

Land and Water Boards of the Mackenzie Valley



Reference Bulletin

Water Use

July 22, 2024

Introduction

Water licensing criteria are set out in the Mackenzie Valley Federal Areas Waters Regulations (MVFAWR) and the Waters Regulations, and many of these criteria are based on direct or indirect water use.¹ This Reference Bulletin provides information about water use in the context of water licensing in the Mackenzie Valley. If there is any conflict between this Reference Bulletin and the *Mackenzie Valley Resource Management Act* (MVRMA), the *Waters Act*, or the Regulations, the Acts and Regulations prevail.

Water Use

Under the MVRMA and the *Waters Act*, water use is broadly defined as a direct or indirect use of any kind (unless connected with shipping activities governed by the *Canada Shipping Act*), including, but not limited to:

- a) a diversion or obstruction of waters;
- b) an alteration of the flow of waters; and
- c) an alteration of the bed or banks of a river, stream, lake, or other body of water, whether or not the body of water is seasonal.²

¹ Note that water uses that do not exceed these water licensing criteria may still require a water licence if they do not meet all three criteria set out subsection 4(1) of the [Waters Regulations](#) or subsection 5(1) of the [MVFAWR](#), as applicable.

² See section 51 of the [MVRMA](#) and section 1 of the [Waters Act](#).

Without limiting the above, any withdrawal or diversion of water, directly or indirectly, from a water source for any period of time is considered a water use,³ since the water that is removed is not available to other potential users of the water source during that time.

Water Licence Applications

Applicants must provide the water use information specified in the Application Form and the accompanying LWB [Guide to the Water Licensing Process](#).⁴ A water licence application package must include information about all proposed water uses, both direct and indirect, for the project. This is necessary because the preliminary screening and the licence for the project will be based on the project as a whole.⁵

The LWBs use this information to:

- evaluate the potential impacts of a project for the preliminary screening determination
- determine whether the project needs a type A or a type B water licence (if relevant to the applicable licensing criteria),
- set the authorized water use volume in the licence
- calculate any water use fees

The application must describe water uses even in the case where an applicant is proposing to return water to a water source, including the same source. This is true regardless of the duration of the diversion/withdrawal; the distance between the point of diversion/withdrawal and the point of return; and/or the absence of changes in the chemical or physical characteristics of the water.

Note that Licence applicants proposing miscellaneous, agricultural, conservation, or recreational projects that include a winter road must include information about the proposed water sources for both ice bridge and overland components of the winter road. For these types of projects, however, ice-bridge water use will not be considered in determining whether a project requires a type A or a type B water licence for direct water use,⁶ so only the proposed water use for the overland sections of the road⁷ should be included in calculating the total proposed water use volume.

Additionally, with the exception of power projects, all applicants should exclude any water use from an artificial reservoir with no natural inflow from the proposed total water use volume for a project.⁸

³ This includes water used to construct and maintain an ice bridge over a watercourse as well as water that is circulated continuously from a watercourse to prevent pumps, lines, or equipment (e.g., drills) from freezing.

⁴ See the Apply for Permit/Licence webpage on any of the LWB websites to access the Application Forms and Guides: [GLWB](#), [MVLWB](#), [SLWB](#), and [WLWB](#).

⁵ For more information, see sections 3.0 and 4.2 of the LWB [Guide to the Water Licensing Process](#).

⁶ See item 1, column 2 in Schedule VIII and H of the [MVFAWR](#) and the [Waters Regulations](#), respectively. Note that this exception will only apply if the proposed ice-bridge water use meets all three criteria set out in subsection 4(1) of the Waters Regulations and MVFAWR.

⁷ Water used for the overland sections of a winter road is not exempt from this evaluation because it is not being used for an ice bridge and is not directly returned the same watercourse.

⁸ See item 1 in Schedules IV-VIII and D-H of the [MVFAWR](#) and the [Waters Regulations](#), respectively.

Applicants are encouraged to contact Land and Water Board staff prior to submitting application packages.

Water Use Fees

Water use fees are calculated based on the volume of water use authorized in the water licence for a project.⁹ Water use fees may apply to water that is returned to a water source; however, water use fees do not apply to water that is diverted but otherwise not used.¹⁰

Summary

- All proposed water uses, direct and indirect, must be described in a water licence application for any type of project.
- Any direct or indirect removal of water from a water source for any period of time is considered a water use.
- All proposed water uses for a project must be included in the proposed total water use volume¹¹ for the project, except:
 - Ice-bridge water use for miscellaneous, agricultural, conservation, or recreational projects; and
 - Water use from an artificial reservoir with no natural inflow for all projects other than power projects.
- The proposed total water use volume in the Application will inform the authorized maximum water use volume in the licence.
- If water use fees are required, they will be based on the authorized maximum water use volume in the licence.

⁹ See the LWB [Water Use Fee Policy](#) for more information.

¹⁰ See subsection 9(5) of the [MVFAWR](#) and subsection 8(5) of the [Waters Regulations](#).

¹¹ The proposed total water use volume is the sum of the proposed water use volumes for all of the proposed water uses for a project. The proposed total water use volume will inform the authorized maximum water use volume set out in the licence.