

Water licence cancellations

For non-use of water allocated by a licence

FACTS AT YOUR FINGERTIPS

Alberta's *Water Act* provides for the cancellation of a water licence if:

- There has been no diversion of any of the water allocated in the licence or, The rights granted under a licence have not been used over a three (3) year period, and
- There is no reasonable prospect the licensee will resume diversion of all or part of the water specified in the licence or resume the exercise of the rights granted under the licence.

Why are licences cancelled?

There are limits to the amount of water that can be allocated from a water source based on the natural flow.

Where there is a significant demand for water, new applications may be denied based on existing licensed allocations and effects on the aquatic environment.

Unused licensed allocations can therefore prevent new water applicants from receiving a licence.

Unused water with a senior priority contributes to uncertainty in the community. If no one can be sure of when or if the water will be used, they are unable to plan for the subsequent effects on other licences and the environment should the licence to into use at some future time.

What are some possible reasons to cancel for non-use?

- The water conveyance works are no longer in existence
- There is no reasonable expectation of future use
- The water conveyance works are in a rundown condition and not capable of diverting the water allocation
- The licensee no longer has access to the water source
- The licensee no longer needs the water for the licensed purpose

If the Alberta Environment Director is of the opinion a licensee is diverting water where there is no actual use other than to prevent the cancellation, the Director may regard this diversion as non-use.

What are possible reasons for not cancelling for non-use?

- Weather conditions prevented the licensee from using a licence allocation
- Federal, provincial, or local laws, rules or regulations temporarily prevented or restricted water use
- A water conservation objective, minimum flow, instream need or instream objective restricted water use for a period of time
- An order "prohibited" water use (e.g. court order, administration tribunal decision, ministerial order/direction or a water moratorium)
- The licensee submitted a plan accepted by the Director indicating a reasonable prospect that diversion will resume
- Extenuating circumstances that are no likely to reoccur

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What is the process for cancellation for non-use?

- A 30-day written notice of cancellation (or other time period specified by the Director) will be sent to the licensee. If there is any information to demonstrate why the licence should not be cancelled, the licensee must provide that information on or before the specified cancellation date
- The Director reviews any information submitted in the specified time period and may contact the licensee to obtain additional clarification
- The Director may consider that it is reasonable to extend the time for the project to be brought into full use, or may proceed with cancellation by notifying the licensee
- If no response is received to the written notice of cancellation, the licence may be cancelled after 30-days (or the time period specified in the written cancellation notice)

Can cancellations for non-use be appealed?

A licensee may appeal the cancellation to the Environmental Appeal Board within 30 days.

For more information about water licence cancellations, please contact your nearest Alberta Environment district office:

Northern Region

Bag 900-5, Provincial Building
9621- 96 Avenue
Peace River, Alberta T8S 1T4
Telephone: (780) 624-6167
Fax: (780) 624-6335

111, 4999 - 98 Avenue
Edmonton, Alberta T6B 2X3
Telephone: (780) 427-5296
Fax: (780) 427-7824

Central Region

Suite 1 250 Diamond Avenue
Telus Building
Spruce Grove, Alberta T7X 4C7
Telephone: (780) 960-8600
Fax: (780) 960-8605

3rd Floor 4920 51 Avenue
Red Deer, Alberta T4N 6K8
Telephone: (403) 340-7052
Fax: (403) 340-5022

Southern Region

2938 11 Street NE
Calgary, Alberta T2E 7L7
Telephone: (403) 297-6582
Fax: (403) 297-2749

200 5 Avenue South
Lethbridge, Alberta T1J 4L1
Telephone: (403) 382-4254
Fax: (403) 381-5337

More information is available by calling the Alberta Environment office nearest you