

Groundwater licensing likely to be included in a new water act

By Kelowna Capital News

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B.C. is the only province in Canada that doesn't licence groundwater, despite the fact its Water Act includes provision for it.

And, according to environment ministry policy advisor Randy Cairns, public discussion about a new water act in the past few years indicates there is public support for groundwater licensing.

Cairns was speaking to members of the Okanagan Water Stewardship Council about the history of provincial legislation surrounding water, and about the current process to modernize it.

The new act is to be called the Water Sustainability Act and it was to have been enacted this year, but it's been held up by the public's interest in continuing discussions on what's being proposed before it's passed into legislation, said Cairns.

He expects the next step will be a discussion paper with more detail about what's proposed for the new act, and a period for public input on those details before staff are directed to write the new legislation in legal language.

That's a lengthy process which he figures could take a year, so it's likely to be 2014 before a new act comes before the legislature for debate.

If it includes more regulation of groundwater, there are a number of issues still to be resolved, he noted.

For instance, how would the current 75,000 users fit into the legislation? Would all users be licensed, or just medium-sized and large or just large users?

Likely, groundwater licensing would be similar to the current licensing of surface water and the two would be linked, he said.

Currently, anyone can drill a well and begin to draw from underground aquifers without charge, even though no one can draw water from a creek or lake without a permit from the provincial government, and regular fee payments.

Seven policies have been identified as part of the framework of the new act:

- *protect stream health and aquatic environments;
- *consider water in land-use decisions;
- *regulate groundwater use;
- *regulate during scarcity;
- *improve security, water use efficiency and conservation;
- *measure and report; and
- *enable a range of governance approaches.

This province's current Water Act was brought in in 1909, with major revisions in 1925 when it was determined that the province owns the water resource; 1939 when regulations were brought in for acquisition of a water licence; 1960 when groundwater was added and environmental protection introduced; and 1979 to 1992 when a variety of changes were made.

In B.C. water rights are based on FITFIR or First In Time, First In Right, so those with the oldest licences on a body of water take precedence over those with more recent licences, in times of scarcity.

Licences are attached to properties, and when the property is sold, the water rights go with it, along with the obligations.

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