

Citation: South Saskatchewan Basin Water Allocation Regulation, Alta. Reg. 307/1991

Enabling Statute:

Water Act, R.S.A. 2000, c. W-3

(Consolidated up to 318/2003)

ALBERTA REGULATION 307/91

Water Act

**SOUTH SASKATCHEWAN BASIN
WATER ALLOCATION REGULATION**

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Definitions

1 In this Regulation,

(a) “existing” means in existence on January 1, 1990;

(b) “licence” includes an interim licence;

(c) “South Saskatchewan River Basin” means the land drained by the South Saskatchewan River and its tributaries, including the Red Deer River, the Bow River, the Oldman River and their tributaries;

(d) “South Saskatchewan River Sub-basin” means the land drained by the reach of the South Saskatchewan River between the confluence of the Bow and Oldman Rivers and the Alberta-Saskatchewan boundary.

AR 307/91 s1

Reservation

2 Except as otherwise reserved by the Minister under section 35 of the *Water Act*, all water in the South Saskatchewan River Basin that is not the subject of an existing licence or other authorization is reserved pursuant to section 12 of the *Water Resources Act*.

AR 307/91 s2;318/2003

Authority to allocate reserved water

3 Water reserved under section 2 may be allocated in accordance with this Regulation.

AR 307/91 s3

Existing irrigation districts

4(1) The total amount of water allocated for irrigation purposes from the river basins listed below to each named irrigation district under

- (a) licences issued in accordance with this Regulation, and
- (b) existing licences or other authorizations

must not exceed the amount sufficient for the irrigation of the total area of land specified for the irrigation district:

Total Area

River Basin of Land

Bow River Basin

Western Irrigation District 95 000 acres

Bow River Irrigation District 210 000 acres

Eastern Irrigation District 275 000 acres;

Oldman River Basin

St. Mary River Irrigation District 372 000 acres

Magrath Irrigation District 18 300 acres

Raymond Irrigation District 46 500 acres

Taber Irrigation District 82 200 acres

Lethbridge Northern Irrigation District 167 000 acres

United Irrigation District 34 000 acres

Mountain View Irrigation District 3700 acres

Leavitt Irrigation District 4770 acres

Aetna Irrigation District 3530 acres;

South Saskatchewan River Sub-basin

Ross Creek Irrigation District 1200 acres.

(2) The total amount of water, in acre-feet, that is sufficient for the irrigation of the area given in subsection (1) for an irrigation district shall be determined by the Controller of Water Resources in accordance with the following criteria:

- (a) water required at the farms;
- (b) canal losses within the district;
- (c) evaporation for district reservoirs;
- (d) water flows returning to rivers.

(3) A determination under subsection (2) fixes the maximum volume of water that an irrigation district may divert and use under licence, but nothing in this section limits the number of acres in an irrigation district that may be irrigated with that water through improved efficiencies of water management and operation within the district.

AR 307/91 s4

Other irrigation

5(1) The total amount of water allocated for irrigation purposes from the Red Deer River Basin under

- (a) licences issued in accordance with this Regulation, and
- (b) existing licences

must not exceed an amount sufficient for the irrigation of 97 000 acres and, of the amount made available for allocation by this Regulation, an amount sufficient for the irrigation of 25 000 acres shall be available only for the Special Areas Water Supply Project.

(2) The total amount of water allocated for irrigation purposes from the Bow River Basin to land other than land in existing irrigation districts under

- (a) licences issued in accordance with this Regulation, and
- (b) existing licences

must not exceed an amount sufficient for the irrigation of 95 000 acres and, of the amount made available for allocation by this Regulation, amounts sufficient for the irrigation of the following areas shall be available only for the named projects:

- 15 000 acres Blackfoot Indian Reserve Projects
- 20 000 acres Little Bow/Clear Lake Project
- 10 000 acres Keho/Barons Project.

(3) The total amount of water allocated for irrigation purposes from the Oldman River Basin to land other than land in existing irrigation districts under

- (a) licences issued in accordance with this Regulation, and
- (b) existing licences

must not exceed an amount sufficient for the irrigation of 132 000 acres and, of the amount made available for allocation by this Regulation, amounts sufficient for the irrigation of the following areas shall be available only for the named projects:

- 25 000 acres Blood Indian Reserve Project
- 10 000 acres Keho/Barons Project
- 6 000 acres Western Oldman Area Projects
- 13 000 acres Willow Creek Projects.

(4) The total amount of water allocated for irrigation purposes from the South Saskatchewan River Sub-basin to land other than land in existing irrigation districts under

- (a) licences issued in accordance with this Regulation, and
- (b) existing licences

must not exceed an amount sufficient for the irrigation of 52 000 acres.

(5) The projects referred to in this section are the projects described in the Schedule.

AR 307/91 s5;318/2003

Piikani Waters

5.1(1) In this section,

- (a) "Piikani Waters" means
 - (i) water for any purpose, including irrigation, on the Reserve, and
 - (ii) water used on up to 10 300 acres of off-Reserve land if
 - (A) the lands are wholly owned in fee simple by a corporation or limited partnership wholly owned or controlled by the Piikani Nation,
 - (B) the lands are within the Oldman River Basin and are able to be served by waters stored in the Oldman River Reservoir, and
 - (C) the projects for which the waters are to be used are partially or wholly owned and operated by the Piikani Nation;
- (b) "Reserve" means the Peigan Indian Reserve 147 and any additional land

designated by the Government of Canada as part of the Reserve.

(2) The total amount of water allocated from the Oldman River Basin for the Piikani Nation as the Piikani Waters is 35 000 acre-feet.

AR 318/2003 s4

Other purposes

6 Water may be allocated for

- (a) domestic purposes,
- (b) municipal purposes,
- (c) agricultural purposes, other than irrigation,
- (d) industrial purposes,
- (e) water power purposes,
- (f) other like purposes, and
- (g) purposes specified in section 11(1)(b) and (d) of the *Water Resources Act*.

AR 307/91 s6

Instream flows

7(1) Any licence issued in accordance with this Regulation may contain conditions limiting the amount of water that may be diverted and used when necessary to maintain minimum instream flows.

(2) The minimum instream flow for each of the following rivers is:

Waterton River 80 cubic feet per second measured above its confluence with the Belly River;

Belly River 33 cubic feet per second measured above its confluence with the Waterton River and above its confluence with the Oldman River;

St. Mary River 97 cubic feet per second measured above its confluence with the Oldman River.

AR 307/91 s7

Application of Regulation

8 This Regulation applies to existing applications and subsequent applications.

AR 307/91 s8

Prior reservations cancelled

9 Orders in Council numbered O.C. 1038/33 and O.C. 546/49 are rescinded.

AR 307/91 s9

Schedule

- 1 “Special Areas Water Supply Project” means diversions from all or any of
 - (a) the proposed Nevis diversion pipeline and canal from the Red Deer River,
 - (b) Berry Creek upstream of Carolside Reservoir,
 - (c) Sounding Creek upstream of Highway 12,
 - (d) Blood Indian Creek, East Berry Creek, Monitor Creek, Nestor Creek and Spondin Creek,
 - (e) Craig Lake and its inlet and outlet channels,
 - (f) Contracosta Lake and its inlet and outlet channels, and
 - (g) reservoirs and lakes supplied by the above mentioned creeks including Bloor Lake, Oldman Lake, Antelope Lake, Sounding Creek Reservoir, Grassy Island Lake, McBride Reservoir, Bartman Reservoir, Cessford Reservoir, Blood Indian Reservoir and the proposed Oyen and Monitor Reservoirsfor irrigation of land within the Special Areas.
- 2 “Blackfoot Indian Reserve Projects” means diversions from the Bow River or Carseland-Bow River Headworks System, or both, for irrigation of land within the Blackfoot Indian Reserve.
- 3 “Little Bow/Clear Lake Project” means diversions from all or any of
 - (a) the Little Bow River between the proposed Little Bow River Reservoir and Travers Reservoir,
 - (b) the proposed Little Bow River Reservoir, and
 - (c) Clear Lakefor irrigation of land within the County of Vulcan and the Municipal District of Willow Creek.
- 4 “Keho/Barons Project” means diversions from all or any of
 - (a) the Little Bow River between the proposed Little Bow River Reservoir and Travers Reservoir,
 - (b) the Oldman River at a point on the Peigan Indian Reserve (N 1/2 21-08-27-W4),
 - (c) the Lethbridge Northern Headworks System, and
 - (d) the Lethbridge Northern Irrigation District,for irrigation of land in the vicinity of the Villages of Carmangay and Barons.
- 5 “Blood Indian Reserve Project” means diversions from all or any of
 - (a) the Belly River,
 - (b) the St. Mary River, and
 - (c) the Waterton-St. Mary Headworks Systemfor irrigation of land within the Blood Indian Reserve.
- 6 Repealed AR 318/2003 s5.
- 7 “Western Oldman Area Projects” means diversions from the Oldman River between the eastern boundary of the Peigan Indian Reserve and the confluence with the Belly River for irrigation of land within the County of Lethbridge and the Municipal District of Willow Creek.
- 8 Repealed AR 318/2003 s5.
- 9 “Willow Creek Projects” means diversions from the proposed Pine Coulee Reservoir or Willow Creek downstream of the outlet from the proposed Pine Coulee Reservoir, or both, for irrigation of land within the Municipal District of Willow Creek.

AR 307/91 Sched.;318/2003