

This policy bulletin clarifies authorization requirements for water diversion in relation to dugouts under the *Water Sustainability Act* (WSA) for stream water and groundwater.

What is a dugout?

Dugouts are often constructed to store water for the purpose of livestock watering or for irrigation. A dugout is a reservoir or impoundment constructed by excavating into the ground and/or by building an embankment or other modification to the land to collect and store water. Dugouts can be filled with groundwater, surface water, snow melt, rainwater, runoff, or a combination of these.

When is an authorization required to use water from a dugout?

An “authorization” as defined under the *Water Sustainability Act* (WSA) is a water licence or a use approval. A water licence grants a long term right to use water. A use approval authorizes use of water for up to 24 months.

An authorization is required if any of the water in the dugout is groundwater from an aquifer (including seepage), or water from a “stream” as defined in the WSA (which includes a lake, pond, river, creek, spring or other natural watercourse). The requirement for an authorization applies regardless of whether the source of the water is located on Crown land or private land.

An authorization is not required if:

- The diversion, use or storage of water fits under a specific exemption in legislation or a regulation. Examples include the diversion of water to fight a fire or use of groundwater for domestic purposes (as defined in the WSA).
- The dugout fills entirely from precipitation or runoff that has been prevented from going into the ground or entering a “stream” as defined in the WSA. See criteria below.

What is stream water?

A “stream” is defined under the WSA and includes a natural watercourse, water body or source or water such as a lake, pond, river, creek, spring, ravine, gulch, wetland or glacier. If the water in a dugout comes from any of these sources, a licence or use approval is required to divert, use or store the water.

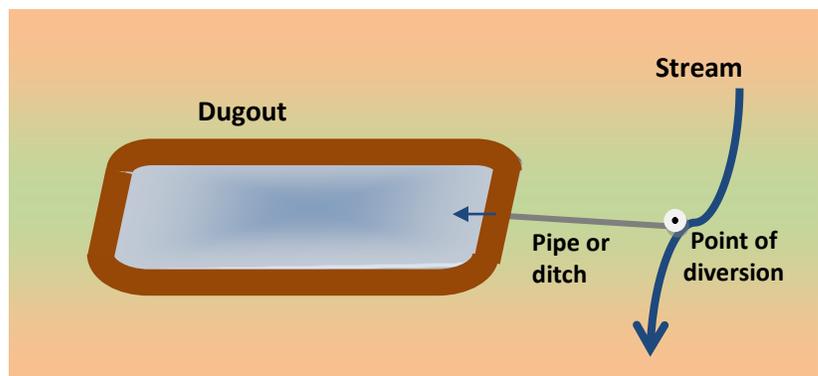


Figure 1. Water diverted from a stream into a dugout - authorization required

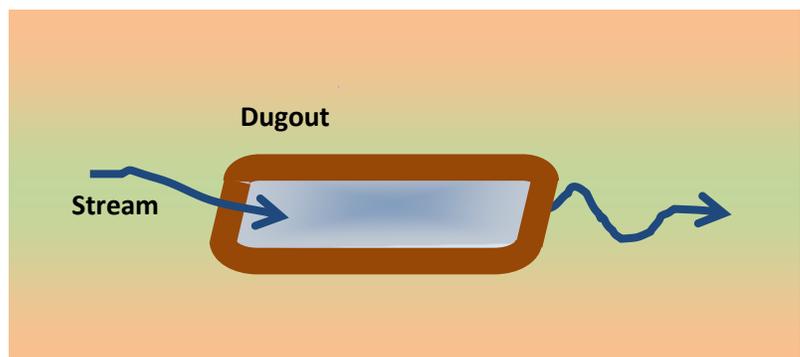


Figure 2. Dugout constructed within a stream channel - authorization required

How will I know if my dugout is intercepting stream water?

If the dugout is located in or constructed in a manner that intercepts water from a natural watercourse or water body, it is most likely receiving stream water. If the water is being diverted, used or stored for any purpose, you need to apply for an authorization unless the use of water is specifically allowed by legislation or a regulation.

What is groundwater?

Groundwater is defined in the WSA as “water naturally occurring below the surface of the ground”. Water in a pipe, cistern or underground tank that has been placed in the ground is not naturally occurring.

How will I know if my dugout is intercepting groundwater?

If the dugout is not filling with water from a stream and is not lined with clay or some other impermeable barrier it is most likely receiving the seepage of groundwater.

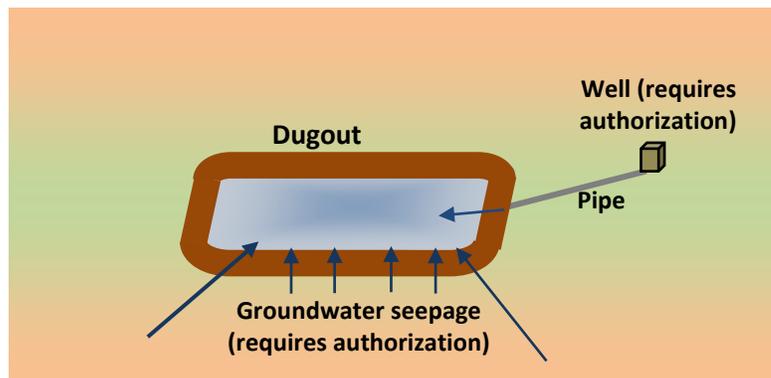


Figure 3. Dugouts diverting groundwater - authorization required

What if I have a dugout that contains a mixture of stream water and groundwater?

If you have a dugout that contains a **mixture of stream water and groundwater** complete and submit an application for the main or largest source of water.

You are required to provide information about all of the water sources to ensure the authorization accurately reflects your water use.

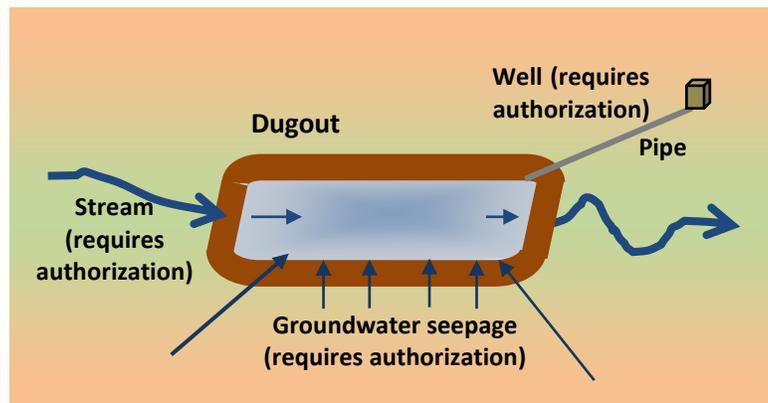


Figure 4. Mixed water supply dugout - authorization required

When completing your application on the www.frontcounterbc.gov.bc.ca website select “Water – Ground” if the main source of water for the dugout is groundwater. Similarly, select “Water – Surface (Rivers, lakes etc.)” if the main source of water for the dugout is surface water. It is very important that you identify all the water sources in your application. Please indicate the other water sources in the “comments” field on the online application forms.

What if I have more than one dugout?

If you have more than one dugout submit an application for the main source of water that feeds the dugouts as described above. The application forms ask that you identify all of the works (dugouts) that you will be using. Ensure that you indicate all of your dugouts on the forms so your authorization accurately reflects the works you will be using.

How can I tell if my dugout contains only snowmelt, rainwater or runoff?

In some cases the water in a dugout is entirely snow melt, rainwater or surface runoff that has not formed into a natural watercourse and has been prevented from flowing below the ground to form groundwater prior to entering the dugout. In these instances an authorization is not required to use the water.

The following list describes the conditions that would indicate that a dugout is not diverting groundwater or water from a stream:

- at no time is the dugout recharged by groundwater or stream water;
- the structure has an impermeable lining or is constructed in impermeable material;
- the structure is not constructed on or across a stream (e.g. a pond or wetland);
- the water entering the structure does not flow down a natural channel or channelized depression; and
- conditions of the land surrounding the dugout prevent infiltration (e.g. frozen, saturated, or otherwise impervious).

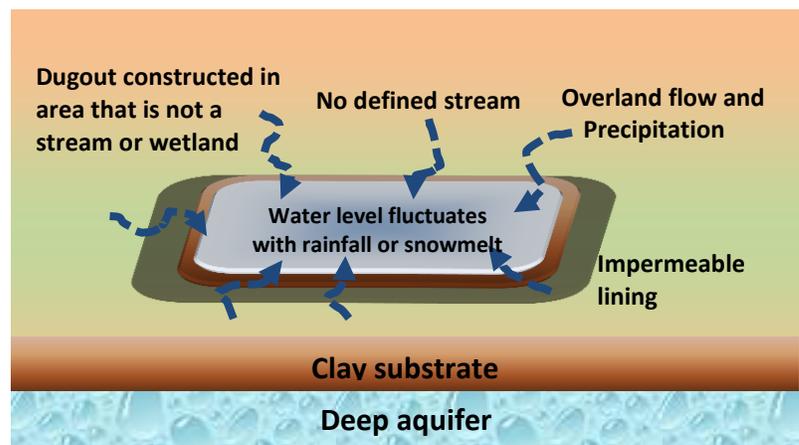


Figure 5. Dugouts containing only overland flow - no authorization required

Can I sell or provide water from my dugout to somebody else?

To provide water to another party the dugout owner must hold an authorization for a waterworks – water sales purpose or waterworks – water delivery purpose. If your authorization does not include a waterworks – water sales, or waterworks – water delivery purpose, you cannot lawfully provide water to any third party, even if it is for domestic use by that party.



Does the Dam Safety Regulation apply to dugouts?

The Dam Safety Regulation defines a dam as a barrier constructed for the purpose of enabling the storage or diversion of water from a stream or an aquifer, or both, plus any other works incidental to or necessary for the barrier. If your dugout includes an artificial barrier or embankment that was constructed to retain water, you may have obligations under the Dam Safety Regulation.

Minor dams that are less than 7.5 m high and store 10,000 cubic metres of water or less may be exempt from some aspects of the Dam Safety Regulation.

Applicants should refer to the FLNRO Dam Safety Program for detailed information:

<http://www2.gov.bc.ca/gov/content/environment/air-land-water/water/drought-flooding-dikes-dams/dam-safety>

Dam Safety Program contact information:

- **Online:** <http://www2.gov.bc.ca/gov/content/environment/air-land-water/water/drought-flooding-dikes-dams/dam-safety/contact-the-bc-dam-safety-program>
- **Email:** dam.safety@gov.bc.ca
- **Telephone:** (250) 952-6790

How do I apply for an authorization?

Applications for water authorizations can be made online at www.frontcounterbc.gov.bc.ca or in person at one of 29 FrontCounter BC offices.

FrontCounter BC can be reached by email FrontCounterBC@gov.bc.ca or toll free 1-877-855-3222 or +1-778-372-0729 outside North America.

More information

- **Regional offices or FrontCounter BC** for information on submitting an application for a water licence or use approval: 1-877-855-3222 or www.frontcounterbc.gov.bc.ca
- **Provincial water program, including any new regulations or updates to regulations,** www.gov.bc.ca/water
- **Contact the water program** Livingwatersmart@gov.bc.ca