

South Saskatchewan River Legal and Inter-jurisdictional Institutional Water Map.

Derived by L. Patiño and D. Gauthier, mainly from Hurlbert, Margot. 2006. Water Law in the South Saskatchewan River Basin. IACC Project working paper No. 27. March, 2007.

May, 2007.

Brief Explanation of the South Saskatchewan River Basin Legal and Inter-jurisdictional Institutional Water Map Charts.

This document provides a brief explanation of the legal and inter-jurisdictional water institutional map charts in the South Saskatchewan River Basin (SSRB). This work has been derived from Hurlbert, Margot. 2006. Water Law in the South Saskatchewan River Basin. IACC Project working paper No. 27.

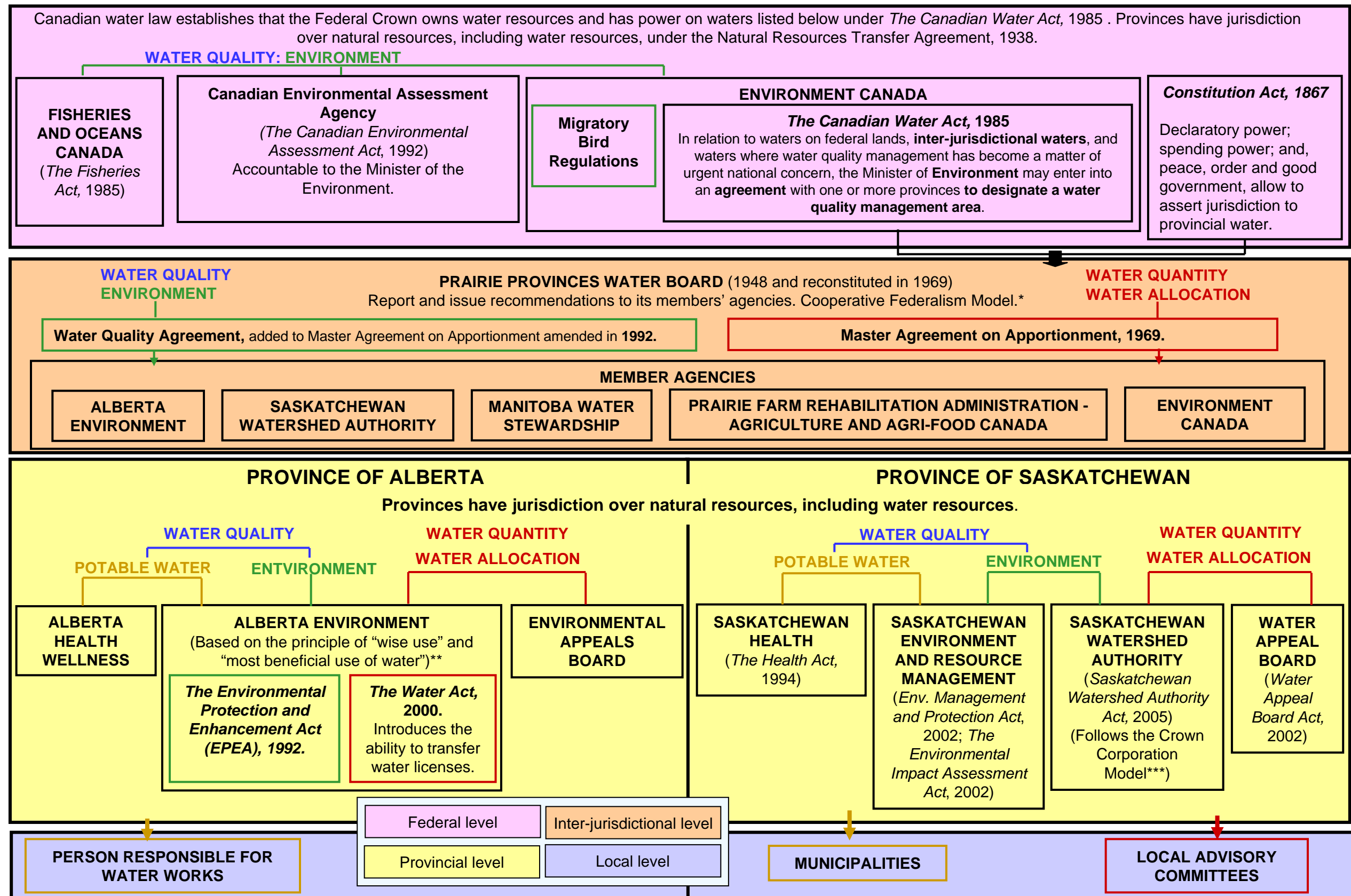
The main purpose of the charts is to provide a visual representation of the relevant water legal and inter-jurisdictional institutions involved in the management, decision-making process and monitoring/enforcement of water resources (quality and quantity) in Saskatchewan and Alberta, at the federal, inter-jurisdictional, provincial and local levels. The charts do not intend to provide an extensive representation of all water legal and/or inter-jurisdictional institutions, nor a comprehensive list of roles and responsibilities. Rather to serve as visual tools that allow the observer to obtain a relatively prompt working understanding of the current water legal and inter-jurisdictional institutional structure existing in each province.

Following are the main components of the charts:

1. The charts provide information regarding water quantity and water quality. To facilitate a prompt reading between water quality and water quantity the charts have been colour coded. Water quantity has been depicted in red (*i.e.*, text, boxes, link lines and arrows), and contains only one subdivision, water allocation. Water quality has been depicted in blue and contains two subdivisions, that is, potable water in light brown, and environment in green.
2. Jurisdictional levels (*i.e.*, federal, inter-jurisdictional, provincial or local): the charts have been divided in blocks according to jurisdictional levels involved. The violet block depicts the water legal institutional structure at the federal level. The orange block depicts the water institutional structure at the inter-jurisdictional level. The yellow block depicts the water legal institutional structure at the provincial level. The light blue block depicts water legal institutions at the local level.
3. Within each jurisdictional block, there are at least two levels of information:
 - (a) The first level (black outlined boxes at the top) identifies the legal institutional actors (formal institutions such as Environment Canada) and legal instruments (*e.g.*, an act, regulation) when applicable;
 - (b) The second level (colour coded according to the water quality and/or water quantity scheme) outlines some of the roles, functions, responsibilities and exemptions (when appropriate) of the legal institutions identified above;
4. The Alberta and Saskatchewan Legal Institutional Water Map charts contained a third level of information within the *provincial jurisdictional block* (yellow). This third level (colour coded according to the water quality and/or water quantity scheme) depicts some implications regarding potential gaps, inconsistencies and other important issues within the provincial legal structure.

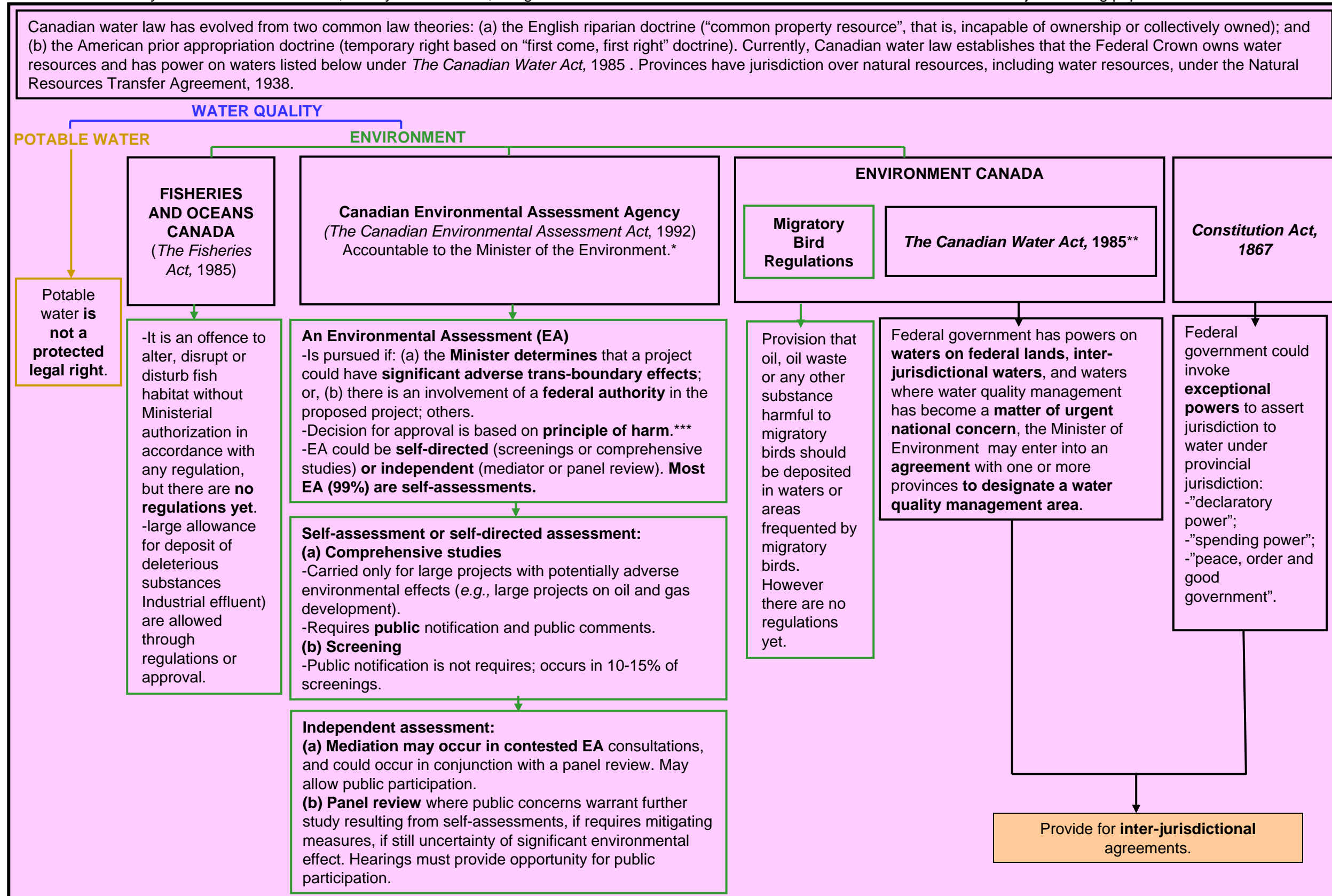
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Federal Legal Institutional Water Map

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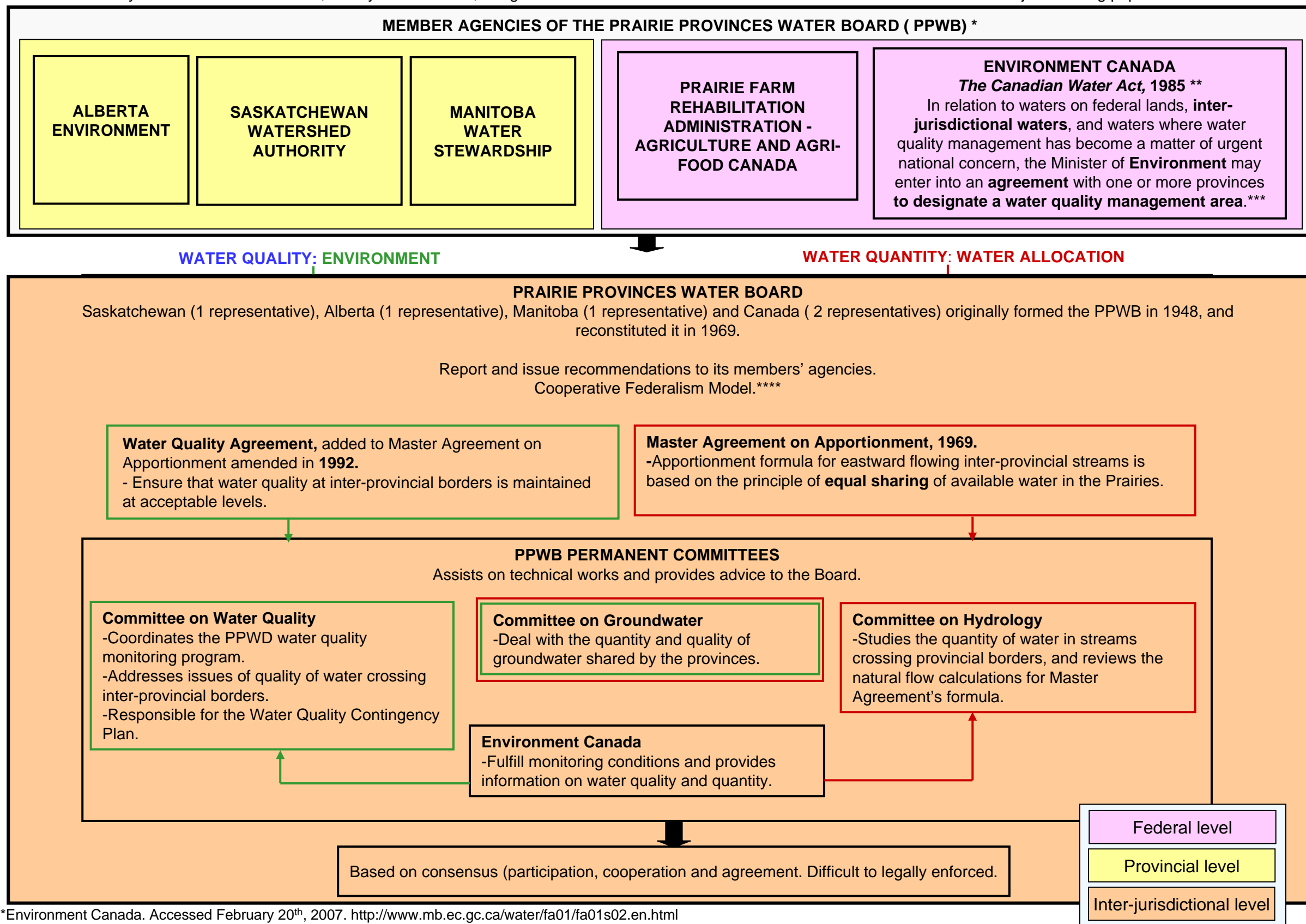
*The Canadian Environmental Assessment Agency. Accessed February 17th, 2007. http://www.ceaa-acee.gc.ca/001/index_e.htm.

**Administer by Environment Canada. Accessed: February 20th, 2007. http://www.ec.gc.ca/water/en/policy/federal/e_legis.htm.

***Principle of harm: project will be approved if there are no adverse effect, effects can be mitigated, or adverse effects are justified in the circumstances

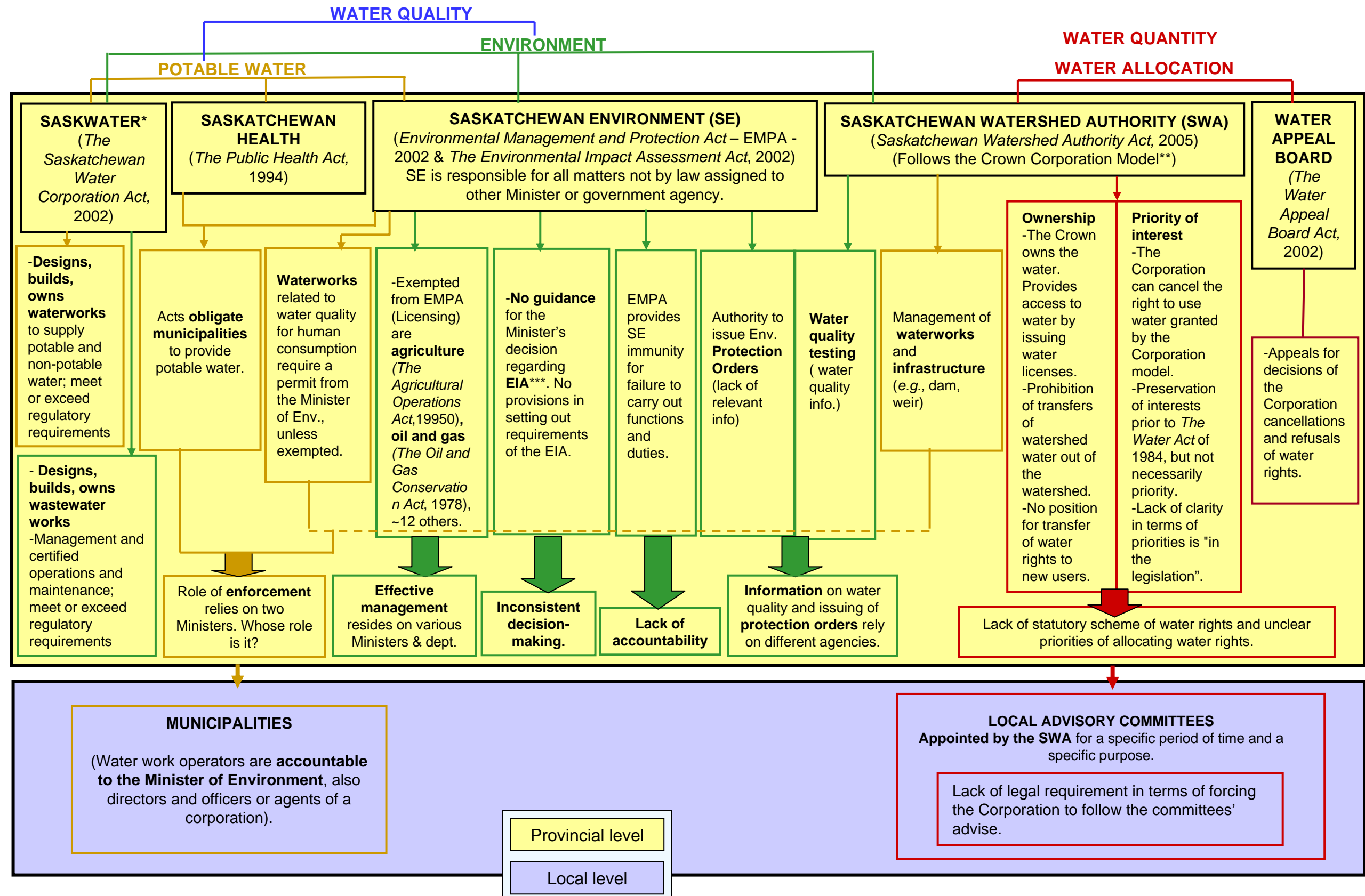
SSRB Inter-jurisdictional Institutional Water Map

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Saskatchewan Legal Institutional Water Map

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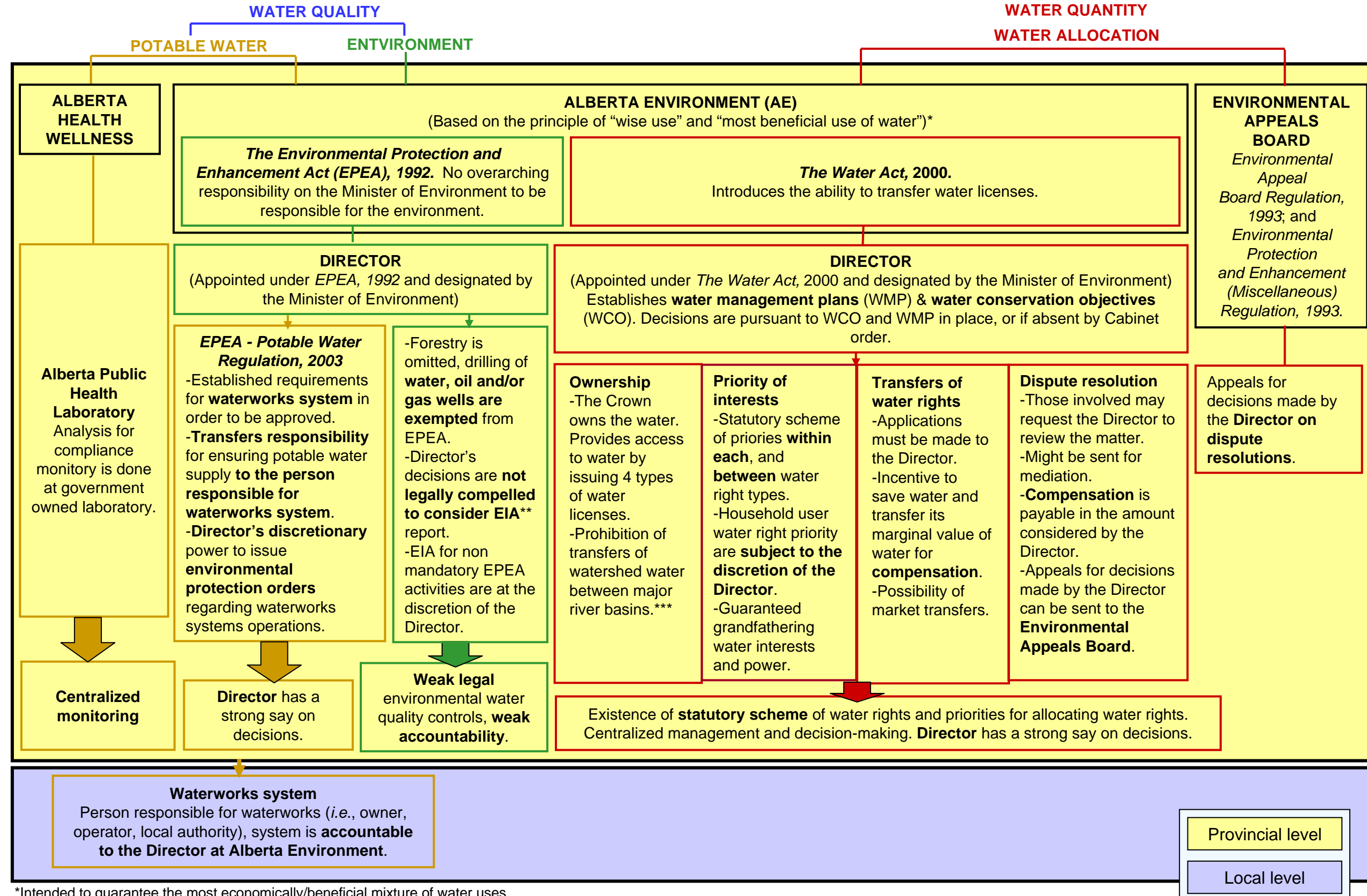
*Self-supporting, commercial Crown corporation.

**Water right allocation (including priorities of types of use) are left to the discretion of the officials of the corporation (bureaucratic as opposed to statutory resolution).

***Environmental Impact Assessment.

Alberta Legal Institutional Water Map

Derived by L. Patiño and D. Gauthier, mainly from Hurlbert, Margot. 2006. Water Law in the South Saskatchewan River Basin. IACC Project working paper No. 27.



*Intended to guarantee the most economically/beneficial mixture of water uses.

**Environmental Impact Assessment.

***"major river basins" are the Peace/Slave River Basin, the Athabaska River Basin, the North Saskatchewan River Basin, the South Saskatchewan River Basin, the Milk River Basin, the Beaver River Basin, and the Hay River Basin. In Government of Canada. 2003. Bulk water removals: Canadian Legislation. <http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/BP/prb0213-e.htm>. Accessed on February 8th, 2007.

Comparison between Alberta and Saskatchewan Legal Institutional Water Structures.

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	AB legal institutional water structure (quantity and quality)	SK legal institutional water structure (quantity and quality)
Principles under which water is managed.	Based on the principle of wise use and most beneficial use of water – economic benefit.	Based on the principle of water as a common good .
Structural organization.	Centralized government scheme.	Decentralized government scheme.
Number of legal formal institutions involved in management and decision-making of water resources.	One formal institution (based on 2 Acts) responsible for all water issues, under one Director (designated by the Minister of the Environment).	Institutional overlap (4 formal institutions – including two Ministers - based on 4 Acts).
Allocation of water rights and water use priorities.	-Water allocation: Statutory model (legislated model). Statutory scheme of priorities of water licenses and types of water uses. -Strong Director's (one person) discretionary decision-making.	Water allocation: Corporation model (at the discretion of the corporation officials). -Lack of clarity in terms of priorities in allocating water licenses and types of uses.
Bulk transfer of water.	Does not allow transferring of watershed water between major river basins.*	Does not allow transferring of watershed water out of the watershed.
Water allocation dispute resolution.	-Legal facilitation of dispute resolution due to statutory scheme for priorities allocation. -Environmental Appeals Board: appeals for decisions made by the Director regarding two or more people dispute resolutions. No system for appeals regarding Director's cancellations and refusals of water rights.	-Lack of guidance for legal dispute resolution, no statutory scheme regarding priorities for water allocation. -Water Appeals Board: appeals for decisions of the Corporation cancellations and refusals of water rights.
Potable water accountability.	Strong at the local level.	Strong at the local level.

*In Alberta, "major river basins" are the Peace/Slave River Basin, the Athabaska River Basin, the North Saskatchewan River Basin, the South Saskatchewan River Basin, the Milk River Basin, the Beaver River Basin, and the Hay River Basin. In Government of Canada. 2003. Bulk water removals: Canadian Legislation. <http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/BP/prb0213-e.htm>. Accessed on February 8th, 2007.

Acknowledgement

The authors wish to express their gratitude to Margot Hurlbert and Darrell Corkel for reviewing this document and provide valuable comments and suggestions.