

THE *BIG* EDDY

| Water District | Watershed Number* | Source | User | Reserve Area Requested** |
|----------------|-------------------|----------------------|--------------------|--------------------------|
| Revelstoke | 1a | Clachnacudainn Creek | | 15.3 |
| " | 1b | Greely Creek | | 20.3 |
| " | 1c | Hamilton Creek | City of Revelstoke | 5.6 |
| " | 1d | Bridge Creek | | 1.7 |
| " | 1e | Napoleon Creek | | 1.2 |
| " | 2 | Dolan Creek | Big Eddy W.W.D.*** | 1.7 |



A History of the Big Eddy Waterworks District and its Long-Standing Battles to Protect the Dolan Creek Watershed Reserve

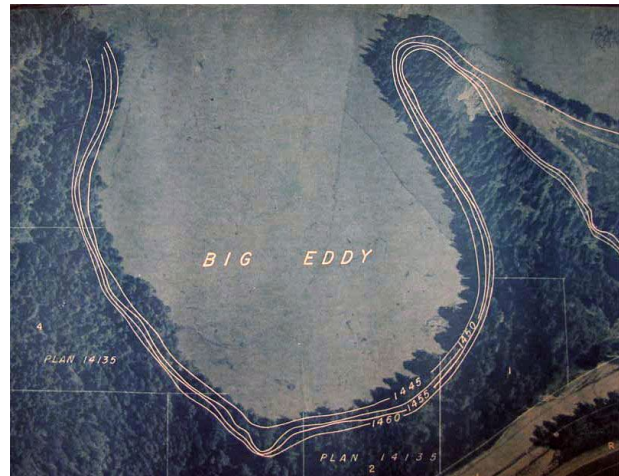


By Will Koop, September 30, 2013
 B.C. Tap Water Alliance (<http://www.bctwa.org>)


1. THE BIRTH OF THE BIG EDDY WATERWORKS DISTRICT

1.1. 1949-1950: Community Meetings

In the weeks and months of September to October 1949, several meetings were held in the living rooms and kitchens of the Big Eddy ratepayers, a small community organization situated just west and directly across the Columbia River from the City of Revelstoke. One meeting in particular was held in the Granstrom's home on October 3rd, where discussion led to a consideration to form a "Water District". Wilf Clough became secretary of the newly formed planning group.



On October 8th, A.F. Paget, the District Engineer for the Kelowna Regional Water Rights Branch,⁷ a Branch then under the Department of Lands and Forests, responded to the ratepayers' wishes, and

| | | |
|---|--|--|
| DEPARTMENT FILE NO. |  | OFFICE OF ENGINEER |
| LOCAL FILE NO. R 3034 | | 435 Bernard Ave., Kelowna, B.C. November 25th, 1949... |
| WATER RIGHTS BRANCH DEPARTMENT OF LANDS AND FORESTS | | |
| Re Proposed Big Eddy Waterworks District. | | |
| <small>DO NOT WRITE ON MORE THAN ONE SUBJECT ON ONE PAGE.</small> | | |

enquired which water source the Big Eddy ratepayers desired to tap into with a "minimum of a 4 inch pipe". A reply was sent to Paget after another meeting in Sandy Hollingworth's home on October 23rd, regarding "a motion to the effect that "Dolan Creek", previously known as "Brickyard Creek", is to be used as our source of supply was passed."

The twenty or so families who wanted fresh creek water service to their homes also made alternative enquiries on November 1st with the City of Revelstoke, the "possibility of the City supplying our water needs." After a Revelstoke City Council meeting on November 8th, a reply was forwarded to Secretary Clough the following day relating the engineering difficulty of laying a metal transport pipe either across and underneath the Columbia River or adjoining the lengthy structure of the Columbia Bridge. Similar considerations against such a pipeline proposal to span the Columbia River had been made by City Council in 1910, when the much larger Jordan Creek watershed, located directly north of Big Eddy and on the west side of the Columbia River, was proposed as the City's future water supply. No more was made of the incorporation proposal by Big Eddy to join with Revelstoke City until it resurfaced again in the late 1970s during and following a Water Comptroller's Hearing regarding electrical transmission corridor concerns stemming from B.C. Hydro's construction of the Revelstoke Dam.⁸

⁷ The 1946 annual report of the provincial Water Rights Branch provided a map of Regional Water District boundaries, showing that the City of Revelstoke was in Area No. 2, with its own Water District office, governed by a Regional office in Kelowna.

⁸ The terms and conditions for this proposal were provided in a letter from the City of Revelstoke on October 25, 1979: "it was concluded that they would involve the District in substantial initial and recurring expenses, and that these would be such as to result in a bulk supply from the City being more expensive than either the surface or groundwater alternatives" (Big Eddy Water Supply Project Memorandum 1221/7, January 31, 1980).

WATER RIGHTS BRANCH

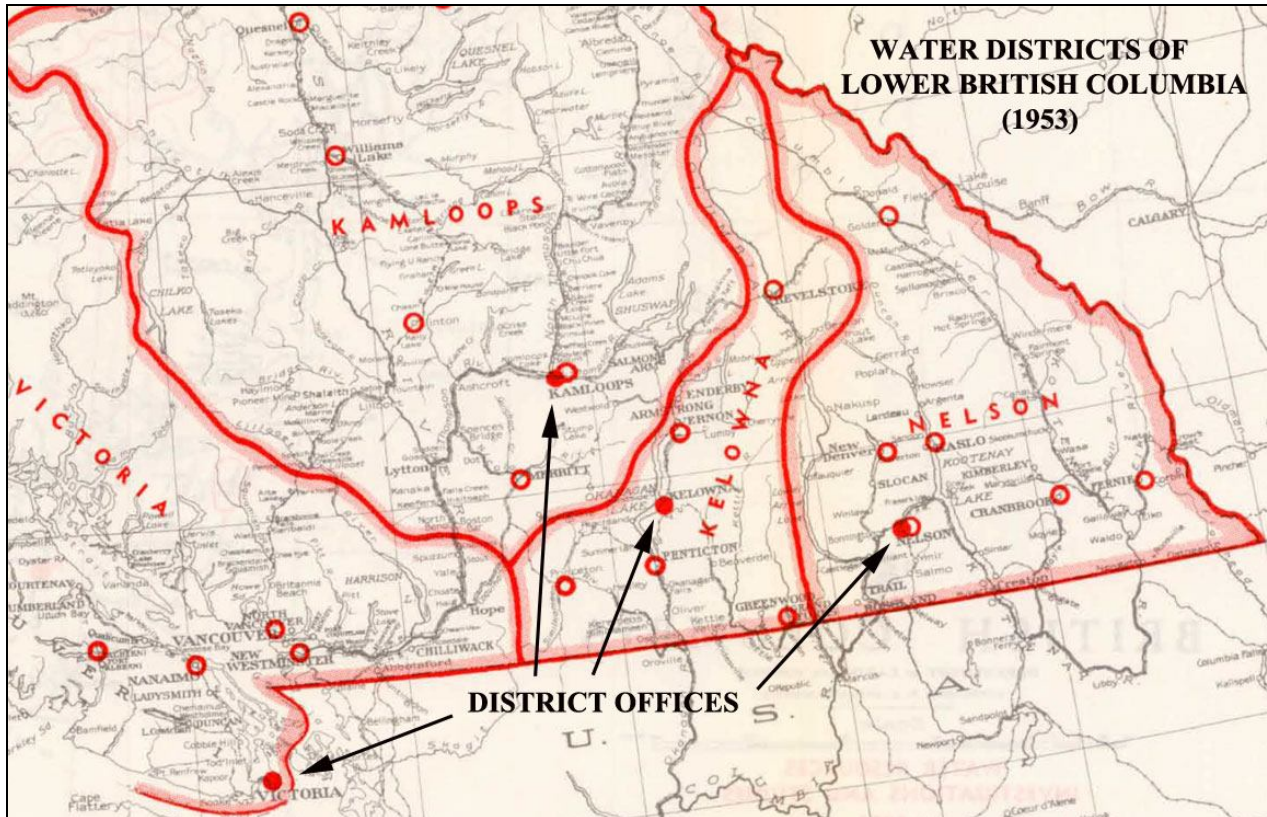
KELOWNA DISTRICT OFFICE

R. G. HARRIS, B.A.Sc., B.C.L.S., M.E.I.C., P.ENG., DISTRICT ENGINEER



The Kelowna office, administering an area of approximately 15,000 square miles, includes the Grand Forks, Fairview, Princeton, Vernon, and Revelstoke Water Districts. This area comprises the Kettle River, Similkameen, and Okanagan drainage-basins and, in addition, the Shuswap River drainage-basin from Sicamous to its source, and that part of the Columbia River drainage-basin from Boat Encampment, the northerly limit of the Columbia River, to a point about 15 miles south of Arrowhead on the Upper Arrow Lake.

Kelowna is centrally situated with regard to serving its administrative area, and most of the important centres are readily accessible within a few hours' drive.



On November 25th, 1949, W.A. Ker, assistant District Engineer with the Kelowna Water Rights Branch, advised the Big Eddy ratepayers to refrain from holding any more meetings until the “*actual incorporation of the District and the election of your Trustees,*” and then forwarded their petition to the Comptroller of Water Rights office in Victoria City, the Capital of British Columbia.

On December 14th, J.E. Lane, Deputy Comptroller of Water Rights, sent the following letter to the “*Secretary of the Organizing Committee of the proposed Big Eddy Waterworks District*” with information about the technicalities of becoming a registered Waterworks District:

Since a substantial majority of the land owners in the proposed district have not signed the petition either because they are non-resident owners or for some other reason, we are forwarding notices of incorporation which are to be posted in the Post Office and two other prominent locations. In order to carry out the first election of Trustees please forward the full name and address of a person to act as Returning Officer, preferably a person who would not be nominated as a Trustee. Also advise us whether you wish three or five Trustees to administer the District.

W. Clough wrote back to Engineer Paget in Kelowna on December 19, 1949 remarking that “*everything appears to be coming along in a most satisfactory manner and the residents of Big Eddy District appear to be enthusiastic over [the] idea of having a Water District formed.*” According to correspondence from the Deputy Comptroller of Water Rights on January 19, 1950, the Lieutenant Governor-in-Council required a certain amount of signatures from a community to enable the incorporation of a Water District.

On March 6, 1950, provincial Lieutenant-Governor C.A. Banks proclaimed the Big Eddy Waterworks District an Improvement District under section 50 of the *Water Act*, where it provided the Lieutenant Governor to “*incorporate a tract of land and the owners thereof as an improvement district.*”

On March 22, 1950, S. James, W. Clough, and B. Granstrom were elected as Trustees of the Big Eddy Improvement District. Having done so, the new Trustees had some homework to do about administrative governance, and on March 28th they

requested Kelowna engineer Paget for assistance, as “*we are really at a loss to know just what our next step is to be taken and believe you would understand our difficulties.*”

PROCLAMATION

[L.S.]

C. A. BANKS,
Lieutenant-Governor.

CANADA:

PROVINCE OF BRITISH COLUMBIA.

GEORGE THE SIXTH, by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas, KING, Defender of the Faith.

To all to whom these presents shall come—
GREETING.

E. T. KENNEY, { **WHEREAS** by section
Minister of Lands { 50 of the “*Water
and Forests. Act*” it is provided that
the Lieutenant-Governor in Council may incorporate a tract of land and the owners thereof into an improvement district:

And whereas the Lieutenant-Governor in Council has, by Order in Council made pursuant to the said Act, been pleased to order that the tract of land hereinafter described and the owners thereof be incorporated into an improvement district under the said Act, and has made further provision to the tenor and effect hereinafter appearing:

NOW KNOW YE that by these presents We do hereby order and proclaim:—

2. The said improvement district shall be known as the “*Big Eddy Waterworks District.*”

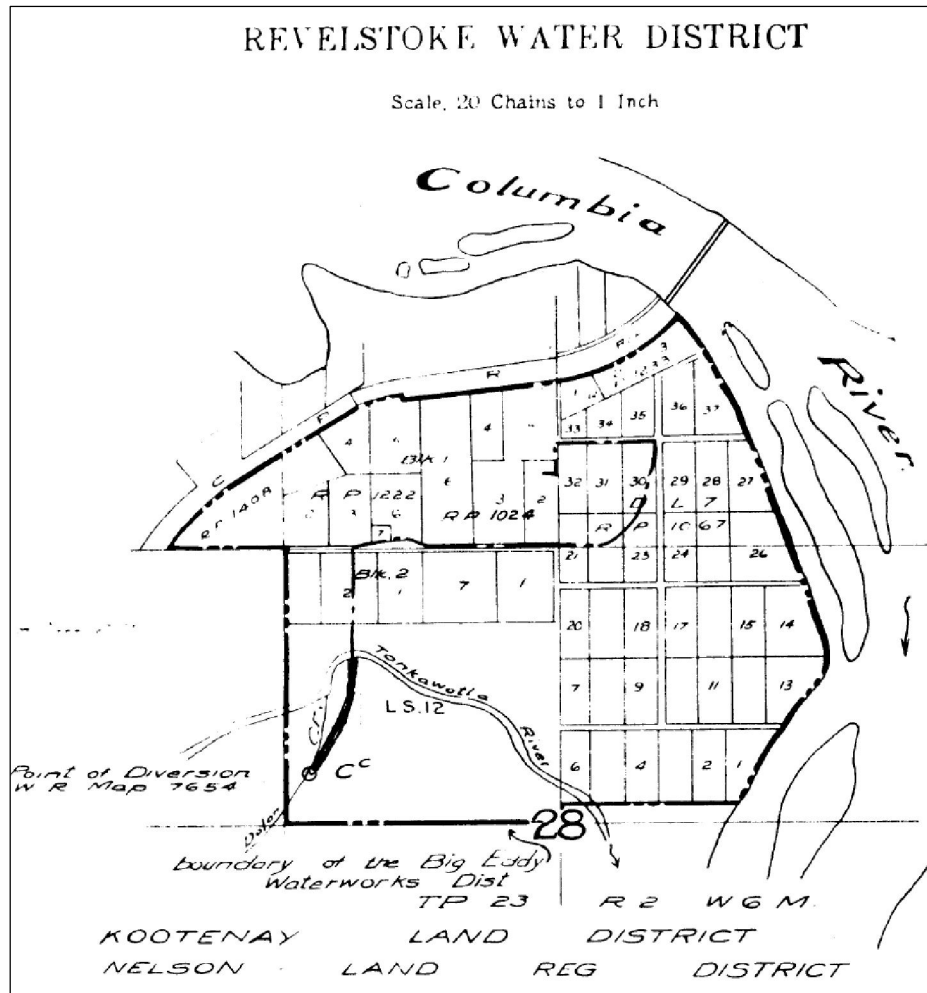
3. The objects of the said improvement district shall be the acquisition, maintenance, and operation of works for waterworks purpose and all matters incidental thereto:

4. There shall be three Trustees of the said improvement district.

On December 2, 1950, the Big Eddy Waterworks District received a letter of response from the Interior Contracting Company Ltd. It detailed the results of the water sample the District sent to the laboratory located at the Dominion Experimental Farm near Coquitlam City. J.C. Wilcox, who analyzed the water sample from Dolan Creek, gave the water sample a clean bill of health:



This water had a pH of 7.64 and a conductivity of 9. This means that it is moderately alkaline in reaction and has a low content of soluble salts. There is neither black alkali nor white alkali present. In so far as pH and salt content are concerned, this water is entirely suitable for either irrigation or domestic purposes.

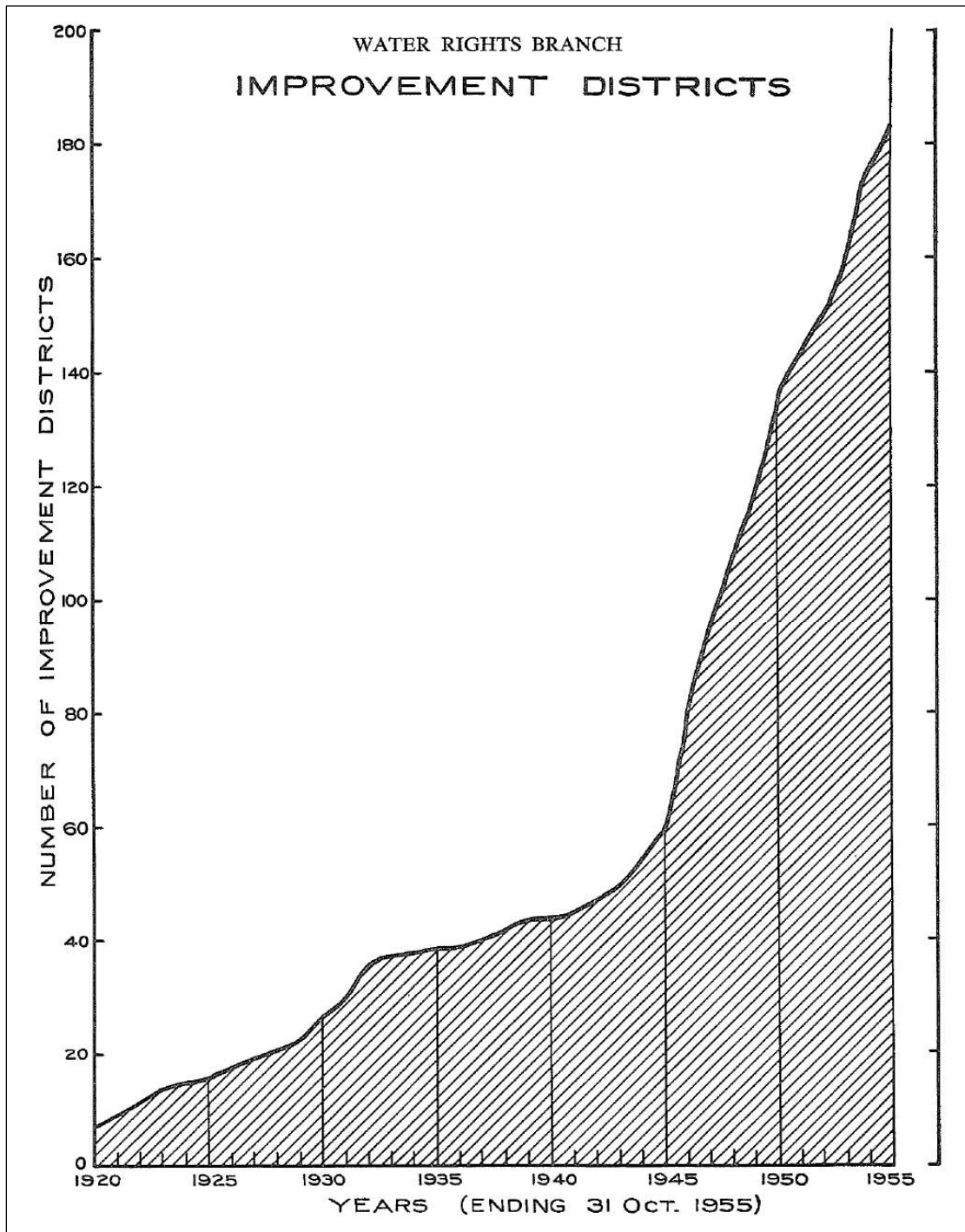


1.2. Legislation about Improvement and Water Districts

As explained in a 1948 article in the American Water Works Association Journal, the B.C. provincial government first created Water Works Districts in 1920:

In 1920 an important section, which might well have been a separate code, was added to the [Water Act of 1914]. This provided for the organization of so-called improvement districts. These were, in effect, municipalities with powers limited to the objects for which they were formed and corresponded to the public utility districts in the United States. Though originally designed to provide for the rehabilitation of the irrigated areas of the province, they were

quickly used for the organization of water works districts to construct and occasionally take over water works systems. There are now about 30 water works districts in the province, all functioning very successfully. It may be of interest to note that the formation of a district does not depend on the approval of the holders of water rights in it. The decision is at the discretion of the Lieutenant-Governor in Council, who considers the recommendation of the comptroller as it affects the policy of the government.⁹



⁹ J.C. MacDonald, *Water Legislation in British Columbia*, in *Journal of the American Water Works Association*, February 1948.

As stated in the 1946 Water Rights Report, the annual Report of the Lands, Surveys, and Water Rights Branches:

IMPROVEMENT DISTRICTS AND WATER USERS' COMMUNITIES

*In order that water-users in otherwise unorganized territory may combine and pool their licenses, and operate over contiguous areas, provision is made for two types of organization: water-users' communities and improvement districts. The former, designed for small communities, may be formed by six or more licensees, to operate co-operatively under a manager. Improvement Districts are designed to take care of larger communities, are operated by elected Trustees, and are public corporate bodies. Both types may be organized for any purpose within the meaning of the "Water Act." The majority of both types of organization are for waterworks and irrigation purposes, but districts are also functioning for fire-protection, drainage, dyking, and power purposes. There are now thirty-seven water users' communities and eighty improvement districts. Two of the former and twenty-two of the latter were incorporated in 1946.*¹⁰

Again, as stated similarly two years later in the 1948 Water Rights Report, the annual Report of the Lands, Surveys, and Water Rights Branches:

IMPROVEMENT DISTRICTS AND WATER USERS' COMMUNITIES

These are organized to enable water-users to combine and pool their resources. Improvement districts take care of large communities and are operated by elected trustees who have wide powers, including those of taxation, tax sale, and borrowing.

The Water Rights Branch bears a somewhat similar relationship to the districts and communities as the Department of Municipal Affairs does to the municipalities. This involves considerable legal, clerical, and, in the case of debtor districts, engineering work. Their organization, including the drawing-up of letters patent, is handled by the Branch; their by-laws are registered by the Comptroller, and are no legal effect until they are. In many cases the by-laws themselves are drawn up by Branch officials, as many of the districts are run by part-time officials they require a lot of detailed guidance.

*It is interesting to note that we now have more districts than municipalities, including villages, in the Province, which indicates the work involved.*¹¹

Another brief summary of this legislation was later recorded in the 1964 proceedings of the B.C. Natural Resources Conference,¹² which explained the two forms of rural community water users:

¹⁰ Pages 81-82. Note: the Water Rights Branch published annual reports up until 1918, and then from 1945 following. Oddly, the agency published no annual reports from 1919-1944. The Provincial Archives in Victoria holds many early documents from the Water Rights Branch.

¹¹ Page 146.

¹² The annual conferences were first held in 1948 and continued to 1970, keenly attended by university academics, government and private industry representatives. Transcripts of the conference proceedings were published each year, important sources for natural resource historians.

*The Water Act provides for two types of organization for the co-operative provision of water supplies; namely, the water users community, and the improvement district. The former is a group of individual water licence holders who operate a system jointly, and is relatively unimportant in the field of domestic water supply. The improvement district, however, is becoming increasingly important, and at present there are 149 improvement districts in British Columbia supplying water for domestic purposes. The improvement district is run by a board of trustees elected by the land-owners in the district and reporting to the landowners annually at a general meeting. When the provision for waterworks purpose is the principal function of an improvement district it is called a waterworks district.*¹³



By the early 1990s, the provincial government began a program to disband and eliminate, or integrate, Improvement and Water Districts into the administrative function of Regional District governments. This ‘harmonizing’ strategy would remove the former autonomy and local decision-making powers of affected communities at the discretionary and more remote accountability of regional government politicians and administrators, decisions transferred and concentrated over the control of water licensing and management authority of public and private forest lands.

¹³ *The Water Resources of British Columbia*, page 89, in *Inventory of the Natural Resources of British Columbia*, published by the BC Natural Resources Conference, 1964.