

# Water Policy and Management in B.C.

## Overview

Water in British Columbia (B.C.) is governed by a variety of laws and rules to ensure it is protected and used sustainably. First Nation, local, federal, and the B.C. governments all play a role in making decisions that respect the needs of people and the environment. Understanding the current water policy and management context in B.C. is important before contemplating what changes, if any, need to be made to advance watershed security in the province.

## ***Water Sustainability Act***

The *Water Sustainability Act* (WSA) is the primary law for managing the diversion and use of water in B.C. In 2016 the WSA updated and replaced the previous *Water Act* and brought in several important changes regarding water use. Some examples of the changes the WSA introduced include:

- ▶ **Licensing requirements for non-domestic groundwater users** (e.g., industrial, agricultural, commercial). In 2016 the WSA introduced a key change in the way we manage water by requiring that non-domestic groundwater use be authorized in the same way surface water use is authorized. This approach recognizes that groundwater and surface water is connected and will help us better manage water supply over the long term. Those who were using non-domestic groundwater prior to the WSA taking effect can benefit from special transitional exemptions by applying for their water licence before March 1, 2022.
- ▶ **Stronger protection for aquatic ecosystems.** The WSA includes a requirement to consider environmental flow needs in decision-making for new water authorizations, and more prohibitions on dumping debris into streams and aquifers. It also introduces temporary protection orders during times of water shortage, such as Fish Protection Orders and Critical Environmental Flows.
- ▶ **Updated fees and rentals for water use from surface water and groundwater sources.** Fees and rentals collected under laws such as the WSA help recover the costs of implementation and administration of government's programs. When the WSA took effect, a more streamlined and updated pricing schedule for water application fees and annual water rentals for all water uses including groundwater was also implemented. Fees and rentals are generally not applied to provincial or federal governments, or First Nations use on reserve or Treaty lands.
- ▶ **Expanded protection of groundwater including new requirements for well construction and maintenance.** The Groundwater Protection Regulation (GWPR) applies to all wells including wells that provide water for household use. The GWPR includes requirements for well construction, maintenance, deactivation, and decommissioning. It also recognizes who is qualified and certified to drill wells, install pumps, and perform related services.

Other laws that play a role in the stewardship of water in B.C. include: the *Water Protection Act*, the *Environmental Management Act*, the *Drinking Water Protection Act*, the *Forest and Range Practices Act*, the *Oil and Gas Activities Act*, *Mines Act*, and the *Local Government Act*.

## Water licences and approvals

Water licences and approvals allow people to divert, use, or store surface and groundwater, or to make changes to a stream. Water licences and approvals are issued for water being used for agriculture, commerce, domestic household requirements (surface water only), habitat conservation, industry, natural resources development, power production, water storage and water supply. People can visit the [“Apply for a Water Licence”](#) webpage available on the B.C. government website to learn more.

Under the WSA, anyone who diverts water must make beneficial use of that water. Beneficial use means using the water as efficiently as possible for the purpose(s) specified in the licence or approval. Licence and approval holders therefore have responsibility to manage their water use within what is authorized.

### **First in time, First in right (FITFIR)**

An important condition of a water authorization is the date of precedence, which some call the priority date. Water licences are issued with dates of precedence which establish who is allowed their full allocation of water first during times of water scarcity. For new surface and groundwater users, it is usually the date the water licence application was submitted. For those who were using groundwater prior to the WSA being enacted, it is the date the water was first used.

When more than one authorization has been issued for the same stream or aquifer, the authorization with the earliest priority has first right to available supply. The authorization with the second earliest priority date has second right, and so on. For example, an authorization with a date of precedence of April 15, 1978 has a prior right to water over an authorization with a September 15, 1983 date of precedence. This approach of assigning a date to a water right to establish a priority sequence in time to water rights is commonly referred to as ‘First in Time, First in Right’ or FITFIR.

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development is responsible for most water licensing in B.C. and the B.C. Oil and Gas Commission licenses water use for oil and gas.

Water managers have many aspects to consider when deciding whether to issue a water licence or use approval. The key consideration is whether the volume of water applied for is usually available under normal conditions and whether the proposed use could be sustained over time. Other aspects considered include the water needs of the environment, First Nations interests, rights and agreements and possible impacts to other water rights holders or adjacent landowners.

This primer focuses on the WSA and water licencing requirements in B.C.; however, water policies and legislation administered by other orders of government (First Nation, local and federal) also impact water management in B.C. and are important to consider in the context of achieving watershed security.