

BC's Effort to License Water Use Falling Apart, Critics Say

Liberals, Greens agree a crisis looms for thousands of farmers and other water users.



With less than two months until new rules take effect, some 16,000 BC users are at risk of losing their right to water for irrigation and other critical needs. Photo by [Ted McGrath](#), Creative Commons licensed.

B.C.'s opposition parties want the government to extend — for a second time — an approaching groundwater licensing deadline, warning of a looming crisis for local farms and small businesses.

"We are just deeply concerned," said Shirley Bond, the interim leader of the BC Liberal Party, in an interview. "We want them to extend the

deadline, but additionally we want them to do a better job of getting the information out there and finding people who haven't registered and help."

Existing users of groundwater, generally from wells or dugouts, for agriculture, industry or business have until March 1 to get licences or risk losing access to water. The requirement is part of changes to the province's Water Sustainability Act that came into force in 2016.

But less than 25 per cent of the estimated 20,000 water users, some of whom have been drawing groundwater for generations, have applied for licences.

By mid-December, only around 4,300 had applied, up just slightly from [September](#) and last [summer](#).

In 2016 groundwater users were given a three-year transition period to apply for a licence, a policy that recognized their historic use and brought them under the regulations with fewer requirements than new users would face. If they didn't get a licence, they would lose guaranteed access to the water and have to reapply, facing the risk of long delays and being denied water rights.

In 2019, when that special treatment was previously set to end, the government extended the deadline and gave users until March 1, 2022, to apply.

The government says it will stick to the new deadline. If it does, existing users that fail to apply would have no right to use groundwater until they get a licence, a process that can take years. Under the new rules, getting a licence could require expensive studies to show there's enough water available and there's no guarantee the licence would be

granted.

Former civil servants and others with knowledge of the situation have [warned](#) that few people are aware that a crunch coming barely two months from now could have severe consequences for water users, food security and the economy.

The BC Liberals and BC Green Party recently put out a joint statement on the issue. Both Bond and BC Green Leader Sonia Furstenau blamed the government for failing to do enough to reach people affected by the new requirement.

"The fact that 16,000 British Columbians are about to lose their groundwater rights due to a failure of government communications is egregious," Furstenau said.

She said large companies are better equipped to file the needed application and meet the requirement. "The people getting left behind are local farms and small businesses, many of whom have been preoccupied with surviving climate disasters and COVID-19."

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development, which is responsible for water licensing, said the province is not currently considering an extension to the deadline.

"As climate change continues to disrupt our seasons and contribute to droughts and water scarcity, it's now more important than ever that non-domestic groundwater users complete their applications by March 1," said an emailed statement from the ministry.

The application process is free for existing users until the March deadline, the online process is easy and straightforward and the

government has hired additional staff to increase public outreach and answer questions water users may have, the statement said.

But a further extension won't change the thinking of some farmers who haven't applied.

Farmer Wayne Osborne said for him the issue isn't poor government communication or a lack of knowledge, but an unwillingness to comply with what he sees as a bad, unfair law.

He and Dawn Osborne have [Omega Blue Farms](#) near Qualicum Beach on Vancouver Island where they specialize in heritage seeds and poultry.

"There is NO moral high ground for the government here," he said in an email. "There is no moral justification for removing water access rights from farmland and diverting it to bulk water extraction. And let's be clear, this is exactly what the nature of the threat is."

Osborne said the changes will benefit corporate water users and hurt farmers.

Any time a farm's activity changes and water use increases the farmer would need to apply for a new licence and would find themselves at the back of the line, Osborne said.

"Upgrading from hay production to vegetable production means a new licence," he said. "Changing from vegetable production to beef production requires a new licence. Changing from poultry production to greenhouse production requires a new licence."

When farmers apply for new licences, they'll be behind bottled water

companies and others who may be in the queue ahead of them, he said.

"As our farmers try to evolve and respond to a changing growing climate and consumer opportunities, they run the risk of losing their water access priority," Osborne said. "This in turn will result in them not having access to the water needed to support their agricultural evolution."

A ministry spokesperson confirmed that if an applicant needs more water, they would need to submit a new licence application for that additional water. "The precedence date of the new licence, if granted, would be the date the application was made," they said.

Decades in the making, the licensing system is intended as a step towards measuring how much water businesses are using and allowing the government to manage the shared resource. The collective use by agriculture, the oil and gas industry, bottled water companies and other major users can put pressure on the resource, depleting aquifers.

People using well water for household use are exempt from the requirement but are encouraged to register their wells to help the government manage the resource.

A better solution, Osborne said, would be to attach minimum water access rights to all land in the Agricultural Land Reserve, a policy that would protect both water and food security.

He would also like the government to eliminate the minimum annual fee. For uses like watering the government charges a minimum of \$50 a year—enough for 58,823 cubic metres of water, even when a farm uses much less than that. When existing users get licensed they are required

to pay fees going back to 2016.

Osborne said the small amount of water he uses on his four-hectare farm would be valued at \$2.27 if the use were licensed, but instead he would have to pay the minimum fee.

"The province should scrap the minimum annual licence fee and instead raise its water rates 10- to 20-fold," he said. "If conservation is the goal, those that use more should pay more. The current rates are far below market value and encourage exploitation of our water resources through bulk water extraction."

The minimum fee means that those who use the least actually pay the most for the amount of water they use, he said. "This makes absolutely no sense if the purpose of the act is to encourage sustainable use of the water."

Water [rental rates](#) vary depending on what the water is used for. For most farm uses, the rental for enough water to fill an Olympic-sized swimming pool would cost \$2.13. Companies bottling drinking water, using non-deep groundwater for fracking or using water for waste management pay \$5.63 for each swimming pool worth of water they use. A pulp mill or placer mine is charged \$3.25 per swimming pool.

Osborne said he's also concerned about the lack of "personal respect" in how the government asks applicants to forego their right to privacy.

"The application process is unable to proceed unless the applicant gives the government the right to share their personal information with anyone they choose when evaluating the licence application," he said. "This intrusion is the reason I failed to finish my water licence application process. I'm not going to give the government a blank

cheque with respect to sharing my personal information.”

The intrusion seems unnecessary, he said, especially for small-scale farms like his that use a minimal amount of water.

The low number of applications shows that most farmers have rejected the Water Sustainability Act, Osborne said. “Most of these farmers do not wish to become accomplices in a corrupt government act that enables the bulk exploitation of our water.”

The POLIS Project on Ecological Governance at the University of Victoria has [advocated](#) various solutions that it says would increase compliance and avoid the government having to extend the deadline or scrap the act.

POLIS suggested the government move to a two-step licensing process where existing users could submit a “placeholder application” requiring only basic information. Such an approach would allow people to protect their existing water rights, but would also get them started on the licensing process. More detailed information could be collected in an added second step.

They also called for increased communication with water users and giving ministry staff more clear direction to reach out to people to help them file applications. The government should prioritize regions of the province that are the most water-stressed, they said, and send clear signals about the consequences of non-compliance.

BC Liberal interim leader Bond said it’s unlikely there will be an influx of applications at the last minute. “If we’ve had this period of time and we’re only at 5,000, the likelihood of getting to 20,000 by March is probably pretty small,” she said.

Many people have underestimated the impact of missing the deadline, Bond said. "You are going to potentially lose your right to water that you have historically used. And not only that, it means other applications may be considered ahead of yours."

She said she's asked BC Liberal MLAs, many of whom represent rural areas, to look for ways to help their constituents who may be at risk of losing legal access to groundwater. "We're going to press the government to do their job, but since they seem to have vacated the playing field here, we also want to be helpful to our constituents so they don't face unexpected outcomes," she said.

The mismanagement fits a pattern where the government makes an announcement, fails to provide enough details, and causes confusion, Bond said.

"This is just another example of you actually need to do the hard work to deliver," she said. "This is one of those issues that's almost under the radar screen until the impacts hit and that's why we decided it was time for us to try to raise the issue." 🐾

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