

# Water Act: Licences

## FACTS AT YOUR FINGERTIPS

To divert and use surface or ground water in Alberta requires a licence under the province's *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, and any conditions the diversion must adhere to.

Licences can be issued for temporary diversions up to a maximum of one year, or for longer time periods, depending on the project type. See *Water Act: Temporary Diversion of Water* fact sheet.

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 will still be accepted

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

- statutory household use
- traditional agriculture use (for original landowners, see Section 19 of the *Water Act*)
- fire-fighting
- wells equipped with hand pumps
- alternate watering systems that use surface water for grazing livestock some types of dugouts (See *Water Act: Dugouts* fact sheet).

### To apply

Complete and submit an application, found under Forms/applications on the Alberta Environment web site.

Include with the application accurate drawings that show:

- 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., as applicable
- 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) and/or
- reservoir capacity elevation rating curve, as applicable
- Written consent for any lands or undertakings not owned by the applicant to which the licence will pertain.

### 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;

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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* on the Alberta Environment web site);

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*, on the Alberta Environment web site.

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 users or the environment. Licences may include conditions that require the licensee to submit water monitoring data and quantities of water diverted. (This may be done electronically). Alberta Environment 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

Decisions on applications for licences can be appealed by the applicant, or an individual who is directly affected. 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.

Annual diversion in cubic metres	Fee
0 to 62,500	nil
62,501 to 75,000	\$ 90.00
75,001 to 87,500	\$ 105.00
87,501 to 100,000	\$ 120.00
100,001 to 112,500	\$ 135.00
112,501 to 125,000	\$ 150.00

If the proposed water diversion exceeds 125,000 cubic metres, the applicant should contact the nearest regional Alberta Environment office for the appropriate fee.

### Enforcement

Anyone who conducts an activity in a water body without an Alberta Environment approval or who diverts water without a licence may face enforcement action with a fine up to \$50,000 for an individual and \$500,000 for a company or organization.

Anyone who sees a water-related activity that could be illegal should contact Alberta Environment at 1-800-222-6514.