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Reviewing water regulations



John Thompson

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Limits have been placed on growth in some areas of Alberta under a new water act completed in 1999.

There are no new water licences being issued for at least one water basin, the south Saskatchewan, because its water has already been over-allocated, according to John Thompson.

Because B.C. has just embarked on a review of its century-old water act legislation, the Okanagan Water Stewardship Council invited him to speak at Thursday's meeting as one of the people who helped draft Alberta's new act.

Thompson told council members that under the new water act, government can decide not to accept new applications for water licences in a basin where all the water is already fully allocated, including conservation flows to protect the environment.

The South Saskatchewan River basin, which includes the Oldman, Red Deer and Bow River Basins, is in a crisis, similar to the Okanagan Valley, Thompson told council members.

It includes the cities of Calgary, Airdrie, Medicine Hat, Red Deer and Lethbridge.

Thompson said it took seven years to draft new legislation, including a public consultation period that was quite an eye-opener, he said.

They found that many people needed to be educated first on the existing legislation governing water before they could make intelligent comments on the proposed new legislation.

One of the major changes that was included in the new legislation was allowing water licenses to be transferred, as long as both parties could come to an agreement and it wouldn't result in any adverse impact on other users or the environment.

Fundamentally, the old legislation was very similar to that in B.C., with the concept of Crown-owned water; and that licensees' rights are based on a seniority system, where those holding the oldest licences, have the first priority when there's not enough water to go around.

It's called 'first in time; first in right' and is often referred to as FITFIR. Thompson said it also functions as a drought management tool.

He conceded that water sharing may be a better way to manage low water supplies overall, but he said the big flaw is it only takes one uncooperative user for that system to not work.

An issue that he warned will come up here in B.C. as the demand for water increases, is that senior licence holders will use more of their allocation and junior licence holders (those who were issued licences more recently) "will get hammered."

Despite all the water management plans and the discussions and new legislation, he said Alberta is still not meeting the water requirements for the environment.

A big difference between water law in B.C. and Alberta is that in B.C., groundwater is not yet licensed.

There, he said, there's been a move toward those underground sources of water, and now government is not only looking at governing it with licenses, but also real-time monitoring of compliance with those licences.

"We need aquifer plans. You can only put so many straws in a milkshake," he added.

He also said they have enforcement staff to ensure the new legislation is being followed, and he admitted they sometimes have to wear bulletproof vests. "Water is a very emotional issue," he explained.

Attending the council meeting, in addition to representatives from provincial and federal environment ministries, was MLA John Slater, who is the parliamentary secretary for Water Supply and Allocation to the Minister of Environment.

He said B.C. has four main goals in a new water act: protecting stream health and aquatic environments; improving water governance; getting more flexibility and efficiency into the system; and regulating groundwater use.

For more information about the process, and to participate, go to: <http://blog.gov.bc.ca/livingwatersmart/>

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