

Water Act: Water Diversion for Agricultural Uses During Low Flow Conditions

Temporary Diversion Licences and Low Flow Conditions

Under the *Water Act*, an authorization is required for diverting and using surface and groundwater in Alberta except under specific circumstances and for some uses.

Authorizations to divert water include:

- a Temporary Diversion Licence (TDL) issued for a one year term;
- a licence issued for a term longer than one year (usually 10 years); or
- a registration issued to agricultural producers who applied prior to 2001.

At times of low flow or water shortage, the Government of Alberta may temporarily stop issuing new TDLs and may suspend or cancel existing TDLs. The Government of Alberta resumes accepting applications for TDLs when conditions improve. Licences may also include conditions that allow the Government of Alberta to reduce or limit diversions.

Agricultural producers can still access water for livestock and crops during low flow conditions through several means. Subject to the licence conditions, a licensee or traditional agricultural user can continue to use their allocation during a water shortage, unless there has been a “priority call” for their water allocation. Under extreme water shortages where there is not enough water to meet all of the licensee needs in a particular basin, licensees will be notified of whether or not they may continue to divert their water allocation, which is based on the licensee’s

seniority in the water priority system. For more information on Alberta’s Water Priority System, see:

- [Alberta’s Water Priority System](#)

Several legislative requirements apply when diverting and using surface and groundwater in Alberta.

If an individual does not hold an existing TDL, there are some cases where TDLs are not required for water use.

Diversions without a Licence

Provided that water sources can be accessed on an individual’s own property, a licence is not required in the following cases:

- **Household user:** A total of up to 1,250 cubic metres per year can be diverted for household purposes. As per Section 21 of the *Water Act*, household purposes include human consumption, sanitation, fire prevention and watering animals, gardens, lawns and trees.
- **Exempted agriculture user:** If the individual owned the land prior to January 1, 1999 and used the water source prior to January 1, 1999, up to 6,250 cubic metres per year may be used for agricultural purposes (including livestock watering and pesticide application). The water can be moved to anywhere on the individual’s own property that is part of the farm (Section 19 of the *Water Act*).

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- **Alternative watering systems:** Water from a natural surface water source may be used to water livestock via a trough (alternative or off-site watering system) as long as there is no disturbance to the bed and bank of the water source (Water Ministerial Regulation, Schedule 3).
- **Dugouts:** An annual total of up to 6,250 cubic metres may be diverted from any dugout that is smaller than 12,500 cubic metres and is not located in a fish bearing watercourse, lake or wetland (Water Ministerial Regulation, Schedule 3). The dugout does not need to be on the individual's own land, provided that the landowner has given the water user permission and has granted access to the dugout. If water has been pumped **into** a dugout from another source, the exemption does **not** apply. If the source (other than a dugout) is located **outside** of the land owner's property, a licence or TDL is required.

Alternative Water Sources during Low Flow Conditions

Diverting water from some sources may not worsen low flow conditions in streams and rivers. On an individual regional basis, applications for TDLs **may** be accepted under low flow conditions for alternative water sources which may include but are not limited to the following:

- Last polishing cell from municipal wastewater treatment lagoons (*Water Act* TDL and *Environmental Protection and Enhancement Act* Authorization required)
- Storm water ponds
- Gravel pits
- Municipal bulk watering stations
- Stock watering dams greater than 2,500 cubic metres

- Beaver dams or ponds on non fish-bearing water courses
- Large rivers
- Large wetlands

During low flow conditions, water users are advised to contact their regional office before applying for a TDL to verify if TDLs are being considered for the above alternative water sources.

Applying for a TDL

TDL applications can be submitted electronically through the online application system called WATERS (*Water Act* Temporary Diversion Licence Electronic Review System) found at

- [WATERS](#)

Alternatively, if the applicant does not have access to a computer, a paper application form is available that can be faxed to the regional office.

Helpful Tips and Reminders

Please call the **Alberta Environmental Emergency and Complaint Hotline at 1-800-222-6514** to report on water-related activities or diversions that you suspect to be unauthorized.

During water shortages, all water users including agricultural producers are encouraged to do their part to conserve water wherever possible.

All authorizations issued under the *Water Act* and *Environmental Protection and Enhancement Act* are available online at:

- [Authorization Viewer](#)