

An aerial photograph of a winding river flowing through a landscape. The river is surrounded by dense green trees in some areas and dry, hilly terrain in others. The sun is low in the sky, creating a bright glow and lens flare effects. The text "Water availability engagement" is overlaid in large white letters.

Water availability engagement

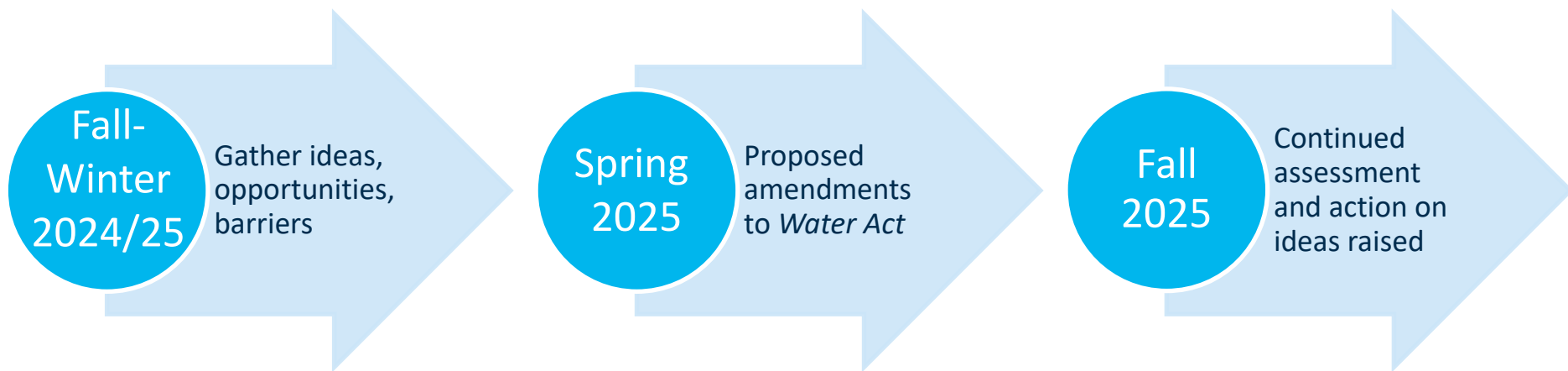
Proposed *Water Act* amendments

Environment and Protected Areas
May 2025

Visit:
alberta.ca/water-availability-engagement

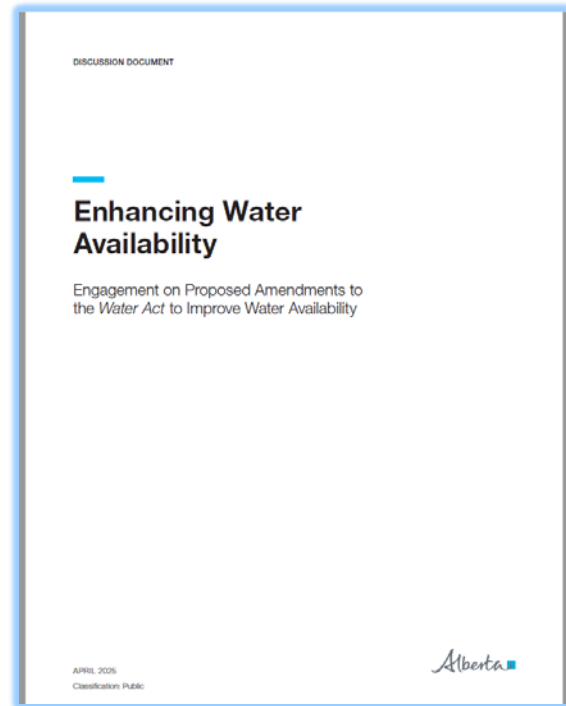


Water availability engagement



Agenda

- Engagement overview
 - Objectives
 - What is not changing
 - Scope of proposed amendments
- Proposed *Water Act* amendments
 1. Streamline decision making for water licensing and transfers
 2. Enhance water use information to support effective and transparent management by all users
 3. Enable lower risk inter-basin transfers
 4. Enable use of alternative water sources
- Next steps



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Objectives

- Support continued water conservation, efficiency, and productivity
- Free up and optimize use of available water
- Improve access to existing water sources, including timely decision-making



What is not changing

- Licence priority allocation system (FIT FIR)
- Existing licensed water allocations will not be reduced
- Water for Life strategy and water management goals
- Licence transfers under approved water management plans
- Water managed on watershed basis; special act still required for higher risk inter-basin transfers
- No provincial royalties, bulk, or volumetric pricing for water
- No new terms/conditions for older licences to meet water conservation objectives

Streamline decision making for water licensing and transfers



Current state

- Licensing and assurance processes are being streamlined
 - Digital Regulatory Assurance System (DRAS) is now the one home for applying, reviewing, issuing, making submissions and reporting, and following up with compliance actions
 - Licensees can manage and track their information and files
- Licence transfers are only enabled in southern Alberta where there are approved water management plans
 - Including Milk River, South Saskatchewan River and Battle River

What we heard – engagement feedback



Licensing rules are inflexible and overly administrative, preventing minor changes to where water is used and diverted

There are opportunities to streamline with service standards

Example: farmer wants to add pivot outside of licensed use boundary



Proposed changes

- Allow minor amendments to points of use and diversion
(section 1.1 and 1.2 in discussion document)
- Streamlining correction of errors that benefit licensees
(section 1.3 in discussion document)
- Setting new service standards for applications, including wait times and information requests
(section 1.4, 1.5 and 1.6 in discussion document)
- New licensing exemptions
(section 1.7 in discussion document)

Amending point of use and point of diversion

Current state	Proposed change
Changes must be within the land specified in the licence or plan (sections 54(1)(b)(v), (vi))	Amend section 54(1)(b) to allow addition or change to point of use or diversion on land not originally specified

With conditions:

- No change in licence purpose or allocation volume
- No significant adverse effects on other water rights or conservation/management of a water body

Streamlining correction of errors that benefit licensees

Current state	Proposed change
Government cannot easily implement licence amendments that benefit the licensee (section 54(1)(a))	Amend section 54(1)(a) to allow government to initiate licence corrections in cases that improve water availability to licensee

Example: storage has changed the pattern of flows available to meet Saskatchewan apportionment



Service standards

Current state	Proposed change
Notice is issued to the applicant, who may not be the authorization holder (sections 108-112)	Issue notice to both the applicant and authorization holder (sections 108-112)
Uncertain wait times for authorization review and approval (sections 37(2), 50(2), 62(2), 73(5))	Designate time periods for specific stages of an application or decision
No limits to supplemental information requests by government to applicant (sections 37(2), 50(2), 62(2), 73(5))	Limit number or scope of supplemental information requests

Exemptions

- Regulation change (not act change)
- Exemptions specify items not directly regulated
 - Exempted items do not require pre-approval or a licence
 - Example: stormwater diversion up to 6250 m³ per year
- Engagement feedback:
 - Identified opportunities for new and expanded exemptions
 - Concern for unmanaged impacts
 - Need to raise public awareness of what is and is not exempted

Existing exemptions – proposed increases

Category	Current limit, m ³	Proposed limit, m ³
Dugouts	Approval – 2,500 Diversion – 6,250 if size is 12,500 or less	Approval – 7,500 Diversion – 7,500 if size is 15,000 or less
Stormwater	Diversion – 6,250	7,500 (pond with outflow) 15,000 (pond w/o outflow)
Wetland replacement	Approval – 6,250 Diversion – 6,250	Approval – 7,500 Diversion – 7,500
Temporary camps	1,250	2,500

Proposed new exemptions

Category	Limit
Emergency preparedness Bridge and sign washing Dust control Riparian vegetation restoration	100 m ³ per source per day
Green Area borrow pits	1000 m ³ per day
Rooftop rainwater collection	-

Discussion

Streamline decision making for water licensing and transfers:

- Allow minor amendments to point of use and point of diversion
- Amendments to correct certain errors
- Setting new service standards
- New licensing exemptions



Enhance water use information to support effective and transparent management of water by all users, including licensing and licence transfers



Current state

- We know volumes allocated, not used
 - Usage data is often incomplete or unreliable
- Water use reporting is inconsistent and not timely
 - Small licences and some old licences may have no or few reporting requirements
 - Medium to large licences may have only basic reporting requirements
- No data collected on prices for transfers

What we heard – engagement feedback



Need for improved water data, measurement and reporting to support optimized, informed timely water management

Need for transparency in information on water use and transfers

Example: transparent information on water use could help connect licensees to voluntary transfer opportunities



Proposed changes

- Standardize measurement and reporting
(section 2.1.1, 2.1.2 and 2.1.3 in the discussion document)
- Allow amalgamated licences to keep original priorities
(section 2.1.4 in the discussion document)
- Define requirements for licences to be in good standing
(section 2.2 in the discussion document)
- Disclose information to support water licence transfers
(section 2.3.1 and 2.3.2 in the discussion document)

Standardized measuring and reporting

Current state	Proposed change
Existing measurement and reporting conditions can be amended; no new conditions can be added (section 54(1)(a)(iii))	Amend section 54(1)(a) to give authority to add/remove/amend measuring and reporting conditions
Can not add terms and conditions to pre-1999 “deemed” licences (section 18(2)(b))	Amend section 18(2) to allow adding or amending of measuring and reporting conditions (only) to deemed licences
Regulations may be made for measurement of water (section 169(2)(dd))	Clarify ability to set standardized measuring and reporting requirements (section 169(2))

Licence amalgamation

Current state	Proposed change
Amalgamated licences are assigned the most junior priority (most recent) of the licensed water allocations that are amalgamated (section 56(2))	Retain original priorities of individual water allocations within an amalgamated water licence (change or repeal section 56(2) to preserve priority numbers)

Requirements for licences to be in good standing

Current state	Proposed change
“In good standing” is mentioned but not defined in the <i>Water Act</i> Confusion about how much water has been reported as used under a licence and whether this could influence “good standing” is affecting willingness of some licensees to offer allocations for transfers	Define the criteria for “in good standing”, in the <i>Water Act</i> or updated policies, to focus on compliance, but exclude the amount of measured and reported use as a matter for assessing good standing

Information on transfer details

Current state	Proposed change
Section 81 (transfer applications) outlines the requirements to consider a licence transfer Any money exchanged is not currently something government requests as part of a water transfer application, received as information, nor factors into its decision-making	Amend section 81 to introduce new requirements for parties to disclose additional information on details of a transfer (including prices paid) Financial information will not be a factor in evaluating the transfer

Publishing information

Current state	Proposed change
No public platform to access water licence information to support transfers	Create a public platform to publish information on water licences, use, and transfers

Discussion

Enhancing water use information to support effective and transparent management by all users:

- Standardize measurement and reporting
- Allow amalgamated licences to keep original priorities
- Define licences in good standing
- Disclose information to support water licence transfers



A serene sunset scene over a body of water. The sun is low on the horizon, partially obscured by a line of bare trees, casting a warm orange glow across the sky and reflecting on the water. Several swans are visible in the water, and the surface is dotted with small ice floes. The word "Break" is centered in the image.

Break

Enable lower risk inter-basin transfers



Current state

- Except for a declared emergency (section 107), all inter-basin transfers must be approved by special Act of the Legislature (section 47, *Water Act*)
 - Applies to all transfers, even small scale, lower risk purposes
 - 7 major river basins listed for purposes of identifying inter-basin transfer
- Standard regulatory requirements also apply
 - Including environmental review and public consultation

What we heard – engagement feedback



Approval process for inter-basin transfers is a barrier to water availability for lower risk purposes, and may increase environmental impacts

Examples:

- Regional potable water lines
- Operations located across or close to a basin boundary, where impacts would be lower if water is sourced from an adjacent basin

Proposed changes

- Establish criteria for lower risk forms of inter-basin transfers
(section 3.1 in the discussion document)
- Introduce alternative approval process for lower risk inter-basin transfers
(section 3.2 in the discussion document)
- Adjust definitions of major river basins
(section 3.3 in the discussion document)

No changes proposed to higher risk forms of inter-basin transfers,
approved by special act

Criteria for lower risk inter-basin transfers

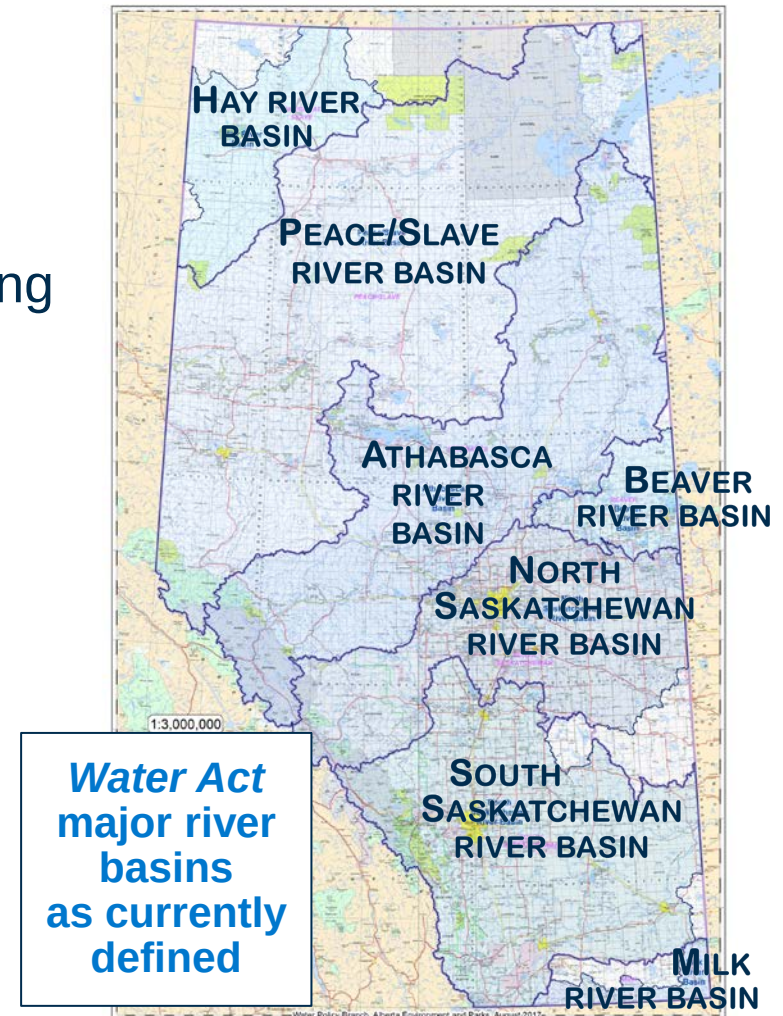
- Proposed change to act section 47
- Lower risk forms of inter-basin transfers could include:
 - Municipal water supply systems
 - Groundwater applications
 - Property or operations that overlap river basin boundaries
 - Treated wastewater applications
 - Specified volume threshold
- Defining higher risk situations

Approval for lower risk inter-basin transfers

- Proposed change to act section 47
- Shift approval of applications that meet criteria for lower risk inter-basin transfers to:
 - Lieutenant Governor Order-in-Council (Cabinet), or
 - Minister of Environment and Protected Areas
- Regulatory requirements will continue to apply
 - Including environmental review and public notice

Adjusting definitions of major river basins

- 7 basins listed for purposes of identifying inter-basin transfers (section 1(1)(ff))
- Proposed to merge Peace/Slave and Athabasca basins, which converge in Alberta
 - Similar to the Bow, Oldman, and Red Deer basins converging within Alberta as the South Saskatchewan River Basin
 - Standard regulatory requirements will continue to apply, including environmental review and public notice



Discussion

Lower-risk inter-basin transfers:

- Establish criteria for lower risk
- Introduce alternative approval process
- Adjust definitions of major river basins



Enable use of alternative water sources



Current state

- *Water Act* does not clearly define and describe access to some alternative water sources
- Lack of certainty on ability to use wastewater, stormwater, and rooftop collected rainwater

What we heard – engagement feedback



Defining and clarifying the use of alternative water sources – including wastewater, rainwater, stormwater and return flows – would provide certainty and support their use

Example: a land developer seeking to manage impacts of urban drainage by using stormwater



Proposed changes

- Enable wastewater reuse
(section 4.1 in the discussion document)
- Clarify rainwater use
(section 4.2 in the discussion document)
- Enable greater stormwater use
(section 4.3 in the discussion document)
- Clarify return flow
(section 4.4 in the discussion document)

Wastewater reuse

- Current rules require a licence for all water diversions and restrict wastewater reuse and sharing between operators
- Seeking feedback on:
 - Defining responsibilities, including creating a mechanism to authorize wastewater reuse by an entity other than the producer

Rainwater use

- Rainwater or precipitation is not defined in the *Water Act*
- Seeking feedback on:
 - Amending the definition of “water” (section 1(1)(fff)) to include rainwater captured before it hits the ground
 - Exemption in Water (Ministerial) Regulation to give proponents certainty when wanting to use rainwater

Stormwater use

- Using stormwater requires a licence
 - Current exemption limit: 6250 m³ per year (Water (Ministerial) Regulation, Schedule 3)
 - In closed basins, new stormwater use requires a licence transfer
- Seeking feedback on:
 - Enabling stormwater use at volumes up to difference in runoff between pre- and post-development
 - Whether stormwater supply and use by third parties should be controlled or regulated

Return flow

- Return flow is specified in licences, but not defined in the act or regulations
- Seeking feedback on amending the act to clarify:
 - return flows are returns to a surface water body, and are subject to licensing requirements
 - whether gross diversion remains the basis for all licences issued
 - what portion should be eligible for licence transfers (considering consumptive v. non-consumptive)

Discussion

Alternative water sources:

- Wastewater reuse
- Rainwater use
- Stormwater use
- Return flow



Next steps

- Submit feedback by online survey by June 30, 2025
- Survey available at engagement website:
alberta.ca/water-availability-engagement
- If you have further questions to support your ability to provide feedback: epa.water@gov.ab.ca
- Government will consider all feedback received as it prepares legislative changes

**Visit:
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