

## Proposed Amendments to the *Water Act* to Improve Availability

Water is a precious resource and must be managed to meet the province's growing needs. A resilient and efficient water management system is essential for safeguarding the health of Alberta's communities, environment and economy.

Alberta's growing population, economy, and climate variability are placing pressures on water availability, in terms of both the quantity of water available within river basins and the availability of licences for water use, limiting the potential for growth across sectors such as agriculture and industry as well as municipalities.

As part of the province's ongoing work to increase water availability, the government engaged Albertans in fall 2024 to early 2025 to hear ideas on how to strengthen the water management system to enhance availability for years to come.

This second phase of the water availability engagement is focused on addressing administrative barriers and opportunities to enhance water availability as identified from recent engagement feedback. It does not address all the opportunities put forward by Albertans to enhance water availability.

The engagement will be guided by the following objectives:

- support continued water conservation, efficiency, and productivity;
- free up and optimize use of available water; and
- improve access to existing water sources, including timely decision-making.

The Government of Alberta wants to understand your views on the proposed changes to the *Water Act* to improve water availability in the province, including:

1. Streamlining decision making for water licensing and transfers;
2. Enhancing water use information to support effective and transparent management of water by all users, including licencing and licence transfers;
3. Enabling lower risk inter-basin transfers; and,
4. Enabling the use of alternative water sources (e.g., rainwater, stormwater, wastewater).

Please use the [Discussion Document on Enhancing Water Availability – Engagement on Proposed Amendments to the Water Act to Improve Availability](#) to complete this survey. It supports the review of proposed *Water Act* amendments and provides information to support public, water-using sector, Indigenous community and others feedback to inform any change.

The survey will take 45-90 minutes to complete.

Please submit your completed survey to your local Environment and Protected Area office or submit it by email to [epa.water@gov.ab.ca](mailto:epa.water@gov.ab.ca) by June 30, 2025.

### FOIP Collection Notice

The views or opinions you provide, as well as the personal information about you, are protected by the *Freedom of Information and Protection of Privacy* (FOIP) Act. We are collecting this information to help inform decisions about water availability, as authorized by Section 33(c) of the FOIP Act. We will not use or disclose your personal information for any other purpose without your written consent or unless required to do so by law.

If you have questions about how we collect or use your information, contact Executive Director of Water Availability and Partnerships at 9820 106 St, Edmonton, by calling 780-903-3705 or emailing [epa.water@gov.ab.ca](mailto:epa.water@gov.ab.ca).

Please do not submit responses that include personal information about other people.

## Section 1 - Streamlining decision making for water licensing and transfers.

Refer to section 1 of the discussion document.

Feedback from the first phase of engagement noted that current rules prevent water licensees from making relatively minor changes to where they use water and where water is diverted. Currently, changes in location require a new licence to be issued or a licence transfer, even if the change makes no discernable difference to other water users or the aquatic environment.

Rules preventing alterations of point of use or point of diversion may strictly maintain licence priorities (FITFIR) and water management on a watershed basis, but can be overly administrative and costly to licensees, especially for those seeking to increase water efficiency and productivity. Modernizing our water management system to enhance availability requires giving water users the freedom to adapt and improve how water is used without restrictive rules that lock-in old practices linked to when a licence was originally granted.

In addition, there are opportunities to streamline and define Environment and Protected Area's (EPA's) administrative service standards for correcting licensing errors, providing notice to appropriate parties, limiting requests for supplemental information, and the timeliness of application decisions.

### 1.1 Point of use

Currently, under section 54(1)(b) of the *Water Act*, a licensee applying to change or add points of use on an existing licence must be within the land specified in the licence or the plan attached to the licence. Changes or additions to the point of use outside of the licensed specifications requires a new licence, or a licensee to apply for a transfer to themselves, for the expanded scope.

A typical scenario is a user wants to add pivot at point of use outside of the licence boundary, where other factors including the point of diversion, volume of water, and timing of withdrawal remain the same. From an environmental perspective, where it is used is unlikely to be important, especially if return flow is to the same basin.

**Indicate your level of support for changing section 54 of the *Water Act* to allow licence amendments of licences to be able to add points of use, areas or boundaries outside the original point of use specified in the licence.**

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

## 1.2 Point of diversion

Currently, under section 54(1)(b) of the *Water Act*, a licensee applying to move or add a point of diversion for an existing licence must be within the same land specified in the licence or the plan attached to the licence. A proposed change in point of diversion must not adversely affect the water rights of others (household users, other licensees, or traditional agriculture users), nor the ability to conserve or manage a water body.

Indicate your level of support for changing section 54 of the *Water Act* to allow licence amendments to add or change a point of diversion outside the original land specified in the licence or plan attached to the licence, provided there is no adverse effect on the water rights of others nor on the ability to conserve or manage a water body.

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

## 1.3 Director-initiated amendments that correct certain errors to benefit of licensee

Along the South Saskatchewan River, many licences contain instream objectives that were based on apportionment assumptions that no longer apply due to changes in water management (specifically the addition of the Oldman and Dickson dams). Correction of the outdated apportionment assumptions would enable licensees to gain access to water during lower flow conditions. Due to *Water Act* rules (section 54), Directors are unable to take initiative to correct the error to maximize water availability for licensees.

If there is a potential correction or amendment that benefits the licensee, the Director cannot easily implement the change. In this case, under the *Water Act* (section 54) the Director can only correct a clerical error, or a licensee can apply for an amendment, which is administratively inefficient (particularly if the same amendment is required across multiple licences) and means licensees will often not seek or receive the benefit they are entitled to.

Indicate your level of support for the Director being able to initiate corrections or amendments to licences where the amendment results in an ability to access water in lower flow conditions.

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

### 1.4 Notice to appropriate parties

There are numerous provisions within the *Water Act* where there is a requirement to provide notice. Notice requirements are intended for significant stages of an application or decision. Requirements to provide notice may fall to the applicant, the holder of the authorization, delegated actors, the Director, etc. In some cases where the holder of the authorization is not the one submitting an application (e.g., a consultant is applying on their behalf), notice may only be issued to the applicant, and not the holder of the authorization.

Indicate your level of support for amending notice provisions (e.g., section 37(1)) within the *Water Act* to require notice to be issued, not only to the applicant, but also to the holder of the authorization.

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

### 1.5 Time limits on issuance of authorizations

Currently, Part 4, Division 1 (Approvals) and Division 2 (Licences) of the *Water Act* describe the form and manner for applications and the Director's ability to render decisions about them. The Water (Ministerial) Regulation states that an application review shall not start unless and until the application is complete. Authorizations under the *Water Act* are issued following a full course of review by the decision-maker under the act, and may include potential requests for additional information. This may result in widely varying timeframes depending on the complexity of the application and the potential impacts that must be assessed and mitigated.

Indicate your level of support for introducing designated time periods in the *Water Act* or its Water (Ministerial) Regulation for specific stages of an application or decision for reviewing and issuing new or amended authorizations.

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

### 1.6 Limit supplemental information requests

Currently, a supplemental information request is not defined in the *Water Act* or in regulation. Both approval (s.37) and licence (s.50) application sections allow the Director to require the applicant to submit any additional information within any period specified. The decision considerations (must and may) for the Director are outlined in sections 38 (approvals) and 51 (licences), and the Director can ask for as much information as needed to make, and then to defend if appealed, the decision. Scope varies widely between simple and complex decision types that are difficult to pre-specify.

Indicate your level of support for limiting the number or scope of requests for information to complete the application by amending sections 37 and 50. For example, one supplemental information request, with any follow-up limited to clarifying the content of the supplemental information provided.

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

### 1.7 New and expanded exemptions (not an act change)

In addition to the proposed *Water Act* changes listed above to streamline decision making, feedback from the first phase of engagement identified opportunities for new or amended exemptions from requiring a water licence or approval.

Indicate your level of support for changes to exemptions listed in the *Water (Ministerial) Regulation* (Schedule 3), propose to include:

- Increased allowable quantities and/or size of some existing categories, including dugouts, stormwater ponds, and wetland replacement projects; and
- New exemptions for:
  - emergency preparedness, including for fire prevention, fire training, spill response training;
  - bridge and sign washing;
  - dust control;
  - green area borrow pits;
  - rainwater collection; and
  - riparian vegetation restoration.

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

## Section 2 - Enhancing water use information to support effective and transparent management of water by all users, including licencing and licence transfers

Optimizing Alberta's variable water supplies requires reliable water use data to support informed and timely water management decisions by all water users. Improved measuring, reporting and data will enhance coordination of reservoir operations, strengthen instream flow monitoring, and help clarify how water is being used across the province. This is particularly important given the expressed concerns about over-delivery to Saskatchewan under the apportionment agreement - concerns that can be addressed through accurate, transparent data.

These efforts will fully maintain Alberta's first-in-time, first-in-right (FITFIR) principle, with no intent to introduce fees or pricing nor reduce allocations. Better data will also support increased water availability by identifying unused volumes, supporting water transfers, and streamlining issuance of new licences to help growth across sectors, while continue to protect aquatic ecosystem health.

Environment and Protected Areas is continuing efforts to modernize its data and reporting systems to support users in making informed water management decisions. For instance, the department is in the process of digitizing *Water Act* records, including water license records, approvals and registrations. This will provide Albertans with ability to query the records.

Water licences can also now be viewed by geographic location on a public viewer (<https://geospatial.alberta.ca/erv/>), providing better functionality and access to licensee and licence information.

Reporting also plays a critical role in supporting compliance assurance by providing both transparent information on current water use as well as adherence to licensing terms and conditions. Regular, consistent, and accurate reporting supports water managers in making timely decisions and helps identify potential risks, gaps, or non-compliance issues, ensuring that corrective actions can be taken promptly. Enhancing consistency, frequency, and transparency of reporting supports licence holders and water managers in demonstrating accountability and building public trust.

### 2.1 Standardizing measurement and reporting

Most medium to large licences in Alberta, which account for most of the water allocated in the province, have mandatory reporting requirements. Currently, water use reporting by licensee is varied and inconsistent, which hampers the ability to optimize water availability.

Some measurement and reporting currently occurs in different forms that licence requirements, such as irrigation districts providing daily or weekly use and demand estimates to Alberta Agriculture and Irrigation to support district and water reservoir operations, and also providing annual water diversions to inform annual provincial irrigation reports.

## 2.1.1 Authority for introducing new, standardized measurement and reporting conditions

Section 54 of the *Water Act* only allows the Director to amend existing measuring and reporting conditions on a licence. If no such conditions exist, the Director cannot add them unless the licensee requests it. This limits the ability to require consistent and standardized measuring and reporting across all licences and creates gaps in water use data.

Indicate your level of support for amending section 54 of the *Water Act* to give the Director the authority to add, remove and amend the measuring, reporting, and inspection conditions on all licences, regardless of whether such conditions currently exist. This change would enable consistent water use reporting across all licence types, supporting better data, planning and management.

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

## 2.1.2 Applying measurement and reporting conditions to deemed licences

Currently, under section 18, any authorizations and licences prior to 1999 are considered deemed licences under the *Water Act*. The terms and conditions of the deemed licences prevail over any conflicting provisions in the act, including those related to measuring and reporting. As such, the Director cannot introduce new measurement or reporting requirements to these licences—only amend existing ones, if present.

Indicate your level of support for amending section 18 of the *Water Act* to introduce authority for the Director to establish new, or amend existing, measuring and reporting conditions for deemed licences without affecting other existing terms and conditions. All other terms and conditions related to a deemed licence would continue to prevail, ensuring legal standing and priority rights remain unchanged.

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

## 2.1.3 Standardizing measurement and reporting conditions

Currently, the *Water Act* does not expressly authorize regulations to define what parameters must be measured, how often reporting must occur, or to apply requirements differently based on licence type, size, or location. Most requirements are embedded within individual licence conditions, leading to inconsistent enforcement and limiting ability to implement standardized or evolving conditions.

Indicate your level of support for amending section 169 of the *Water Act* to include regulation-making authority for standardized measuring and reporting requirements. This would enable clear definitions of parameters, frequency, and reporting methods; allow flexibility to tailor requirements by region or licence type (e.g., not requiring specific metering equipment); adapt to new technologies or drought and environmental pressures; and reduce administrative burdens through streamlined, automated systems.

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

## 2.1.4 Amalgamation of licences while preserving priority of original allocations

Some licensees have obtained multiple water licences over time (in some cases, up to 20 or more) for water that is diverted through the same infrastructure. If the licensee requests amalgamation of their licences, and other conditions are met (section 56(1)), the Director must assign the highest priority number among the water allocations that are amalgamated (section 56(2)). In practice, this rule prevents licensees from amalgamating their licences, and in turn creates barriers to measuring and reporting as licensees must go through the complicated process of reporting water use against different licences.

Indicate your level of support for repealing section 56(2) of the *Water Act* to retain the original priorities of individual water allocations within an amalgamated water licence. This would simplify and support accurate reporting as licensees could report the total water used within EPA's Digital Regulatory Assurance System without risking a false exceedance of their allocated volumes by reporting water use against the wrong licence.

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?



## 2.2 Defining licences in good standing

Currently, the *Water Act* does not define what constitutes a licence being “in good standing,” but the term is referenced in regulatory processes such as licence renewals and transfers. Currently, failure to comply with measuring and reporting conditions does not formally affect the good standing of a licence, which limits the ability to use non-compliance as a basis for administrative action. Confusion on good standing criteria may also be a barrier to licence holders that may have water that could be made available to transfer to another user. While the term isn’t explicitly defined within the act, the [Administrative Guideline for Transfer of Water Allocations \(2014\)](#) provides criteria for determining a licence not in good standing.

Indicate your level of support for defining criteria for good standing in the *Water Act* or policy could serve to both support compliance with measuring and reporting requirements, and ensure that licence holders have confidence in freeing up water for potential transfers. This would create a practical compliance tool that helps promote accountability by linking timely reporting to eligibility for renewals, transfers, or other administrative actions.

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

## 2.3 Transparency to support water licence transfers

As outlined in the discussion document, water allocation transfers will remain enabled and no new volumetric pricing of water is being considered.

Feedback from the first phase of engagement on enhancing water availability indicated that publicly available information could support additional transfers and operators’ water management planning, including transparency on the price paid for transferred water (which can be reported in board or committee meeting records). Readily available information on water transfers could support economic development and investment in regional areas, by assisting investors such as food processors to assess water availability in areas where they are seeking to develop.

### 2.3.1 Collecting information on details such as prices paid for water licence transfers

Currently, section 81 of the *Water Act* requires that a transfer must contain or be accompanied with any information required by the Director. Any money exchanged is not currently something that government requests as part of a water transfer application, receives as information, nor factors into its decision-making. Any private arrangements for costs associated with securing a transfer between parties involved are not typically shared with the public by those parties.

Indicate your level of support for introducing new requirements for parties involved in a transfer to disclose additional information on details of transfer (including prices paid).

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

### **2.3.2 Publishing information to support water licence transfers**

Currently, there is no public platform for accessing key water licence information to support transfers. Private brokers currently help facilitate transfers, but users lack easy access to data such as licence details, historical use, and availability. This limits transparency, informed decision-making, and broader participation in the transfer system.

**Indicate your level of support for creating a public platform to publish information on water licences, use, and transfers. This would support transparency, reduce reliance on intermediaries, and improve access to information for those seeking to understand and engage in water transfer opportunities.**

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

## Section 3 - Enabling lower risk inter-basin transfers

Refer to section 3 of the discussion document.

Under the *Water Act*, all inter-basin transfers require approval by special act of the legislature for a water licence can be issued - even for small-scale, lower risk projects - with the exception of during a declared water emergency. Environment and Protected Areas works closely with applicants to assess whether legislative approval is likely before advancing a licence application. These applications must meet all the standard regulatory requirements, including environmental review and public notice.

Including in the *Water Act* the requirement for special act of the legislature for an inter-basin transfer was a result of concerns related to bulk water transfers. And feedback from the first phase of engagement on ideas to enhance water availability included concerns about moving significant volumes of water from northern Alberta basins to southern basins, without adequate consideration, controls and oversight. No changes are proposed for higher risk forms of inter-basin transfers.

The requirement of a special act of the legislature for lower-risk forms of inter-basin transfers can be an impediment to ensuring safe drinking water supplies, and in some cases may unnecessarily increase costs (such as for regional wastewater treatment systems) or be a barrier to reducing environmental impacts (particularly for oil and gas operations). For example, an alternative water source to freshwater may be located nearby to an oil and gas operation that crosses two major river basins. If the alternative water source is located in another major river basin from where it is used, the oil and gas operator would first need to seek approval to use the alternative source via a special act of the legislature.

Agricultural farms and other entities such as municipalities may also happen to span the border of two major river basins. In such cases, any movement of water across a major river basin divide - however small in volume - would require a special act of the legislature.

Also, groundwater management across surface water-based watersheds might also be considered lower risk, especially if hydrogeological flow does not mirror hydrological boundaries.

If the *Water Act* or its regulations were amended to allow lower risk inter-basin transfers without a special act, licences and transfer assessment processes would still be required. Full regulatory review—including environmental assessment, opportunity for public notice and appeal—would continue to ensure impacts to water users and aquatic environment are carefully managed.

### 3.1 Establish criteria for a lower-risk category of inter-basin transfers

Currently, any licence transfer that crosses a major river basin boundary must be authorized by a special act of the legislature. The *Water Act* does not provide for any flexibility in the size, purpose, surface or groundwater source, or details of the transfer. The only exception is during a declared water-related emergency, where section 107 gives the Lieutenant Governor in Council authority to approve an inter-basin transfer within the areas and time period of the declared emergency.

Indicate your level of support for identifying circumstances that would be defined in regulation as lower risk inter-basin transfers. These could include transfers for:

- Municipal water supply applications, for example regional water lines/systems.
  - Drinking water is high quality and poses little risk to people or the environment, particularly when piped between municipalities.
- Groundwater applications.
  - Aquifers typically yield much less water than surface water sources
  - The act could also consider hydrogeology, including aquifer properties as well as base of groundwater protection.
- Where a project or operation is located on both sides of a major river basin boundary, and the overall impacts would be lower if water is sourced from an adjacent major river basin compared to where water is used
  - If the project were located anywhere else, the licence would be relatively straightforward.
- Treated wastewater applications.
  - Reusing treated wastewater can avoid taking new water from a natural water body, reducing net environmental impact and could provide a net benefit even in an inter-basin transfer context.
- Applications that fall below a specified volume threshold, where the potential for adverse impacts is considered unlikely or is no greater than typical smaller *Water Act* licensing applications.
  - Amounts could be tailored to reflect the differences in major basin sizes and supply.

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

Share any feedback on situations or issues where special Act of the legislature would remain warranted.

### 3.2 Introduce an alternative approval process for lower risk inter-basin transfers

Currently, section 47 of the *Water Act* requires that any inter-basin transfer, regardless of volume, purpose, surface water or groundwater source, or risk, must be authorized by a special act of the legislature, except during a declared water emergency under section 107, where Cabinet may authorize a temporary transfer for urgent public needs.

Indicate your level of support for amending section 47 of the *Water Act* to introduce two categories of inter-basin transfers:

1. Higher risk transfers or large-scale transfers, which would continue to require a special Act, and
2. Lower risk transfers, which could proceed through the standard licensing process without requiring a special Act.

Enabling of any review processes for inter-basin transfers described in regulations would also require added authority for the Minister to make regulations under section 169.

Authority to approve a lower-risk inter-basin transfer could be shifted from a special Act to either:

- Cabinet, by a Lieutenant Governor Order in Council, similar to how these transfers can be authorized under section 107 during a water-related emergency; or
- Minister, if the inter-basin transfer meets the lower risk criteria set out in regulation.

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

### 3.3 Adjusting definitions of major river basins

Licence transfers that cross a major river basin boundary must be authorized by a special Act of the legislature, whereas transfers that move water across individual catchments within a major river basin do not. The definitions of major river basins are inconsistent in the *Water Act*, and it is questionable whether a special act of the legislature for inter-basin transfers should be required in cases where basins converge within Alberta.

Currently, the *Water Act* lists seven major river basins:

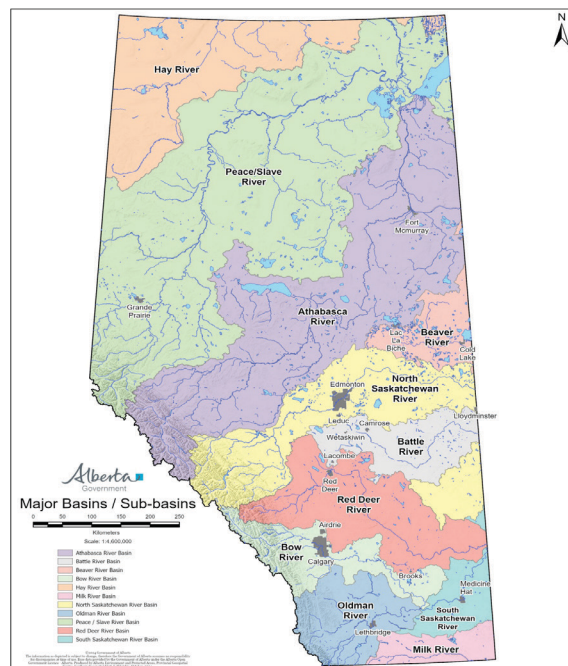
- Peace/Slave River Basin
- Athabasca River Basin
- North Saskatchewan River Basin
- South Saskatchewan River Basin
- Milk River Basin
- Beaver River Basin, and
- Hay River Basin.

Some of the major river basins converge within Alberta, whereas others do not. Further, individual catchments within some major river basins converge outside of Alberta.

Indicate your level of support for consolidating the list of major river basins, including combining the Peace/Slave and Athabasca River basins (that converge within Alberta) to form the Peace-Athabasca-Slave River Basin.

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?



## Section 4 - Enabling the use of alternative water sources

Refer to section 4 of the discussion document.

Alternative water sources have the potential to supplement the use of freshwater sources, providing environmental and economic benefits. The *Water Act* does not clearly describe access to alternative water sources, raising uncertainty for their use to support water conservation, efficiency, and productivity outcomes. Defining and clarifying the use of alternative water sources, including wastewater, rainwater, stormwater, and return flows, will provide regulatory certainty and may support future policy development.

Defining alternative water sources in the *Water Act* is anticipated to be paired with certain exemptions from requiring a water licence, for example, clarifying that rooftop rainwater collection would not require a licence. For context, the *Water Act* defines water as “all water on or under the surface of the ground, whether in liquid or solid state”.

### 4.1 Wastewater reuse

Existing regulations restrict wastewater reuse, and sharing between operators is not contemplated in the *Water Act*. The Water Conservation Policy for Upstream Oil and Gas Operations drives the use of alternatives to non-saline water (i.e., fresh water) for activities such as fracking. However, there is insufficient flexibility or guidance in current policies to allow operators to reuse wastewater for various applications or to allow wastewater from different sources, such as pulp mills or municipalities, to be considered potential alternative water sources (that is, wastewater that is reused in some circumstances can be classified as a waste and not eligible for alternative uses).

**Indicate your level of support for creating a mechanism to authorize reuse of wastewater by an entity other than the producer. This may include defining responsibilities of wastewater producers, users, and regulator(s) related to alternative water sources in the act, regulation or policy.**

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

**Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?**

## 4.2 Rainwater use

Feedback from phase one of water availability engagement included questions on rainwater use, including defining rainwater in the *Water Act*, and specifying how much rainwater can be taken. Rainwater and rainwater use refers to rainwater that is intercepted and captured before it hits the ground, whereas stormwater refers to water that is captured or managed after it hits the ground in the form of runoff.

The *Water Act* does not specify rainwater or precipitation in the definition of water and therefore whether it is subject to (or exempt from) licensing requirements. This creates uncertainty for potential rainwater projects that could benefit businesses as well as everyday Albertans. Without clarity, it could be interpreted that any volume of rainwater could be harvested, stored and used without a licence or oversight, even if there are impacts on other existing water users.

**Indicate your level of support for amending the definition of water to clarify that it includes rainwater captured before it hits the ground.**

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

## 4.3 Stormwater use

Existing regulations and policies restrict the use of stormwater. As stormwater is surface runoff, a licence is required to use stormwater regardless of the volume or purpose for using it. An exemption from a water licence for up to 6,250 cubic metres per year applies to storm drainage storage facilities under the *Water (Ministerial) Regulation*. In southern Alberta, where most sub-basins of the South Saskatchewan River Basin are closed for the purposes of receiving applications for new water licences, a licence transfer from an existing licensee is needed to use stormwater in quantities above the exemption limit.

**Indicate your level of support for enabling stormwater diversion without requiring a water licence, at volumes up to the net difference in runoff between pre- and post-development**

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?

Share any feedback regarding whether stormwater supply and use by third parties should be controlled or regulated.

## 4.4 Return flow

Return flow is the portion of a water allocation that is returned to the water source, usually in the form of treated wastewater. Return flow obligations may be specified in licences including licences issued to municipalities. Return flows may be relied on to achieve water management objectives and transboundary obligations.

Licences are issued presuming any water not consumed or lost in fulfilling the licensed purpose is returned to the environment. Other uses or secondary users are not permitted unless expressly authorized.

Return flows are a fundamental component of the water management system in Alberta, but the term “return flow” is not defined in the *Water Act* or its regulations. When a licence is issued for an allocation, the allocation volume is the gross diversion of water, which has three components: consumption, loss, and return flow.

**Indicate your level of support for amending the *Water Act* to clarify that return flows are returns to a surface water body and are subject to licensing requirements.**

- ☐ I support this proposed change
- ☐ I do not support this proposed change
- ☐ No opinion

Explain why. If you support this proposed change, how would this change benefit you? If you do not support this proposed change, what potential consequences do you anticipate, and how could they be mitigated?



Please comment on the proposed amendment to the *Water Act* to clarify whether gross diversion remains the basis for all licences issued, and what portion should be eligible for licence transfers (e.g., consumptive versus non-consumptive considerations).

Share anything that should be considered for defining limited circumstances when the concept of return flow credit or net diversion could be used to support water availability. Net diversion could be used to allow licensees to increase the volumes or rates of their operational diversions, provided a commitment is made to return a defined volume and rate of flow to the surface water body and they do not exceed their total annual licensed allocation. This may include considerations of acceptable quality of return flows.

## Additional feedback

Should policy changes proceed, additional consequential amendments may be required to other sections and provisions in the act, associated regulations and/or policies, to implement the desired policy intent.

Feedback on related and consequential amendments is welcome.

Share any additional feedback you have about other potential *Water Act* amendments to consider that enhance availability, please provide specific proposal and rationale.

## Tell us about yourself

### I am completing this survey

- ☐ As an individual member of the public
- ☐ On behalf of an Indigenous community or organization representing First Nations or Metis peoples in Alberta
- Provide the name of your Nation, community or organization:

- ☐ On behalf of an organization (such as a municipality, industry, non-profit organization)
- Provide the name of your organization:

Provide the first three digits of your postal code (eg. T2G):

(Required)

How was your experience providing feedback today?

(Choose any one option)

☐ Poor

☐ Acceptable

☐ Good

Explain why.

Thank you for your input. Submit your completed survey to your local Environment and Protected Area office or submit it by email to [epa.water@gov.ab.ca](mailto:epa.water@gov.ab.ca) by June 30, 2025.