

# Water Wars – From the Top of the Watershed



Photo courtesy of Gloria Duffy

California continues to struggle with the drought, and the state has placed emergency restrictions on water use. In June, the State Water Resources Control Board rescinded the permits of California’s “junior” water rights holders to divert water from springs and streams in watersheds all over the state. This includes rights holders ranging from farms and ranches to major agricultural growers, towns, cities and power companies.

We have a home at the top of the Sacramento-San Joaquin watershed, one of California’s most important water sources, in the tiny town of McCloud at the foot of Mt. Shasta. Water has been a topic of controversy here, even before the state’s water crisis. Six years ago, after a six-year fight, Nestle abandoned a plan to build a giant water bottling plant in McCloud after then-California Attorney General Jerry Brown threatened to sue Siskiyou County for not properly evaluating the environmental impact of such a facility.

It was interesting, during our vacation in McCloud in July, to see the impact of the state’s new water regulations in one specific case, where the town services management, the McCloud Community Services District (MCSD), is one of the holders of the junior water rights being restricted.

The MCSD owns the rights to three springs, Upper and Lower Elk Springs and Intake Springs, which produce copious pure water fed by glaciers on Mt. Shasta. Normally, these springs feed the small town’s water supply, then the excess flows down into Squaw Creek, which flows south through the town into the McCloud River, which feeds Lake Shasta, which then flows down into the Sacramento River. This water flows into the Sacramento Delta, with some taken into canals and pipelines that provide water supplies to communities as far south as northern San Diego County.

MCSD is a “junior” water rights holder, which means that the rights to its three springs were acquired between 1903 and 1914. These rights were taken over by the MCSD from the lumber company that formerly operated in the area. “Senior” water rights holders obtained their rights prior to 1903, and they will be the next group to be restricted if the drought continues.

The curtailment of junior water rights by the State means that

MCSD was required to immediately stop diverting water from two of its three springs – Upper and Lower Elk Springs – into a storage tank that provides water to the town, from which the overflow exits into Squaw Creek for its journey south to Lake Shasta and beyond. What this meant is that, after receiving the curtailment notice from the state on June 19th, the manager of the MCSD, Wayne Grigsby, literally went out into the forest to the pipes transporting the water into the town’s tank from these two springs and shut them off.

The result of this was . . . 3,000 gallons of water per minute from the two curtailed springs then flowed out onto the forest floor. After 112 years of being diverted, the natural paths these springs had taken into waterways have been blocked by mudflows, logging and vegetation growth. Eventually the water will hopefully percolate into the state’s aquifer, but for now the water is flowing onto the ground rather than going into waterways to be carried into the state’s water system.

The immediate result of this is that the water flow available for users south of McCloud has been diminished by 4,320,000 gallons per day. This is exactly the opposite of the effect the state water rights curtailment is supposed to have, which is to make more water available for the state’s water users, for fish and wildlife, and to distribute the water more evenly to users throughout the state.

Naturally, this outcome has created something of a furor in little McCloud. The local populace has pointed out the counter-productive result of dumping the water from the springs onto the forest floor

and urged Grigsby not to comply with the state notice. But there are no exemptions granted by the state for the curtailment, and very large daily fines for not complying. Board members and Grigsby are protesting to a number of state officials, and the MCSD is filing a letter with the State Water Resources Control Board protesting the curtailment order.

The curtailment of the springs has created another problem. Squaw Creek had a robust trout population, so now an operation has been launched to rescue and relocate the fish from the creek in which the water level has decreased and the water temperature has increased, making it inhospitable for fish.

McCloud is a tiny microcosm of the state as a whole. But one wonders if what is happening here indicates what is actually happening more broadly with the water rights curtailment and if the state’s approach to water conservation is producing the intended result. 🌿

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