

Application Form Guide for a Water Licence

Updated March 2009

This Guide is designed to assist you in completing the application form. The order of the information contained in the Guide corresponds with the order of requested information in the Application Form.

Occupation and use of Crown land under the **Land Act** require submission of an application and issuance of a tenure.

The diversion and use of all surface water in British Columbia must be authorized under the **Water Act**. In order to acquire a water licence, the applicant must have ownership or have substantial interest (registered owner, leaseholder) in the land where the water is to be used.

For waterpower applicants the location of the proposed powerhouse is considered to be land where the water will be used. Waterpower projects on Crown land will require an application for land tenure under the **Land Act** and a water licence under the **Water Act**. If the powerhouse will be on private property, which is not owned by the applicant, an option to purchase or a tenure (registered with Land Titles) must be obtained. Refer to the Waterpower Guide book for assistance.

You may wish to check the status of the stream prior to filling out the application. Please refer to the attached list of government offices.

Compliance with all stated application requirements does not guarantee that a water licence will be issued.

IF YOUR APPLICATION IS INCOMPLETE IT WILL BE RETURNED.

Application fees **must be submitted** with the application. If paying by cheque or money order, make payable to **Minister of Finance**.

PART 1. Name(s) and Mailing Address

Joint Tenants (Land tenure): If more than one applicant for a land tenure, check if joint tenancy. In a joint tenancy situation, when one of the tenants expires, his/her interest in the land passes to the surviving joint tenant(s).

Tenants in Common (Land tenure): If more than one applicant for a land tenure, check if tenants in common. In a tenancy in common situation, when one of the tenants expires, his/her interest in the land passes to his/her estate.

Company Name or Society Name: If registering an application in a name other than an individual (e.g., **ABC Society** or **ABC Company Limited**) indicate if a Company Name or a Society Name. For a **water licence**, enter the name of the registered owner or name of the individual/company holding tenure to the land where the water is to be used.

BC Incorp. No., BC Registered No. or Society No.: Company must be incorporated in BC or registered as an extra provincial company. Information on becoming an Extra-provincial Company can be obtained from the BC Ministry of Finance.

Registered societies should submit the society number as well as the following:

- A certified copy of the Constitution and Bylaws indicating your organization has formed a non-profit organization and is entitled to hold land.
 - The Constitution and Bylaws must state that on winding-up and dissolution of the society, after all debts have been paid or provision for payment has been made, the assets remaining shall be paid, transferred, or delivered to the Minister of Finance.
 - A copy of the latest annual report of your organization including the financial statement and the report of the directors to the members.
 - Written confirmation that the organization passed a resolution endorsing the application and stating that all land applied for is required for the intended use.
 - Documentation indicating the organization is exempt from payment of property tax, pursuant to the **Taxation (Rural Area) Act** and the **Municipal Act** by virtue of the fact that the activities are of demonstrable benefit to all members of the community.
 - The appropriate documentation showing that the organization is exempt from payment of income tax, pursuant to the federal **Income Tax Act**, by virtue of the fact that no income is payable to or available for the personal benefit of any proprietor, member or shareholder. Revenue Canada Rulings Directorate (613) 957-8953 is the department that would make the ruling as to whether or not the organization is deemed to be a non-profit organization pursuant to the **Income Tax Act**. This department will also determine whether or not the organization is tax exempt.
-

PART 2: Place of Use

Do you hold another water licence(s)? If you already hold a water licence, enter file number, licence number and client number. Refer to your last water rental statement for this information.

PID #: If the proposed place of use is private land, surveyed properties are assigned a PID (Parcel Identification Number). Enter your PID in the box provided. The PID number can be obtained from your property tax notice, Certificate of Title or land sale agreement.

Land description: Enter the full description of the property where the use of water is proposed (e.g., Lot 1 of Section 31, Township 12 W6M Kamloops Division of Yale District Plan 18411). A legal description is found in the Certificate of Title (CofT). A copy of the CofT must be attached to the application. A copy of your Registered Survey Plan, if available, will confirm the dimensions of the place of use.

Civic address of the property: If applicable, enter the civic address of the property, including street number, city, province and postal code.

Confirmation of tenure to land: If the proposed works will occupy Crown land a Permit over Crown Land, or in the case of larger projects (e.g., waterpower or waterworks) a more formal land tenure, under the *Land Act*, may be required.

If the water is proposed for use on private land, a copy of the Certificate of Title, recent tax notice or lease must be attached.

In order to obtain a water licence you must qualify as:

- the owner of land or a mine;
- a holder of certificate of convenience and necessity issued under the *Public Utilities Act* or under the *Utility Act*;
- a municipality, improvement district, water user's community or regional district;
- a commission, board or person having charge of the administration of land, mine or other property owned or controlled by a ministry, department, branch or other subdivision of the federal or provincial government;
- the Greater Vancouver, Victoria or Nanaimo Water Districts or any other water district incorporated by an act of the legislature; or
- The British Columbia Hydro and power Authority.

Lessees of private property or Crown land may also qualify.

Are you the Registered Owner? If the proposed place of use is private land, indicate if you are the registered owner, a lessee on the land or indicate other.

PART 3: Purpose(s) and Quantity(ies)

Domestic: If the purpose for which the use of water is requested is domestic, enter the number of dwellings on the land and the total quantity, in gallons per day, to be used.

Other: If the purpose(s) for which the use of water is requested is not domestic, irrigation or stockwatering, identify the purpose(s). For each purpose, identify the quantity to be used and units (e.g., gallons per day). There is a separate fee for each purpose requested in the application. (Refer to [Schedule 1 - Water Purposes and Application Fees](#), for a list of purposes and fees.)

Irrigation: For irrigation purpose, specify the number of acres to be irrigated.

Stockwatering: For industrial (stockwatering) purpose, specify the number of head and type of livestock (e.g., beef or dairy cattle, hogs, sheep, etc.).

If the application includes a storage purpose, a completed [Schedule 2 - Dam & Reservoir Information](#) form must be submitted with the application.

If the application includes a power purpose, a completed [Schedule 3 - Power Information](#) form must be submitted with the application.

PART 4: Source of Water

Name of Source: Name of the source of water. If the source is unnamed, indicate "unnamed". You may suggest a name for a previously unnamed source.

If creek, brook or river, width of source at diversion point: If creek, brook or river, the width of the source at the point at which the water to be used will be diverted.

Flows into: Name of the water body (stream, lake, etc.) to which the source is tributary. If the source seeps into the ground and does not flow into any other stream at any time, specify "ground".

PART 5: Works

This Section is required if Works are to be constructed to divert and convey water to place of use.

List Works: Works, such as intakes, diversion structures, pumps, tanks, sumps, pipelines, ditches, troughs, reservoirs, irrigation systems, etc., to be constructed at the place of use.

(a) Diversion Works

- **Pump or Gravity Feed:** Indicate whether the water will be conveyed to the place of use by pumping or by gravity feed system.
- **Length of pipe into a river or a lake measured from the high water mark:** Length of pipe, measured in feet, for specified conveyance method.
- **Are any of the Works on Crown land:** Indicate if works will cross Crown lands.
- **Length of Works on Crown land:** If Works cross Crown lands, indicate length of Works, in feet, that cross Crown lands.

(b) Storage Works

- **Do you require storage?** Indicate if storage is required.
- **List Storage Works:** If storage is required, indicate Storage Works and complete **Schedule 2 - Dam & Reservoir Information**. (Note that tanks are not considered storage works.)

(c) Additional Information

- **Joint with another's Works?** Indicate if the Works will be shared with another licence, either in whole or in part.
 - **If yes, with whom?** If Works are to be shared, provide the name of the other user(s).
 - **Joint Works Agreement:** If Works are to be shared, a Joint Works Agreement is recommended. Indicate if a Joint Works Agreement is enclosed. General information on preparing a Joint Works Agreement is included with this application package.
 - **Works constructed?** Indicate if Works have already been constructed.
-

PART 6: Other Lands Physically Affected by Works

If the proposed works will affect lands other than your own, whether private or Crown owned, complete this section.

Do the Works affect another person's private land? Indicate if the Works to be constructed affect another person's private land.

Do the Works affect Crown land? Indicate if the Works to be constructed cross Crown land.

For smaller scale works constructed on Crown land, such as those associated with domestic or irrigation use, a Permit over Crown Land (PCL) may be required.

Please include the PCL fee with your application (refer below to Fees for Permit over Crown Land).

For larger operations a tenure which is issued under the *Land Act* may be more appropriate. For example, waterpower or waterworks developments generally have a greater impact on Crown land. Large projects may also have higher consequences if works fail (e.g., a dam or a large capacity pipeline). Therefore a higher level of security and the exclusive use of Crown land may be required.

Contact FrontCounter BC for information on how to obtain Crown land tenure under the *Land Act*.

Legal description of land affected: Legal land description for each parcel that will be affected by works to be constructed or by flooding from water to be stored in a reservoir (e.g., Lot 1 of Section 31, Township 12 W6M Kamloops Division of Yale District Plan 18411). Legal descriptions are found on annual Property Assessments, Land Tax Notices, Certificates of Title and Transfer of Sale Agreements. A copy of one of these documents must be attached to the application. A copy of your Registered Plan will confirm the dimensions of the place of use. The dimensions of the Crown land affected must be indicated on the application form.

Landowner's Consent Form for land affected:

Private Land: Indicate if Landowner's Consent Form is enclosed. Agreement from private landowners affected by your proposed works should be obtained in writing prior to making an application. For your convenience, a consent form is included in the application package.

Fees for a Permit Over Crown land

Refer to [Schedule 1 – Water Purposes and Application Fees](#) (page two).

The fee for a PCL is based on the **total area** of Crown land used, in hectares. For example, the fee could be calculated based on the area of Crown land required for a pipeline. If a dam site and a reservoir floods Crown land, their areas are also used in the PCL fee calculation. **With respect to a pipe into a river or lake, a PCL is required for any pipe longer than 50 feet (15.24 metres), from the high water mark.**

Name of Owner(s) including Crown land tenure holders: Landowner's name for each parcel that will be affected by works to be constructed or by flooding from water to be stored in a reservoir. The regional MOE office should be contacted to identify potential Crown land tenure holders that might be affected by your proposed works. Notification of affected Crown land tenure holders is the responsibility of the applicant.
