

AER Response to “Friends of the Blindman AER Questions- June 2025”

January 14, 2026

1. On Baytex Licence #00498767, there is a 18C temperature cut-off (condition 4.7). The standard cut-off seems to be 22C, is 18C correct and if so, why was it lowered from 22C? If 18C is correct, then condition 4.8b in the licence needs to be updated (it currently states temperature measurements should be taken once the river reaches 19C).

Thank you for bringing this to the attention of the AER. The licence will be reviewed and amended if found to contain an error.

2. Does the AER publish enforcement outcomes such as discipline, fines, suspensions etc? It is positive that 96% of inspections are compliant, but what was the outcome of the 4%?

The AER publishes enforcement outcomes on the Noncompliance & Enforcement tab of AER’s Compliance Dashboard, found here:

<https://www1.aer.ca/compliancedashboard/enforcement.html>).

Inspections that identify noncompliance issues will proceed to enforcement action, which includes various tools to bring operations back into compliance. Information on AERs compliance program, including enforcement, can be found

at:<https://www.aer.ca/regulations-and-compliance-enforcement/compliance-and-enforcement>.

3. AER PNOA does not show source or volume on the public application notice. Why not? AER has this data for every application, why not just post the application?

Updates to OneStop (AER’s application review technology) now provides public access to Water Act licence applications, which includes information on requested source(s) and volume(s). The OneStop Application Query Tool is openly accessible (no login is required) and is accessed from the main OneStop webpage, found here:

<https://www.aer.ca/applications-and-notices/onestop>.

4. AER PNOA does not require applicants to include an email for contact, to request the application. Some only have a mailing address, why is this permitted?

Contact information associated with applications must meet minimum AER requirements and can be found in the public notice of application details, found here:

<https://webapps.aer.ca/pnoa>

Please see below correspondence for reference regarding continual TDL use:

FOTB Fall 2024 Q13. How are energy companies in this area incentivized to improve their water use efficiency or look at alternatives?

AER Response:

...Companies using temporary diversion licences to fulfil their non saline water needs may only be issued such temporary licences for three consecutive years, after which the AER requests they apply for a term licence....

FOTB February 18, 2025 Q7. In the response to question 13, the AER states there is a limit of three consecutive years for TDLs. Can you clarify? If applicants apply for a TDL for 2-3 years, not apply for a year, are they then able to apply for another three consecutive years? Is there an AER rule stating a maximum number of years and or maximum volume per licensee, before additional TDLs are refused and they are required to apply for a term licence?

AER Response:

*The response to question 13 states that “companies using temporary diversion licences to fulfil their nonsaline water needs may only be issued such temporary licences for three consecutive years”. **It is not a limit, however, when companies apply for consecutive TDLs from the same source for the same purpose and point of use, the AER will have a conversation with the company about the need to apply for a Term Licence. Based on the future needs of the company, they may not require any more water from the source, or they may apply for a termlicence. Applying for a term licence is in many cases in the interest of the company given that TDLs are only temporary, and they may be approved, rejected, suspended, or cancelled based on flows and the needs of other Term Licences in the system. For hydraulic fracturing operations, the AER does not accept long term plans or area of use maps***

for TDL's and ensures that the TDL is for short term and immediate development.

5. If there is no time or volume limit on use of TDLs, how can the public be assured that companies are not using TDLs as the main source of water for large hydraulic fracturing projects? (Particularly if they can migrate to groundwater TDLs)

When a company applies for multiple large volume TDLs from a source of water, it is part of AER's review to require information regarding a company's plans to submit a term licence application. The TDL may be issued with the understanding that there is already a term licence application in place or is going to be submitted at a later date. Several reasons may lead a company to apply for TDLs for parts of their development plans, including well-understood short-term water needs, flexibility in obtaining water from various sources and/or locations, access considerations, etc. However, TDLs do not provide the certainty of water access obtained through Term Licences, nor the flexibility in point-of-use afforded through the [Directive for Water Licensing of Hydraulic Fracturing Projects – Area of Use Approach](#).

6. TDLs can be, and are being used heavily by the hydraulic fracturing industry. How does the AER ensure companies are not using them to avoid Manual 25 as well as Public Notice requirements for Term Licences for long term/large volume use?

Use of TDLs does not avoid Public Notice requirements - all TDL applications are posted on the [AER's Public Notice of Application](#) website. Use of TDLs to avoid Manual 25 requirements results in uncertainty in access to water beyond one year (TDLs do not have a priority as Term Licence do) and contains increased risk to water access in times of low-flow conditions.

7. While surface water TDLs can be suspended due to low flows, it is much more difficult to see the impact of large withdrawals of groundwater. As shallow groundwater (<150m) is connected to our surface waters, why are shallow groundwater TDLs not suspended during water shortage advisories in a basin? Groundwater generally does not have a direct, immediate connection to surface water bodies and usually has negligible influence on surface water flows in the short-term. However, some situations where a very shallow water well is in very close proximity to a surface water body, the two may have direct connection. In those scenarios, the water may be considered to be 'groundwater under the direct influence of surface water' (GWUDI). Licence applications from such water wells are evaluated in consideration of their potential direct impact to adjacent surface water bodies and may be subject to access

limitations during water shortage advisories. AEPA provides information about GWUDI in Standards for Municipal Waterworks – Appendix 1-E: Groundwater Under the Direct Influence of Surface Water, found here: <https://open.alberta.ca/publications/5668185>

8. Does the AER have rules for when shallow groundwater TDLs are suspended, such as during Water Shortage Advisories?

Groundwater licences often have conditions in which withdrawal must not occur if water level drawdown reaches a particular depth, which is determined on a well-by-well basis. In situations where there is a clear connection between groundwater and a nearby surface water body, conditions may be included that restrict diversion when there is insufficient water flow in the surface water body. These conditions are influenced by approved water management plans. In rare situations, a very shallow water well in very close proximity to a surface water body may be identified as a GUIDI well (as described above) and may be subject to water access limitations during Water Shortage Advisories.

9. How do groundwater TDLs get allocated and approved (00507893 is of particular concern due to its large volume)?

When applying for a groundwater licence (TDL or Term), supporting documentation must justify the need for the diversion and the capability of the aquifer to sustain the quantity of water required without adversely affecting existing household, registered and licensed water users. Supporting documentation includes a report as outlined in Section 2.2 of the *Guide to Groundwater Authorization* (2023), found here: <https://open.alberta.ca/publications/guide-to-groundwater-authorization>

10 a. In our area, with the current Water Shortage Advisory and ban on new TDLs from flowing surface waters, has there been an increase in TDLs from groundwater and/or groundwater connected ponds since 2022?

The following table shows AER groundwater TDL allocations for the Medicine River and Blindman River sub-basins from 2022 to 2024.

AER Groundwater TDL Allocation (m3)		
Year	Medicine River Sub-basin	Blindman River Sub-basin
2022	0	16,425
2023	74,650	16,425
2024	74,650	3,650

10 b. What were the TDL allocations vs Term allocations in the Medicine/Blindman sub-basin for hydraulic fracturing in since 2022?

The following table shows AER TDL and Term Licence allocations for the Medicine River and Blindman River sub-basins from 2022 to 2024.

AER Groundwater Allocation (m3)				
Year	Medicine River		Blindman River	
	TDL	Term	TDL	Term
2022	0	563,123	16,425	988,464
2023	74,650	563,123	16,425	988,464
2024	74,650	563,123	3,650	988,464

AER Surface Water Allocation (m3)				
Year	Medicine River		Blindman River	
	TDL	Term	TDL	Term
2022	454,140	2,509,800	1,003,500	1,000,000
2023	2,263,667	2,509,800	1,350,400	1,000,000
2024	2,936,685	2,509,800	1,812,250	1,800,000

10 c. Have any companies operating in the Medicine/Blindman sub-basins had larger total TDL allocations, than total Term allocations since 2022?

As described above, the use of TDL and Term Licences may vary based on the development plans of a company. The AER does not consider the distribution of volume between TDL and Term Licences to be a useful indicator of water management and therefore has not examined this data.

The AER’s interactive water-use-performance page is very valuable, and we encourage its continued development and use.

Can the page also include:

- a. the breakdown in allocations between TDLs and Term licences
- b. the definition of “**available surface water**” that the AER is using?
(This is important because if it is the total volume of water, including lakes, wetlands and total annual volume of flow of rivers, this gives a very different impression than if it is only the volume of water available to be allocated after IOs, WCOs, maintaining lake levels, protecting wetlands, etc. are removed.)

The AERs Water Performance Report undergoes continuous improvement. These suggestions will be forwarded to the AERs Industry Performance Team for consideration in future releases.