

# Frequently asked questions: Milk River diversion failure

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How long will it take to repair the canal infrastructure in Montana?

The U.S. Bureau of Reclamation (USBR) has indicated that permanent repairs to the canal will begin immediately, with completion scheduled for September.

Are there any temporary solutions available to divert water on the Montana side?

An engineering site inspection concluded that the complexities and costs associated with providing an interim solution to run water this irrigation season could not be justified considering the anticipated costs and minimal gains in water supply.

What temporary solutions were assessed?

The Milk River Joint Board of Control (JBC), USBR and State of Montana assessed a temporary pipe drop structure and a canal breach into an adjacent wetland to restore some flow from the diversion into the Milk River. Both of these solutions required the 'charging' of the canal with water that would have to be drained to affect permanent repairs. This also posed access, construction and geotechnical risks that outweighed the limited interim benefit they would provide.

Since this infrastructure is located in the USA, what is the role of Environment and Parks?

Alberta Environment and Parks (AEP) staff are in communication with the JBC, USBR and the State of Montana regarding the repairs.

AEP plays a role in providing Milk River water users information in regards to the water supply outlook on the river under natural flow conditions, and will work with water users on conservation strategies and water sharing agreements based on user requests.

What is the role of the government of Canada?

The Government of Canada, coordinated by Global Affairs Canada, appoints a Canadian Accredited Officer for the St. Mary and Milk rivers to oversee the measurement and apportionment of waters of the St. Mary and Milk rivers in accordance with a 1921 Order of the International Joint Commission. Global Affairs Canada, and the U.S. Department of State, also provide funding to the International Joint Commission for work of boards and task forces along the international boundary.

What is the water supply outlook for this summer?

AEP's River Forecast Centre forecasts below average to average natural flow conditions for [the Milk River basin](#), but with a large degree of uncertainty related to precipitation in southern Alberta. Analysis of natural flows for the most recent 30-year period, suggests that expected natural flows for the Milk River at Milk River should exceed one cubic metre per second (cm/s) until at least the beginning of July. During July and August, natural flows are expected to exceed 0.5 cm/s, though there is a greater than 10 per cent probability that no flow could occur. The Eastern Crossing generally has more water than at Milk River during June, but through July/August has less water due to higher channel losses during the height of the summer.

What assistance can Environment and Parks provide impacted irrigators?

We will pass on regular updates about the amount of the natural flow available for irrigation in Canada.

**Note:** In order to better assist Milk River water users, including irrigators, to understand water use and availability on the river, we are asking licenced water users voluntarily provide weekly updates to AEP on their planned water use through the following e-mail: [WaterApprovals.Lethbridge@gov.ab.ca](mailto:WaterApprovals.Lethbridge@gov.ab.ca). Licenced users are asked to identify themselves, provide the *Water Act* licence number associated with the use (where available), and to describe the locations, anticipated volumes (or rates) and approximate timelines for the water use.

Is there any risk to drinking water supply?

AEP understands that the Town of Milk River has several months of water storage capacity should water shortage conditions persist. With good water conservation measures in-place, AEP does not anticipate a risk to drinking water supply at this time.

How will the province keep licence holders informed?

AEP will post updates on our [boundary waters treaty webpage](#). The water supply outlook and information regarding Milk River flows can be found on our [Alberta Rivers website](#) or the Alberta Rivers app.

AEP has collaborated with the Milk River Watershed Council of Canada (MRWCC) to develop an e-mail distribution list of MRWCC members and licenced Milk River water users. AEP and MRWCC will use this list to provide further updates to Milk River water users directly.

What does this mean to irrigators in Alberta this year?

Under the *Boundary Waters Treaty Act*, Alberta irrigators are entitled to 25 per cent of the Milk River's natural flow. The extent of impact to irrigators will depend on how well natural flows are able to support water use demands. Based on the historical flow analysis, it is expected that natural flows will be available to support a portion of irrigation demand during July and August.

What does this mean for recreational uses like canoeing and kayaking?

Natural river flows in the Milk River are not high enough during the summer months for canoeing and kayaking. Flows need to exceed 12 cubic metres per second and such flows normally only occur during the spring runoff or when the St. Mary Canal diversion is operating.

Do I need an authorization from AEP to conduct work in or near the river to access water?

If you need to access the bed, shore or riparian area of the river to access low water, there is a good chance that you require prior authorization. AEP staff can advise you.

For further information related to authorizations under the *Water Act*, please call (403) 381-5322.

If you wish to report a potential non-compliance of the *Water Act* please call 1-800-222-6514

What role does AEP play during water shortage conditions?

AEP is responsible for the protection and management of water resources within the province of Alberta, and administers these responsibilities under the *Water Act*.

If there is insufficient water to supply all allocations, the *Water Act* provides for an order of use through the priority numbers on the licences and registrations. Household users have statutory priority to divert water over all licensees and registrants.

Further information regarding the *Water Act* and associated regulations can be found at:

<https://www.alberta.ca/water-legislation-and-guidelines.aspx>

What is the 'priority system' and how is it managed by AEP?

Every licence and registration is issued with a priority number. For licensees or registrants, the priority system means that a licensee or registrant that has a numerically senior licence number (i.e. a higher priority) is entitled to divert the entire allocation of water specified under that senior licence or registration before a more junior licensee or registrant (with lower priority) has any right to divert water. In times of water shortages, this means that junior licensees or registrants with a lower priority could be "cut off" or restricted from diverting water.

Please note that the priority system is used as a last resort, if other options have been exhausted. If there is a dispute with respect to the order in which water is to be diverted, a licensee or registrant may request assistance from AEP to administer priorities by issuing a water management order.

Further information regarding the priority system under the *Water Act* can be found at:

<https://open.alberta.ca/publications/alberta-s-water-priority-system>

Can authorized water users share water allocations in times of water shortage?

Yes. Firstly, we always encourage water users to try to voluntarily decrease their water diversions as much as possible. Some water users may have water conservation plans or water shortage responses plans that they can implement to decrease their water use.

Secondly, there are tools in the *Water Act* that enable licensees and registrants to manage their diversions of water in a shortage, to work together or independently, through assignments of priority (historically referred to as “water sharing”) or by applying for temporary transfers of water allocated under another licence.

‘Water Sharing’ - What is an agreement to assign water?

Under section 33 of the *Water Act*, a licensee or registrant may assign all or part of the water allocation and priority under their licence or registration to another licensee or registrant for a period of time set out in an assignment, but only up to the amount of water the receiving licence is allocated to divert. The assignment allows the junior licensee to divert water from a senior licensee’s entitlement to avoid being cut off.

As long as the assignment does not cause adverse effects to the water body or other water users, then AEP is not involved, except to be provided with a copy of the agreement.

AEP can provide more information to Milk River water users interested in the water assignment process under the *Water Act*. Contact the Lethbridge office at [WaterApprovals.Lethbridge@gov.ab.ca](mailto:WaterApprovals.Lethbridge@gov.ab.ca) or (403) 381-5322.