

Appendix 2: Clauses Used in Water Licensing, continued

Table 1A: Covering Letter New- Water Licence- Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Works (continued)	Joint Works Order	This licence does not authorize the connection onto existing licensed works until such time as a Joint Works Agreement is signed by all licensees involved. Alternatively, you or any licensee on the joint works system may petition the Comptroller of Water Rights or Regional Water Manager to order joint works under Section 33 of the <i>Water Act</i> .
	Joint Works Permission Required	This licence does not authorize the construction onto existing licensed works until such time as you have obtained permission from the owners of the licensed works.
	Metering	Please note that your water licence may require you to install a flow metering device to record the rate and volume of water diverted under this licence. You should ensure that your works can accommodate this request should it be made at a future date.
	Safe Drinking Water	You are advised that the <i>Drinking Water Protection Act</i> , and the Drinking Water Protection Regulation under that Act, govern the construction, installation, alteration, extension, and operation of joint works that form part of a domestic water system supplying more than one single-family residence. It is the responsibility of the licensee to comply with the Act and Regulations noted above. Your local Regional Health Authority will be able to assist you.

Appendix 2: Clauses Used in Water Licensing, continued

Table 1A: **Covering Letter** New- Water Licence- **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Works (continued)	Water Users' Community Required	<p>This licence is subject to the applicant becoming a member of the [Insert: Namt;;] Water Users' Community and complying with their rules and regulations.</p> <p>The [Insert: Name] Water Users' Community should be sent a copy of the licence c/o [Insert: WUC Manageli] and advised to petition the Comptroller of Water Rights to have their letters of incorporation amended to include the new water licence.</p>

Appendix 2: Clauses Used in Water Licensing, continued

Table 2: New Water Licence- Provisions Common to All Licences

Category	Name	Wording
Clauses Common to all New Water Licences	Licence Holder	The owner/owners of the land to which this licence is appurtenant is/are hereby authorized to divert/use/store water as follows:
	Variations Depending On Who is the Licence Holder	
	Undertaking	The owner/owners of the undertaking to which this licence is appurtenant is hereby authorized to divert/use/store water as follows:
	Certificate of Public Convenience and Necessity	The holder of a certificate of public convenience and necessity as set out in clause (g) hereof, is hereby authorized to divert/use/store water as follows:
	Municipality	The [name of the municipality] to which this licence is appurtenant is hereby authorized to divert/use/store water as follows:
	Licence Issued to the Province	The [official title of the Minister] as represented by [name of associated agency or company] " Ducks Unlimited!" is hereby authorized to divert/use/store water as follows:
	Indian Band	The [name of the Indian Band] is hereby authorized to divert/use/store water as follows:
	Commission or Board	The [name of the Commission or Board] duly authorized representative of [Ministry Responsible] is hereby authorized to divert/use/store water as follows:
	District (defined under Section 7 of the <i>Water Act</i>)	The [Name of District] is hereby authorized to divert/use/store water as follows:
	BC Hydro	The British Columbia Hydro and Power Authority is hereby authorized to divert/use/store water as follows:

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Appendix 2: Clauses Used in Water Licensing, continued

Table 2: New Water Licence- Provisions Common to All Licences, continued

Category	Name	Wording
Clauses Common to all New Water Licences (continued)	Source	(a) The stream on which the rights are granted is [Source Name].
	Variations Source Depending on Purpose:	
	Storage	The stream on which the rights are granted is [Source Name] and the reservoir is [Source Name].
	Conservation Use	The stream affected by the rights granted is [Source Name].
	Conservation Storage	The source of the water-supply and the storage site is [Source Name].
	Point of Diversion	(b) The point[s] of diversion is/are located as shown on the attached plan.
	Variations Point of Diversion:	
	Storage	The storage site is located as shown on the attached plan.
	Rediversion	The [storag site and th_] points of diversion and rediversion are located as shown on the attached plan.
	Date of Precedence	(c) The date from which this licence shall have precedence is [Date].
	Purpose	(d) The purpos e[s] for which this licence is issued s/are [P!..rp]osej.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2: New Water Licence- Provisions Common to All Licences, continued

Category	Name	Wording
Clauses Common to all New Water Licences (continued)	Quantity	(e) The maximum quantity of water which may be diverted is [Amount and ate].
	Variations For Quantity Storage:	
	Storage (1) Irrigation	The maximum quantity of water which may be diverted to fill the reservoir is [Amount and Rat] and the maximum quantity of water which may be used is [Amount and Rate], subject to the water being available from storage.
	Storage (2) Conservation	The maximum quantity of water which may be held in storage is [Amount] and the maximum antity of water which may be used to fill the reservoir is [Amount and Rate], and such additional quantities as may be authorized from time to time in writing by the Regional Water Manager.
	Period of Use	(f) The period of the year during which the water may be used is [!Period]. domestic purpose: throughout the whole year irrigation purpose (most, but not all): from l _{st} f _p _ril to S p_tember 30th
	Variations For Period:	
	Storage and Diversion	The period of the year during which water may be diverted, used and stored is throughout the whole year.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2: New Water Licence- Provisions Common to All Licences, continued

Category	Name	Wording
Clauses Common to all New Water Licences (continued)	Variations For Period, continued	
	Storage (1) Irrigation	The period of the year during which water may be used to fill the reservoir is [[Period] and the stored water may be used during the period from [[period].
	Storage (2) Conservation	The reservoir may be filled from [eriod] and the water released from storage at any time of the year.
	Appurtenancy	(g) The land upon which the water is to be used and to which this licence is appurtenant is [Legal Description].
	Variations of the Appurtenancy Depending on the Type of Water Use:	
	Conservation	The land upon which the water is to be used and to which this licence is appurtenant is the conservation project ofthe licensee within [Legal Description].
	Irrigation	The land upon which the water is to be used and to which this licence is appurtenant is [Legal Description] of which [insert: hectares]C!..!!iert: acres] may be irrigated.
	Land Improvement	The land upon which the water is to be used and to which this licence is aQI?urtenant is the land improvement project of the licensee within [Legal Descr!p_ tion].
	Mining	The land upon which the water is to be used and to which this licence is agpurtenant is the mining project of the licensee within [Legal Descr!p_ tion].

Appendix 2: Clauses Used in Water Licensing, continued

Table 2: New Water Licence- Provisions Common to All Licences, continued

Category	Name	Wording
Clauses Common to all New Water Licences (continued)	Variations of the Appurtenancy Depending on the Type of Water Use, continued	
	Stockwatering	The land upon which the water is to be used and to which this licence is appurtenant is the stockwatering project of the licensee within [Legal Description].
	Power Supplied to Residence	The land upon which water is to be used is [Insert: legal description of land where the powerhouse is situated] on which a powerhouse is situated, and the land to which the licence is appurtenant is [insert: either "said land" or, if the land on which the power is to be used differs from that on which the powerhouse is situated Insert: the legal description of the land on which the power is used].
	Power Commercial Distribution (confirm Chris Morgan)	The land upon which the water is to be used and to which the licence is appurtenant is the land on which the powerhouse of the [Insert: Name] Generating System is situated, described as that parcel or tract of land within [Insert: Legal Description] [Option: tenured under the <i>Land Act</i> , held under Lands File No [Number].
	Waterworks Indian Band	The land upon which the water is to be used and to which this licence is appurtenant is Indian Reserve [Identify Reserve].
	Waterworks Municipality	The land upon which the water is to be used and to which this licence is appurtenant is all the lands within the boundaries of [Insert: the name of the municipality, Improvement district, etc.].

Appendix 2: Clauses Used in Water Licensing, continued

Table 2: New Water Licence- Provisions Common to All Licences, continued

Category	Name	Wording
Clauses Common to all New Water Licences (continued)	Waterworks Utility	The land upon which the water is to be used and to which this licence is appurtenant is the undertaking of the applicant within [Legal Description].
	Works	(h) The authorized works are (Describe Works) which shall be located as shown on the attached plan.
	Works Constructed & Beneficial Use	(i) The construction of the said works shall be/has been completed and the water is being beneficially used prior to:[Date]. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: New Water Licence- Optional Pick Clauses

Category	Name (Listed Alphabetically)	Wording
Administrative	Alternate Water Supply	This licence may be cancelled or amended in any respect at any time, on one year's notice in writing by the Comptroller of Water Rights, when a feasible alternative supply of water becomes available.
	Beneficial Use	The licensee shall submit to the Regional Water Manager, a Beneficial Use Declaration and a drawing prepared to the water licence application drawing standards showing the point of diversion, area of beneficial use, all associated works, and the legal boundaries of the appurtenant land, on or before the ____ day of ____ 20 ____.
	Records Kept	This licensee shall keep records on actual water use as directed by an Engineer under the <i>Water Act</i> and have all records available.
	Supplementary Licence	This licence is supplementary to [Insert: Water Licence Number] and the maximum quantity of water which may be diverted under this licence is the quantity which together with the quantity available under [Insert: Water Licence Number] will provide [Insert: quantity].
	Reserve	The rights granted under this licence are subject to a water reserve established by Order in Council No [Insert: Number] dated [Insert: Date]
	Termination	This licence terminates on [Insert: Date]. Prior to the termination date, the licensee may apply to the Comptroller of Water Rights or the Regional Water Manager in accordance with the provisions of the <i>Water Act</i> to amend this licence to extend its term.
	Works Constructed	The construction of the said works has been completed and the water is being used. The licensee shall continue to make regular beneficial use of the water in a manner authorized herein.

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Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: New Water Licence- Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Dam	Cease Diversion	The diversion of water from [Insert: Source] shall cease when storage has reached fully capacity of the reservoir.
	Dam Safety Officer (DSO) Satisfaction	The dam authorized under clause (h) is subject to the Dam Safety Regulations and shall be designed, constructed and maintained to the satisfaction of a Dam Safety Officer under the <i>Water Act</i> and in accordance with the Canadian Dam Association Guidelines.
	Draft Operation, Maintenance and Surveillance (OMS)	The construction of the said works must not commence until a draft Operation, Maintenance and Surveillance Manual (including a surveillance schedule for first filing) and an Emergency Preparedness Plan have been submitted to and accepted by an Engineer under the <i>Water Act</i> .
	Drawings	As Constructed Drawings of the works authorized by this licence must be submitted by the licence holder to the Regional Water Manager [Before]
	Final Operation, Maintenance, Surveillance and Emergency Preparedness Plan	Final construction drawings, Operation, Maintenance and Surveillance Manual and Emergency Preparedness Plan must be submitted to the Dam Safety Officer during the first year of operation.
	Leave: Diversion	Following the substantial completion of construction, filling of the reservoir must not commence until written leave to commence diversion is given by an Engineer under the <i>Water Act</i> .
Domestic	Dwelling Restriction	This licence authorizes the use of water for domestic purpose in [Unsert: Number] dwelling [s] located approximately as shown on the attached plan.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: New Water Licence- Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Domestic (continued)	Water Users Community	The rights granted herein are exercisable only during such times as the licensee remains a member of the [Insert: Name of Water Users Community].
	Water Users Community Works Satisfaction of Engineer	The rights granted herein are exercisable only during such times as the licensee remains a member of the [Insert: WUC Name] Water Users' Community, and as long as works under [Insert: Water Licence Number], or any licence issued in substitution thereof, are being maintained and operated to the satisfaction of an Engineer under the <i>Water Act</i> .

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: New Water Licence- Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Environmental	Aquatic Life Preservation	The diversion of water authorized under this licence may be regulated at any time by an order of an Engineer under the <i>Water Act</i> , in order to maintain flow in the stream for the preservation of aquatic life. Regulation includes allowing, commencing, stopping, limiting, opening, shutting and prohibiting the diversion of water.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: New Water Licence- Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Environmental (continued)	Environmental Management Plan (EMP)	<p>To construct the works authorized under clause (h) of this licence, the licensee must:</p> <ol style="list-style-type: none"> (1) Ensure that the plans for the works to be constructed are signed and sealed by a professional engineer registered in the province of British Columbia (referred to as the Design Engineer); (2) Ensure that a professional engineer in the province of British Columbia (referred to as the Construction Engineer) supervises the construction of works; (3) Submit to an Engineer under the following: <ol style="list-style-type: none"> a. plans that show the general arrangement of works to be constructed, b. criteria for the design of the works to be constructed, c. criteria for the operation of the works to be constructed, and d. a schedule for the construction of works; (4) Prepare an Environmental Management Plan (refer to as the EMP) for the management and mitigation of construction impacts, which plan is to be to the satisfaction of an Engineer under the <i>Water Act</i>; and (5) Obtain leave to commence construction, in writing, from an Engineer under the <i>Water Act</i>.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: New Water Licence- Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Environmental (continued)	Fish: Minimum Flow	The diversion of water authorized under this licence may be restricted or prohibited at any time by an Order in writing of an Engineer under the <i>Water Act</i> , in order to maintain a minimum flow in the stream for the preservation of fish life.
	Minimum Level	This licence does not authorize the diversion and use of water at any time when the water level of [Insert: Source] falls below the minimum elevation of [Insert: Number] meters [Insert: Number] feet. [Condition: established by an Engineer under the <i>Water Act</i>].
	Monitoring Program	The licensee must: (1) Prepare a monitoring program suitable to determine the nature of any impacts on [Insert: Fish and or Wildlife] to the satisfaction of an Engineer under the <i>Water Act</i> . (2) Implement the program to the satisfaction of an Engineer under the <i>Water Act</i> . (3) Continue the program for [Insert: Number] years following the commencement of operation of the works or to the satisfaction of an Engineer under the <i>Water Act</i> , and (4) At the completion of the monitoring program, prepare a report that identifies the nature of any impacts on [Insert: Fish and or Wildlife] and implement the appropriate mitigation and/or compensation to an Engineer under the <i>Water Act</i> .

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: New Water Licence- Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Environmental (continued)	Independent Engineer (IE) and Environmental Monitor (EM)	<p>Before submitting information the licensee must retain, to the satisfaction of an Engineer under the <i>Water Act</i>:</p> <ol style="list-style-type: none"> <li data-bbox="932 532 1898 669">(1) A professional engineer registered in the province of British Columbia (refer to as the Independent Engineer – IE) who will provide services to an Engineer under the <i>Water Act</i>, for the regulation of the construction of the works as outlined in Schedule 1; and <li data-bbox="932 727 1898 893">(2) A person (referred to as the Environmental Monitor- EM) who will provide services to an Engineer under the <i>Water Act</i>, and other agencies to monitor environmental impacts from the construction of the works in accordance with the Environmental Management Plan, in accordance with Schedule 2.
	Operation Works	<p>The licensee must operate the works authorized under clause (h) above in accordance with:</p> <ol style="list-style-type: none"> <li data-bbox="932 1045 1885 1182">(1) procedures ordered by an Engineer under the <i>Water Act</i>, including any order for the regulation of the diversion, rate of diversion and use of water as may be required for the preservation of [Insert: Fish and or Wildlife] and for the provision of flow for whatever activities; and <li data-bbox="932 1240 1894 1299">(2) any amendment of the procedures ordered by an Engineer under the <i>Water Act</i>.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: New Water Licence- Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Mining	Drainage	When the mining operation is completed, the licensee shall reestablish drainage in the area, to the satisfaction of an Engineer under <i>the Water Act</i> .
	No Discharge	This water licence does not authorize the disposal or discharge of mine effluent tailings.
	Site Reclaimed	Upon cessation of mining operations, the dam and all works associated with the dam shall be removed and the site reclaimed to the satisfaction of an Engineer under the <i>Water Act</i> .
	Tailing Pond	All tail water from the mining operation must be ponded to remove suspended solids before being returned to the stream.
Power	Appurtenancy	The land upon which the water is to be used and to which the licence is appurtenant is the land on which the powerhouse of the [Insert: Name] Generating System is situated, described as the parcel or tract of land with Insert: Legal Description], tenured under the <i>Land Act</i> , held under Lands File No. [Insert: Numbeli).
	Appurtenancy Residential	The land upon which water is to be used is [Insert: Description of Land where the Q.Owerhouse is situated] on which owerhouse is situated, and the land to which the licence is appurtenant is said land [or <i>if the land on which the ower is to be used differs from that on which the powerhouse is situated</i> nsert: description of the land on which the power is to be used .
	As-Builts	As-Built, record drawings, or an equivalent must be submitted to an Engineer under the <i>Water Act</i> within one year of commissioning.
	Operation, Maintenance and Surveillance (OMSP)	Within two years of commissioning the power plant, an Operation, Maintenance and Surveillance Plan and an Operating Parameters and Procedure Report must be submitted to an Engineer under the <i>Water Act</i> .

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: New Water Licence- Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Power (continued)	Operational Parameters and Procedures (OPPR) and Leave to Commence	<p>Before commencing operation of the works authorized under clause (h) the licensee must:</p> <p>(1) Submit a report for acceptance by an Engineer under the <i>Water Act</i> on the parameters and procedures for the operation of the works authorized under clause (h), these parameters and procedures shall be based on the information on the generation of electricity and the social and environmental values considered in the issuance of this licence; and</p> <p>(2) Receive leave to commence the diversion and use of water authorized in this licence, in writing, from an Engineer under the <i>Water Act</i>.</p>
	Operating Plan	An interim Operation Plan must be submitted to and leave in writing received from an Engineer under the <i>Water Act</i> for interim commissioning of the power plant prior to start-up of power production.
	Residential Dwelling	The power generated may be used in one dwelling located approximately as shown on the attached plan
	Additional Dwelling and Enterprises	The power generated pursuant to this licence may be supplied to [Insert: Number of Dwellings, and or Commercial Enterprises] on [Insert: Description of Land and which Power is to be used] located approximately as shown on the attached plan.
	Return Water	The water used in the generation of power shall be returned to the stream above any downstream points of diversion.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: New Water Licence -Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Stockwatering	Outside Wetted Perimeter	The industrial stockwatering purpose authorized by this licence is for use outside the wetter perimeter of the source in a trough located approximately as shown on the attached plan.
Storage	Lake Level	The level at which water is held in the reservoir shall be as directed by an Engineer under the <i>Water Act</i> , and the difference between the maximum and minimum levels shall not exceed tinsert: Height] metres [Insert: Height] feet.
	Must Be From Storage	Any water diverted and used pursuant to this licence during the period from [Insert: Period of Use], must be taken from storage provided in the reservoir authorized under [J.nsert: Water Licence Number} or any licence issued in substitution thereof.
	Maximum Quantity	The maximum quantity of water which may be held in storage is [Insert: Volume] cubic decametres ([Insert: Volume] acre-feet, and the maximum quan of water to be diverted is [Insert: Maximum Quantity] cubic metres a year ([Insert: Volum] gallons per year.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: New Water Licence -Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Works	Alluvial Fan	Construction , maintenance or operation of the works outlined in clause (h) shall not result in the lowering or weakening of the natural stream bank any existing bank protection works.
	Backflow Prevention	This licence does <u>not</u> authorized a interconnection to any public water system without the use of a device to prevent backflow.
	Changes	Changes or modifications to the works authorized under clause (h) hereof may be ordered at any time by an Engineer under the <i>Water Act</i> to ensure proper operations of said works.
	Design Plans	Design plans for the works authorized by this licence must be prepared by a professional engineer registered in British Columbia and submitted to an Engineer under the <i>Water Act</i> . [Option: Construction of said works authorized shall not commence until leave is given in writing by an Eq.gineer under the <i>Water Act</i> .]
	Division Tank Required	All water diverted must pass through a division tank constructed to specifications set by an Engineer under the <i>Water Act</i> and maintained by the licensee.
	Flow Measuring 1	The licensee shall install works to meter and record the rate of flow and quantity of water delivered under this licence. [Optional Insertion: <i>Flow</i> meter records shall be retained by the licensee and be available upon request for inspection by an Engineer under the <i>Water Act</i>].
	Kalamalka Lake	The works authorized under clause (h) hereof shall be constructed to operate with a lake elevation of 390.6 to 392.3 metres (1281.7 to 1287.0 feet) Geodetic Survey of Canada datum.

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Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: New Water Licence- Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Works (continued)	Leave Construction:	The construction and or reconstruction of the works authorized in clause (h) shall not commence until plans prepared by a professional engineer registered in British Columbia have been submitted to and written leave to commence construction granted by an Engineer under the <i>Water Act</i> .
	Leave Operation (Prince George)	Operation of the works authorized in clause (h) shall not commence until leave is given in writing by an Engineer under the <i>Water Act</i> .
	Maintained	The works authorized under clause (h) hereof shall be maintained to the satisfaction of an Engineer under the <i>Water Act</i> .
	Okanagan Lake	The works authorized under clause (h) hereof shall be constructed to operate within a lake elevation of 340.41 to 343.09 metres (1116.8 to 1125.6 feet) Geodetic Survey of Canada datum.
	Okanagan Lake Intake	The water intake must be no less than three (3) meters below the lowest water level of Okanagan Lake.
	Osoyoos Lake	The works authorized under clause (h) hereof shall be constructed to operate with a lake elevation of 276.9 to 280.1 metres (908.5 to 919 feet), Geodetic Survey of Canada datum.
	Skaha Lake	The works authorized under clause (h) hereof shall be constructed to operate with a lake elevation of 336.2 to 338.6 metres (1102.9 to 1111.0 feet), Geodetic Survey of Canada datum.

Appendix 2: Clauses Used in Water Licensing, continued

Table 2A: New Water Licence -Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Works (continued)	Subservient Licence	The rights granted hereunder are exercisable only during such times as the works authorized under [Insert: Water Licence Number], or any licence issued in substitution thereof is being maintained and operated to the satisfaction of an Engineer under the <i>Water Act</i> .
	Vaseux Lake	The works authorized under clause (h) hereof shall be constructed to operate with a lake elevation of 326.1 to 328.8 metres (1069.9 to 1078.7 feet), Geodetic Survey of Canada datum.
	Waterworks	The maximum quantity of water which may be diverted is [Insert: Quantity] cubic metres per year ([Insert: Quantity] gallons per year), provided the maximum daily diversion does not exceed [Insert: Quantity] cubic metres ([Insert: Quantity] gallons).

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: Report for a Water Licence Application- Optional Pick Clauses

Category	Name (Listed Alphabetically)	Wording
Administrative	Abandonment	<p>A notice of abandonment has been received for [Insert Licence to be abandoned].</p> <p>The covering letter should indicate that upon issuance of this new licence, the original licence being amended [Insert Licence to be Abandoned] will be abandoned.</p>
	Aboriginal Interests	A Concise Aboriginal Interest Considerations Report (CAICR) is attached to this report for a new water licence.
	Aboriginal No Infringement	The granting this licence amendment should not infringe on aboriginal rights as [Insert: Reasons].
	Additional Amendment/ Notification	<p>[Insert: Conditional/Final] Water Licence [Insert: Number] requires amendment under Section [Insert: Section] of the <i>Water Act</i> [Optional: All the affected persons should be notified].</p> <p>Name Address</p>
	Additional Amendment Report	The amendment report for [Insert: Conditional/Final] water licence [Insert: Number] is also being forwarded under separate cover.
	Appurtenancy	This licence is appurtenant to [Insert: Description].
	Appurtenancy Boundaries	As the appurtenant land falls within the boundaries of [Insert: Authority], a copy of the water licence should be forwarded to same.

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: Report for a Water Licence Application- Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Administrative (continued)	Appurtenancy Power Commercial	The application is to provide commercially distributed power; therefore the licence should be appurtenant to: The land upon which the water is to be used and to which the licence is appurtenant is the land on which the powerhouse of the [Insert: Name] Generating System is situated, described as that parcel or tract of land within [Insert: Legal Description] [Option: tenured under the <i>Land Act</i> held under Lands File No [Number].
	Appurtenancy Power Residential	The application is to provide power to a residence; therefore the licence should be appurtenant to: The land upon which water is to be used is [Insert: legal description of land where the powerhouse is situated] on which a powerhouse is situated, and the land to which the licence is appurtenant is [Insert: either "said land" or, if the land on which the power is to be used differs from that on which the powerhouse is situated Insert: the legal description of the land on which the power is used].
	Appurtenant Land No Other Applications and Licences	There are no water licences appurtenant or any other applications outstanding on the dominant land (the land of intended water use) under this application.
	Comments Distributed	A copy of the comments received by the referral agencies should be sent to the applicant.

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application- **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Administrative (continued)	Joint Works	The following joint works are related to this application: <hr/> Uccnce Common Wotks
	Joint Works None	There are no joint works related to this application.
	Late Service	Please late serve and refer the application to the following: <hr/> Name Add<ess
	Objections None	There are no objections against this application.
	Objections Filed	The following objections were filed against this application: <hr/> :tion Results
	Objection Dismissal Discussed	The dismissal of the objection has been discussed with the objector [Insert: Date .

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application- **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Administrative (continued)	Objection Concerns Addressed	<p>It is recommended that the [insert: Objection or Concern] filed by [insert: Name] be dismissed on the basis that: [insert: Reason]</p> <ol style="list-style-type: none"> (1) there is water available to meet the licensed demand. (2) senior licences are protected by priority. (3) the quantity of the water which has been authorized in the new water licence has been reduced from the amount which was originally proposed in the water licence application. (4) the irrigation portion of the water licence application has been denied as there is insufficient water available. (5) the irrigation portion of the water licence has been denied as there is insufficient storage available to support irrigation use. (6) the domestic portion authorized has been determined to be adequate for the domestic of the applicant. (7) the [insert: Purpose] water demand under this application, and including all other demands around the lake, will not significantly impact the lake level, the water requirement for fish and your licensed water rights. (8) The issue of a new water licence should not adversely impact on your licensed water rights.
	Objections Upheld Application Refused	<p>It is recommended that the [insert: Objection or Concern] filed by [insert: Name] be upheld and the objector be advised that the application is refused on the basis of insufficient water.</p>

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: Report for a Water Licence Application- Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording				
Administrative (continued)	Permit over Crown Land (PCL) Not Required	The works to be authorized under this application lie on private land, therefore a Permit over Crown Land is not required.				
	Permit over Crown land (PCL) Required	A Permit over Crown land (PCL) is required to authorize works indicated on this application. The legal description of the Crown land to be occupied by the works is Insert: Description]. The dimensions of the PCL re_quired are Insert: the number of metres] metres [Insert: the number of feet] feet in length and mnsert: the number of metres] metres [Insert: the number of fee] feet in width, covering an area of [Insert: the number of hectares!] hectares [Insert: the number of acre] acres.				
	Referral Applicant	A copy of the comments received by the referral agencies should be sent to the applicant.				
	Referral Comments	Comments received about notifications and referral were collected from the following individuals, organizations and agencies: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Name</th> <th style="width: 50%;">Comments</th> </tr> </thead> <tbody> <tr> <td style="height: 20px;"> </td> <td> </td> </tr> </tbody> </table>	Name	Comments		
	Name	Comments				
Water Users' Community New Licence	This licence is subject to the licant becoming a member of the [Insert: name of Water Users' Community] and com lying with their rules and regulations. Note: The [Insert: name of Water Users' Community] should be sent a copy pfthe licence [Option: c/o WUO Manager] and advised to petition the Comptroller of Water Rights to have their Letter of Incorporation amended to include the new licence.					

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: Report for a Water Licence Application- Optional Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording						
Administrative (continued)	Water Users' Community Existing Members	The applicant already hold [Insert: Water Licence Number] on [Insert: Source] and are members of the [Insert: Name] Water Users' Community. Note: The Water Users' Community should be sent a copy of the cover letter and have this new file included in the Letter of Incorporation.						
Demand	Consumptive Demand	The Consumptive Demand is equivalent to [Insert: Quantity] cubic metres a day, or [Insert: Quantity] gallons a day, or [Insert: Quantity] cubic metres per second or [Insert: Quantity] cubic-feet per second, based on a 120/90 day irrigation period.						
	Current Demand (Table)	<p>The Current Demand on [Insert: Source] to which this application is proposed is detailed as follows:</p> <table border="1"> <thead> <tr> <th>Licence or Application</th> <th>Purpose</th> <th>Volume Allotted</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>* Denotes current application</p>	Licence or Application	Purpose	Volume Allotted			
	Licence or Application	Purpose	Volume Allotted					
Total Demand	The Total Demand is equivalent to [Insert: Quantity] cubic metres a day or [Insert: Quantity] gallons a day, or [Insert: Quantity] cubic metres per second or [Insert: Quantity] cubic-feet per second, based on a 120/90 day irrigation period.							

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application- **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Environmental	Federal Fisheries Office	The federal Department of Fisheries Office (Fisheries and Oceans Canada) should be sent a copy of the covering letter and licence.
	Fish Farm	The applicant should be advised in the cover letter that they must obtain a Commercial Fish Farm Licence from the Ministry of Environment in order to raise fish.
	Fish Screening	The applicant should be advised in the cover letter that the federal Department of Fisheries (Fisheries and Oceans Canada) requires that their intake be screened according to the federal Screening Requirements. The federal Fisheries Department Office should be sent a copy of the cover letter and licence.

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application- **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Power	Power Works Description	<p>A review of the proposed waterpower system with the proponent has detennined that the works consist of the following:</p> <ul style="list-style-type: none"> +Diversion Structure - +The intake - +Balancing Reservoir - +Penstock - +Pipeline - +Head -m (- feet) --psi static +Turbine - +Generator -kW +Tailrace -

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application- **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Power (continued)	Power Flow Requirements	<p>The amount of flow required by this scenario was derived using the following formula:</p> $P(kW) = \frac{Q(cms) \times g \times d(Kg/m^3) \times H(m) \times a}{1000}$ <p>Where: P = Power output (kW) Q = Plant discharge (m³s⁻¹) g = acceleration due to gravity (9.8 m(s²)⁻¹), d = density of Water (1000 kg·m³), H = Net available head (m) a = plant efficiency in percent (decimal)</p> $Q(cms) = \frac{P(kW) \times 1000}{g \times d(Kg/m^3) \times H(m) \times a}$ <p>Flow = -m³s⁻¹ (-cfs)</p>

Appendix 2: Clauses Used in Water Licensing, continued

Table 3: **Report** for a Water Licence Application- **Optional** Pick Clauses, continued

Category	Name (Listed Alphabetically)	Wording
Works	Description	<p>A review of the proposed water system with the applicant has detennined the works will consist of the following:</p> <ul style="list-style-type: none"> • Diversion Structure • Intake • Irrigation system • Waterworks water distribution system • Dam • Balancing Reservoir • Pipeline • Sump • Pump • Tank

Appendix 2: Clauses Used in Water Licensing, continued

Table 4: Recommendation for a Water Licence Application

Category	Name (Listed Alphabetically)	Wording
Decision	Granted	<p>Further to Section C of this Report, it is recommended that a new water licence be issued</p> <p>Subject to the clauses and provisions which are contained in Section B 8 & 9 Administrative Details</p>
	Refused	<p>Further to Section C of this Report, it is recommended that the application be refused.</p> <ol style="list-style-type: none"> (1) The source/watershed which you applied on [Insert: Source Name] is fully recorded under existing licences and there is insufficient water in the source to enable me to grant a new licence. (2) The irrigation portion of your water licence application has been refused as there is insufficient water available to support the water use purpose. (3) The irrigation portion of this water licence application has been refused as there is insufficient storage developed to support irrigation use. (4) There is not sufficient flow in [Insert: Source Name] to maintain the fish resource and to support further licensed water demands. (5) The proposed source of water supply is groundwater. At present that the <i>Water Act</i> does not provide for groundwater to be licensed. (6) There is sufficient water under [Insert: Water licence or Licences] to meet the required water quantity.

Appendix 2: Clauses Used in Water Licensing, continued

Table 4: Recommendation for a Water Licence Application, continued

Category	Name (Listed Alphabetically)	Wording
Decision (continued)	Refused (continued)	<p>(7) You have not replied to our letter of [Insert: Date] in which you were reminded to submit material in support of your water licence application your application.</p> <p>(8) You were unable to acquire the necessary Crown land lease or Licence of Occupation to establish required tenure to the land for which this application was submitted. As a result you do not qualify for a water licence under Section 7 of the Water Act.</p>

Appendix 3: Client Objection or Concern Addressed

Letterhead

Date:

File:

Client
Address

Dear

Re: Water Licence Application on _____ by _____

The above application, to which you [OPTION] objected [OR] expressed concern in your letter of _____, has been investigated. I have taken _____ into consideration your objections and concerns.

(INSERT) Clauses or Specific Wording

In view of the foregoing, a licence has been prepared for _____, authorizing the diversion/use/storage of _____ from _____ for _____ purpose during the period of _____. A copy of the licence is enclosed for your information.

(INSERT) Appeal provisions below, if client meets objector criteria)

Section 92 of the *Water Act* gives the recipient of this notice the right to appeal my decision. Information on filing an appeal can be found on the Environmental Appeal Board Web site at <http://www.eab.gov.bc.ca/>.

A right of appeal from my decision lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing; (2) include grounds for the appeal; (3) be directed by registered mail to the Chair, Environmental Appeal Board, PO Box 9425 Stn Prov Govt., VSW 9V1 or personally delivered to the office of the board at 4th floor, 747 Port Street in Victoria, BC VSW 3E9; (4) be delivered within 30 days of receiving this letter, and (5) be accompanied by a fee of \$25, payable to the Minister of Finance and Corporate Relations.

If you have any questions concerning this water licence, please contact [OPTION] this office [OR] Name at Phone Number] or refer to our website at <http://www.cmv.gov.bc.ca/lwsd/>.

Yours truly,

Name
Position
Agency

Enclosure

Office

Appendix 3: Client Objection or Concern Addressed, continued

Common Reasons for a Decision

- I. The diversion/use/storage of water on _____ should not adversely impact your rights on _____.
2. I am also satisfied that the diversion/use/storage of water from _____ will not affect your lands.
3. There is water available on this water source to meet the licensed demand.
4. The water licence will be supported by water supplied from storage and the reservoir will be filled with surplus flows from freshet.
5. The priority date of your water licence is senior to this new water licence. In the event of a water shortage senior licences are protected by their earlier dates of precedence.
6. The quantity of the water which has been authorized in the new water licence has been reduced from the amount which was originally proposed in the water licence application.
7. The irrigation portion of the water licence application has been denied as there is insufficient water available.
8. The irrigation portion of the water licence has been denied as there is insufficient storage available to support irrigation use.
9. The domestic portion authorized has been determined to be adequate for the domestic of the applicant.
10. The water demand for _____ purpose under this application, and including all other demands around the lake, will not significantly impact the lake level, the water requirement for fish and your licensed water rights.
- II. The issue of a new water licence should not adversely impact on your existing licensed water rights.

Appendix 4: Water Licence Template



WATER ACT

CONDITIONAL WATER LICENCE

The owner/owners of the land to which this licence is appurtenant is/are hereby authorized to divert/use/store water as follows:

- (a) The source on which the rights are granted is
- (b) The point of diversion is located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is
- (d) The purpose(s) for which this licence is issued is/are
- (e) The maximum quantity of water which may be diverted is
- (f) The period of the year during which the water may be used is
- (g) The land upon which the water is to be used and to which this licence is appurtenant is
- (h) The authorized works are which shall be located as shown on the attached plan.
- (i) The construction of the said works shall be completed and the water shall be beneficially used prior to the 31st of December . Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.

Insert Additional Clauses

Name
Assistant/Regional Water Manager
Water Stewardship Division
Ministry of Environment

File No.:

Date Issued:

Conditional Licence.:

Appendix 5: Template Water Licence Plat



WATER ACT

Large empty rectangular box for the water licence plat map.

WATER DISTRICT:

PRECINCT:

LAND DISTRICT:

Signature: _____

LEGEND

Date: _____

Scale:

Point of Diversion:
Map Number:



Pipe:

Permit over Crownland:



The boundaries of the land to which the licence's appurtenant are shown thus:



CL _____

File _____

PCL _____

EFFECTIVE DATE:
AMENDMENT NO:

FILE: 76940-00
PAGE: 75

Appendix 6: Permit Over Crown Land Template



PERMIT AUTHORIZING THE OCCUPATION OF CROWN LAND

The holder of Conditional/Final Water Licence _____ whose licence authorizes the diversion, use and (Optional storage) of water from _____, is hereby authorized to occupy Crown land by constructing, maintaining and operating thereon the works authorized under the said licence.

- (a) The Crown land which is authorized to be occupied under this permit is a portion of _____, the location of which is shown approximately on the plan attached to the said water licence.
- (b) The approximate dimensions of the Crown land authorized to be occupied under this permit are _____ metres (_____ feet) in length by _____ metres (_____ feet) in width for an area of _____ hectares (_____ acres), for diversion structure and pipe (See Options below for dam and flooding).

Optional, if Dam site and or Flooding is on Crown land.		
Pipeline:	_____ hectares	_____ acres)
Dam site:	_____ hectares	_____ acres)
Flooded area:	_____ hectares	_____ acres)
Total area:	_____ hectares	(_____ acres)

- (c) Prior to cutting or destruction (Optional and flooding) of any timber necessary to permit construction, maintain and operate the said works (Optional and clearing of the said lands which may be flooded), the permittee shall apply for and obtain a licence to cut timber from the Ministry of Forests, District Manager. The amount of stumpage, royalty and/or compensation payable to the Crown in respect of trees, including merchantable or young growth, cut, removed, damaged, or destroyed by the permittee, shall be the sum or sums fixed by the Forest Service of the Province of British Columbia.
- (d) This permit is appurtenant to the land, mine, or undertaking to which the aforesaid water licence is appurtenant.
- (e) This permit shall become void if the water licence with respect to which the permit is issued should terminate, be abandoned or cancelled, or amended so as to render this permit unnecessary.
- (f) This permit is issued and accepted on the understanding that the permittee shall indemnify and save harmless the Government of the Province of British Columbia for all loss, damage to works, cost or expense suffered by the permittee by reason of the Crown land or any portion thereof being submerged or damaged by erosion or otherwise affected by flooding.

Appendix 6: Permit over Crown land Template, continued

- (g) The holder of this permit shall not be entitled to compensation if the Crown grants permits to other persons to occupy the land affected by this permit.
- (h) In the event of a dispute at any time with respect to the area or boundaries of the land affected by this permit, the holder shall, at his own expense, have the said land surveyed by a duly authorized surveyor.
- (i) (Optional) This permit may be subject to the provisions of the *Navigable Waters Protection Act*.
- (j) (Optional) This permit replaces Permit No:

Ylame
Assistant/Regional Water Manager
Water Stewardship Division
Ministry of Environment

File No.:

Date issued :

Permit No.:

Appendix 7: Cover Letter for a New Water Licence

Letterhead

Date:

File:

Client
Address

Dear

Rc: Water Licence Application on _____

The investigation of your application has been completed. Enclosed is a copy of your new Conditional Water Licence . Please read the document carefully and make careful note of all its conditions.

If additional fees are required, you will be advised in due course.

[INSERT] Appropriate Clause or Clauses

Please note the following:

- 1) Water licenses do not authorize entry on privately owned land for the construction of works, or flooding. Permission of the affected landowner must be obtained or an easement expropriated. For your protection, permission should be in writing and registered with the appropriate Land Title Office.
- 2) Permission for installing works on lands or roadways which are under the jurisdiction of any government agency, must be obtained from the agency concerned.
- 3) The Regional Water Manager should be notified if:
 - a) there is any change in your mailing address;
 - b) you sell the land to which the licence is appurtenant;
 - c) you propose to subdivide the land to which the licence is appurtenant; or
 - d) you propose to alter the works authorized under the licence.

FrontCounterBC will be able to assist you with notification and any applications required to make these changes.

2

Appendix 7: Cover Letter for a new Water Licence, continued

- 4) In order for you to keep your water licence in good standing, the following must be observed:
- a) continued beneficial use of water, as authorized under your licence;
 - b) payment of annual rentals;
 - c) compliance with the terms of your licence; and
 - d) compliance with the terms of the *Water Act*.

Section 92 of the *Water Act* gives the recipient of this notice the right to appeal my decision. Information on filing an appeal can be found on the Environmental Appeal Board Web site at <http://www.eab.gov.bc.ca>.

A right of appeal from my decision lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing; (2) include grounds for the appeal; (3) be directed by registered mail to the Chair, Environmental Appeal Board, PO Box 9425 Stn Prov Govt., V8W 9VI or personally delivered to the office of the board at 4th Floor, 747 Fort Street in Victoria, BC V8W 3E9; (4) be delivered within 30 days of receiving this letter, and (5) be accompanied by a fee of \$25, payable to the Minister of Finance and Corporate Relations.

If you identify any error in this licence, or accompanying Permit Over Crown Land, or if you have any questions please contact [OPTIONAL TNSERT] this office (OR) Name at Phone Number, or refer to our website at <http://www.env.gov.bc.ca/wsd/>.

Yours truly,

Name
Assistant/Regional Water Manager
Office

Enclosure

pe: Water Revenue Unit, Ministry of Environment
PO Box 9340, Stn Prov Govt, Victoria BC V8W 9M1

Appendix 8: Refusal Water Licence Application

Date:

File:

Client
Address

Dear

Re: Water Application on _____

The investigation of your water application has been completed. We have determined the following:

[INSERT Clauses or Specific Wording]

In view of the foregoing, your application is hereby refused.

Rentals, fees and charges may be refunded, in whole or in part, as determined by the Comptroller of Water Rights. The refund may be credited towards rentals, fees or charges under the *Water Act* or applied to any outstanding debts to the province in accordance with the *Financial Administration Act*.

Section 92 of the *Water Act* gives the recipient of this notice the right to appeal my decision. Information on filing an appeal can be found on the Environmental Appeal Board Web site at: <http://www.eab.gov.bc.ca>.

A right of appeal from my decision lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing, (2) include grounds for the appeal, (3) be directed by registered mail to the Chair, Environmental Appeal Board, PO Box 9425 Stn Prov Govt., Victoria, BC V8W 9V1, or personally delivered to 747 Fort Street, 4th Floor, Victoria BC V8W 3E9, (4) be delivered within 30 days from the date notice of the decision is given and (5) be accompanied by a fee of \$25, payable to the Minister of Finance and Corporate Relations.

Yours truly,

:Position
Office

pe: Water Revenue Unit, Ministry of Environment
PO Box 9340, Stn Prov Govt, Victoria BC V8W 9M1

Appendix 8: Refusal Water Licence Application, continued

Common Reasons for Refusal

1. The source/watershed which you applied on _____ is fully recorded under existing licences and there is insufficient water in the source to enable me to grant a new licence.
2. The irrigation portion of your water licence application has been refused as there is insufficient water available to support the water use purpose.
3. The irrigation portion of this water licence application has been refused as there is insufficient storage developed to support irrigation use.
4. There is not sufficient flow in _____ to maintain the fish resource and to support further licensed water demands.
5. The proposed source of water supply is ground water. At present, that the *Water Act* does not provide for groundwater to be licensed.
6. There is insufficient water under _____ to meet the required water quantity.
7. You have not replied to our letter of _____ in which you were reminded to submit material in support of your water licence application. As you have not met statutory requirements that would have kept your application in good standing, your application is now refused.
8. You were unable to acquire the necessary Crown land lease or Licence of Occupation to establish required tenure to the land for which this application was submitted. As a result, you do not qualify for a water licence under section 7 of the *Water Act*.