

Title:	Water Allocation Policy for Closed River Basins in the South Saskatchewan River Basin Directive
Number:	Environment and Parks, Water Conservation, 2016, No. 3
Program Name:	Water Policy Branch
Effective Date:	August 30, 2006
This document was updated on:	

Purpose

The Directive provides direction and clarification regarding interpretation of Bow, Oldman and South Saskatchewan River Basin Water Allocation Order (Alberta Regulation 171/2007) (the Regulation) and is mandatory for decision-makers with jurisdiction to allocate water in Alberta.

Policy Context

This Directive supports the Regulation, and the Approved Water Management Plan for the South Saskatchewan River Basin, which together recommend that the government no longer accept applications for new water allocations in the Bow, Oldman and South Saskatchewan river sub-basins, and reserve all unallocated water to the Crown in the named sub-basins, and set out limited and specific purposes and circumstances for which reserved water may continue to be allocated.

Reference Documents

- *Water Act*;
- Bow, Oldman and South Saskatchewan River Basin Water Allocation Order;
- *Responsible Energy Development Act*;
- Specified Enactments Jurisdiction Regulation;
- South Saskatchewan Regional Plan; and
- Approved Water Management Plan for the South Saskatchewan River Basin.

Background

Following public consultation and technical and scientific input, the Approved Water Management Plan for the South Saskatchewan River Basin (hereinafter referred to as “the Plan”) was approved by Cabinet in August 2006.

- The Plan starts from an explicit recognition that limits for water allocations had been reached or exceeded on the Bow, Oldman, and South Saskatchewan River sub-basins, putting at risk Alberta’s obligation to provide water to neighbouring provinces and conserve the aquatic ecosystem.
- Prioritizing flow restoration and protecting the aquatic environment is the primary lens through which decisions about water management are to be made.
- The Plan recommended, and government accepted, that government no longer accept applications for new surface water allocations in the Bow, Oldman, and South Saskatchewan rivers sub-basins until a Crown reservation specified how water not currently allocated was to be used.
- This closure of these sub-basins to new applications, outside specific limited purposes and circumstances, was necessary to:
 - recover and conserve the aquatic environment;
 - reduce the risk that existing license holders would not be able to receive their allocations;and
 - ensure that Alberta meets its commitments to provide water to its downstream provincial neighbours.

The Regulation was enacted in 2007 under s. 35 of the *Water Act* to reserve all unallocated water to the Crown in the Bow, Oldman, and South Saskatchewan sub-basins and set out purposes and circumstances for which reserved water may be allocated.

- The Regulation permits water to be allocated for limited and specific purposes, as outlined in Sections 3, 4, 6 and 8.

Policy Scope

The Directive:

- applies to the Bow, Oldman, and South Saskatchewan river basins.
- is effective upon approval and affirms the government's expectation and long standing practice that applications for any new water withdrawals from the closed sub-basins will not be considered unless the applications fit within the specific exceptions in the Regulation.
- provides clarification to Environment and Parks and the Alberta Energy Regulator.

Reservations of Water

Section 2 of the Regulation establishes two categories of water:

- reserved (Crown) water that can only be allocated for limited purposes outlined in the Regulation, for example: use by First Nations, storage, water for conservation objectives, or to process applications deemed complete before the Regulation was passed, and
- allocated water held under a licence, registration or specified in a preliminary certificate.

Specified Purposes

Section 2 is to be read in the context of sections 3,4, 6 and 8 of the Regulation that together permit only reserved water to be allocated and only for limited and specific purposes and circumstances. These are:

- For use by a First Nation (as defined in the Regulation) on a First Nation Reserve or for a project that is partially or wholly owned and operated by the First Nation on land that is owned and controlled by the First Nation and capable of being served by the basin in question;
- For a water conservation objective;
- For storage for the protection of the aquatic environment and for improving the availability of water to existing license holders or registrants; or
- When a complete application for a license was filed with the Director prior to the Order being filed under the *Regulations Act*.

It is only for the purposes or in the circumstance listed above that any application can be considered for a new allocation of water in these sub-basins.

Effective Date

This Directive affirms the government's expectation since the approval of the Plan by Cabinet in April 2006 that applications for any new water withdrawals from the closed sub-basins will not be considered unless the applications fit within the specific exceptions in the Regulation.

Directive Review and Amendment

This Directive may be reviewed and amended by the Department as required.

Original signed by: _____
Andy Ridge
Water Policy
Environment and Parks

Date: September 22, 2016