

*Water Act\**

**GUIDELINES FOR LICENSING**  
**WATER DIVERSION PROJECTS**  
(Pursuant to the *Water Act*)

**Revised November 2010**

\*References to legislation and regulations cited are based on content on the issue date of this guideline. Up-to-date information on amendments or other changes is available from the Alberta Queen's Printer and Alberta Environment. The original act and Regulations should be consulted for all purposes of interpreting and applying the law.

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**Government  
of Alberta** ■

*Alberta* ■

Freedom To Create. Spirit To Achieve.

## 1.0 GENERAL INFORMATION

### 1.1 AUTHORITY

Alberta's *Water Act* requires that an approval and/or licence be obtained before undertaking an activity in a water body or before diverting and using water from a water body. Some activities and/or water diversions are exempt from requiring an approval or licence. (See *Water Act – Water (Ministerial) Regulation*).

Section 50 of the *Water Act* outlines the requirements of an Application under the Act.

- 50 (1) *A person who applies for a licence must:*
- (a) make an application in a form and manner satisfactory to the Director,*
  - (b) submit the information required by the Director,*
  - (c) pay the required fees, and*
  - (d) provide notice of the application in accordance with Part 8.*
- (2) The Director may require an applicant to submit any additional information the Director considers necessary within any time period required by the Director.*
- (3) The Director may deem that an application for a licence is an application for an approval.*
- (4) If an applicant for a licence does not own the land in fee simple or the undertaking to which the licence is to be appurtenant, the applicant must submit the written consent of the owner of the land or of the undertaking as part of the application for the licence.*

### 1.2 WATER OWNERSHIP

The Province of Alberta is the owner of all water in the province and Alberta Environment is responsible for managing this very important resource.

### 1.3 INTERPRETATION

(a) “activity” means:

- i) placing, constructing, operating, maintaining, removing or disturbing works, maintaining, removing or disturbing ground, vegetation or other material, or carrying out any undertaking, including but not limited to groundwater exploration, in or on any land, water or water body, that:
  - A) alters, may alter or may become capable of altering the flow or level of water, whether temporarily or permanently, including but not limited to water in a water body, by any means, including drainage;
  - B) changes, may change or may become capable of changing the location of water or the direction of flow of water, including water in a water body, by drainage or otherwise;
  - C) causes, may cause or may become capable of causing the siltation of water or the erosion of any bed or shore of a water body, or;
  - D) causes, may cause or may become capable of causing an effect on the aquatic environment;
- ii) altering the flow, direction of flow or level of water or changing the location of water for the purposes of removing an ice jam, drainage, flood control, erosion control or channel realignment or for a similar purpose;
- iii) drilling or reclaiming a water well or borehole;
- iv) anything defined as an activity in the regulations for the purposes of this Act;

but does not include an activity described in subclause (i) and (ii) that is conducted by a licensee in a works that is owned by the licensee, unless specified in the regulations.

(b) “diversion of water” means:

- i) the impoundment, storage, consumption, taking or removal of water for any purpose, except the taking or removal for the sole purpose of removing an ice jam, drainage, flood control, erosion control or channel realignment; and
- ii) any other thing defined as a diversion in the regulations for the purposes of this Act.

(c) “household purposes” means the use of a maximum of 1250 cubic metres of water per year per household for the purposes of human consumption, sanitation, fire prevention and watering animals, gardens, lawns and trees.

- (d) “water body” means any location where water flows or is present, whether or not the flow or the presence of water is continuous, intermittent or occurs only during a flood, and includes but is not limited to wetlands and aquifers but does not include except for clause (nn) and Section 99 “water body” that is part of an irrigation works if the irrigation works is subject to a licence and the irrigation works is owned by the licensee, unless the regulations specify that the location is included in the definition of water body.
- (e) “watercourse” means a river, brook, stream or other natural water channel and the bed along which this flows.

## **2.0 APPLICATION UNDER THE WATER ACT**

### **2.1 PURPOSE**

- (a) The application form must be completed and signed by the landowner or an authorized official of the company.
- (b) A licence may be issued for any or all of the following purposes:
  - i) municipal;
  - ii) agricultural;
  - iii) irrigation;
  - iv) commercial;
  - v) industrial;
  - vi) water power;
  - vii) dewatering;
  - viii) management of fish;
  - ix) management of wildlife;
  - x) implementing a water conservation objective;
  - xi) habitat enhancement;
  - xii) recreation;
  - xiii) water management;
  - xiv) recreation;
  - xv) any other purpose specified in writing by the Director.

## 3.0 PLANS

### 3.1 GENERAL LOCATION AND KEY PLAN

- (a) Plans should be on a material suitable for microfilming and long-term storage (i.e.: mylar).
- (b) Plans require the stamp of a designated professional.
- (c) Plans should have a title block that includes:
  - i) name of applicant;
  - ii) project name if applicable;
  - iii) legal land description (point of diversion); and
  - iv) drawing number.
- (d) Refer to plans found in Appendix A. The following features, if applicable, should be clearly identified:
  - i) a key plan showing the overall layout of the project and its relative location in Alberta;
  - ii) a general location plan tied to the ¼-section lines. The plan should show the configuration of the water body, location of the control structures, spillway, dams or ponds;
  - iii) scale of plan;
  - iv) north arrow;
  - v) section number shown in centre of section;
  - vi) road allowances;
  - vii) access roads;
  - viii) source of supply (lake, river, stream) and flow direction;
  - ix) intake and pump house details;
  - x) return flow water line;
  - xi) water conveyance structures, such as ditches, canals and water supply pipeline, etc.;
  - xii) reservoir, dugout, ponds, dimensions (length, width, depth, evaporative and seepage losses);

- xiii) include cross sections of structures (i.e.: dams, reservoirs, etc.);
- xiv) water conveyance structures, such as ditches, canals and water supply pipeline, etc.;
- xv) reservoir, dugout, ponds, dimensions (length, width, depth);
- xvi) return flow water lines (i.e.: wastewater discharge); and
- xvii) if applicable, the number of acres to be irrigated (irrigable area(s) to be cross hatched).

#### **4.0 PERMANENT INTAKE WORKS**

The following features, if applicable, should be clearly identified:

- (a) scale of plan;
- (b) water intake structure details;
- (c) pump house;
- (d) pipeline profile (intake to distribution point);
- (e) reservoir, dugout, ponds, dimensions (length, width, depth), capacity;
- (f) intake pipe size and screen size; and
- (g) waste water outflow structure.

#### **5.0 ADDITIONAL DETAILED PLANS**

Depending on the type and complexity of the structures involved, it may be necessary to submit additional detailed plans upon request.

#### **6.0 PUMP EQUIPMENT INFORMATION**

The appropriate pump specifications are required for the intake pump(s) only. Please complete the attached pump information sheet in Appendix B.

#### **7.0 REPORTS**

Depending on the complexity of the project, a report endorsed by a designated professional may be required to demonstrate that consideration was provided for the following:

- (a) existing, potential and cumulative effects on household users, traditional agriculture users and other higher and lower priority licensees;
- (b) existing, potential and cumulative effects on the aquatic environment;

- (c) existing, potential and cumulative effects on any applicable instream objective or Water Conservation Objective;
- (d) existing, potential and cumulative hydraulic, hydrological and hydrogeological effects;
- (e) neighbouring lands and works;
- (f) for proposals that may have an effect on wetlands, an aquatic environment assessment; and
- (g) for irrigation projects, an Agricultural Feasibility Report (for more information see the following guide: <http://environment.gov.ab.ca/info/library/7697.pdf>).

## 8.0 ADDITIONAL INFORMATION

- (a) Additional information required for application:
  - i) project description;
  - ii) hydrogeological assessment (surface or groundwater determination);
  - iii) water requirements;
  - iv) construction specifications;
  - v) proposed construction schedule;
  - vi) operational strategy; and
  - vii) any hydraulic, hydrologic, or hydrogeological analysis performed for the design of the works.
- (b) Impoundments with storage capacity greater than 30,000 cubic metres and a height greater than 2.5 metres must be reviewed under the *Water Act – Water (Ministerial) Regulation*, Part 6, Dam and Canal Safety.
- (c) Written permission to affect road or road allowances from the appropriate provincial or municipal authority.

- (d) The Crown (under Section 3 of the *Public Lands Act*) claims ownership of the bed and shore of all natural water bodies. Therefore, a disposition (i.e.: Licence of Occupation, easement) may be required. To obtain further information, please contact:

**Sustainable Resource Development  
Land Dispositions Branch, Disposition Services Section**

South Tower, Petroleum Plaza  
9915 – 108  
Edmonton, AB T5K 2G8

J. G. O'Donoghue Building  
200, 7000 – 113 Street NW  
Edmonton, AB T6H 5T6

OR

Tel: (780) 427-3570

Tel: (780) 427-3595

- (e) Certain activities (i.e.: waste management, substance release, conservation and reclamation, miscellaneous and potable water) may require approval under to *Environmental Protection and Enhancement Act*. To obtain further information regarding any regulatory requirements under the *Environmental Protection and Enhancement Act*, please contact the local district office by referring to the following website: <http://environment.alberta.ca/contact.html>.
- (f) You may need to have authority under the *Municipal Government Act*. You should contact the Local Authority in which your proposed project is situated. You may be required to identify if a land use re-designation and/or a development permit will be required by the Local Authority to support the proposed project.
- (g) In addition to authorization under the *Water Act* you may also need to obtain authority under federal legislation. You should contact:
- i) relating to the application of federal laws relating to the *Fisheries Act (Canada)*;

**Fisheries and Oceans Canada  
Habitat Management**

**Calgary**

Fisheries and Oceans Canada  
7646 – 8 Street NE  
Calgary, AB T2E 8X4

Tel: (403) 292-5160

**Edmonton**

Fisheries and Oceans Canada  
4253 – 97 Street  
Edmonton, AB T6E 5Y7

Tel: (780) 495-4220

**Lethbridge**

Fisheries and Oceans Canada  
204, 704 – 4 Avenue South  
Lethbridge, AB T1J 0N8

Tel: (403) 394-2920

**Peace River**

Fisheries and Oceans Canada  
9001 – 94 Street  
Peace River, AB T8S 1G9

Tel: (780) 618-3220

- ii) relating to the *Navigable Water Protection Act*.

**Transport Canada  
Navigable Water Protection Program**

Transport Canada  
Navigable Water Protection Program  
Canada Place  
1100, 9700 Jasper Avenue  
Edmonton, AB T5J 4E6

Tel: (780) 495-8215

Fax: (780) 495-8607

- (h) Should the proposed project have the potential to adversely impact First Nations Rights and Traditional Uses, there may be a requirement for the applicant to consult with First Nations (refer to the *Government of Alberta's First Nations Consultation Guidelines on Land Management and Resource Development*).
- (i) Proof of ownership of land in the form of a copy of Certificate of Title, on which the proposed works are to be constructed, must be submitted with an application. Alternatively, if an applicant does not own the land, written consent from the owner of the land must be submitted at time of application submission.
- (j) A licence fee will be charged in accordance with an established fee schedule based on the authorized annual allocation (maximum quantity of water that can be diverted annually). Cheques are to be made payable to the Minister of Finance. The licence fee will be required before the issuance of a licence is considered. Following a review of any application for completeness, applicants will be notified of the requirement for a licence fee. Please do not include licence fee with application submission. See attached fee schedule in Appendix C.
- (k) If you are applying for a licence to divert water through the use of another person's works, a licence may be issued, if an agreement pursuant to Section 52 of the *Water Act* has been submitted to the Director (refer to attached "Section 52") below:

*52 (1) If a person has applied for a licence to divert water through the use of another person's works, the Director may issue a licence under Section 51 for the diversion, whether the applicant's works are constructed, under construction or to be constructed, if*

*(a) the operation of the works of the other person is licensed or authorized under this Act,*

*(b) the applicant for the licence and the owner of the works have made an agreement with respect to,*

*(i) the use and maintenance of the works and, if necessary, the alteration and enlargement of the works,*

*(ii) the method of compensating the owner for the use and maintenance of the works, and*

*(iii) sharing the cost of altering, enlarging or jointly constructing the*

- works, where applicable,*
- (c) the issuance of that licence will not interfere with the licensed diversion of water by the other person, unless the owner of the works has agreed otherwise in a term of the agreement referred to in clause (b), and*
  - (d) the agreement has been submitted to the Director.*

## **9.0 PUBLIC NOTICE**

Once the application is deemed complete, public notice of an application or decision under the *Water Act* (i.e.: newspaper advertisement) is required.

A public notice will be drafted by department staff and forwarded to the applicant. In the case of a newspaper advertisement, copies of each publication must be submitted to the Regulatory Approvals Centre (RAC), in the format of a full-page tear sheet to confirm that publication has been carried out in accordance with the instructions. The cost of advertising is the responsibility of the applicant.

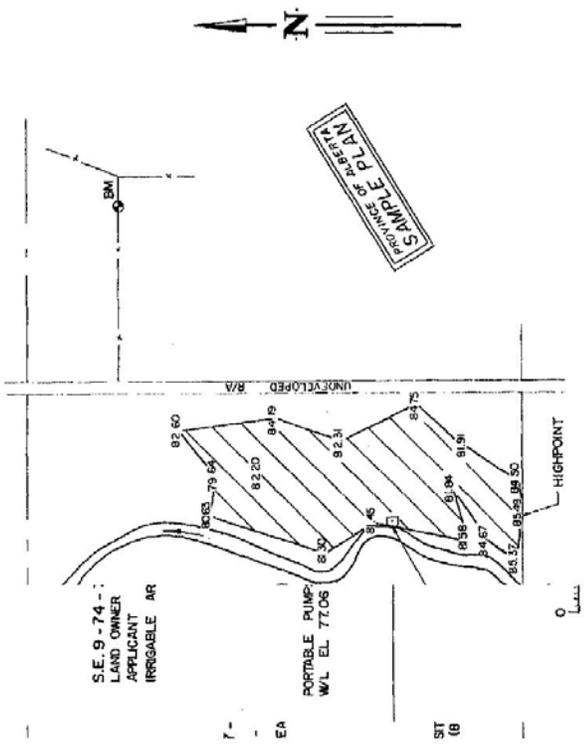
The public notice period required under the *Water Act* is 30 days (for a licence application) and 7 days (for an approval application) following the last publication of the notice. During this period, any person who is directly affected by the application may file a statement of concern with the department.

Statements of concern filed by person(s) directly affected will be considered, before authority is granted under the *Water Act*. Statements filed regarding an application under the *Water Act* are public records which are accessible by the public.

***Note: Please see Appendix D “Water Act Licensing Process” for details of complete licensing process under the Water Act.***

PLAN NO. \_\_\_\_\_  
 THIS DOCUMENT FORMS PART OF  
 AN AUTHORIZATION ISSUED UNDER THE  
 WATER RESOURCES ACT  
 DATE \_\_\_\_\_  
 REVIEWED BY \_\_\_\_\_

BENCH MARK  
 - STD. SNCS. BM  
 - LOCATED AT EAST GATE POST  
 AT CORNER OF FENCELINE BY  
 WOODEN GRANARY  
 - ASSUMED DATUM 100



S.E. 9 - 74 -  
 LAND OWNER  
 APPLICANT  
 IRRIGABLE AR

PORTABLE PUMP  
 W/L EL. 77.06

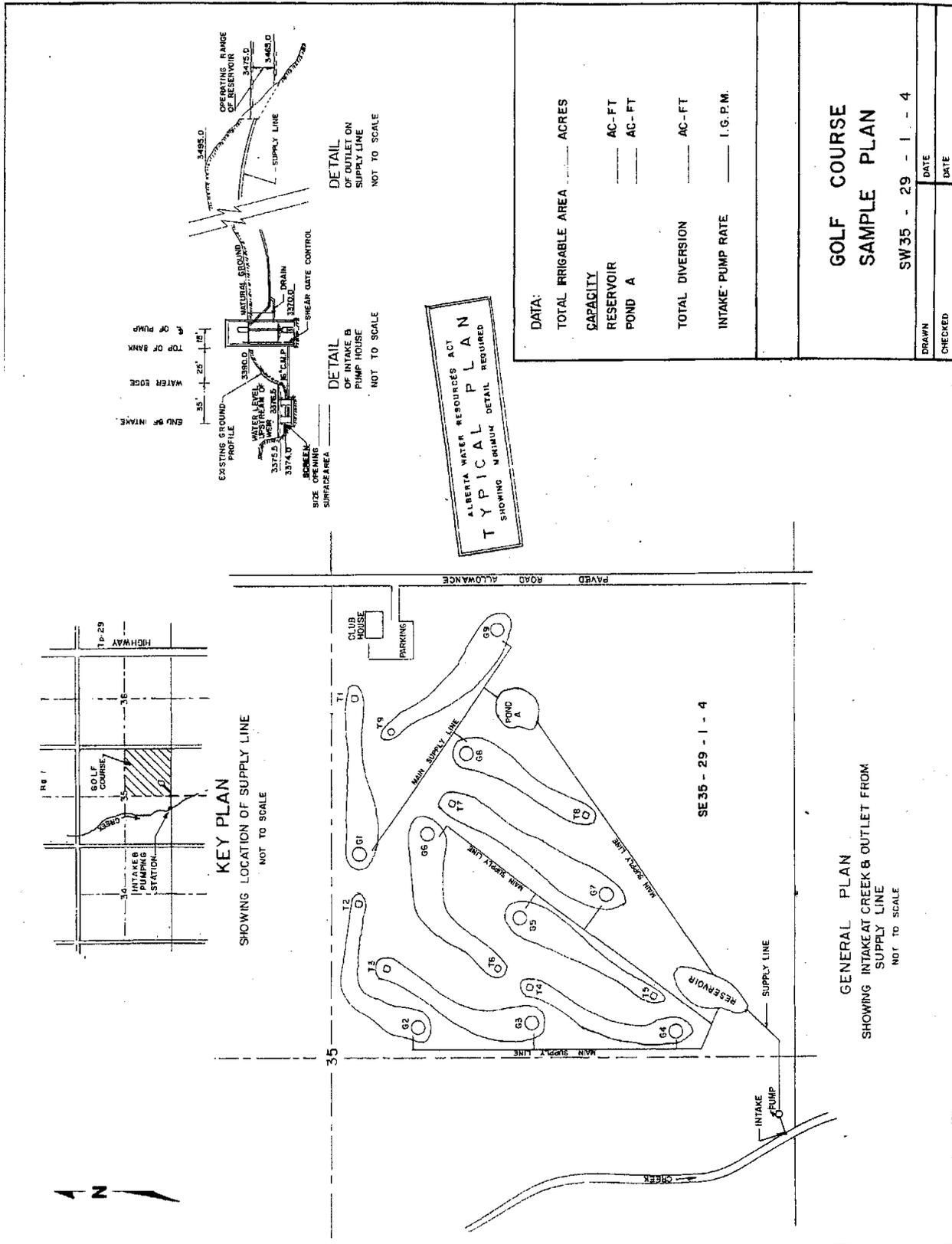
ST  
 (6)

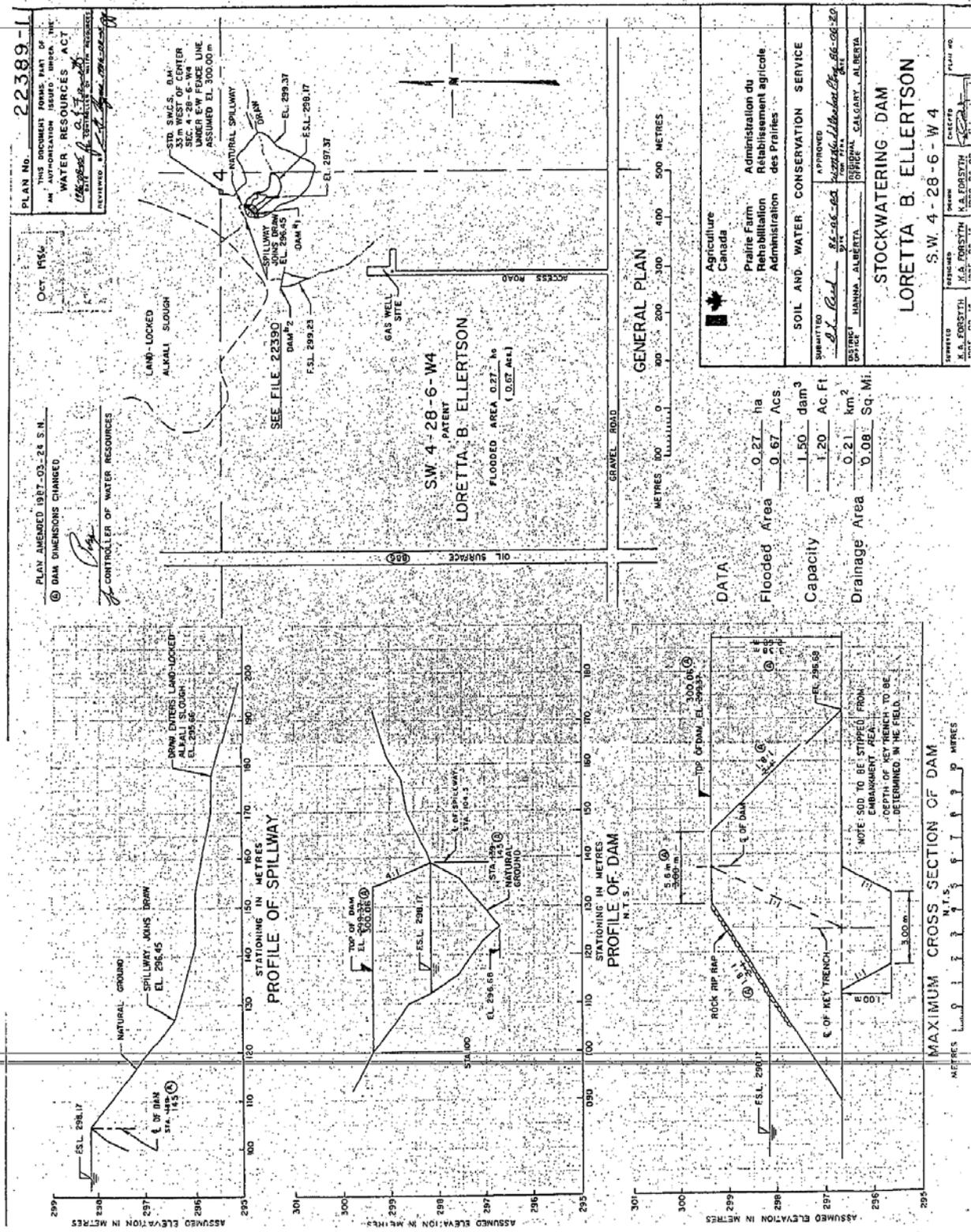
0 200 400m

DATA:  
 Irrigable Area \_\_\_\_\_ ha.  
 \_\_\_\_\_ Acs.  
 Static Head \_\_\_\_\_ m  
 \_\_\_\_\_ Ft.

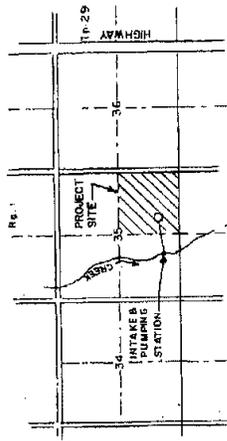
ALL DIMENSIONS ARE IN  
 MILLIMETRES UNLESS  
 OTHERWISE SHOWN  
 DIMENSIONS ARE IN METRES

GENERAL AND DETAIL PLAN  
 IRRIGATION SPRINKLER  
 JOHN DOE  
 S.E. 9 - 74 - 7 - 5





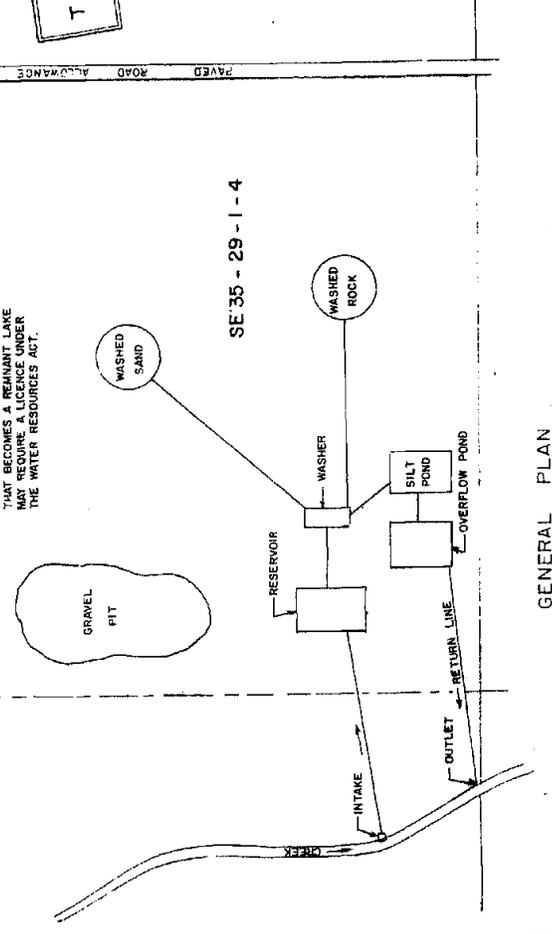




**KEY PLAN**  
SHOWING LOCATION OF SUPPLY LINE  
NOT TO SCALE

NOTE: DEVELOPMENT OF MINED OUT PIT THAT BECOMES A REMNANT LAKE MAY REQUIRE A LICENCE UNDER THE WATER RESOURCES ACT.

SW35 - 29 - 1 - 4



**GENERAL PLAN**  
SHOWING INTAKE AT CREEK & OUTLET FROM RETURN LINE  
NOT TO SCALE

ALBERTA WATER RESOURCES ACT  
**TYPICAL PLAN**  
SHOWING MINIMUM DETAIL REQUIRED

DATA:

CAPACITY RESERVOIR \_\_\_\_\_ AC-FT \_\_\_\_\_ dam<sup>3</sup>  
PONDS \_\_\_\_\_ AC-FT \_\_\_\_\_ dam<sup>3</sup>

TOTAL DIVERSION \_\_\_\_\_ AC-FT \_\_\_\_\_ dam<sup>3</sup>

INTAKE PUMP RATE \_\_\_\_\_ I.G.P.M. \_\_\_\_\_ m<sup>3</sup>/SEC

COMMERCIAL - WASHING

**SAMPLE PLAN**

SW35 - 29 - 1 - 4

DRAWN	DATE
CHECKED	DATE

Name: \_\_\_\_\_

File No.: \_\_\_\_\_

## PUMP INFORMATION

### Pump Data:

Make	
Model	
Type	
Capacity	L/S
	US GPM
	IMP GPM
Inlet Diameter	mm
Outlet Diameter	mm

### Motor Data:

Make	
Model	
Type	
Rating	Watts
	HP

### Static Head:

Static Head	m
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## Licence Fee Schedule Water Act

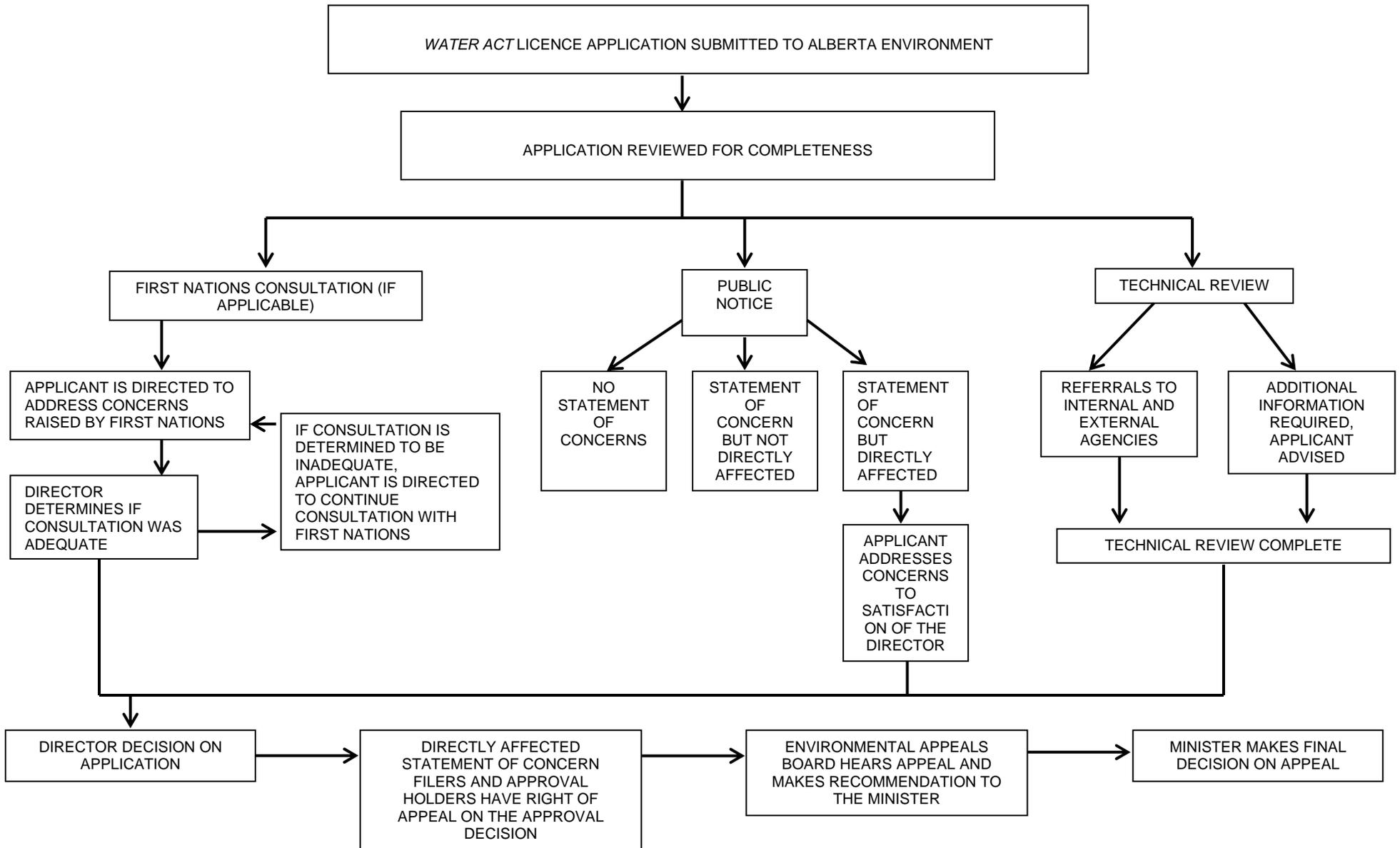
The fee payable for a licence shall be paid before the licence is issued and shall be as follows:

Annual Quantity in Cubic Metres (m <sup>3</sup> )*	\$ Fee
0 - 62,000 (m <sup>3</sup> )	\$0.00
62,501 – 75,000 (m <sup>3</sup> )	\$90.00
75,501 – 87,500 (m <sup>3</sup> )	\$105.00
87,501 – 100,000 (m <sup>3</sup> )	\$120.00
100,001 – 112,500 (m <sup>3</sup> )	\$135.00
112,501 – 125,000 (m <sup>3</sup> )	\$150.00
125,001 – 250,000 (m <sup>3</sup> )	\$225.00
250,001 – 375,000 (m <sup>3</sup> )	\$300.00
375,001 – 500,000 (m <sup>3</sup> )	\$375.00
500,001 – 625,000 (m <sup>3</sup> )	\$450.00
625,001 – 750,000 (m <sup>3</sup> )	\$525.00
750,001 – 875,000 (m <sup>3</sup> )	\$600.00
875,001 – 1,000,000 (m <sup>3</sup> )	\$675.00
1,000,001 – 1,125,000 (m <sup>3</sup> )	\$750.00
1,125,001 – 1,250,000 (m <sup>3</sup> )	\$725.00
1,250,001 – 2,500,000 (m <sup>3</sup> )	\$900.00
2,500,001 – 3,750,000 (m <sup>3</sup> )	\$975.00
3,750,001 – 5,000,000 (m <sup>3</sup> )	\$1,050.00
5,000,001 – 6,250,000 (m <sup>3</sup> )	\$1,125.00
6,250,001 – 7,500,000 (m <sup>3</sup> )	\$1,200.00
7,500,001 – 8,750,000 (m <sup>3</sup> )	\$1,275.00
8,750,001 – 10,000,000 (m <sup>3</sup> )	\$1,350.00
10,000,001 – 11,250,000 (m <sup>3</sup> )	\$1,425.00
11,250,001 – 12,500,000 (m <sup>3</sup> )	\$1,500.00
Anything over 12,500,001 (m <sup>3</sup> )	\$1.500 plus \$15.00 for each additional 125,000 (m <sup>3</sup> ) or portion thereof over 12,500,000 (m <sup>3</sup> )

\* Conversion from Acre-feet to Cubic Metres (m<sup>3</sup>)  
Annual Quantity (ac-ft) X 1233.5 = Annual Quantity (m<sup>3</sup>)

September 2009

# WATER ACT LICENSING PROCESS



Note: The Department expects that any application under the *Water Act* and the *Environmental Protection and Enhancement Act* be submitted at the same time so that they may be processed concurrently.