



Fact Sheet

Right to Use Surface Water Relating to Construction and/or Operation of Surface Water Diversion Works

The Saskatchewan Watershed Authority is a provincial Crown corporation that has been established to manage, administer, develop, control and protect the water, watersheds and related land resources of Saskatchewan. Included in this mandate, the Saskatchewan Watershed Authority has the responsibility for administering the approval process for the construction and operation of water supply diversion works, and the right to use surface water.

Use of Surface Water Requires Approval

An Approval to Construct leading to a Water Right and Approval to Operate is required for any works where water is to be diverted or impounded from or within its natural channel or bed. Works that will require approval would include irrigation projects, intensive livestock, multiuser, municipal or industrial water supply systems, dams and reservoirs for livestock, domestic, recreational and wildlife, or other water diversion schemes. By policy, any use which will consume greater than 5 cubic decameters (4 acre-feet) will require an approval.

The viability of your project is important to you and to the Saskatchewan Watershed Authority. By planning well in advance for the approval and construction of your project, you will have assurance that a supply of water is available and allocated for your project.

DO NOT BEGIN THE CONSTRUCTION OF A WATER DEVELOPMENT PROJECT BEFORE RECEIVING AN APPROVAL TO CONSTRUCT.

No approval is required for any person who owns or occupies land which adjoins a body of surface water, providing the water is used for domestic or livestock purposes on the land, no works are constructed to impound or divert water to the land and the use is less than 5 cubic decameters (4 acre-feet). Dugouts constructed for the purpose of domestic and livestock needs are also exempt from requiring approval. (See Fact Sheet FS-315 for more information on domestic water use.)

Requirements for the Acquisition of an Approval to Construct and/or Water Right and Approval Operate Works

Contact the Saskatchewan Watershed Authority office for your region to discuss your project and deal with any questions or concerns they or you might have about the project. Staff will provide specific details on the viability and application requirements for your project.

A complete application consists of:

- an application form (RG-103) available from any Saskatchewan Watershed Authority office or the website;
- a non-refundable application fee (\$125 - \$400);
- detailed engineering plans describing the work proposed; and
- a project report for more complex works.

Engineered plan detail will vary depending on the project but should include such information as:

- water source name and location;
- pumpsite/diversion location, including intake screen details and design operating level;
- proposed diversion or pump flow rate;
- confirmation of soil-water compatibility, in the case of an irrigation project;
- pipeline, canal, ditch location, profile, and capacity details;
- detailed design for dams, reservoirs, weirs, sluiceways and diversion/bypass channels;
- road, railroad, and utility corridor crossing details;
- property boundaries and landowners of lands affected directly and indirectly; and
- point of use location and details of equipment supplied to convey the water.

Upon receipt, the Saskatchewan Watershed Authority will review the completed application package to:

- determine the availability of water at the point of diversion;
- identify any adverse watershed effects which may require special operating conditions;
- assess and classify any proposed dam or structure for safety, hazard, or impact;
- verify landownership and control; and
- identify any other requirements for the proponent to complete.

The proposal may be required to be advertised by posting of a notice to appear for 21 days in the local post office and Rural Municipality office, and/or by advertisement in the local newspaper for three (3) consecutive weeks. The Saskatchewan Watershed Authority will provide the notice or advertisement documents and instructions. Any costs associated with posting or publishing of the notice is the responsibility of the proponent. Written objections toward the project as a result of advertising will be received by the Saskatchewan Watershed Authority for a period of 30 days from the posting date or first publication date. Any objections received will be discussed with, and may require mitigation by, the proponent.

The proponent will be required to have control of the lands on which the works are to be constructed or which may be affected by the construction or operation of the project. For lands on which surface works are constructed or which are flooded by construction of works to create a reservoir, adequate control is deemed to be deeded ownership or right-of-way; although the proponent may lease the property from the owner. The lease must be registered against the property title. For lands on which subsurface works are constructed or which are not permanently affected by flooding, adequate land control can be acquired through the use of easements.

A sanction or other crossing agreement will be required for works which affect highways, municipal roads, railroads, or other utility corridors permitting the installation of the proposed works. The Saskatchewan Watershed Authority may, on behalf of the proponent, seek any necessary approval where a municipal road and/or provincial highway is affected.

Where the supply of water to the project is provided through the works of others, the proponent will require a water supply, use of works, or operation and maintenance agreements. The Saskatchewan Watershed Authority may facilitate the acquisition of agreements where a provincial or federal agency is involved. For agreements with another individual, the proponent is advised to seek direction from a solicitor.

The Saskatchewan Watershed Authority will, on behalf of the proponent, request response and clearance from other affected provincial or federal agencies, where clearance is required. Such clearances may include, the Saskatchewan Ministry of Environment, the Saskatchewan Ministry of Health, and the Heritage Resources Branch of the Saskatchewan Ministry of Tourism, Parks, Culture and Sport.

Any costs associated with plan preparation, sanctions, agreements or the conditions of a clearance are the responsibility of the proponent. Some federal and provincial programs may provide assistance for the preparation of plans and proposals.

Approval to Construct and/or Operate

When all legislative requirements have been met, the Saskatchewan Watershed Authority will issue an Approval to Construct and construction can then begin on the project. The Saskatchewan Watershed Authority will also register any Notices or Certificates against the land titles affected, pursuant to *The Saskatchewan Watershed Authority Act, 2005*. The Notice, when registered, ties the Approval to the land. A fee of \$50/title will be assessed for each Notice or Certificate registered on land titles.

When the project is complete, the Saskatchewan Watershed Authority may confirm that construction is in accordance with the approved plans. The Saskatchewan Watershed Authority may accept an engineer's report attesting to the construction of the project. The proponent may be responsible to provide record drawings of the completed project.

Upon confirmation of compliance of the project and plans the Saskatchewan Watershed Authority would issue a Water Rights Licence and an Approval to Operate Works. The Approval may be subject to a specified expiry date and conditions relating to the operation of the project.

Need More Information?

For more information, consult your nearest Saskatchewan Watershed Authority Regional Office.

Saskatchewan Watershed Authority Regional Offices

Saskatchewan Watershed Authority Weyburn Regional Office

Box 2003
3rd Floor, City Centre Mall
110 Souris Avenue
Weyburn, SK S4H 2Z9
Ph: (306) 848-2345
Fax: (306) 848-2356
E-mail: comm@swa.ca

Saskatchewan Watershed Authority North Battleford Regional Office

402 Royal Bank Tower
1101 – 101st St.
North Battleford, SK S9A 0Z5
Ph: (306) 446-7450
Fax: (306) 446-7461
E-mail: comm@swa.ca

Saskatchewan Watershed Authority Swift Current Regional Office

Box 5000
3rd Floor, E.I. Wood Building
350 Cheadle Street West
Swift Current, SK S9H 4G3
Ph: (306) 778-8257
Fax: (306) 778-8271
E-mail: comm@swa.ca

Saskatchewan Watershed Authority Nipawin Regional Office

Box 2133
201 – 1st Avenue East
Nipawin, SK S0E 1E0
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Saskatchewan Watershed Authority Yorkton Regional Office

2nd Floor, 120 Smith Street East
Yorkton, SK S3N 3V3
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General information about the Saskatchewan Watershed Authority, our programs, Fact Sheets and forms can be found on our website at www.swa.ca.