



Reference: Existing Use Groundwater Applications

February 7, 2022

By Email:

Shuswap Band

Lorena Tegart, Manager Territorial Operations

ltegart@shuswapband.ca

Dear Lorena:

I am writing on behalf of the water licensing program managed by the Ministry of Forests, Lands, Natural Resource Operations & Rural Development (FLNRORD) to share essential information and resources that may be useful for some members of the Shuswap Band. Please consider sharing this letter and/or the Appendix with members of your community who may use groundwater for non-domestic purposes.

The **March 1, 2022 deadline** to apply for a water licence is fast approaching for “existing use” groundwater users. Existing groundwater users are defined as those who were using groundwater from a well or dugout on or before February 29, 2016 for **non-domestic purposes** such as home businesses, community water supply, irrigation, waterworks, commercial or industrial use, or for other non-domestic purposes. See the Appendix for more information.

As members of your community are well-aware, we have witnessed the increasingly dramatic impact that a changing climate has had on water resources and drought conditions. Recent experiences demonstrate the need to prepare for future climate conditions and strengthen water security.

Non-domestic groundwater licensing is Government’s attempt at a fair and transparent process for determining who uses the water, including during water shortages, and helps protect the water, aquatic species and habitat, the environment, and the livelihoods and businesses that depend on reliable access to water. The information provided by licensing is particularly useful when action must be taken during water shortages, including for

Ministry of Forests, Lands and
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protecting critical environmental flows or sustaining populations of fish potentially at risk at those times.

The Province recognizes and acknowledges Shuswap Band's inherent, and constitutionally protected rights to your lands, territories, and resources. The Province's groundwater licensing program and the **March 1, 2022** deadline is meant to secure historical access to water for non-domestic purposes, not to undermine the unique rights of the Shuswap Band.

We are reaching out to ensure that those who are interested in securing groundwater licences with a date of first use consideration under the current water allocation system can apply before the deadline. The Province understands that First Nations submitting groundwater applications are doing so to assure that their groundwater use is recorded within the current scheme. The submission of applications by First Nations with respect to their ongoing or new groundwater use is not intended to take the place of any further negotiations with First Nations regarding Indigenous or treaty rights.

Existing groundwater applications can be submitted online at: groundwater.gov.bc.ca. There are [many resources available](#) to support existing groundwater users submit an application, including a [question and answer document](#) and ["how to apply" video](#). **Free one-on-one assistance** is also available to help non-domestic groundwater users apply. FrontCounter BC has a team of Groundwater Licensing Applications Assistants ready and able to help non-domestic existing groundwater users submit an online application.

We encourage members of the Shuswap Band to take steps to license their non-domestic existing groundwater use before the **March 1, 2022** deadline. In addition to the FrontCounter BC assistance, Shuswap Band members are encouraged to connect directly with the Kootenay Boundary Water Stewardship Team, or call or email FrontCounter BC (**1-877-855-3222**, FrontCounterBC@gov.bc.ca) to be matched with a groundwater application assistant. Alternatively, please reach out to me directly if you wish to be connected with a regional Water Stewardship team member. I can be contacted at Carol.Atherton@gov.bc.ca or 250-420-6300.

Please consider sharing this letter and/or the Appendix with members of the Shuswap Band who may use groundwater for non-domestic purposes.

Thank you for your consideration.

Sincerely,



Carol Atherton
Advisor, First Nations Relations
Ministry of Forests, Lands and Natural Resource Operations
Kootenay Boundary Region

Attachments: Existing Use Groundwater Application Checklist

Appendix: Information on groundwater licensing and how to apply

Why groundwater licensing?

Water is a precious and limited resource. Over the last decade we have witnessed the increasingly dramatic impact that a changing climate has had on water resources and drought conditions. Recent experiences demonstrate the need to prepare for future climate conditions and strengthen water security.

When the [Water Sustainability Act](#) (WSA) came into effect on February 29, 2016, it made important changes for sustainable groundwater management, water security, and water safety in British Columbia (B.C.). This includes the new requirement for groundwater users to obtain a water licence for any **non-domestic** use of groundwater from a well or dugout. Water licensing is concerned with water volumes diverted and used from streams and aquifers and the sustainable and beneficial use of that water. Water licence decisions are based on whether the proposed volume of water can be withdrawn sustainably from the proposed source over time.

Non-domestic groundwater licensing is Government's attempt at a fair and transparent process for determining who uses the water, including during water shortages, and helps protect the water, aquatic species and habitat, the environment, and the livelihoods and businesses that depend on reliable access to water. The information provided by licensing is particularly useful when action must be taken during water shortages, including for protection of critical environmental flows or to sustain populations of fish at those times.

Do First Nation domestic groundwater users need to apply?

No: A water licence is not required for a household well or groundwater used for [domestic purposes](#). Domestic use includes private dwelling household uses (e.g., cooking and sanitation), fire prevention, private lawn and garden watering (up to 1,000 m² or ¼ acre), and watering household animals/poultry.

Indigenous domestic groundwater users with an existing well (such as for household use on a single parcel) are able to voluntarily [register their well for free](#) (this is not licensing). By registering a domestic use well, the right to use groundwater for domestic purposes can be protected in times of water scarcity and considered by WSA decision makers in their review of applications for non-domestic water rights from the same or connected water sources.

Do First Nation non-domestic groundwater users need to apply?

Yes: Under the WSA, anyone who uses groundwater in B.C. for non-domestic purposes must obtain a water licence to lawfully use the groundwater. Non-domestic uses can include

using groundwater for home businesses, community water supply, irrigation, waterworks, commercial or industrial use, or for other non-domestic purposes.

There are two types of **non-domestic** groundwater users:

- **“Existing users”** (who started groundwater use on or before February 29, 2016) must apply for a licence by **March 1, 2022** to *continue using* the water lawfully after March 1, 2022.
- **“New users”** (who started using groundwater after February 29, 2016) must apply for and obtain a water licence *before* the water can be used lawfully.

Is there a cost?

Usually, a one-time fee (minimum \$250) is required when submitting a water application, however, existing groundwater users are exempt from this application fee if they apply before **March 1, 2022**. Water users are required to pay annual rentals for their non-domestic groundwater use, including retroactive to February 29, 2016 (when the WSA came into effect).

There are some exemptions from the payment of fees and rentals including:

- First Nation people using groundwater for their own use on reserve land are exempt.

How does a groundwater licence align with UNDRIP and the Declaration Act?

Reconciliation with First Nations and protecting clean water are priorities for Government. The Province acknowledges that First Nations are calling on government to align the WSA with the U.N Declaration on the Rights of First Nations under B.C.'s *Declaration on the Rights of Indigenous Peoples Act* (2019).

The Province is committed to developing processes and protocols with First Nations to align laws, including the WSA, with the UN Declaration. To do this, the Government and First Nations will work together to determine an approach for review and development of legislation for the future that is collaborative, constructive, and efficient.

The Province understands that First Nations submitting groundwater applications are doing so to assure that their groundwater use is recorded within the current water allocation scheme. The submission of applications by First Nations with respect to their ongoing or new groundwater use is not intended to take the place of any further negotiations with First Nations regarding Indigenous or treaty rights.

The Province also recognizes and acknowledges the Shuswap Band's inherent, and constitutionally protected rights to your lands, territories, and resources. The Province's

groundwater licensing program and the **March 1, 2022** deadline is meant to secure historical access to water for non-domestic purposes, not to undermine the unique rights of the Shuswap Band to water in your traditional territories.

What if non-domestic groundwater users do not apply?

If **existing non-domestic groundwater users** miss the **March 1, 2022** application deadline, the water use after that date will be unauthorized and must stop immediately. Applicants after the deadline will be treated as a “new user”, any new licence application may be refused in water-stressed areas, and they will lose recognition of their historical date of first use. The historical date of first use is crucial because older licences with earlier dates of precedence on the same or a connected source get priority access to water during water shortages.

Applying online:

Existing groundwater applications can be submitted online at groundwater.gov.bc.ca. A [How to Apply](#) video (16min) is available for reference (using irrigation as an example). Existing non-domestic groundwater users are encouraged to have key pieces of information readily available to help the online application process go as smoothly as possible, such as: well location, depth and construction date, property legal description, evidence of when groundwater was first used, history of use from the well, and other information about water use and works.

Need help applying?

Free one-on-one assistance is available to help non-domestic groundwater users apply. FrontCounter BC has a team of Groundwater Licensing Applications Assistants ready and able to help existing groundwater users submit an online application. Anyone seeking assistance is welcome to call **1-877-855-3222** or email FrontCounterBC@gov.bc.ca to be matched with an application assistance associate. Alternatively, please reach out to me directly if you wish to be connected with a regional Water Stewardship team member. I can be contacted at Carol.Atherton@gov.bc.ca or 250-420-6300.

Other available resources:

- [Questions and Answers: Groundwater Licensing](#)
- [Questions and Answers: Livestock Watering and Dugouts](#)
- [Application Checklist](#)
- [Blog Post: Less than 90 days to Apply](#)