

Land and Water Boards of the Mackenzie Valley



Reference Bulletin

Water Use

June 11, 2020

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. This Reference Bulletin provides information about what constitutes 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.¹

Any withdrawal or diversion of water, directly or indirectly, from a water source for any period of time is considered a water use, since the water that is removed is not available to other potential users of the water source during that time.

A water licence application package must include information about all proposed water uses for the project. If the applicant is proposing to return water to a water source, including the same source, this must be described in the application and included in the proposed total water use volume, regardless of

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

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.

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 authorized water use, which will be set out in the water licence for a project.² 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.³

Summary

- 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 must be described in a water licence application and included in the proposed total water use volume.

² See the MVLWB [Water Use Fee Policy](#) for more information.

³ See subsection 9(5) of the [MVFAWR](#) and subsection 8(5) of the [Waters Regulations](#).