

April 16, 2010

Alberta Environment  
Southern Region, Approvals – Calgary  
Regulatory Approval Centre – Edmonton

Attention: Designated Director Under the Water Act

**Re: File Number 00265983 Application to Amend Water Licence No:  
1998-07-13-002**

Dear Sir/Madam:

The Council of Canadians would like to submit the following Statement of Concern with respect to the above referenced application (the “Application”) by the Eastern Irrigation District to amend the purposes of Water Licence No. 1998-07-13-002 (the “Licence”).

**A. Our interest in the Application**

The Council of Canadians is Canada’s largest citizen advocacy organization, with members and chapters across the country. The Council of Canadians works to protect the public interest by promoting progressive policies on fair trade, clean water, energy, public health care, and other issues of social and economic concern to Canadians.

Maintaining public ownership and control of water resources is an important priority for the Council of Canadians. A key component of our national water campaign is to advocate for a national water policy that preserves water as a public resource and enshrines water as a human right.

The Council of Canadians understands that the quality and availability of a community’s water supply is linked to its future prosperity and health. We have close to 5,000 members and seven chapters across the province of Alberta. Through our Prairies Regional Office, based in Edmonton, we have been actively involved in campaigns to promote the protection of water resources and public control over water systems within the province.

We believe that this application will have serious implications for the province of Alberta, beyond the scope of this region, and strongly encourage Alberta Environment to reject the proposal.

The Eastern Irrigation District's proposal to change the use of their water licence would lead to a fundamental shift away from how our government oversees the use and allocation of our rivers. It would take us one step closer to establishing a market system for water that allows for water to be distributed according to ability to pay rather than needs or principles of ecological sustainability.

Given the vital importance of water resources and growing scarcity throughout the world, we believe in strong collaboration between communities throughout the province and the country in promoting principles of water justice and ecological preservation. We are joined by many in our vision for a fair, participatory and democratic decision-making system which captures public input, rather than the current "directly affected" system of limited public participation.

## **B. Policy concerns regarding the public interest in water**

### **1. Violation of the public trust**

We believe that this Application could effect the province of Alberta's ability to manage water, especially in light of the water allocation review. We believe that the EID's request will lead to a loss of public accountability when it comes to the allocation of water resources and represents a violation of the public trust principles.

Water is a public resource. Under the common law principle of public trust, governments are mandated to manage water resources on behalf of the public and in the public interest. The Alberta government is currently responsible for making these decisions based on principles of sound water management. The proposed amendment changes water from a public resource with public oversight to a private entity to be distributed by the EID without the ability of farmers in the EID to vote through a majority plebiscite. If the EID is granted its application, this important responsibility will be handed over to a body that is not accountable to the public or responsible for the environment.

### **2. The commodification of water throughout the province**

If this amendment goes through, it could set a dangerous precedent, triggering a string of similar applications from other irrigation districts, effectively undermining the ability of the public to ensure water is being used in a way that serves the needs of our ecosystems and our communities. It would pave the way for water to be turned into a commodity by allowing Irrigation Districts to serve as brokers selling water rights based on ability to pay rather than on ecological considerations or the public interest. This would hamper options available to Alberta in its forthcoming water allocation review. Therefore, it isn't clear if the Director is able to amend the licence requested by the Application.

### **3. Loss of access to water for basic needs**

Water for basic human needs is not a priority under the current allocation system, a fact

which compromises the water security of all Albertans. The proposed amendment would allow the EID to set the price of water for municipal users or local farmers based on market value. Given increasing water scarcity in the region, this price will undoubtedly be unaffordable for municipalities and farmers. This would affect access to water for drinking, sanitation and local food production in the region as municipalities and local farmers compete with users who are able to pay a higher price. Furthermore, the requested amendment by the EID does not clearly indicate conditions for the change of purpose under a water licence.

#### **4. Environmental needs will be compromised**

The environmental consequences of this amendment are not clearly understood. In its application the EID seeks permission to supply water to certain unidentified future users including country residential developments, livestock operations, golf courses, oil and gas drilling, dust control, campgrounds and other industrial and commercial users. There is little information regarding the point of diversion on the irrigation system, quantity of the specific use, timing of diversion, quantity of return flow, or point of return flow. Impacts on water bodies, watercourses or groundwater aquifers are also unknown, understudied and uncertain. In addition, hydrological, including socio-economic implications, of the requested amendment are unknown, especially for household users or traditional agriculture users.

#### **5. Water scarcity and climate change**

Water supplies in Alberta are already diminishing as a result of climate change, a growing population and growing industrial and agricultural demands. With only 2% Canada's fresh water supply Alberta is home to 60% of the country's irrigation. The climate of the Prairie Provinces has already warmed by between 1 and 4 degrees Celsius, and is predicted to warm again by the same amount by mid-century.

Longer, warmer periods mean that evaporation may occur at faster rates while at the same time there is a greater demand for irrigation. Reduced precipitation, more unusual weather events, melting of the snow packs and glaciers of the Rocky Mountains are all contributing factors to a decrease in water security for the province. In this context, it would be irresponsible for the province to relinquish its responsibility to distribute water equitably and sustainably.

The Council of Canadians therefore strongly urges the Alberta government to deny this application.

Sincerely,

Meera Karunanathan  
National Water Campaigner  
Council of Canadians

Scott Harris  
Prairies Regional Organizer  
Council of Canadians