

WEED'S WATER WAR

How a small town at the foot of Mt. Shasta is fighting back against the bottled water industry

By Leonie Sherman

For 107 years, residents of Weed, California, a picturesque hamlet nestled against the flanks of snow-capped Mt. Shasta, have been drinking water from nearby Beaughan Spring. The water is so pure it flows straight to their faucets; no treatment is necessary. Locals take gallon jugs of it with them when they leave town.

But Roseburg Forest Products, the Oregon-based timber giant that owns the land around the spring, has other uses for that pure water. Crystal Geyser already bottles Beaughan Spring water in Weed, and RFP wants to sell them even more. The timber company has told the 2,700 folks who call Weed home to find their water elsewhere.

"No way," says Michael Yates of the Weed Area Water Alliance. "I've been drinking that water for 60 years. I can taste the chlorine in other tap water. Even my dog gets sick drinking that stuff."

Before it was a stop along Interstate 5, Weed was a classic timber company town. Abner Weed bought the land and the Siskiyou Lumber and Mercantile Mill in 1897 for \$400. Roseburg is still the largest private employer in town.

The company changed hands a few times before 1959, when International Paper approached the state for permission to subdivide the land and sell it to residents. A condition of the sale (completed in 1961) was creation of the non-profit Weed Water Works to provide water, sewer and fire protection for the fledgling community.

"I don't understand how it got this far," says City Council member David Pearce. "The California Water Code says water is intended first for domestic use, then for Fish and Game, then for parks and recreation and lastly for industrial use. How can an industrial use take priority over our domestic water supply?"



Rates and charges are determined by the California Public Utilities Commission.

When the Weed Water Works sold all assets to the city in 1966 they included the infrastructure but excluded rights to the water. Instead they granted a 50-year lease to provide 2.0 cubic feet per second for \$1 a year. That lease expired June 26, 2016.

Beaughan Spring is located on Roseburg property, but ownership of the water rights is murky. Ten years ago Crystal Geyser began negotiating directly with the city for rights to bottle more of that pure spring water. Finding a cloud over the water rights, they turned their attention to the land owners. Five years ago Roseburg entered into lease extension negotiations with the city. Nine months of formal mediation failed to produce results.

This past February, facing the prospect of renting water trucks and making 45 trips a day to provide for household consumption, the city of Weed declared a state of emergency. In April, after hours of emotional testimony from over 100 concerned citizens, the city council approved a new Water Lease Agreement by a 3-2 vote. The five-year lease reduces the city's water supply by 25%, raises annual costs to \$97,500 a year and requires the city to pursue alternate sources of water within six months.

"This is a classic David and Goliath situation," says former Weed mayor Jim Gubetta. "We're the little guy and they're hammering the hell out of us. Roseburg forced the city into this new lease agreement by threatening to withhold our drinking water."

"There was never any negotiation," echoes local activist Vicki Gold. "Just threats to take away our water."

"We would love to negotiate this out and have Roseburg do what's right, but our next step is to take this to court," says current Mayor Pro Tem, Bob Hall. "Basically it's a water grab. This is something the company won't be proud of when all the facts come out."

In June, four concerned residents formed the Weed Area Water Alliance and filed a lawsuit, challenging the city's claim that the lease agreement did not require a full review under the California Environmental Quality Act (CEQA).

"There is no question that a CEQA review is necessary," says Philip Gregory of Cotchett, Pitre & McCarthy in

Burlingame, CA, counsel for the plaintiffs. "It would be both irresponsible and illegal for the City to proceed without proper environmental review. The new Water Lease Agreement incorrectly assumes that the water in question is actually owned by Roseburg. This assumption is not at all clear based on a legal analysis."

When Weed resident Bruce Shoemaker tipped off a *New York Times* reporter, the resulting article, published in October, produced a national outcry that put Roseburg on the defensive.

"Our executive team has decided not to answer any more questions from journalists," Corporate Communications Director Rebecca Taylor told me recently. "We are not interested, at this time, in talking about this issue." What is there to say? We want more money, so those people can go drill a well?

As for Crystal Geyser, when the billionaire founder of its parent company visited town, he threatened to blow up the Weed bottling plant, a major local employer. Now that company's representatives won't even answer the phone.

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As the matter winds its way through the courts, the Weed Area Water Alliance is hoping to revisit the city's decision to agree to the new water lease agreement. It's difficult to imagine any California judge approving Roseburg's right to deprive citizens of water so they can make a buck sending it to Japan in little plastic bottles. But a legal victory often comes with a hefty price tag.

"Our former water attorney, who resigned during this process, advised us that Roseburg would bankrupt the city in court," explains Hall. "But we really don't have any other choice."

Whatever the legal outcome, the moral imperative is as clear as the disputed water that continues to bubble out of Beaughan Spring.


"Roseburg is missing an incredible opportunity to generate good will by doing the right thing," says Shoemaker. "They have an important role to play in our community, but they need to take their hands off our water." 



PHOTO Ban the Bottle advocates banning single use plastic water bottles and works to eliminate plastic bottles in schools, offices and public areas. banthebottle.net



PHOTOS

Main image: Lakota runner, freedom run, 1984- (Larry Long). **Middle:** Iroquois protector waving flag from the front lines (Leonie Sherman). **Bottom:** Pine Ridge Runners praying together before heading to the front lines (Leonie Sherman).

SAY NO TO BOTTLED WATER

And help turn the tide on an ecological catastrophe

Every autumn, Theo, the janitor at Branciforte Middle School, cleans out the gutters before the first big storm. This year he found over 200 discarded plastic water bottles. He says that’s typical. And that’s in eco-conscious Santa Cruz.

Our landfills, oceans, city streets and public lands are clogged with these thin plastic containers. The carbon footprint of pumping, bottling and shipping all that water is enormous. Sometimes springs are located on public land which is leased for a pittance with little environmental review.

In the San Bernardino National Forest, for example, Nestlé North America, the nations largest bottled water company, draws over 25 million gallons of Arrowhead Springs water every year. For this privilege, they pay an annual fee of \$524 under a lease that expired in 1988. Though they cooperate with the US Forest Service, there is no environmental oversight of how their operation affects the watershed or wildlife.

While the residents of Weed contemplate the nation’s first ballot initiative to tax the export of bottled water, the solution to this ecological catastrophe is literally in our hands. Just Say No to bottled water and encourage everyone you know to do the same.

—LS

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