

FACT SHEET

Eastern Irrigation District Amendment Proposal

(last updated September 27, 2007)

Background

On August 21, 2007, a public notice appeared on the Alberta Environment website that the Eastern Irrigation District is proposing to amend two of its licenses. The notice states:

*"The applicant has applied to amend two licences with priority numbers 1903-09-04-002 and 1998-07-13-002, to allow the District to provide water for additional purposes. The additional purposes are municipal, agricultural, commercial, industrial, management of fish, management of wildlife, habitat enhancement, and recreation."*¹

The amendment relates to two EID licenses which, read together, would affect 762,000 acre feet diverted at the Bassano Dam in Bassano, Alberta.

The purpose of the current licenses is for "irrigation and agriculture (stockwatering) purposes." The proposed new uses will be for "municipal, agricultural, commercial, industrial, management of fish, management of wildlife, habitat enhancement, and recreation."

Opportunity to Submit Statement of Concern by October 14, 2007

Any person who is directly affected by the application may submit a Statement of Concern on or before **September 21, 2007** to:

Alberta Environment
Southern Region, Approvals - Calgary
2nd Floor, Deerfoot Square
2938 - 11 Street, N.E.
Calgary, Alberta T2E 7L7

Attention: Kevin Wilkinson
Fax: (403) 297-2749

Please quote file number 631-A

See: <http://www3.gov.ab.ca/env/water/Regions/Bow/Notices/files/5341.html>

How much water is this?

In the Bow River basin, 76.35 percent of the water is allocated to irrigation use (2,114,963,934 m³). The Eastern Irrigation District holds the largest license in the Bow River Basin and is the largest license holder in the larger South Saskatchewan River Basin.

The proposed amount of water up for amendment, 762,000 acre feet, is approximately 30 percent of the *average annual flows* of the Bow River.² Of course, this percentage varies from year to year.

The EID says that they will only use 20,000 acre feet (or 3 percent of its total license) for purposes other than agricultural use or irrigation. However, 20,000 acre feet is equivalent to servicing 65,000 households with water annually.

¹ See: <http://www3.gov.ab.ca/env/water/Regions/Bow/Notices/files/5341.html>

² Average annual recorded discharge for the Bow River is 2,251,113 acre feet (or 2,776,707,927 m³).

What is the EID?

According to the Eastern Irrigation District, they are one of thirteen Irrigation Districts found in Alberta. “The EID has the largest land base and the second largest number of irrigated acres of these Irrigation Districts.”

The EID is farmer owned and operated and is situated in South Eastern Alberta's mixed grass prairie ecosystem. There are 1.5 million acres within the District's boundaries, making the EID 500 square kilometers (200 square miles) *larger* than the Province of Prince Edward Island. The Red Deer River forms the north east boundary and the Bow River the south west boundary of the District. The EID includes over 260,000 acres of irrigated crop land, 600,000 acres of prairie grasslands owned by the EID, with the remainder being non-irrigated crop land, privately owned grasslands and three Provincial Parks (Kinbrook Island Provincial Park, Tillebrook Provincial Park and Dinosaur Provincial Park).”

Source: Eastern Irrigation District

What does this amendment change?

This amendment would allow the EID to allocate a portion of its license without having to utilize the new transfer system set up by the Alberta government, allowing for the reassignment of all or a portion of a water license to another user.³

Without understanding how the EID intends to “reallocate” water allocated to it for the singular use of irrigation/agriculture, it is difficult to determine how it would impact the public, the environment, or the economy. While there could be positive public benefits through more accessible water for the public (provided they pay for it) or businesses who would otherwise not have access to water, there are potential negative impacts from an environmental or a domestic public use standpoint.

³ While there are at least three known precedents where Alberta Environment approved amendments for irrigation, there has never been a legal resolution of whether it is legally permissible to amend water licenses based on a change of use. In 2003, a proposed amendment to an irrigation license for the Saint Mary's River Irrigation District resulted in a legal challenge by the Southern Alberta Group for the Environment. Unfortunately, the substantive arguments made by SAGE were never heard by the Environmental Appeals Board (EAB) as they were denied “standing” to pursue their arguments. Their Statement of Concern read in part, “We are concerned that by transferring authority for decisions about the purposes for which water allocations will be used to a private irrigation district the Director would be abrogating authority of the Minister responsible for the *Water Act*. It is our understanding that if this amendment is approved, the Board of the St. Mary River Irrigation District could allocate water under the licence not only for irrigation but for any purpose which its members believe would benefit the District. The private Board would not be bound to consider the matters and factors contained in an approved water management plan, water guideline or water conservation objective or any of the other considerations defined in section 51(4) of the *Water Act* including effects on the aquatic environment, hydrology and other users and public safety. In short, decisions made by the Irrigation District would not need to consider the public good, and in fact may be contrary to it.”

How will this affect the EID's actual water use?

We don't know because the amendment does not outline how they plan to allocate the water.

It is clear, however, that the EID would have added flexibility that would allow them to allocate "unused" portions of their license to other uses. The total EID license is 762,000 acre feet. Between 1976 and 2004, the EID on average used 76 percent of their allocation. In 2004, they used 54 percent of their license and in 2001 used 90 percent of their license. Given the size of the EID license, the "unused" portion of their water even in water short years would be considered fairly sizeable.

DISTRICT	EID
	diversion
	from
WATER-	Bow
SOURCE	River

Volume of Water Diverted

WATER LICENCE ALLOCATION (acres)	762000
1976	565100
1977	572100
1978	387100
1979	542846
1980	548686
1981	577969
1982	481258
1983	580299
1984	657640
1985	655188
1986	680592
1987	639928
1988	730274
1989	605148
1990	689178
1991	629872
1992	625650
1993	423551
1994	559476
1995	602098
1996	615478
1997	572151
1998	638500
1999	426788
2000	675000
2001	685000
2002	562000
2003	459700
2004	417370
Avg. Volume	579515

Source: Alberta Agriculture, Food, and Rural Development