

Water Act essentials for landowners in Alberta

Role of the Farmers' Advocate Office

- The *Water Act* is under the regulatory authority of Alberta Environment and Parks (AEP).
- Water-related concerns should be reported through AEP's [24 Hour Environmental Response Line](#) at 1-800-222- 6514 before contacting the Farmers' Advocate Office (FAO).
- Staff at the FAO assess possible involvement in water-related files on a cases-by-case basis, recognizing that the regulatory authority and technical expertise lie with AEP.

Statutory right to divert water

Under the *Water Act*, a person who owns or occupies the land above groundwater or adjacent to a water body is entitled to divert 1,250m³ per year as a "household user" if they do not have a municipal water source. Household uses include human consumption, sanitation, fire prevention and watering animals, gardens, lawns and trees. Household users have the highest priority under the legislation.

Any "traditional agricultural user" who diverted water prior to January 1, 1999 may continue to divert up to 6,250m³ per year without a license, approval or authorization. A "traditional agricultural user" is someone who diverts water for the purpose of raising animals or applying pesticides to crops.



Water allocation

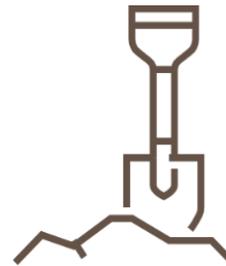
A person who requires water resources beyond their statutory right of diversion may apply for a licence. The licence will stipulate an annual maximum diversion volume and rate, as well as the source, location, and purpose of the use. This licence is appurtenant, which means it is attached to the land, not the applicant.

What is the priority sequence?

The priority sequence only comes into play in the event that a water shortage occurs within a basin. All water licences, with the exception of household licences, are assigned a priority number. Alberta's system is "first in time, first in right," which means that older licence numbers are given priority over newer licences in the event of a water shortage. A traditional agricultural user is not protected in the priority sequence unless they registered their use as a farm unit with AEP prior to January 1, 2002.

Debris

Removal of debris in water bodies is not the responsibility of the provincial government or the municipality. A person who owns or occupies the land adjacent to a water body may remove debris (including beaver dams) without a *Water Act* authorization if the water body is not frequented by fish; however, a *Public Lands Act* authorization may be needed.



Making changes to water on your land

Under the *Water Act*, all water in Alberta is property of the crown, even if it is located on private property. This means that if a landowner wants to make any alterations to the water flow on their land, they must contact AEP for approval before beginning the activity.

This includes any changes to drainage or changes for the purpose of a diversion including:

- dugouts, ditches, berms, water crossings, channel re-alignment, flood control, flood mitigation
- dewatering
- erosion control, infilling, wetland impact
- the installation of tile drainage.

See the factsheets on alberta.ca/water-legislation-and-guidelines or contact AEP toll free at 310-3773 (within Alberta) or 1-877-944-0313 (outside of Alberta) for more information about approvals. AEP staff examine aquatic effects and possible impacts to other users when reviewing an application for approval.

Suspected non-compliance by adjacent landowner

If you suspect that an adjacent landowner's activities are impacting water flow on your land, the first step is to try to talk to the adjacent landowner to try to find an appropriate resolution. If you suspect the adjacent landowner is not in compliance with the *Water Act*, you can start a file with AEP by calling the [24 Hour Environmental Response Line](tel:1-800-222-6514) at 1-800-222- 6514.



Landowners who want to report an adjacent landowner's suspected non-compliance should ensure their own activities are above reproach, as the investigator will be examining all non-compliant activities on the affected lands.

It is important to understand that this process will not necessarily render an immediate resolution to the issue, particularly if the call to AEP is made during busy seasons. Landowners are encouraged to be patient and respectful as the investigation takes place. Requests for updates should be made through the 24 Hour Environmental Response Line. If you are suffering any losses or damage as a result of someone else's non-compliance with the *Water Act* and you are seeking immediate relief, you have the option of applying for an injunction to the Court of Queen's Bench to order the person stop the activity.

Initiating a Water Act licence application

Start by creating a My Alberta Digital ID (MADI) or a My Alberta Digital for Business MADI-B account by clicking on the MADI link: for assistance with MADI or MADI-B, email myalbertaid@gov.ab.ca or call 1-844-643-2789. See this factsheet for more information on Water Act licence applications.

Farm water source assistance

Contact the Ag-Info Centre at 310-FARM (3276) or aginfo@gov.ab.ca to reach a water specialist for advice or technical information on planning your farm water source.

Historical Information

Historical aerial images can be purchased through AEP and may help demonstrate how water flows have changed as a result of a neighbour's alleged activities.

However, it is important to keep in mind that the "way it was" is not always the whole story. Historical alterations to the flow of water may have been controlled in a way that is not (or was not) legal, disproportionately benefitting one user.



Wetlands

In the agricultural region of Alberta, the predominant type of wetland is referred to as a mineral wetland (i.e., shallow open water, marsh and swamps). Wetlands are highly diverse, productive ecosystems that provide a host of ecological services and form an integral component of Alberta's diverse landscapes. They play an important role in sustaining healthy watersheds by protecting water quality, providing water storage and infiltration, providing habitat for wildlife, fish and plants, and sustaining biodiversity.

The ownership of wetlands is determined by the permanence of the wetland. The province does not claim ownership to the bed of wetlands that are not reasonably permanent. However, AEP must be contacted before any alterations to wetlands can occur.



In 2013 the Alberta Government developed the Alberta Wetland Policy. The goal of the Alberta Wetland Policy is to conserve, restore, protect and manage Alberta's wetlands to sustain the benefits they provide to the environment, society and economy. For more information visit alberta.ca/wetlands-overview.

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