



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

---

**NAME OF POLICY:** Letter Providing Preliminary Authorization of Water Use Subject to Conditions

**APPLICATION:** This policy applies to all applications for an authorization or amendment to an authorization

**ISSUANCE:** Director, Water Management Branch, MFLRNO and Executive Director, Water Protection and Sustainability Branch, MOE

**IMPLEMENTATION:** MFLRNO, MOE

**REFERENCES:** *Water Sustainability Act* (Ch. 15, S.B.C. 2014)  
Water Sustainability Regulation (B.C. Reg. 36/2016)  
Water Sustainability Fees, Rentals and Charges Tariff Regulation (B.C. Reg. 37/2016, 43/2016)

**RELATED POLICIES:** Water Licence Application Assessment and Decision

**RELATIONSHIP TO PREVIOUS POLICIES:** Changes made as a result of the *Water Sustainability Act*.

**POLICY AMENDMENT:** To amend this policy a request must be made in writing to the Executive Director, Water Protection and Sustainability Branch, MOE

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

Date

16/06/23

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

Date:

16/06/23

<b>APPROVED AMENDMENTS:</b>		
Effective date	Briefing Note /Approval	Summary of Changes:
February 1, 2010	BN 111092 (2)	Policy revised in order to indicate that conditions may be required by the Regional Water Manager before a water licence, a short-term water use Approval, or an amendment will be issued.
December 1, 2013	BN 198568 October 2, 2013	Policy amended in order to provide the current water management agencies of Ministry of Forests, Lands and Natural Resource Operations and the Ministry of Environment.
April 12, 2016	BN April 5, 2016	Policy amended to account for changes as a result of the <i>Water Sustainability Act</i> .

## TABLE OF CONTENTS

1.	POLICY STATEMENT .....	4
2.	DEFINITIONS .....	4
3.	REASON FOR POLICY .....	4
4.	LEGISLATION .....	5
5.	PROCEDURES.....	5
5.1	General procedures .....	5
5.2	Financial procedures .....	5
5.3	Decision considerations .....	6

## 1. POLICY STATEMENT

The granting and issuance of a water licence, a use approval or an amendment to either of these under sections 26 [*amendment or substitution of authorization, change approval or permit*], 27 [*transfer of appurtenancy*] and 28 [*apportionment of rights under a licence*] of the *Water Sustainability Act* (WSA) may be withheld until conditions, as determined by the comptroller or water manager, are fulfilled. The comptroller or water manager may issue a “letter of allowance” that stipulates that a water licence, use approval or amendment will be granted subject to certain conditions being met.

Where it is determined that additional fees are owing at the end of the adjudication of an application for a water licence or amendment to a water licence and are less than \$2,000, the outstanding amount will be applied to the next water rental statement and the water licence or application can be issued. Where the fees owing are \$2,000 or greater, the water licence or amendment should not be issued until the amount has been paid by the applicant.

Where additional fees owing at the end of the adjudication of an application for a use approval or amendment to a use approval, and are for any amount, the fees will be collected prior to issuance of the use approval or amendment.

## 2. DEFINITIONS

Relevant definitions in section 1 of the *Water Sustainability Act* include: **applicant, authorization, comptroller, licence, order, permit, use approval, water manager, water use purpose.**

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

## 3. REASON FOR POLICY

There may be circumstances where the adjudication of an application for a water licence, use approval or amendment has been completed; however, the comptroller or water manager may still determine that certain requirements should be met by the applicant. These requirements may include, but are not limited to, the following: technical reports and plans, subdivision plans, confirmation of Crown land tenure, installation of water monitoring stations, or the submission of outstanding fees.

In the case of outstanding fees, all application fees must be collected as a condition of accepting a complete application (s.12(1)(b), WSA); however there may be circumstances after the application has been accepted and during adjudication, where additional fees are identified (e.g., permit over Crown land is needed, a different water use purpose is required than what was applied for). A threshold of \$2,000 is determined to be an appropriate amount to justify staff resources in pursuing the collection of outstanding fees prior to issuing a water licence, use approval or amendment.

## 4. LEGISLATION

Sections 12 [*application and decision maker initiative procedures*], 13 [*objections to applications and decision maker initiatives*] and 14 [*powers respecting applications and decision maker initiatives*] of the WSA provide for the process for applicants and decision makers in respect of submission and decision on applications.

Part 2 Division 1 of the Water Sustainability Regulation specifies the minimum requirements for the application types. Sections 2, 8 and Schedule 1 of the Water Sustainability Fees, Rentals and Charges Tariff Regulation provide for the payment of application fees.

## 5. PROCEDURES

### 5.1 General procedures

Upon decision on an application for water licence, use approval or amendment, a letter may be issued by the comptroller or water manager to the applicant that confirms the water licence, use approval or amendment may be granted to the applicant; however, the letter will indicate that the water licence, use approval or amendment may not be issued until certain requirements are fulfilled, such as, but not limited to, the following:

- The submission of reports, water monitoring results, plans for the construction or operation of works or a facility,
- The registration of a subdivision plan for land that is within the appurtenancy of a water licence,
- The submission of a security deposit supporting the water use proposal,
- The issuance of a land tenure, issued under the *Land Act*, for the works and/or authorized use on Crown land,
- The submission of additional fees in the sum of \$2,000 or more associated with the application.

A timeframe for meeting the conditions should be specified in communications with the applicant.

### 5.2 Financial procedures

Application fees must be collected at the receipt of the application as indicated in Water Sustainability Fees, Rentals and Charges Tariff Regulation. If, in the process of adjudicating the application, it becomes apparent that additional fees are required a water licence, use approval or amendment may be issued. The applicant will be informed in the decision letter on the water licence, use approval or amendment, that additional fees will be applied.

**Water licence or amendment to water licence**

If the sum of the outstanding fee is less than \$2,000, the water licence or amendment to the water licence can be issued and the applicant will be assessed the additional fee requirements on the next annual water rental account statement.

If, the sum of the outstanding fee is \$2,000 or greater, the water licence or any amendment should not be issued. A letter from the comptroller or water manager requesting the amount of outstanding fees should be issued. Once the fees are paid, the water licence or amendment can be issued.

**Use approval or amendment to use approval**

Regardless of the amount of the outstanding fees, these will be required to be paid prior to issuance of the approval. A letter from the comptroller or water manager requesting the amount of outstanding fees should be issued. Once the fees are paid, the use approval or amendment can be issued.

**5.3 Decision considerations**

Through eLicensing a decision letter will be generated and appropriate clauses can be chosen to reflect the requirements the applicant must meet before the water licence, use approval or amendment can be issued. Clauses are provided which indicate that the decision maker is prepared to grant the application; however, certain conditions must be met prior to the issuance of the water licence, use approval or amendment. Either specific terms and conditions must be met, and/or outstanding fees must be paid.

While there may be practical reasons for a “letter of allowance” approach, the comptroller or water manager must be aware that such a letter might be perceived as effectively committing the decision maker to issue a water licence even though the process may not have been completed.