

Water Act

Licences

To divert and use surface or groundwater in Alberta requires a licence under the *Water Act*.

The licence identifies the water source, location of the diversion site, volume, rate and timing of water to be diverted, priority of the “water right” established by the licence, the conditions of the licence.

For short-term water use of one year or less, a temporary diversion licence can be issued. For water use lasting more than one year a licence is required. See *Water Act: Temporary water diversions fact sheet*: <https://open.alberta.ca/publications/water-act-temporary-water-diversions>

Licence applications are no longer accepted in the South Saskatchewan River Basin (including the Bow, Oldman and South Saskatchewan River sub-basins) from surface water sources. Applications for groundwater diversions that are not hydraulically connected to a surface water source continue to be accepted.

Note: licences to divert water are **NOT** required for:

- statutory household use
- traditional or exempted agriculture use (for original landowners, see Section 19 of the *Water Act* <https://www.qp.alberta.ca/documents/Acts/W03.pdf>)
- firefighting
- wells equipped with hand pumps
- alternate watering systems that use surface water for grazing livestock, such as some types of dugouts (see *Water Act: Dugouts fact sheet*: <https://open.alberta.ca/publications/water-act-dugouts>)

To apply

Licence applications can be submitted electronically through the Digital Regulatory System (DRAS) at: <https://www.alberta.ca/digital-regulatory-assurance-system.aspx>

Include with the application:

- accurate drawings that show, as applicable:
 - suitable scale, north arrow, date and legal land location, tied to section or quarter-section lines
 - water and wastewater conveyance structures such as ditches, canals, water supply lines, wastewater discharge channels, etc.

- location of intake structures, control structures, spillway, dam and reservoir locations, including cross-sections of structures, dams, and reservoirs
- layout of the water system, indicating location and extent of lands to be serviced
- number of acres to be irrigated (with irrigable areas shown cross-hatched)
- reservoir capacity elevation rating curve
- written consent for any lands or undertakings not owned by the applicant to which the licence will appertain.

Complex projects

Depending on the complexity of the project, you may be required to provide a description that includes construction specifications, proposed construction schedule, operational plans, water requirements and method of operation.

Other requirements

- Plans may require the professional stamp of an engineer registered with the Association of Professional Engineers, Geologists and Geophysicists of Alberta
- Hydrologic analysis (water availability) indicating potential adverse effects on the water supply source, neighbouring lands, works, and water supply and the aquatic environment
- Irrigation projects that involve agricultural crop production (grains, wheat, barley, etc.) may require an Agricultural Feasibility Report that indicates soil and water suitability and water requirements for irrigation, system losses and method of operation (see *Guideline for Preparing Agricultural Feasibility Reports for Irrigation Projects*: <https://open.alberta.ca/publications/077852020x>)
- Anticipated operating capacity of pumps (pump specifications for intake and water well pumps)
- Geotechnical information for dykes and dams falling within the specifications outlined in the *Dam and Canal Safety Guidelines*: <https://open.alberta.ca/publications/9781460141571>

After an application has been submitted, a *Water Act* licence or a preliminary certificate may be issued. The preliminary certificate is a “promised” water allocation. Once its conditions have been fulfilled, this certificate expires and a licence is issued. **Note:** A preliminary certificate does **NOT** authorize an activity or a diversion of water.

A licence may be issued where the water source can supply the needs of the applicant and the diversion of water has no adverse effect on the source, surrounding user, or the environment. Licences may include conditions that require the licensee to submit water monitoring data and quantities of water diverted. Alberta Environment and Protected Areas may investigate concerns raised by users impacted by a licensee’s diversion.

A licence’s expiry date is based on the project type, the requirements of the Water (Ministerial) Regulation, or at the Director’s discretion.

Appeals

The applicant, or an individual who is directly affected, can appeal decisions on applications for licences. Appeals should be submitted to the Environmental Appeals Board.

Licence fee

Applicants requesting an annual water diversion that exceeds 62,500 cubic metres are obliged to pay an application fee.

WATER ACT LICENCE FEE

Annual diversion in m ³	Fee
0 – 62,500	Nil
62,501 – 75,000	\$90.00
75,001 – 87,500	\$105.00
87,501 – 100,000	\$120.00
100,001 – 112,500	\$135.00
112,501 – 125,000	\$150.00
125,001 – 250,000	\$225.00
250,001 – 375,000	\$300.00
375,001 – 500,000	\$375.00
500,001 – 625,000	\$450.00
625,001 – 750,000	\$525.00
750,001 – 875,000	\$600.00
875,001 – 1,000,000	\$675.00
1,000,001 – 1,125,000	\$750.00
1,125,001 – 1,250,000	\$825.00
1,250,001 – 2,500,000	\$900.00
2,500,001 – 3,750,000	\$975.00

Annual diversion in m ³	Fee
3,750,001 – 5,000,000	\$1,050.00
5,000,001 – 6,250,000	\$1,125.00
6,250,001 – 7,500,000	\$1,200.00
7,500,001 – 8,750,000	\$1,275.00
8,750,001 – 10,000,000	\$1,350.00
10,000,001 – 11,250,000	\$1,425.00
11,250,001 – 12,500,000	\$1,500.00
Over 12,500,000	\$1,500.00 plus \$15.00 for each additional 125,000 (m ³) or portion thereof over 12,500,000 (m ³)

Enforcement

Anyone who conducts an activity in a water body or diverts water without the appropriate authorization under the *Water Act*, may face enforcement action with a maximum fine of up to \$50,000 for an individual and up to \$500,000 for a corporation.

If you witness or have information about a potential environmental emergency or a complaint, contact the Energy and Environmental Response Line at 1-800-222-6514. This is a 24-hour emergency line and your anonymity is guaranteed.