Optional Pick Clauses**, continued

Category	Name (Listed Alphabetically)	Wording
Works (continued)	Subservient Licence	The rights granted hereunder are exercisable only during such times as the works authorized under [Insert: Water Licence Number], or any licence issued in substitution thereof is being maintained and operated to the satisfaction of an Engineer under the <i>Water Act</i> .
	Vaseux Lake	The works authorized under clause (h) hereof shall be constructed to operate with a lake elevation of 326.1 to 328.8 metres (1069.9 to 1078.7 feet), Geodetic Survey of Canada datum.
	Waterworks	The maximum quantity of water which may be diverted is [Insert: Quantity] cubic metres per year ([Insert: Quantity] gallons per year), provided the maximum daily diversion does not exceed [Insert: Quantity] cubic metres ([Insert: Quantity] gallons).

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses

Category	Name (Listed Alphabetically)	Wording				
Administrative	Abandonment	<p>A notice of abandonment has been received for [Insert Licence to be Abandoned].</p> <p>The covering letter should indicate that upon issuance of this new licence, the original licence being amended [Insert Licence to be Abandoned] will be abandoned.</p>				
	Aboriginal Interests	A Concise Aboriginal Interest Considerations Report (CAICR) is attached to this report for a new water licence.				
	Aboriginal No Infringement	The granting this licence amendment should not infringe on aboriginal rights as [Insert: Reasons].				
	Additional Amendment/ Notification	<p>[Insert: Conditional/Final] Water Licence [Insert: Number] requires amendment under Section [Insert: Section] of the <i>Water Act</i> [Optional: and the affected persons should be notified].</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Name</th> <th style="width: 50%;">Address</th> </tr> </thead> <tbody> <tr> <td style="height: 20px;"></td> <td></td> </tr> </tbody> </table>	Name	Address		
	Name	Address				
	Additional Amendment Report	The amendment report for [Insert: Conditional/Final] water licence [Insert: Number] is also being forwarded under separate cover.				
Appurtenancy	This licence is appurtenant to [Insert: Description].					
Appurtenancy Boundaries	As the appurtenant land falls with the boundaries of [Insert: Authority], a copy of the water licence should be forwarded to same.					

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Administrative (continued)	Appurtenancy Power Commercial	The application is to provide commercially distributed power; therefore the licence should be appurtenant to: The land upon which the water is to be used and to which the licence is appurtenant is the land on which the powerhouse of the [Insert: Name] Generating System is situated, described as that parcel or tract of land within [Insert: Legal Description] [Option: tenured under the <i>Land Act</i> , held under Lands File No [Number].
	Appurtenancy Power Residential	The application is to provide power to a residence; therefore the licence should be appurtenant to: The land upon which water is to be used is [Insert: legal description of land where the powerhouse is situated] on which a powerhouse is situated, and the land to which the licence is appurtenant is [Insert: either “said land” or, if the land on which the power is to be used differs from that on which the powerhouse is situated Insert: the legal description of the land on which the power is used].
	Appurtenant Land No Other Applications and Licences	There are no water licences appurtenant or any other applications outstanding on the dominant land (the land of intended water use) under this application.
	Comments Distributed	A copy of the comments received by the referral agencies should be sent to the applicant.

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording					
Administrative (continued)	Joint Works	<p>The following joint works are related to this application:</p> <table border="1"> <thead> <tr> <th>Licence</th> <th>Common Works</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Licence	Common Works			
	Licence	Common Works					
	Joint Works None	There are no joint works related to this application.					
	Late Service	<p>Please late serve and refer the application to the following:</p> <table border="1"> <thead> <tr> <th>Name</th> <th>Address</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Name	Address			
	Name	Address					
Objections None	There are no objections against this application.						
Objections Filed	<p>The following objections were filed against this application:</p> <table border="1"> <thead> <tr> <th>Name</th> <th> </th> </tr> </thead> <tbody> <tr> <td>Objection</td> <td> </td> </tr> <tr> <td>Results</td> <td> </td> </tr> </tbody> </table>	Name		Objection		Results	
Name							
Objection							
Results							
Objection Dismissal Discussed	<p>The dismissal of the objection has been discussed with the objector [Insert: Date].</p>						

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Administrative (continued)	Objection Concerns Addressed	<p>It is recommended that the [Insert: Objection or Concern] filed by [Insert: Name] be dismissed on the basis that: [Inset: Reason]</p> <ol style="list-style-type: none"> (1) there is water available to meet the licensed demand. (2) senior licences are protected by priority. (3) the quantity of the water which has been authorized in the new water licence has been reduced from the amount which was originally proposed in the water licence application. (4) the irrigation portion of the water licence application has been denied as there is insufficient water available. (5) the irrigation portion of the water licence has been denied as there is insufficient storage available to support irrigation use. (6) the domestic portion authorized has been determined to be adequate for the domestic of the applicant. (7) the [Insert: Purpose] water demand under this application, and including all other demands around the lake, will not significantly impact the lake level, the water requirement for fish and your licensed water rights. (8) The issue of a new water licence should not adversely impact on your licensed water rights.
	Objections Upheld Application Refused	<p>It is recommended that the [Insert: Objection or Concern] filed by [Insert Name] be upheld and the objector be advised that the application is refused on the basis of insufficient water.</p>

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording				
Administrative (continued)	Permit over Crown Land (PCL) Not Required	The works to be authorized under this application lie on private land, therefore a Permit over Crown Land is not required.				
	Permit over Crown land (PCL) Required	A Permit over Crown land (PCL) is required to authorize works indicated on this application. The legal description of the Crown land to be occupied by the works is [Insert: Description]. The dimensions of the PCL required are [Insert: the number of metres] metres [Insert: the number of feet] feet in length and [Insert: the number of metres] metres [Insert: the number of feet] feet in width, covering an area of [Insert: the number of hectares] hectares [Insert: the number of acres] acres.				
	Referral Applicant	A copy of the comments received by the referral agencies should be sent to the applicant.				
	Referral Comments	Comments received about notifications and referral were collected from the following individuals, organizations and agencies: <table border="1" data-bbox="898 1040 1801 1162"> <thead> <tr> <th>Name</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Name	Comments		
	Name	Comments				
Water Users' Community New Licence	This licence is subject to the applicant becoming a member of the [Insert: name of Water Users' Community] and complying with their rules and regulations. Note: The [Insert: name of Water Users' Community] should be sent a copy of the licence [Option: c/o WUC Manager] and advised to petition the Comptroller of Water Rights to have their Letter of Incorporation amended to include the new licence.					

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording						
Administrative (continued)	Water Users' Community Existing Members	The applicant already hold [Insert: Water Licence Number] on [Insert: Source] and are members of the [Insert: Name] Water Users' Community. Note: The Water Users' Community should be sent a copy of the cover letter and have this new file included in the Letter of Incorporation.						
Demand	Consumptive Demand	The Consumptive Demand is equivalent to [Insert: Quantity] cubic metres a day, or [Insert: Quantity] gallons a day, or [Insert: Quantity] cubic metres per second or [Insert: Quantity] cubic-feet per second, based on a 120/90 day irrigation period.						
	Current Demand (Table)	<p>The Current Demand on [Insert: Source] to which this application is proposed is detailed as follows:</p> <table border="1"> <thead> <tr> <th>Licence or Application</th> <th>Purpose</th> <th>Volume Allotted</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>* Denotes current application</p>	Licence or Application	Purpose	Volume Allotted			
	Licence or Application	Purpose	Volume Allotted					
Total Demand	The Total Demand is equivalent to [Insert: Quantity] cubic metres a day or [Insert: Quantity] gallons a day, or [Insert: Quantity] cubic metres per second or [Insert: Quantity] cubic-feet per second, based on a 120/90 day irrigation period.							

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Environmental	Federal Fisheries Office	The federal Department of Fisheries Office (Fisheries and Oceans Canada) should be sent a copy of the covering letter and licence.
	Fish Farm	The applicant should be advised in the cover letter that they must obtain a Commercial Fish Farm Licence from the Ministry of Environment in order to raise fish.
	Fish Screening	The applicant should be advised in the cover letter that the federal Department of Fisheries (Fisheries and Oceans Canada) requires that their intake be screened according to the federal Screening Requirements. The federal Fisheries Department Office should be sent a copy of the cover letter and licence.

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Power	Power Works Description	<p>A review of the proposed waterpower system with the proponent has determined that the works consist of the following:</p> <ul style="list-style-type: none"> ◆ Diversion Structure ~ ◆ The intake ~ ◆ Balancing Reservoir ~ ◆ Penstock ~ ◆ Pipeline ~ ◆ Head ~m (~ feet) – ~ psi static ◆ Turbine ~ ◆ Generator ~kW ◆ Tailrace ~

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Power (continued)	Power Flow Requirements	<p>The amount of flow required by this scenario was derived using the following formula:</p> $P_{(kW)} = \frac{Q_{(cms)} \times g \times d_{(Kg / m^3)} \times H_{(m)} \times \sigma}{1000}$ <p>Where: P = Power output (kW) Q = Plant discharge (m³s⁻¹) g = acceleration due to gravity (9.8 m(s²)⁻¹) d = density of Water (1000 kg·m³) H = Net available head (m) σ = plant efficiency in percent (decimal)</p> $Q(cms) = \frac{P_{(kW)} \times 1000}{g \times d_{(Kg / m^3)} \times H_{(m)} \times \sigma}$ <p>Flow = ~ m³s⁻¹ (~ cfs)</p>

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application – **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Works	Description	<p>A review of the proposed water system with the applicant has determined the works will consist of the following:</p> <ul style="list-style-type: none"> • Diversion Structure • Intake • Irrigation system • Waterworks water distribution system • Dam • Balancing Reservoir • Pipeline • Sump • Pump • Tank

Appendix 2: Clauses Used in Water Licensing, continued

Table 4: Recommendation for a Water Licence Application

Category	Name (Listed Alphabetically)	Wording
Decision	Granted	<p>Further to Section C of this Report, it is recommended that a new water licence be issued</p> <p>Subject to the clauses and provisions which are contained in Section B 8 & 9 Administrative Details</p>
	Refused	<p>Further to Section C of this Report, it is recommended that the application be refused.</p> <ol style="list-style-type: none"> (1) The source/watershed which you applied on [Insert: Source Name] is fully recorded under existing licences and there is insufficient water in the source to enable me to grant a new licence. (2) The irrigation portion of your water licence application has been refused as there is insufficient water available to support the water use purpose. (3) The irrigation portion of this water licence application has been refused as there is insufficient storage developed to support irrigation use. (4) There is not sufficient flow in [Insert: Source Name] to maintain the fish resource and to support further licensed water demands. (5) The proposed source of water supply is groundwater. At present that the <i>Water Act</i> does not provide for groundwater to be licensed. (6) There is sufficient water under [Insert: Water licence or Licences] to meet the required water quantity.

Appendix 2: Clauses Used in Water Licensing, continued

Table 4: Recommendation for a Water Licence Application, continued

Category	Name (Listed Alphabetically)	Wording
Decision (continued)	Refused (continued)	<p>(7) You have not replied to our letter of [Insert: Date] in which you were reminded to submit material in support of your water licence application your application.</p> <p>(8) You were unable to acquire the necessary Crown land lease or Licence of Occupation to establish required tenure to the land for which this application was submitted. As a result you do not qualify for a water licence under Section 7 of the Water Act.</p>

Appendix 3: Client Objection or Concern Addressed

Letterhead

Date: [REDACTED]

File: [REDACTED]

Client
Address

Dear [REDACTED]:

Re: Water Licence Application on [REDACTED] by [REDACTED]

The above application, to which you [OPTION] objected [OR] expressed concern in your letter of [REDACTED], has been investigated. I have taken into consideration your objections and concerns.

[INSERT] Clauses or Specific Wording

In view of the foregoing, a licence has been prepared for [REDACTED], authorizing the diversion/use/storage of [REDACTED] from [REDACTED], for [REDACTED] purpose during the period of [REDACTED]. A copy of the licence is enclosed for your information.

[INSERT] Appeal provisions below, if client meets objector criteria

Section 92 of the *Water Act* gives the recipient of this notice the right to appeal my decision. Information on filing an appeal can be found on the Environmental Appeal Board Web site at <http://www.eab.gov.bc.ca/>.

A right of appeal from my decision lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing; (2) include grounds for the appeal; (3) be directed by registered mail to the Chair, Environmental Appeal Board, PO Box 9425 Stn Prov Govt., V8W 9V1 or personally delivered to the office of the board at 4th Floor, 747 Fort Street in Victoria, BC V8W 3E9; (4) be delivered within 30 days of receiving this letter, and (5) be accompanied by a fee of \$25, payable to the Minister of Finance and Corporate Relations.

If you have any questions concerning this water licence, please contact [OPTION] this office [OR] Name at Phone Number] or refer to our website at <http://www.env.gov.bc.ca/wsd/>.

Yours truly,

Name
Position
Agency

Enclosure

Office

Appendix 3: Client Objection or Concern Addressed, continued

Common Reasons for a Decision

1. The diversion/use/storage of water on [REDACTED] should not adversely impact your rights on [REDACTED].
2. I am also satisfied that the diversion/use/storage of water from [REDACTED] will not affect your lands.
3. There is water available on this water source to meet the licensed demand.
4. The water licence will be supported by water supplied from storage and the reservoir will be filled with surplus flows from freshet.
5. The priority date of your water licence is senior to this new water licence. In the event of a water shortage senior licences are protected by their earlier dates of precedence.
6. The quantity of the water which has been authorized in the new water licence has been reduced from the amount which was originally proposed in the water licence application.
7. The irrigation portion of the water licence application has been denied as there is insufficient water available.
8. The irrigation portion of the water licence has been denied as there is insufficient storage available to support irrigation use.
9. The domestic portion authorized has been determined to be adequate for the domestic of the applicant.
10. The water demand for [REDACTED] purpose under this application, and including all other demands around the lake, will not significantly impact the lake level, the water requirement for fish and your licensed water rights.
11. The issue of a new water licence should not adversely impact on your existing licensed water rights.

Appendix 4: Water Licence Template



WATER ACT

CONDITIONAL WATER LICENCE

The owner/owners of the land to which this licence is appurtenant is/are hereby authorized to divert/use/store water as follows:

- (a) The source on which the rights are granted is [REDACTED].
- (b) The point of diversion is located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is [REDACTED].
- (d) The purpose(s) for which this licence is issued is/are [REDACTED].
- (e) The maximum quantity of water which may be diverted is [REDACTED].
- (f) The period of the year during which the water may be used is [REDACTED].
- (g) The land upon which the water is to be used and to which this licence is appurtenant is [REDACTED].
- (h) The authorized works are [REDACTED] which shall be located as shown on the attached plan.
- (i) The construction of the said works shall be completed and the water shall be beneficially used prior to the 31st of December [REDACTED]. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.

Insert Additional Clauses

Name [REDACTED]
Assistant/Regional Water Manager
Water Stewardship Division
Ministry of Environment

File No.: [REDACTED]

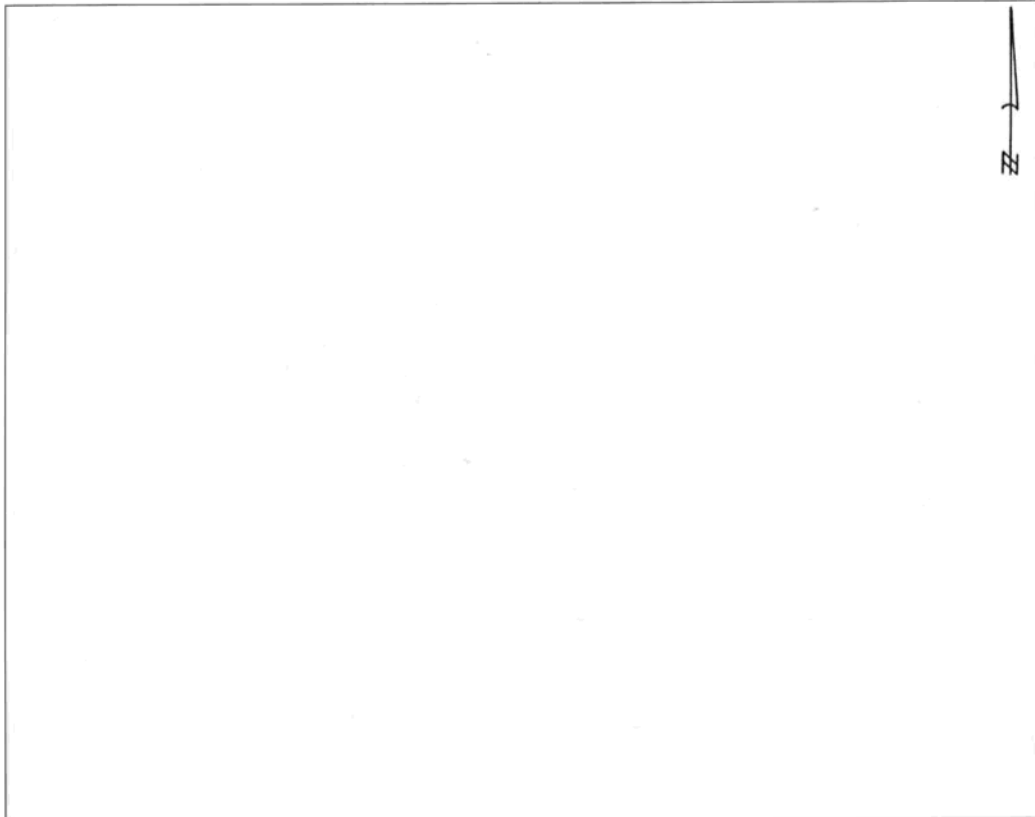
Date Issued: [REDACTED]

Conditional Licence.: [REDACTED]

Appendix 5: Template Water Licence Plat



WATER ACT



WATER DISTRICT:

PRECINCT:

LAND DISTRICT:

Signature: _____

LEGEND

Date: _____

Scale:

Point of Diversion:

Map Number:

Pipe:

Permit over Crown land:

The boundaries of the land to which this licence is appurtenant are shown thus:



CL _____

File _____

PCL _____

EFFECTIVE DATE:

FILE: 76940-00

AMENDMENT NO:

PAGE: 75

Appendix 6: Permit Over Crown Land Template



WATER ACT

PERMIT AUTHORIZING THE OCCUPATION OF CROWN LAND

The holder of Conditional/Final Water Licence [REDACTED] whose licence authorizes the diversion, use and (Optional storage) of water from [REDACTED], is hereby authorized to occupy Crown land by constructing, maintaining and operating thereon the works authorized under the said licence.

- (a) The Crown land which is authorized to be occupied under this permit is a portion of [REDACTED], the location of which is shown approximately on the plan attached to the said water licence.
- (b) The approximate dimensions of the Crown land authorized to be occupied under this permit are [REDACTED] metres ([REDACTED] feet) in length by [REDACTED] metres ([REDACTED] feet) in width for an area of [REDACTED] hectares ([REDACTED] acres), for diversion structure and pipe (see Options below for dam and flooding).

Optional, if Dam site and or Flooding is on Crown land.

Pipeline:	[REDACTED] hectares ([REDACTED] acres)
Dam site:	[REDACTED] hectares ([REDACTED] acres)
Flooded area:	[REDACTED] hectares ([REDACTED] acres)
Total area:	[REDACTED] hectares ([REDACTED] acres)

- (c) Prior to cutting or destruction (Optional and flooding) of any timber necessary to permit construction, maintain and operate the said works (Optional and clearing of the said lands which may be flooded), the permittee shall apply for and obtain a licence to cut timber from the Ministry of Forests, District Manager. The amount of stumpage, royalty and/or compensation payable to the Crown in respect of trees, including merchantable or young growth, cut, removed, damaged, or destroyed by the permittee, shall be the sum or sums fixed by the Forest Service of the Province of British Columbia.
- (d) This permit is appurtenant to the land, mine, or undertaking to which the aforesaid water licence is appurtenant.
- (e) This permit shall become void if the water licence with respect to which the permit is issued should terminate, be abandoned or cancelled, or amended so as to render this permit unnecessary.
- (f) This permit is issued and accepted on the understanding that the permittee shall indemnify and save harmless the Government of the Province of British Columbia for all loss, damage to works, cost or expense suffered by the permittee by reason of the Crown land or any portion thereof being submerged or damaged by erosion or otherwise affected by flooding.

Appendix 6: Permit over Crown land Template, continued

- (g) The holder of this permit shall not be entitled to compensation if the Crown grants permits to other persons to occupy the land affected by this permit.
- (h) In the event of a dispute at any time with respect to the area or boundaries of the land affected by this permit, the holder shall, at his own expense, have the said land surveyed by a duly authorized surveyor.
- (i) **(Optional)** This permit may be subject to the provisions of the *Navigable Waters Protection Act*.
- (j) **(Optional)** This permit replaces Permit No: [REDACTED].

Name
Assistant/Regional Water Manager
Water Stewardship Division
Ministry of Environment

File No.: [REDACTED]

Date Issued: [REDACTED]

Permit No.: [REDACTED]

Appendix 7: Cover Letter for a New Water Licence

Letterhead

Date: [REDACTED]

File: [REDACTED]

Client
Address

Dear [REDACTED]:

Re: Water Licence Application on [REDACTED]

The investigation of your application has been completed. Enclosed is a copy of your new Conditional Water Licence [REDACTED]. Please read the document carefully and make careful note of all its conditions.

If additional fees are required, you will be advised in due course.

[INSERT] Appropriate Clause or Clauses

Please note the following:

- 1) Water licenses do not authorize entry on privately owned land for the construction of works, or flooding. Permission of the affected landowner must be obtained or an easement expropriated. For your protection, permission should be in writing and registered with the appropriate Land Title Office.
- 2) Permission for installing works on lands or roadways which are under the jurisdiction of any government agency, must be obtained from the agency concerned.
- 3) The Regional Water Manager should be notified if:
 - a) there is any change in your mailing address;
 - b) you sell the land to which the licence is appurtenant;
 - c) you propose to subdivide the land to which the licence is appurtenant; or
 - d) you propose to alter the works authorized under the licence.

FrontCounterBC will be able to assist you with notification and any applications required to make these changes.

2

Appendix 7: Cover Letter for a new Water Licence, continued

- 4) In order for you to keep your water licence in good standing, the following must be observed:
- a) continued beneficial use of water, as authorized under your licence;
 - b) payment of annual rentals;
 - c) compliance with the terms of your licence; and
 - d) compliance with the terms of the *Water Act*.

Section 92 of the *Water Act* gives the recipient of this notice the right to appeal my decision. Information on filing an appeal can be found on the Environmental Appeal Board Web site at <http://www.eab.gov.bc.ca/>.

A right of appeal from my decision lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing; (2) include grounds for the appeal; (3) be directed by registered mail to the Chair, Environmental Appeal Board, PO Box 9425 Stn Prov Govt., V8W 9V1 or personally delivered to the office of the board at 4th Floor, 747 Fort Street in Victoria, BC V8W 3E9; (4) be delivered within 30 days of receiving this letter, and (5) be accompanied by a fee of \$25, payable to the Minister of Finance and Corporate Relations.

If you identify any error in this licence, or accompanying Permit Over Crown Land, or if you have any questions please contact [OPTIONAL INSERT] this office [OR] Name at Phone Number, or refer to our website at <http://www.env.gov.bc.ca/wsd/>.

Yours truly,

Name
Assistant/Regional Water Manager
Office

Enclosure

pc: Water Revenue Unit, Ministry of Environment
PO Box 9340. Stn Prov Govt, Victoria BC V8W 9M1

Appendix 8: Refusal Water Licence Application

Date: [REDACTED]

File: [REDACTED]

Client
Address

Dear [REDACTED]:

Re: Water Application on [REDACTED]

The investigation of your water application has been completed. We have determined the following:

[INSERT] Clauses or Specific Wording

In view of the foregoing, your application is hereby refused.

Rentals, fees and charges may be refunded, in whole or in part, as determined by the Comptroller of Water Rights. The refund may be credited towards rentals, fees or charges under the *Water Act* or applied to any outstanding debts to the province in accordance with the *Financial Administration Act*.

Section 92 of the *Water Act* gives the recipient of this notice the right to appeal my decision. Information on filing an appeal can be found on the Environmental Appeal Board Web site at: <http://www.eab.gov.bc.ca/>.

A right of appeal from my decision lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing, (2) include grounds for the appeal, (3) be directed by registered mail to the Chair, Environmental Appeal Board, PO Box 9425 Stn Prov Govt., Victoria, BC V8W 9V1, or personally delivered to 747 Fort Street, 4th Floor, Victoria BC V8W 3E9, (4) be delivered within 30 days from the date notice of the decision is given and (5) be accompanied by a fee of \$25, payable to the Minister of Finance and Corporate Relations.

Yours truly,

Name
Position
Office

pc: Water Revenue Unit, Ministry of Environment
PO Box 9340, Stn Prov Govt, Victoria BC V8W 9M1

Appendix 8: Refusal Water Licence Application, continued

Common Reasons for Refusal

1. The source/watershed which you applied on [REDACTED] is fully recorded under existing licences and there is insufficient water in the source to enable me to grant a new licence.
2. The irrigation portion of your water licence application has been refused as there is insufficient water available to support the water use purpose.
3. The irrigation portion of this water licence application has been refused as there is insufficient storage developed to support irrigation use.
4. There is not sufficient flow in [REDACTED] to maintain the fish resource and to support further licensed water demands.
5. The proposed source of water supply is ground water. At present, that the *Water Act* does not provide for groundwater to be licensed.
6. There is insufficient water under [REDACTED] to meet the required water quantity.
7. You have not replied to our letter of [REDACTED] in which you were reminded to submit material in support of your water licence application. As you have not met statutory requirements that would have kept your application in good standing, your application is now refused.
8. You were unable to acquire the necessary Crown land lease or Licence of Occupation to establish required tenure to the land for which this application was submitted. As a result, you do not qualify for a water licence under section 7 of the *Water Act*.