

# South Saskatchewan River Basin Water Management Planning – Phase #1 Bow Basin Advisory Committee Meeting Approved Meeting Notes

Location: Trans Alta Utilities, 110 - 12 Avenue SW, Calgary, AB  
Time and Date: 6:00 PM – 10:00 PM, Wednesday October 17, 2001

## Attendees

Bob Morrison  
Mark Bennett  
Ken Stiles  
Howard Heffler  
Sarah Hamza  
Richard Phillips  
Jim Webber  
Rob Wolfe

Steve Meadows  
Neil Hollands  
Bruce Stewart-Smith  
Bert Van Duin  
Tony Starlight  
Roger Drury  
Norm Kent

Scott Stoklosar  
David Hill  
Saba Gnanakumar  
Mona Keffer  
Gary Kindrat  
Tish Kilburn  
Judy Stewart

## 1. Introductions

- Members introduced themselves.

## 2. Review of Agenda

- No changes proposed.

## 3. Operating Procedures

- **Decision:** Agreed that Bob Morrison will act as the Facilitator. No chairperson is needed at this time.
- **Understanding:** All members will report to and represent their various sectors.
- **Special Requests:** If requested, Bob indicated that some administrative support could be considered on a case by case basis to assist with information distribution.
- **Member Selection:** Mark indicated there had been an open invitation to participate and Bow Basin Advisory Committee (BAC) members were accepted on a first come basis; that the irrigation sector is the only anomaly with three sector representatives; and that no individuals requesting to sit on the BAC were turned down. A discussion followed on the involvement of the City of Calgary. It was noted that the City of Calgary is on the Technical Committee; they have been informed throughout the process; and they have not come forward to this point (other than their on-going involvement with the Bow River Basin Council (BRBC)). Bob noted that additional public involvement will be solicited in early 2002 as per the South Saskatchewan River Basin Water Management Plan Terms of Reference. In addition, meeting notes and the workbook can be forwarded to BRBC members who wish to take a more active role. Mark added that while it is pretty self-evident which BAC category most Council members would fit in, there may be a few where it isn't as clear. For example, non-profit/academia areas will need to choose which sector they wish to work through.
- **List Server:** Dave offered BAC members the opportunity to use the Eastern Irrigation District (EID) list server to assist with the distribution of information. A discussion followed.

- **Tasks:** Dave will activate the list server based on the latest e-mail list. Norm Kent should be listed as [northco@cadvision.com](mailto:northco@cadvision.com). Scott Stoklosar will join Matt Kennedy and should be listed as [sstoklos@jaqueswhitford.com](mailto:sstoklos@jaqueswhitford.com). Mark has agreed to act as moderator for the list server. Mark will prepare guidelines for use (e.g., members should not criticize each other, etc.) and distribute to BAC members as part of the first distribution. Mark will advertise the list server in the next newsletter and add a similar message to the BRBC website. Mark indicated that faxing to BRBC members who do not have e-mail is not an option due to manpower concerns. Bob added that advertisements might be used in early 2002 for the proposed open houses. Mark agreed to create a BAC member phone list to assist BRBC members without e-mail or web access. Mark agreed to one mail-out to let those who do not have e-mails know what is going on.
- **Decision:** All agreed that the above process would be acceptable.

#### 4. Introduction to Water Allocation Transfers

- **General Discussion:** Bob provided background on water allocation transfers. A handout was provided. Questions and comments were interspersed throughout the presentation. Bob noted that temporary diversion (less than one year), assignments and water sharing amongst licenses can occur. It was clarified that a transfer is a contract between two parties subject to approval by the Director. The subject of Freedom of Information and Privacy (FOIP) was raised with the question of how much information will be made available to the general public.
- **Questions for Follow-Up:**
  - Are copies of licences available to the public?;
  - Would transfer agreements be available to the public or would they be confidential?;
  - What specifically is being transferred in an allocation?;
  - If a licensee saves water through conservation will the licensee lose the “saved” part of the allocation under the “use it or lose it” principle?;
  - How will a licence to implement a water conservation objective work? How will withheld allocations with different priorities, rates, etc. be incorporated into that kind of licence?;
  - Can a cash payment be made instead of withholding water from a transfer?
  - What happens to the rights of traditional agriculture users if they miss the deadline for registration?;
  - When a license is issued on public land, who owns the license, the Crown or the leasee?;
  - Can a transfer occur involving an unwilling seller?.
- **Issues Raised:** How do you know what you are buying if the withholding percentage is unknown?
- **General Discussion:** The discussion moved to matters and factors pertaining to transfers. Questions on the accuracy of records for small users was raised and how return flows come into the equation. Bob indicated that he believed the 10% holdback (or whatever number is decided) will be placed in one larger license (i.e., added to a water conservation licence) and that the buyer is actually paying for the holdback as part of the transfer. One member asked if the government could then sell the holdback if it was not required. It was noted that a gift to the crown could be provided if one wished to provide more for the instream environment. One member expressed concerns that for “some reaches”, small gains may not help if the stream is severely stressed (i.e., will it be worthwhile to withhold water for reaches where nothing can be done to help the aquatic environment in the reach?). Concerns were expressed that this whole process may become a “paper nightmare” (i.e., difficult to administer).
- **Question for Follow-Up:**
  - Can water withheld from a transfer be re-sold or reallocated to a water use (not instream)? Does section 83(3) of the *Water Act* mean that a withheld allocation can be re-allocated to a withdrawal use? [Editor’s Note: Although the topic was touched on during the meeting, the actual reference to section 83(3) was raised during the break.] ;

- What happens if more water is withheld than is needed to protect the aquatic environment or implement a WCO?;
  - Can a “gift” be made to the Crown to withhold more than 10% of a transfer?;
  - What does “use it or lose it” mean? What is a licence in good standing?;
  - Can a transfer be arranged where the transfer is temporarily suspended, e.g., where the transfer is in effect during most years, but the allocation reverts back to the original licensee during a dry year?
- **General Discussion:** A brief discussion followed on what is actually being transferred (e.g., rights versus access...). Bob clarified that we are talking about allocations.
  - **Scenario:** To initiate the discussion, Bob proposed a scenario where TransAlta would like to transfer water to EID. This was the catalyst for an intensive discussion on matters and factors affecting transfers.
  - **Question for Follow-Up:**
    - Are TransAlta’s licences – with no maximum allocation – eligible for transfer?

### 5. Workbook Discussion Synopsis

<b>Must a Matter or Factor be Considered When Making a Decision on an Application for Transfer of an Allocation Under Licence?</b>			
<b><u>Matter or Factors Discussed</u></b>	<b>Yes</b>	<b>Different Views</b>	<b>No</b>
Rate (including diversion, consumption, return flow, environmental effects, allocation of water historically used)	•		
Timing (including diversion, consumption, return flow, environmental effects, allocation of water historically used)	•		
Location	•		
Change in water quality	•		
Existing, potential or cumulative effects on the aquatic environment (including riparian areas)	•		
Existing, potential or cumulative effects on any applicable water conservation objective	•		
Existing, potential or cumulative hydraulic, hydrological, and hydrogeological effects (including the linkages between surface and ground water)	•		
Existing, potential or cumulative effects on household users, traditional agriculture users and other licensees	•		
Effects on public safety (including fire protection and effluent dilution)	•		
Other matters that the director considers relevant			•
Not allowing those with “excess” allocation (i.e., allocation acquired for future needs) to transfer their excess allocation		•	
Water conservation (including irrigation rehabilitation)		•	
Monitoring and enforcement: How do you make sure the water gets to the person who bought the allocation? Agreed that monitoring and enforcement should be sufficient to allow transfers to be done in a sustainable fashion. Differing views on whether or not that level of monitoring and enforcement must be in place before transfers are allowed.		•	
<b><u>Potential Matters or Factors Raised</u></b>			
Apportionment with Saskatchewan			
Purpose			
Speculation in water allocations			
Security of water supply			
Is there enough data available?			
How far the allocation will be separated from the original land or undertaking			
Evaporation and other losses: How to account for change in losses due to change in location?			

Changes in what the “public good” means			
Guidelines for the water withheld for protecting the aquatic environment or implementing a WCO			
Is it actually possible to use a licence to implement a water conservation objective?			
Suspension of a transfer (example: where the transfer is in effect during most years, but the allocation reverts back to the original licensee during a dry year)			
Licences with no maximum allocation (e.g., TransAlta)			
Giving something back to nature, in particular, providing money to make that happen			

- **General Discussion:** A discussion evolved on selling water with regard to making money versus providing a service. No conclusions were reached. One member noted that purpose may have significant implications on water quality. It was clarified that municipalities charge for distribution – not water. A discussion followed on public good and excess water set-aside for future growth. One member stressed that we should not get caught up in pricing of water; there are other things equally or more important that need to be considered.
- **Task:** Dave will place a question on the list server on “matters or factors to be considered on how to deal with excess water set aside for future growth”? Rob will compile comments and develop a summary statement (or statements) for further discussion.
- **General Discussion:** One member suggested that monitoring and enforcement should overlay the entire process. Another member added that the system is already in place and it works. As with any transaction, “caveat emptor” (buyer beware) was mentioned for those wishing to purchase a new transfer. It was suggested that it all comes down to the level of confidence in the existing levels of enforcement and monitoring.
- **Question for Follow –Up:**
  - When transferred water is left in a stream or put into a stream, what is its legal status? Is it someone’s property or is it up for grabs by other licensees?
- **Task:** Mark will place a generic question on the list server related to enforcement and monitoring? [Ed. Note: Mark graciously volunteered the day after the meeting when it was noted that no clear individual had volunteered at the meeting.] Rob will compile comments and develop a summary statement (or statements) for further discussion.
- **General Discussion:** Bob indicated that, at this time, Alberta Environment does not expect that ground water allocations will be transferable because there is insufficient information to define the size, limits, and yield of aquifers. It was agreed that the linkage between ground and surface water should be considered. One member asked if you take something from nature, what will you give back; in other words, will the government be willing to spend money to put water back in the system? It was suggested that different cultural values could be one component of the matters and factors. It was noted that all of the matters and factors depend on the priority the Director wishes to place on them. One member noted that one way of looking at transfers is that it is the licensing process in reverse.
- **Questions for Follow-Up:**
  - The registration form asks for three years of use. How does someone fill out the registration if the use covers a longer period of time (e.g., many years the water is not used and/or the use is not for three consecutive years)?

## 6. Next Meeting

- Wednesday November 7, 2001 6:00 – 10:00, Trans Alta Utilities, 110 - 12 Avenue SW, Calgary, AB