

# Understanding Agriculture Water

Submitted by Ted van der Gulik, P.Eng.



BC Agriculture  
Water Calculator



the partnership  
for water sustainability in bc

**Question:** What may happen on March 1, 2022 if ranchers do not apply for a groundwater licence?  
**Answer:** For Some it Will be Very Problematic

As the agriculture community become indifferent to the requirement that groundwater must be licensed for everything except domestic use? It seems so. In January of this year I attended the Pacific Agriculture Show in Abbotsford, the water seminar in particular. There was a presentation from the Province on groundwater licensing, but very few producers were in attendance. A number of good questions were raised and those in attendance heard some answers that were never provided before, at least not in printed media. It made me think that another article outlining some of the things that may happen is probably worthwhile.

The Partnership for Water Sustainability does a bi-weekly eblast that goes to about 2200 subscribers (registration is free) province-wide. A few weeks ago, the topic was on groundwater licensing. We received quite a bit of feedback, both positive and negative. Many indicated that the entire story should have been told so I will attempt to do so here.

Let's start with some of the more obvious answers. If your well was drilled before March 1, 2016 you can apply for a licence based on historical use. You will not have to pay an application fee but you will need to pay the water rental from March 1, 2016 onwards. As long as an application is made before March 1, 2022 you will be in compliance with the *Water Sustainability Act* regardless how long it takes for the province to issue a licence. The applicant will also retain the FITFIR (First in Time, First in Right) date of when the well was drilled. **So, what happens if you wait until after March 1, 2022?** The applicant will have to:

- Pay an application fee of \$250.00
- Water rentals may still have to be paid back to March 1, 2016 since the user has been taking the water since the Act came into force. (Recently, I heard conflicting information from the Province on this and as this will not need to be applied

until after March 1, 2022 it is unclear what will happen then.) However, fines for noncompliance could be levied.

- Historical use applications are no longer an option and the well will be considered a new well. As a new well, an assessment will likely be required. At a minimum the assessment may only be a pump test on the well but it could also include an assessment of creek flows and other wells in the vicinity. A licenced professional will need to be retained to do the assessments. The costs can range from \$10,000 to as high as \$50,000 or more. This has already been the case on some new well applications. The province is reviewing the assessment criteria but it will not be eliminated entirely so there will be extra costs.
- The date on the licence will be the date of the application, therefore the FITFIR date will be much later and the well priority date will now fall behind all of those that did apply for historical use. Use of the well in the future may not be as secure, especially in groundwater areas that are under stress.



Photo by Willow Ranch

That is just the beginning. After March 1, 2022 the following may also happen.

- When an application is made the Province may curtail use of the well until a licence is issued. This could take a number of years.
- If an application is not made or a licence is not held and someone complains about the use from the well the Province will be obligated to issue an order to curtail use.
- The Province may also issue an order because the user is not in compliance with the Water Sustainability Act and no authorization for withdrawal has been given. True, they may not find everyone for a number of years but what does the future hold? Water is going to become scarcer in our drier summers and it is likely that it would only be a matter of time until it becomes evident that there is water being taken without a licence. Those with a licence will be allowed to take water and those without may be ordered to shut down.
- Banks are now starting to ask if the well on the property has a licence or if there are sufficient water rights for the property. A mortgage may not be given to a potential buyer if the well is not licenced, at least not for the asking price. This will impact those trying to sell their farms. The farm will be worth less. Water is valuable and banks are starting

to put a value on water rights. Would a rancher not want to maximize the value of their assets?

- If a person applies on or after March 1, 2022, they may not even get a licence in those areas where the stream and aquifer are connected and the stream is already fully recorded!
- As time goes on water rights may also be licenced to other users, which could mean aquifers may become fully recorded with no other rights being issued. Existing agriculture use cannot be considered as part of this process if the licences are not in place. If the water is licenced to agriculture then we have security as an industry, if not it may be given to others.

I actually cannot think of one reason that can support the notion of not obtaining a licence. Water is too important to agriculture. Sure, it takes a bit of time to apply but the cost in the total scheme of things is quite small. Why would agriculture risk losing a resource that we depend on and let others make future decisions for the industry? That is a scary thought and it is starting to happen already in some instances. Take control and make sure that your water resources are secured. Your grandchildren will be thankful that you did.

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