

The ban on out of basin transfers was elevated to the Ontario Water Resources Act through the Safeguarding and Sustaining Ontario's Water Act - see S. 34.3. It does not apply to intra-basin transfers but it did come into force.

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o40_e.htm

Water transfers: Great Lakes-St. Lawrence River, Nelson and Hudson Bay Basins

34.3 (1) For the purposes of this Act, Ontario is divided into the following three water basins:

1. The Great Lakes-St. Lawrence River Basin, which consists of,
 - i. the part of Ontario the water of which drains into the Great Lakes or the St. Lawrence River, including the parts of the Great Lakes and of the St. Lawrence River that are within Ontario, or
 - ii. if the boundaries of the area described by subparagraph i are described more specifically by the regulations, the area within those boundaries.
2. The Nelson Basin, which consists of,
 - i. the part of Ontario the water of which drains into the Nelson River, or
 - ii. if the boundaries of the area described by subparagraph i are described more specifically by the regulations, the area within those boundaries.
3. The Hudson Bay Basin, which consists of,
 - i. the part of Ontario, not included in the Nelson Basin, the water of which drains into Hudson Bay or James Bay, or
 - ii. if the boundaries of the area described by subparagraph i are described more specifically by the regulations, the area within those boundaries. 2007, c. 12, s. 1 (10).

Prohibition

(2) A person shall not take water from a water basin described in subsection (1) if the person will cause or permit the water to be transferred out of the basin. 2007, c. 12, s. 1 (10).

The intra-basin transfer ban and regulation of exceptions (s. 34.5 - 34.8) are not yet in force (to be proclaimed when regulations are completed - those elements of the OWRA that are not yet in force are shaded in the legislation)

I am not clear what a non-regulatory approach would look like and whether it would be deemed to be consistent with the Agreement - did they provide any explanation? As an option to a non-regulatory approach it would seem to me that exemptions could be identified to ensure that farms are not affected (unless a major transfer is involved).

I am not clear on where they came up with their note that "few others have regulated" - do they mean that few have regulated intra-basin transfers? I don't know that I agree with that - do you think they are thinking of Michigan and the connecting channels exemption? Some don't have more than one watershed but others have put the Agreement/Compact into force as is. What is critical is that they have legislated the ban on diversions and