



Province of Alberta

WATER ACT

**BOW, OLDMAN AND SOUTH
SASKATCHEWAN RIVER BASIN
WATER ALLOCATION ORDER**

Alberta Regulation 171/2007

Extract

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Note

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(no amdt)

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Definitions

1 In this Order,

- (a) “Act” means the *Water Act*;
- (b) “Bow River Basin” means the Bow River and its tributaries and the water below the ground naturally flowing to and from the Bow River and its tributaries, within Alberta;
- (c) “First Nation” means the Siksika Nation, Tsuu T’ina Nation, Piikani Nation, Kainai Nation or the Stoney (Bears paw, Chiniki, Wesley) Nation, each of which is a band within the meaning of the *Indian Act* (Canada);
- (d) “First Nation Reserve” means a reserve within the meaning of the *Indian Act* (Canada) that is located within the Bow River Basin, the Oldman River Basin or the South Saskatchewan River Basin and that has been set apart for the use and benefit of a First Nation;
- (e) “Oldman River Basin” means the Oldman River and its tributaries and the water below the ground naturally flowing to and from the Oldman River and its tributaries, within Alberta;

- (f) “South Saskatchewan River Basin” means the South Saskatchewan River and its tributaries, from the confluence of the Bow River and the Oldman River to the border between Alberta and Saskatchewan, and the water below the ground naturally flowing to and from that part of the South Saskatchewan River and its tributaries, within Alberta.

Reservation

2 All the water in the Bow River Basin, Oldman River Basin and South Saskatchewan River Basin that is not, on the date this Order is filed under the *Regulations Act*, allocated under a licence or registration or specified in a preliminary certificate is reserved.

Allocation

3 Water reserved under section 2 may be allocated by the Director.

Bow River Basin

4(1) The Director may issue licences with respect to the Bow River Basin in accordance with the following:

- (a) for use by a First Nation
 - (i) on a First Nation Reserve, or
 - (ii) for a project that is partially or wholly owned and operated by the First Nation on land that
 - (A) is wholly owned in fee simple by a corporation or limited partnership wholly owned and controlled by the First Nation, and
 - (B) is capable of being served by the Bow River Basin;
- (b) for a water conservation objective;
- (c) for storage, if it is for the protection of the aquatic environment and for improving the availability of water to existing licence holders and registrants;
- (d) for any purpose, if, on or before the date this Order is filed under the *Regulations Act*, an application for the licence that is complete and complies with the Act has been filed with the Director.

(2) The Director may effect a registration with respect to the Bow River Basin if, on or before the date this Order is filed under the *Regulations Act*, an application for the registration that is complete and complies with the Act has been filed with the Director.

Priority number

5(1) The priority number of a licence issued pursuant to section 4(1)(a) is the date that this Order is filed under the *Regulations Act*.

(2) The priority number of a licence issued pursuant to section 4(1)(b) is one day after the date that this Order is filed under the *Regulations Act*.

(3) The priority number of a licence issued pursuant to section 4(1)(c) or (d) must be determined in accordance with section 29 of the Act.

(4) The priority number of a registration effected pursuant to section 4(2) must be determined in accordance with section 28 of the Act.

Oldman River Basin

6(1) The Director may issue licences with respect to the Oldman River Basin in accordance with the following:

- (a) for use by a First Nation
 - (i) on a First Nation Reserve, or
 - (ii) for a project that is partially or wholly owned and operated by the First Nation on land that
 - (A) is wholly owned in fee simple by a corporation or limited partnership wholly owned and controlled by the First Nation, and
 - (B) is capable of being served by the Oldman River Basin;
- (b) for a water conservation objective;
- (c) for storage, if it is for the protection of the aquatic environment and for improving the availability of water to existing licence holders and registrants;
- (d) for any purpose, if, on or before the date this Order is filed under the *Regulations Act*, an application for the licence that is complete and complies with the Act has been filed with the Director;

- (e) if an application for a licence is made that relates to the Little Bow Project/Highwood Diversion Plan within the provisions for the project as set out by the Natural Resources Conservation Board/Canadian Environmental Assessment Agency Joint Review Panel regarding NRCB Application 9601, May 1998;
- (f) if an application for a licence is made that relates to the Pine Coulee Water Management Project within the provisions for the project as set out by the Natural Resources Conservation Board/Environmental Assessment Review Process Joint Review Panel regarding NRCB Application 9401, February 1995.

(2) The Director may effect a registration with respect to the Oldman River Basin if, on or before the date this Order is filed under the *Regulations Act*, an application for the registration that is complete and complies with the Act has been filed with the Director.

Priority number

7(1) The priority number of a licence issued pursuant to section 6(1)(a) is the date that this Order is filed under the *Regulations Act*.

(2) The priority number of a licence issued pursuant to section 6(1)(b) is one day after the date that this Order is filed under the *Regulations Act*.

(3) The priority number of a licence issued pursuant to section 6(1)(c), (d), (e) or (f) must be determined in accordance with section 29 of the Act.

(4) The priority number of a registration effected pursuant to section 6(2) must be determined in accordance with section 28 of the Act.

South Saskatchewan River Basin

8(1) The Director may issue licences with respect to the South Saskatchewan River Basin in accordance with the following:

- (a) for use by a First Nation
 - (i) on a First Nation Reserve, or
 - (ii) for a project that is partially or wholly owned and operated by the First Nation on land that

- (A) is wholly owned in fee simple by a corporation or limited partnership wholly owned and controlled by the First Nation, and
 - (B) is capable of being served by the South Saskatchewan River Basin;
- (b) for a water conservation objective;
 - (c) for storage, if it is for the protection of the aquatic environment and for improving the availability of water to existing licence holders and registrants;
 - (d) for any purpose, if, on or before the date this Order is filed under the *Regulations Act*, an application for the licence that is complete and complies with the Act has been filed with the Director.

(2) The Director may effect a registration with respect to the South Saskatchewan River Basin if, on or before the date this Order is filed under the *Regulations Act*, an application for the registration that is complete and complies with the Act has been filed with the Director.

Priority number

9(1) The priority number of a licence issued pursuant to section 8(1)(a) is the date that this Order is filed under the *Regulations Act*.

(2) The priority number of a licence issued pursuant to section 8(1)(b) is one day after the date that this Order is filed under the *Regulations Act*.

(3) The priority number of a licence issued pursuant to section 8(1)(c) or (d) must be determined in accordance with section 29 of the Act.

(4) The priority number of a registration effected pursuant to section 8(2) must be determined in accordance with section 28 of the Act.

AR 319/2003 not affected

10 Nothing in this Order affects the *Oldman River Basin Water Allocation Order* (AR 319/2003).