

Alberta's Water Act requires a licence be obtained before diversion of water takes place.¹

Approvals are required where proposed works are to be constructed within a water body.²

Persons diverting and using water for household purposes, as defined in the Water Act, do not require licences. A Statutory Right (with priority above all licences and traditional agricultural use) allows for the diversion of up to 1,250 cubic metres of water per year per household for the purposes of human consumption, sanitation, fire prevention and watering animals, gardens, lawns and trees.

Generally, licences and/or approvals are not required for these situations (see page 2 for examples):

- Water diversion from and/or construction of dugouts where the dugout is:
 - not located in a watercourse frequented by fish or in a lake, or wetland
 - for diversion, a capacity of up to 12,500 cubic metres of water and a use of up to 6,250 cubic metres of water per year
 - for construction, a capacity of up to 2,500 cubic metres of water per year
- Alternative watering system, for which animals are usually grazed, such as animal operated pasture pumps ("nose pumps") or solar-powered or other systems pumping water from a source to an animal watering reservoir

The Water Management Plan for the South Saskatchewan River Basin was approved by the Lieutenant Governor in Council on August 30, 2006. One of the principle recommendations of the plan is for Alberta Environment to no longer accept applications for new surface water allocations in the Bow, Oldman and South Saskatchewan River Sub-basins. Any projects where a licence is required in the aforementioned river basins should be discussed with Alberta Environment to determine if the project is feasible. This would include projects such as water diversion from dugouts located in a watercourse, lake or wetland, shallow groundwater that is hydrologically connected to surface water, etc.

When the water source being diverted is groundwater, specific well construction requirements must be considered. The well must be constructed in a manner that does not allow multiple aquifer completion. The annulus of the well must be sufficiently sealed to ensure production comes from only one aquifer, in order to accurately assess the yield and to ensure protection of the groundwater from contamination. Where the geology is such that no distinct aquifer is present, the slotted liner or screened portion of the well is limited to a maximum 7.62 metre (25 feet) interval. There are also specific yield testing requirements, depending on the amount of water being diverted (see the Groundwater Evaluation Guidelines, available on our website at <http://environment.gov.ab.ca/info/library/7508.pdf>). Well owners should discuss regulation requirements for licensable wells with their water well driller, prior to the commencement of drilling, to avoid unnecessary delays and added costs associated with improperly constructed and tested wells.

More information on licensing requirements may be obtained by contacting Alberta Environment at one of the District Offices shown on page 3 of this Fact Sheet.

¹ "Diversion" means the impoundment, storage, consumption, taking or removal of water for any purpose except the taking or removal of ice jams, drainage, flood control, erosion control or channel realignment.

² "Water body" means any location, including aquifers/groundwater where there are:

- (a) continuous and/or intermittent water flow or presence of water,
- (b) defined bed and banks, and
- (c) aquatic plant and/or animal species.

Situations where approvals and licences, pending water availability, are required:

(Note, a completed application form will be used for both approvals and licences where required)

Examples:	Authorizations Required under the Water Act:	
	Licences:	Approvals:
<ul style="list-style-type: none"> • Water hauling or piping from surface water bodies (e.g. lakes, streams, creeks, rivers, springs, etc.) to reservoirs (e.g. dugouts, ponds, troughs, etc.) with: <ul style="list-style-type: none"> • construction of permanent intake works • insertion of temporary pipeline/hose⁶ 	-yes -yes	-yes -no
<ul style="list-style-type: none"> • Developing dugouts and using the water where a dugout is: <ul style="list-style-type: none"> • located within water bodies • not located within water bodies, capacity is greater than 12,500 cubic metres, or required amount is greater than 6,250 cubic metres per year • not within water bodies, capacity is up to 12,500 cubic metres, and required amount is up to 6,250 cubic metres per year • changing the flow of water on an adjacent parcel of land • located in the same watercourse and parcel of land as an existing dugout • filled with groundwater (unless developed by persons holding approvals, e.g. water well drilling contractors)⁶ 	-review ⁷ -yes -optional -review ⁷ -yes -yes	-yes -yes -review ⁷ -yes -yes -yes
<ul style="list-style-type: none"> • Where animals are grazing and: <ul style="list-style-type: none"> • water is diverted to an off-site trough, using a permanent intake structure, to prevent animals from entering a water body • animals are accessing water directly from a water body 	-optional -optional	-yes -no
<ul style="list-style-type: none"> • Developing springs, by inserting structures (e.g. vertical culverts), for non-household use (unless developed by persons holding approvals, e.g. water well drilling contractors)⁶ 	-yes	-yes
<ul style="list-style-type: none"> • Constructing reservoirs such as backflooding through use of dam structures⁶ 	-yes	-yes
<ul style="list-style-type: none"> • New or expanding agricultural operations where: <ul style="list-style-type: none"> • a new water well or permanent intake structure is required • works are in place but additional water is required from a water well and pumping test information is required under an exploration program⁶ 	-yes -yes	-yes -yes
<ul style="list-style-type: none"> • Developing a water well where the new well is not considered replacement or supplementary wells to existing well^{3,4,6} 	-yes	-yes
<ul style="list-style-type: none"> • Developing a replacement or supplementary well for non-household use (including re-developed and rehabilitated water wells completed in the same aquifer) where there is: <ul style="list-style-type: none"> • a licence for current well • no licence and operating under the exemption of “exempted agriculture user”⁵ • no licence and not operating under the exemption and pumping test information is required under an exploration program⁶ 	-amendment -optional -yes	-no -no -yes

³ replacement well refers to the abandonment (total failure) of previous well and a new well is completed in the same aquifer (water producing interval or zone) as the previous well

⁴ supplementary well is similar to the replacement well however the previous well is not abandoned and the two wells are producing water from the same zone

⁵ exempted agriculture user is a person, owning or occupying land to which a water source is used for the raising of animals or for applying pesticides to crops before the Water Act came into effect on January 1, 1999, who may continue to divert up to 6,250 cubic metres of water per year without an approval, licence, or registration for the water diversion as long as the person owns or occupies the land. There is no priority unless there is a valid licence or registration of traditional agricultural use (see Fact Sheet relating to “Protecting Agriculture Water Supplies”)

⁶ a primary recommendation of the South Saskatchewan River Basin (SSRB) Water Management Plan is that Alberta Environment no longer accepts applications for new water allocations in the Bow, Oldman and South Saskatchewan River Sub-basins. Therefore, the Department is unable to accept any new Water Act licence applications for the diversion of surface water and/or groundwater under the influence of surface water resulting from the construction of new works for diversions of water in these three sub-basins. Please contact an Alberta Environment District Office to discuss your project before considering any new projects for the diversion of water in the SSRB.

⁷ Project would be subject to review by Alberta Environment. Please contact an Alberta Environment District Office to discuss your proposed project.

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