

Interim Guidance for Water Authorizations: Water Use for Fire Prevention and Suppression

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Purpose

This document provides guidance to water authorization and FrontCounter BC staff on which water use purposes to apply to fire prevention and suppression water use applications under the *Water Sustainability Act* (WSA) and Water Sustainability Regulation (WSR). This document does not provide guidance on an appropriate quantity and timing of water for such uses, nor does it provide standards for construction of works for these purposes. **A decision flow chart summarizing this guidance can be found on page 7.**

To understand the quantity of water, timing of use, as well as the standards for construction of works that would be required for fire prevention and suppression, it is necessary to understand the severity of drought conditions, source of water supply, size of property being protected, the surrounding/dominant fire fuel type, other fire suppression support available, amongst other factors. Landowners should consult the B.C. Structure Protection Coordination Office: spco@gov.bc.ca and read more at [Structure Protection](#) when seeking advice on system design and quantity of water.

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Overview

Water diversion and use for fire suppression and prevention generally occurs during the following circumstances:

- **Scenario 1: Fire Suppression** - A fire is burning and water is used to extinguish it or to prevent the spread of the fire to the property (e.g., to contain and control fire).
- **Scenario 2: Fire Prevention/Protection** - There is no existing fire, but the property is in a fire-prone area, and the owner is seeking to protect the property from fire-related damage (e.g., to prevent fire).

Scenario 1: Fire Suppression

Description: A fire is burning and water is used to extinguish it or to prevent the spread of the fire to the property (e.g., to contain and control fire).

Water Use Purpose: Not applicable, as no authorization is required due to WSA exemption for extinguishing a fire.

WSA Exemption:

- [WSA s.6\(2\)\(a\)](#) allows a person to extinguish a fire and to contain and control the spread of the fire without needing to obtain an authorization (water licence or use approval).
 - The term “extinguish” is defined under [WSR s.1\(2\)](#) to include “contain and control the spread of a fire”.
- This WSA exemption only allows for the diversion, storing and use of water when a fire is occurring and/or the risk of the fire spreading to the property is imminent and water can reasonably extinguish the fire.
- This exemption does not authorize water use for preventative circumstances where the water cannot reasonably extinguish a fire on the property.
- This exemption only authorizes temporary diversion, storage and use of water for extinguishing a fire, and does not authorize the permanent or semi-permanent works to be placed in the stream.
- If water is diverted from a stream channel to extinguish a fire, the flow must promptly be restored to that stream channel when the fire is extinguished.

Scenario 2: Fire Prevention/Protection

Description: A property owner is seeking to construct works for preventative or protection purposes; however, a fire is not at, or near, the property.

Note that “fire prevention” or “fire protection” are not defined in the WSA or WSR.

Determination of authorization requirements in the case of fire prevention or protection, where there is not yet an active fire, depends on the following:

- Domestic versus industrial use purpose: domestic use purpose (refer to Scenario 2(a) “Domestic purpose”) or industrial use purpose (refer to Scenario 2(b) “Industrial Water Use Purposes”).
- Source of water: stream or groundwater.
- Proposed works: if works are proposed in or about a stream, such as a pump or conveyance, or on Crown Land, refer to Scenario 2(c) “Works in a Stream or Works on Crown land”;
- If water will be stored refer to Scenario 2(d) “Storage of Water for Future Protection from Fires”.
- In cases where there is already a current water authorization for another purpose: there may be some existing authorizations where fire prevention or protection is considered a part of an authorization. If this is not the case, an amendment to an existing authorized use may be necessary to enable the use of water for fire prevention or protection.

2(a) Domestic Water Use Purpose

Domestic purpose means the use of water for household purposes by the occupants of one or more private dwellings located on a single parcel. Domestic purpose does not include multi-family apartment buildings, hotels and strata titled or cooperative buildings. Within domestic purpose, uses include drinking water, food preparation and sanitation, fire prevention, water for animals, irrigation of a lawn 1000 m² or less that is adjoined with an occupied dwelling. Domestic purpose can apply to both surface (stream) and groundwater.

An authorization (water licence or use approval) is not required (but generally advisable) for **water diversion and use** to prevent a fire and protect a property if:

- the water diversion and use to protect the household from fire fits within the meaning of “fire prevention”;
- there is no storage of the water for future use in anticipation of a fire; and
- additionally, if water is from a stream the water being used is unrecorded (unlicensed) water.

If the intended water use is to irrigate an ornamental lawn or garden larger than 1000 m² (1/4 acre), the domestic owner will require an authorization with a “Industrial – lawn, fairway, and garden” water use purpose.

If the intended water use is to construct a standby system in the event of a fire, the domestic owner will require an authorization with an “Industrial - miscellaneous industrial” water use purpose.

Note: Refer to Scenario 2(c) for additional advice if works are placed in or about a stream channel or occupy Crown land.

2(a)(i) Domestic Water Use Purpose – Surface Water

Under the WSA, a person may use water for domestic purposes from a stream either under authorization (license) or at sufferance. Use at sufferance means a person may divert stream water in accordance with any applicable regulations, and beneficially use the unrecorded water from a stream for domestic purpose.

An authorization for the diversion and use of stream water for domestic purpose is potentially available on application and is encouraged when the water is being diverted from a stream. A homeowner should be cautioned of the risk that unrecorded water may become unavailable in the future. In general, the risk that stream water will be recorded (licensed) to others, therefore unavailable on application, is highest at the time of year that there is the greatest risk of fire.

2(a)(ii) Domestic Water Use Purpose – Groundwater

If the domestic use water source is groundwater, there is no requirement for an authorization (water licence or use approval) as long as the intended groundwater diversion and use fits under the “domestic purpose” definition, such as use of groundwater for household fire prevention.

If the intended water use goes beyond domestic purpose e.g., for irrigating a larger than 1000 m² (1/4 acre) garden or lawn, or if the use is only for a standby system in the event of a fire, the domestic owner will require an authorization.

2(b) Industrial Water Use Purposes

If the water diversion and use does not fit within the meaning of “domestic purpose” (e.g., not for household fire prevention), the water use purpose would likely be “Industrial - miscellaneous industrial” (standby fire protection system), “Industrial – lawn, fairway, and garden” (standby fire protection system), or “Industrial - processing and manufacturing” (ongoing fire prevention):

- **Industrial - miscellaneous industrial** “Miscellaneous industrial” includes diversion and use of water for a standby system for fire protection. If the water licence

application is for a standby system to be available in the event of a fire, the water use purpose would likely be “Industrial - miscellaneous industrial” which includes diversion and use of water for a standby system for fire protection.

- **Industrial - lawn, fairway and garden** “Industrial – lawn, fairway, and garden: water an ornamental garden adjoining and occupied with a dwelling which garden is larger than 1000 m². If the water licence application is to maintain moisture of vegetation the water use purpose would be “Industrial - Lawn, Fairway and Garden”
- **Industrial - processing and manufacturing** “Industrial – Processing and manufacturing” includes ...the diversion and use of water for the operation of a sawmill, shipyard, factory or other manufacturing facility... or the use in an industrial context of water to prevent a fire.

2(c) Works in a Stream or Works on Crown Land

The WSA allows water diversion and use at sufferance for domestic purpose, including for fire prevention. If in diverting water for domestic use, a change in about a stream is likely to occur, the person using the water requires a [WSA s. 11](#) Change Approval or a water licence to make the change. Further, if any works occupy Crown land, authorization for the works to occupy the land would be required in the form of either a Land Act tenure or a Permit over Crown Land (PCL). Note that a PCL can only be granted associated with a water licence or Change Approval.

The definition of “works” in [WSA s. 1](#) is very broad and includes anything that can be used for diverting, storing, or confining water or for preventing or extinguishing fires. To construct permanent or semi-permanent “works,” it is necessary to apply for and receive authorization in the form of a new water licence, an amendment to an existing water licence, or a change approval if using water for domestic use at sufferance.

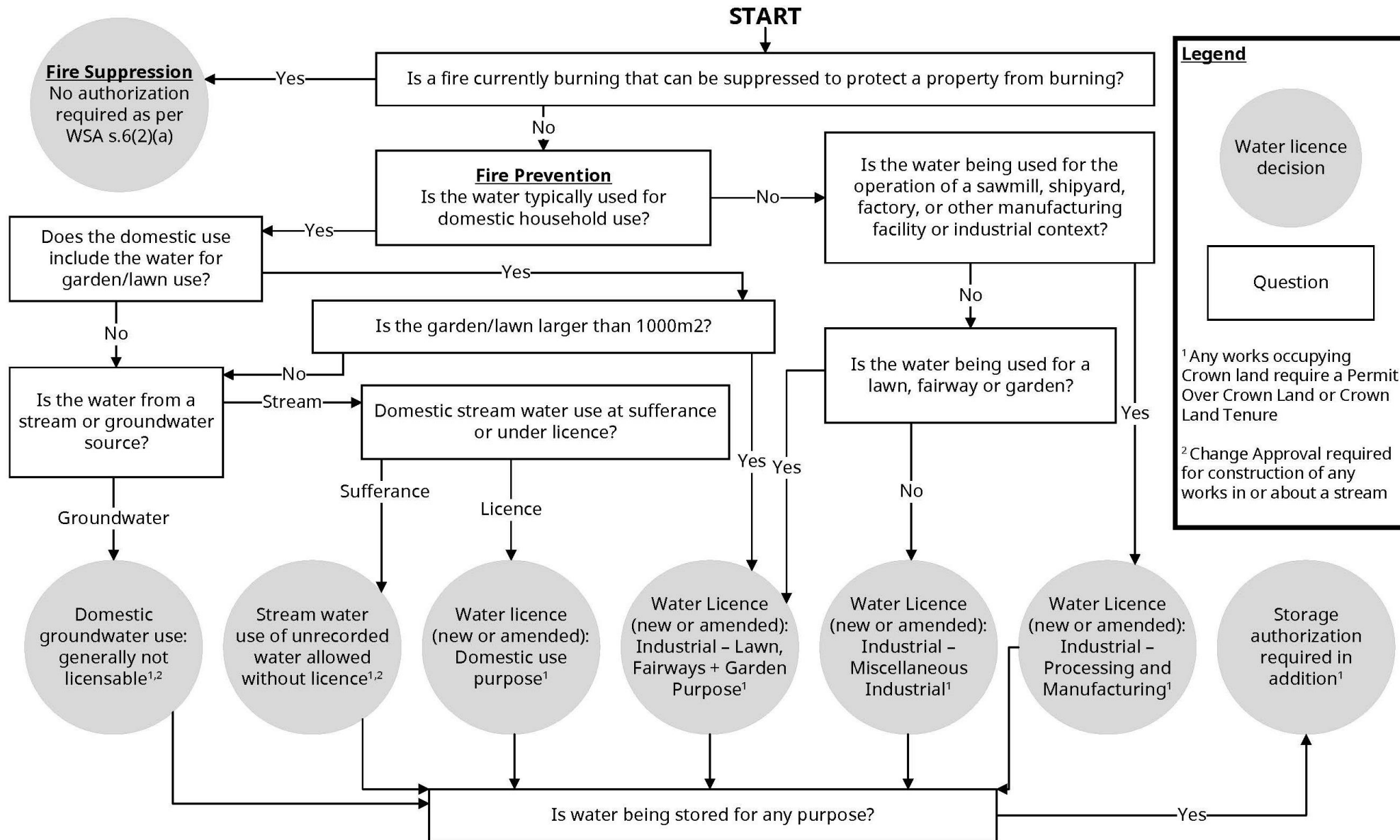
If a person is considering using water for domestic use at sufferance, a water licence is advisable, as it would recognize the landowner’s use should future supply issues arise due to lack of available unrecorded (unlicensed) water. Further, the licence would include the authority to install works without the need for a separate change approval.

2(d) Storage of Water for Future Protection from Fires

Domestic purpose and Industrial purpose definitions under the WSA do not include storage. If the owner proposes to store water that has been diverted from a stream or a well in anticipation of the need for protection from a fire, they require an authorization in the form of a water licence. The authorization for storage needed will generally be a water licence, as use approvals are limited to a term not exceeding 24 months. Also, a use approval cannot be issued to authorize a storage purpose that includes the construction of a dam. If the works include storage, the storage sub purpose likely would be either “stream storage – non power” or “aquifer storage – non power”.

Decision Flow Chart

The flow chart below summarizes the guidance and is intended to assist staff with selecting the appropriate WSA water use purpose.



Legend

Water licence decision

Question

¹ Any works occupying Crown land require a Permit Over Crown Land or Crown Land Tenure

² Change Approval required for construction of any works in or about a stream