

## **For Sprawl's Sake Privatization's Effect on Water Quality**

**By Lynne A. Plambeck**

"Private suppliers have few economic incentives to address long-term health problems associated with low levels of some pollutants," state Pacific Institute authors Peter Gleick, Gary Wolff, Elizabeth Chalecki, and Rachel Noyes.<sup>1</sup>

"In addition, private water suppliers have the incentive to understate or misrepresent to customers the size and potential impacts of problems that do occur." According to Gleick and his colleagues, "strong regulatory oversight is a necessary component of protecting water quality."<sup>2</sup>

Certainly no private water company in California would fit such a description! After all, California has strong regulatory oversight of private water companies embodied in its public agencies including the California Public Utilities Commission (CPUC), the Drinking Water Division of the Department of Health Services (DHS), the Department of Toxic Substances Control (DTSC), and the state's Regional Water Quality Control Boards (RWQCBs).

The CPUC must find that adding additional water service areas to a private water company's map can occur without "injuriously withdrawing the supply wholly or in part from those who have theretofore been supplied by the corporation."<sup>3</sup>

The Drinking Water Division of DHS must require full California Environmental Quality Act (CEQA) review and a public hearing prior to permitting municipal supply wells in an "impaired" ground water source.<sup>4</sup>

DTSC would certainly inform and speak out loudly to protect the public from a toxic site that was polluting a local

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aquifer. The RWQCB would never allow discharge of polluted water into a surface water source. Such public water quality failures could only occur in third world countries, of course.

Yet in the well-to-do upper-middle class Santa Clarita Valley area north of Los Angeles County, two of four regulatory agencies have failed their charge and, in fact, residents of this area may soon depend on an aquifer polluted with ammonium perchlorate as their drinking water source.

Ammonium perchlorate is a by-product of rocket fuel production. It was used in military ordnance production at Whittaker Bermit in the Santa Clarita Valley. Although it

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**Ammonium perchlorate can impair proper functioning of the thyroid gland, which controls growth, development, and metabolism.**

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has long been known to occur in groundwater, the U.S. Environmental Protection Agency was unable to develop a test to detect it in small quantities until 1997. Since that time, it has been discovered in groundwater near industrial sites throughout California. Sites of particular concern are located in the San Gabriel and Santa Clarita Valleys and in the Sacramento area.

This chemical can impair proper functioning of the thyroid gland, which controls growth, development, and metabolism. Developing fetuses, infants, and children with thyroid impairment from exposure to ammonium perchlorate may suffer mental retardation, loss of hearing and speech, or deficits in motor skills. A very high exposure may cause thyroid cancer.<sup>5</sup>

"State Agency Oks Plan Using Tainted Water," blared the *Los Angeles Daily News* to the world after an administrative law judge of the blatantly captive CPUC approved a series of annexations adding more than 6,000 housing units to Valencia Water Company's service area.<sup>6</sup>

Unfortunately, neither the world nor the CPUC seem to care that these annexations were approved in November 2001 despite well-documented ammonium perchlorate pollution in one of Valencia Water Company's and the Santa Clarita Valley's key water supply, and contrary to PUC Regulation 2708.

Ignoring evidence submitted by DTSC and testimony of local elected officials that no DHS-approved remediation for

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**Arresting Developments**  
• **Connecting CalFED dots**

**Rural Counties connect dots for Environmental Water Caucus**

At the April 4, 2002, meeting of the Bay Area-based Environmental Water Caucus (EWC), a coalition of state-wide and Bay Area environmental groups, representatives of the Regional Council of Rural Counties (RCRC) aired grave concerns about the CalFED Bay-Delta Program's future and discussed strategy.

CalFED is a joint state-federal planning agency striving to address California's water future. It has existed since 1995, and in 2000 completed a plan for water supply, water quality, ecosystem restoration, watershed and delta levee improvements. It attempts to balance water supply imperatives with endangered fish species concerns in the Bay and Delta estuaries.

Led by consulting attorney Michael Jackson, RCRC's contingent argued that the August 2000 CalFED Record of Decision (ROD) was flawed because the ROD reverses water rights priorities.

In 1986, a state appeals court (in the "Racanelli decision" or Delta water cases) assigned the duty of improving water quality in the San Francisco Bay-Delta estuary to the SWP and CVP.<sup>1</sup>

The CalFED ROD protects the federal Central Valley Project (CVP) and the State Water Project (SWP) through a "no net loss to exports" stance, says Jackson. "Instead of fixing senior water rights holders, the CalFED approach goes about 'making everyone better' backwards."<sup>2</sup>

The CalFED ROD, Jackson charged, was a "backroom deal" written by just four men: Cadiz Land and Water

Company CEO Keith Brackpool (who is also Governor Gray Davis' water advisor), then-deputy Interior Secretary David Hayes, recently-defeated congressman Gary Condit, and then-Interior Secretary Bruce Babbitt.

With federal authorization of CalFED programs stalled in Congress, the meeting between statewide environmentalists

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and rural interests signals a political reassessment of CalFED under way by environmental groups.

Key to environmentalists' support has long been CalFED's ecosystem restoration, water quality, and watershed programs.

Some support the Environmental Water Account (EWA) as well. Part of the CalFED ROD is an agreement among participating agencies that they would avoid enforcing the state and federal endangered species acts (ESAs) at the Tracy pumps, said Jackson. They do so by having CalFED buy water from local and regional water agencies through the EWA to augment Delta outflows so that anadromous and other endangered fish receive water flow protection, but without interruptions of export pumping (the "no net loss to exports" provision).

The EWA is promoted by CalFED as a water purchase program intending to help fish and avoid interrupting CVP and SWP export pumping.

"I cringe at the 'E-word'" in the EWA, Jackson told assembled EWC members, "especially when you try to apply a reasonable use test to it," referring to California's constitutional requirement that all beneficial water uses be reasonable as well.

EWA flows failed in December 2000 when tiny endangered Delta smelt were killed at Delta pumps by the thousands. Because EWA water had been used, export pumps continued operating.

At the time, the fish destruction was justified by CalFED as an unfortunate part of learning how to operate the EWA.

The proposed Sites Reservoir, a huge new northern California storage facility contained in CalFED's ROD, is planned as an important water source for the EWA. Jackson urged the EWC to reject the Sites project and the EWA.

"If the Feinstein bill [now working its way through

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## SPILLWAY's Twists and Turns

You, dear and loyal readers, are the real backers of **SPILLWAY**, together with small sums my wife and I pay from our common wealth to print the newsletter. Your encouragement and subscriptions mean a lot here at Headquarters; some of you are generous beyond **SPILLWAY's** asking! We are grateful for the faith you've placed in our publication over the last two years.

A change in our circumstances forces us to suspend **SPILLWAY** until we can resume subsidizing it. In 2001 I declared a six-month hiatus, this one I believe must be indefinite. Subscribers can contact me for a refund, either via email at editor@spillwaynews.net or at the address on

pages 2 and 8.

I expect to resume **SPILLWAY** again in the future. In

the interim, its web site ([www.spillwaynews.net](http://www.spillwaynews.net)) will continue, with periodic updates, and I expect to start other projects that will flesh out **SPILLWAY's** mission: To interpret California's current and future growth and development; investigate alternatives to the agricultural and urban dystopia California currently builds for itself; and provide a forum for downstream and upstream voices of



Photo courtesy of California Department of Water Resources.

economic and ecological watershed sanity. When our circumstances improve, as rains end a drought, **SPILLWAY** will return!

### Arresting Developments

#### • Pronsolino rejected again

Congress] passes, EWA becomes a federally legislated program" that upends California's water rights system, said attorney Jackson. "Right now, the program is only enforceable as a memorandum of understanding," a kind of contract between government agencies, but lacking legislative authority.

Tom Graff, senior attorney with Environmental Defense (and a member of the EWC), asked Jackson what the political alternative to CalFED is. Jackson could not provide a blueprint, but he observed that "while there is little Republican support for CalFED in Congress, they loved the Clinton-Babbitt ESA exemption in the CalFED ROD. They want to try it in Alaska and Colorado."

"No other water user in California gets treated this way. But the political power of the federal and state water contractors bought it," Jackson told the EWC meeting. "We urge the EWC to re-evaluate its support of the EWA." EWC members present said they would consider RCRC's analysis.

#### NOTES

1. Tim Strohane, "Reliability and Conflict in California Water," *SPILLWAY* v2n2, Winter 2002.
2. Jackson's remark alludes to an early CalFED "principle" in which all stakeholders agreed they would "get better together" through CalFED's planning process. CalFED principles may be found in the Program's Phase II reports, public brochures, and environmental documents.

#### Pronsolino challenge to TMDLs rejected

The U.S. Ninth Circuit Court of Appeals unanimously rejected an appeal by Guido and Betty Pronsolino of an

earlier decision upholding the U.S. Environmental Protection Agency's (EPA) authority to regulate nonpoint sources of water pollution, such as erosion from timber harvesting operations in the Garcia River watershed of coastal Mendocino County.<sup>1</sup>

While EPA had long delayed implementation of the TMDL provisions of the federal Clean Water Act (CWA) until the early 1990s, Judge Marsha Berzon, writing for the Ninth Circuit, found that the Agency's efforts to assert its authority over nonpoint sources of pollution were legal.<sup>2</sup>

Judge Berzon also rejected the Pronsolinos' contention that EPA upsets the balance of federal/state control established in the CWA "by intruding into the state's traditional control over land use."

The Garcia River TMDL, she wrote, "identifies the maximum load of pollutants that can enter the Garcia River from certain broad categories of nonpoint sources if the river is to attain water quality standards. It does not specify the load of pollutants that may be received from particular parcels of land or describe what measures the state should take to implement the TMDL."<sup>3</sup>

#### NOTES

1. Guido and Betty Pronsolino, et al v. Wayne Nastro, Region 9 EPA Administrator, et al, *Appeal from U.S. District Court for Northern California, D.C. No. CV-99-01828-WHA*, Judge William Alsup, presiding.
2. *Ibid.*, p. 12
3. *Ibid.*

# Untying the Other Klamath Knot

By Tim Stroshane

*“Sometimes I wish the Klamaths were one of those placid areas where I could pass over the bedrock with a few learned remarks about inland seas or glacial action....Klamath rocks don’t sit idly under white sand as do Florida limestones, or roll gently under deep loam as do midwestern sandstones and shales. They are athletic rocks, at times prankish....As with all pranksters, it is hard to get a straight story from Klamath rocks; they prefer to speak paradoxes, obscure codes or apparent nonsense. This is why geologists call them a ‘knot,’ a nightmare.”*

—David Rains Wallace, *The Klamath Knot*<sup>1</sup>

Wallace wrote eloquently nearly twenty years ago of the mysterious geologic and biotic evolution of the Klamath Mountains in southern Oregon and northern California. He argued that the Klamaths present a “knot” for scientific thinking. The knot’s tendrils bind together mountainous links with the Sierra Nevada to the south and forest ecologies as disparate as Alaska and Idaho, for example.

Another Klamath knot binds the modern fates of Indian tribes, upper Klamath River Basin farmers, Oregon environmentalists, northern California commercial and sport fishermen, the states of Oregon and California, and federal government agencies managing water, fish, and wildlife: Too little water promised to too many people for too long.

## The Klamath Basin

The Klamath River Basin encompasses 9,691 square miles of farm lands, small towns, and forested mountains spreading from near Oregon’s Crater Lake in the north to its estuary near Requa (in northwestern California) to the south (see accompanying map).<sup>2</sup> The Klamath River itself winds over 180 river miles from south central Oregon southwest to the Pacific Ocean.

Snowpack and rainfall in the Upper Klamath Basin fluctuates widely from winter to winter. Like California, the region’s summers are typically dry. During winter, the basin’s numerous large marshes, such as Sycan and Klamath Marsh, as well as wildlife refuges at Tule, Lower Klamath, and Clear Lakes, are abundant wetland habitat for numerous birds migrating the Pacific Flyway from northern Alaska and Canada to Mexico and back, birds as diverse as geese, bald eagles, sandhill cranes, herons, and numerous other waterbirds.

The U.S. Bureau of Reclamation built the Klamath Reclamation Project (KRP) in 1907 to store water in Upper Klamath Lake, for irrigating new homestead farms and wildlife refuges.<sup>3</sup> The KRP historically irrigates about 200,000 to 210,000 acres of farm land with about 500,000 acre-feet of water for agricultural production.<sup>4</sup>

Following the dry winter of 2001, the Bureau denied

farmers in the upper Klamath Basin irrigation deliveries by the Bureau. A U.S. Fish and Wildlife Service biological opinion, on which the Bureau relied, contended that irrigation deliveries would reduce Upper Klamath Lake’s elevation and supply of dissolved oxygen and would harm two species of sucker fishes deemed sacred by the Klamath Indian Tribe.

In addition, a separate National Marine Fisheries Service (NMFS) biological opinion concerning endangered coho salmon held that KRP irrigation deliveries would reduce available river flow releases from Upper Klamath Lake, creating shallow water conditions in Iron Gate Dam (downstream from the lake just inside California) that would increase water temperatures in flows released downstream, making the coho more disease-prone, reducing dissolved oxygen, and hampering coho reproduction.

## Senior Tribes, Junior Farmers

The Bureau’s decision touched off a very public farmer rebellion lasting from April until September 11th. Klamath’s rebel farmers declared a “truce” with the federal government that day in the wake of the murder of nearly 3,000 workers at the Pentagon in Washington and New York City’s World Trade Center towers by Al Qaeda terrorists using commercial airliners as navigable bombs.

Fish and Wildlife Service scientists defended their biological opinion over the winter, but it was an uphill struggle. In November, Interior Secretary Gale Norton requested the National Academy of Sciences’ National Research Council conduct a scientific peer review of the biological opinions under the Endangered Species Act.

From the start of their uprising, Klamath’s rebel farmers turned to a demonizing ideological politics, elbowing out other voices and polarizing Klamath Basin communities.



Photo courtesy of Klamath Basin Crisis ([www.klamathbasincrisis.org](http://www.klamathbasincrisis.org)).

*Tim Stroshane edits and publishes SPILLWAY.*

They persuaded media editors and journalists that their struggle is one of “fish versus farmers.”

Unfortunately, this other Klamath knot is more complicated than the media formulation.<sup>5</sup>

The Klamath Indian Tribe possesses reserved water rights that, while unquantified, are senior to those of agrarian customers of the KRP. Their rights date to an 1864 treaty between the Klamath Indians and the U.S. Government, and subsequent court decisions repeatedly reaffirmed that the tribes’ seniority date is “time immemorial” to protect their hunting and fishing rights in the Klamath Basin.<sup>6</sup>

Historically, Klamath Basin tribes lacked political power to protect their historical water rights, and in so doing improve their lot. Their unquantified water rights combine with Endangered Species Act protections to give the tribes powerful incentives to use their water rights and ESA protections on behalf of the endangered sucker fishes and coho salmon.

KRP irrigators, who make up most Basin rebel farmers, say they fear total loss of their access to Klamath water, available to irrigators only through rights junior to the tribes’. Their fear, while politically sexy, is not well-founded.

The Klamath Tribe’s water rights are limited, as well as similar rights held by the Yokut, Yurok, and Hoopa tribes who fish the lower Klamath and Trinity rivers, by treaty with the U.S. government to “maintain the livelihood of tribe members, and not as these rights once were exercised by the tribe in 1864.”<sup>7</sup> The tribes are barred by the same court decisions from lording a “wilderness servitude” over Klamath Basin water rights.

In other words, tribal water rights prevent the tribes from legally turning back the clock to a pre-industrial pattern of water allocation; therefore, water appropriators like the KRP will likely receive some reasonable allocation. However, final adjudications remain years, possibly decades, away.

In future dry years, the Basin may see repeats of the farmers’ rebellion of 2001 unless the tribes’ other weapon, the federal Endangered Species Act (ESA) is sufficiently weakened that KRP irrigators and the U.S. Bureau of Reclamation can avoid its heavy regulatory hand.



**The Experts Speak**

During the farmers’ truce this winter, other facets of the other Klamath knot appeared. From Eugene came an economic report in November sponsored by a coalition of environmentalists and reform-minded Klamath-area farmers.<sup>8</sup> The report found the Klamath Basin economy restructuring away from agriculture, and that the farmers’ rebellion of 2001 was symptomatic of painful changes long under way in farm production, food retailing, and international trade agreements.

The Eugene economists wisely urge agricultural production to become more sustainable, including adoption of organic production methods. While persuasive in diagnosis, they also recommend that Klamath water be marketed, enabling willing Klamath irrigators to “sell their water” to willing Klamath buyers, such as state or federal agencies and the Nature Conservancy for its wetland real estate to benefit nature’s “ecological services.”

In December 2001, academic researchers from Oregon State University and the University of California (OSU/UC) weighed in on the history, fisheries science, social life, and institutional problems that shaped the Klamath Basin rebellion of 2001. While the academics brought an interdisciplinary approach to Klamath Basin troubles, their published

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## Privatization and Sprawl

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the Santa Clarita Valley is available, the PUC stated, “It is reasonable to anticipate that water purveyors of the Santa Clarita Valley will effectively remediate the ammonium perchlorate problem so as to preserve their ability to rely on the Saugus Formation....”<sup>7</sup>

Approval of Valencia’s annexations was apparently based on statements by Valencia’s general manager that remediation was under way and the ammonium perchlorate pollution was contained.<sup>8</sup>

Yet a plan for merely “characterizing” (i.e., identifying the extent and migration of) the pollution plume (*not* the remediation of the pollution) wasn’t even signed with the Army Corps of Engineers until April 2002.<sup>9</sup> Valencia’s

agencies, but it might also affect their ability to sell these units if the public begins to doubt the safety of their drinking water supply. The CPUC indulges Valencia/Newhall’s gross conflict of interest to feed urban sprawl.

The Sierra Club, with Ventura County, petitioned to the California Supreme Court to review the CPUC’s decision. Now we, who must drink Santa Clarita Valley water, can only wait and hope the Supreme Court’s review is granted and a hard look at the Valley’s water quality required before it is too late.

Our government’s recent rush to deregulate and privatize energy and its distribution systems brings unexpected and horrific economic and environmental impacts. We must carefully consider decisions to privatize our water and its delivery system further to ensure the same situation doesn’t occur with our precious water resources.

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**Private water companies have an incentive to understate or misrepresent to customers the size and potential impacts of their water pollution problems.**

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behavior and CPUC’s apparent negligent authority confirms Pacific Institute’s assertion that private water companies have an incentive to understate or misrepresent to customers the size and potential impacts of pollution problems.

Why does Valencia Water Company disregard an obvious threat to its public water supply? Because it is the wholly-owned subsidiary of Newhall Land and Farming Corporation, the Santa Clarita Valley’s largest developer. With literally tens of thousands of unbuilt residential units coming available in this high-growth area, Newhall Land and Farming could ill-afford to be truthful about such water quality problems. Not only would it undermine their assertion that they have an adequate water supply to planning

### NOTES

1. Peter Gleick, Gary Wolff, Elizabeth Chalecki, Rachel Noyes, *The New Economy of Water: The Risks and Benefits of Globalization and Privatization of Fresh Water*, Oakland, CA: Pacific Institute for Environment, Development, and Security, February 2002, Executive Summary, p. V.
2. Ibid.
3. *California Public Utilities Code Regulation 2708*.
4. Department of Health Services Memorandum No. 97-005, “Guidance for Direct Domestic Use of Extremely Impaired Sources,” David Path, November 5, 1997.
5. Environmental Working Group, *Rocket Science*, Executive Summary, July 2001, page 1. See also California Department of Health Services’ bulletin on health risks of ammonium perchlorate.
6. Los Angeles Daily News 30 November 2001.
7. See *Administrative Record, Valencia Water Company, Application #99-12-025. Testimony and Submittal of Experts from California Department of Toxic Substances Control*.
8. PUC Decision #01-11-048, November 29, 2001, p. 40.
9. Agreement between the Department of the Army and Castaic Lake Water Agency for the Eastern Santa Clara River Groundwater Study, Santa Clarita, CA, signed April 13, 2002.

Photo by Gary Thornhill, courtesy of Santa Clarita Valley Historical Society, at [www.scvhistory.com/scvhistory/gt9100.htm](http://www.scvhistory.com/scvhistory/gt9100.htm)

*Bermite Powder Co. made explosives, flares, and small munitions on this 996-acre property in Saugus, southeast of Bouquet Junction, from 1934 to 1987, supplying the U.S. military during World War II, and the Korean and Vietnam conflicts. Over 275 known contaminants were left, some of which percolated into groundwater below. Missile maker Whittaker Corp. acquired Bermite in 1986, then sold the property in 1999 just before falling victim to a hostile takeover.*



## The Other Klamath Knot

*continued from page 5*

findings pleased few.<sup>9</sup> They too urged reallocating Klamath water using market-based methods.

The Indian tribes later rejected the report for ignoring downstream Klamath River issues and an overwhelming emphasis on the Upper Klamath Basin troubles. The “other” Klamath Knot doesn’t stop at Iron Gate Dam (the Basin’s approximate geographic midpoint) in northernmost California, they contend, but must be faced by everyone living in the Basin and using the river.

And from Washington, DC, in February 2002 came the peer review study of the government’s biological opinions requested by Interior Secretary Gale Norton and the Bush Administration. The National Research Council (NRC) concluded irrigation water should not have been withheld from Klamath farmers; the science in the biological opinions wasn’t strong enough to justify it.<sup>10</sup> By confining scientific analysis to too narrow a set of problems, the NRC decision will only tighten this other Klamath knot.

### The Other Knot is Gordian

*“Gordian knot: n. (origin C16) from the legendary knot tied by Gordius, king of Gordium, and cut through by Alexander the Great in response to the prophecy that whoever untied it would rule Asia.”*

—*Concise Oxford Dictionary*, 10th Edition

Unfortunately, racism and a demonizing political climate also became more visible from the Klamath Basin farmers’ rebellion.

In early December 2001, the *Portland Oregonian* reported that three young white men from Bonanza (in the southern Klamath Basin), fishing and talking tough to each other about fish and Indians, drove into the small town of Chiloquin (30 miles northwest) and unloaded their firearms into street signs, porta-potties, and other inanimate objects. As they rampaged, they yelled “sucker lovers” at Indian residents of the small town, in reference to the two endangered sucker fish species that are sacred to Klamath Indians. The three toughs threatened numerous Indians with harm then fled.

The three were arrested later by Klamath County sheriff’s deputies and charged with felony intimidation, unlawful use of weapons, reckless endangerment, and criminal mischief.

“To do this, to me, is really an act of terrorism,” said Klamath County Sheriff Tim Evinger. “I consider it to be terrorizing an entire community.”<sup>11</sup>

Despite tribal criticism, the OSU/UC study underscored the social climate of the Chiloquin attack. “Fish is code for tribes among the basin’s farm community,” stated one Klamath area social worker.<sup>12</sup> While strong community support for afflicted farmers visibly demonstrated media savvy, the OSU/UC study found that many Klamath Basin residents experienced increased social isolation, inability or unwillingness to socialize with community members, and (in focus group sessions with researchers in 2001) some



Photo courtesy of Oregon Natural Resources Council.

### The Lost River area of southern Oregon.

expressed resentment at the polarization resulting from the farmers’ struggle against environmental laws enforced by the federal government.<sup>13</sup>

And Klamath residents with environmental sympathies feared violence erupting at public rallies, and objected to farmers claiming that their struggle represented a united Klamath front of support, when there wasn’t one.

“You had to go outside of the basin to get balanced representation of the real problem and what the impacts were,” one resident told the OSU/UC researchers. “Personally this was the first time in my 30-plus years of living in the basin that I considered moving away...the local media feeding the idiocy, the poor law enforcement. It makes us look ridiculous, and I really resent that.”<sup>14</sup>

Some residents were discouraged that years of friendship and working together on community projects were being destroyed by the farmers’ desperate rebellion, despite the fact that the danger of the other Klamath knot was known long in advance of the 2001 drought.<sup>15</sup>

### Pyrrhic Victories?

*“pyrrhic: adj. (of a victory) won at too great a cost to have been worthwhile for the victor.”*

—*Concise Oxford Dictionary*, 10th Edition

The Dubya Administration and conservative members of Congress make no secret of their desire to gut the ESA, but their offensive seems relatively cautious, given Dubya’s tenuous mandate from American voters. At this writing, the Administration’s strategy largely consists of casting doubt on professional scientists in federal agencies—a risky strategy in itself, since if carried to logical extremes, it could rebound at Administration policy makers in unexpected ways on this and other issues. After all, science and its rational methods are a cornerstone of wise public policy and, for this reason, crucial to government legitimacy at all levels.

Even if KRP irrigators succeed at undermining tribal efforts at fisheries protection, their world is changing in their midst, as noted in these pages last fall. The Eugene econo-

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mists expect that economic restructuring in south central Oregon will allocate scarce resources like water away from “lower-value demands” like agriculture to “higher value” uses like tourism, “ecological services,” and high technology production.<sup>16</sup>

Yet the economists’ recommendations for water marketing sound like off-the-shelf environmentalist homilies for what are actually political failures to allocate Klamath Basin water equitably among competing cultural populations. Such homilies may make the eco-faithful feel better about the wrenching changes brought about by the churning effect of environmental and economic policies, but markets for water risk creating a class of water ranchers whose future wealth would come as a gift of public resources.

“The transformation has already begun,” they write. “The number of ranchettes grows yearly [as large land owners subdivide small pieces of their land to sell and earn income when production is declining] and momentum associated with the effort to promote the Basin as the Silicon Basin is building.”<sup>17</sup>

Small comfort for longtime Klamath residents fond of leading lives less harried than those of their urban and suburban cousins.

### NOTES

1. David Rains Wallace, *The Klamath Knot*, Covelo, CA: Yolla Bolly Press, 1984, p. 21.
2. Guillermo Giannico and Christopher Heider, “Instream Flows and Coho Salmon Habitat in the Lower Klamath River,” in *Water Allocation in the Klamath Basin: An Assessment of Natural Resource, Economic, Social, and Institutional Issues*, joint publication of Oregon State University and the University of California, December 14, 2001, p. 1. Hereafter cited as *Water Allocation*.
3. *This history and natural history is chronicled most recently, and with coffee-table book heft, in Tupper Ansel Blake, Madeleine Graham Blake, and William Kittredge, Balancing*

*Water: Restoring the Klamath Basin, Berkeley, CA: University of California Press, 2000.*

4. Harry L. Carlson, “Effect of 2001 water allocations on the agricultural landscape and crop production,” in *Water Allocation*, p. 1. Carlson cites an average irrigated acreage figure of 210,000 acres, while Ron Hathaway, “Klamath Water Allocation Background,” *ibid.*, p. 11, states that the KRP includes 240,000 acres plus national wildlife refuge lands, and irrigates 200,000 acres, “varying annually.”
5. Tim Strohane, “Klamath Drought and Irrigation Dogma,” *SPILLWAY* v2n1, Fall 2001, p. 1.
6. Reed Marbut, “Water Law and the Klamath Basin,” in *Water Allocation*, December 14, 2001.
7. *Ibid.*, p. 10.
8. Ernie Nieme, Anne Fifield, and Ed Whitelaw, *Coping with Competition for Water: Irrigation, Economic Growth, and the Ecosystem in the Upper Klamath Basin*, prepared by ECNorthwest, Inc., Eugene, OR, November 2001. Available at [www.salmonandeconomy.org/pdf/KlamathWater.pdf](http://www.salmonandeconomy.org/pdf/KlamathWater.pdf).
9. Gillian Flacus, “Klamath tribes find fault with study,” *Associated Press*, 27 January 2002.
10. National Research Council, *Scientific Evaluation of Biological Opinions on Endangered and Threatened Fishes in the Klamath River Basin*, Interim Report, Washington, DC: National Academy Press, February 2002, p. 21.
11. Evinger quoted in Michael Milstein, “Trio arrested, charged in Klamath Basin shooting rampage,” *Portland Oregonian* 20 December 2001. *The Los Angeles Times* picked *Associated Press* reporter Jeff Barnard’s story nearly two months after the incident, “Oregon Water War Taking an Ugly Turn,” *Los Angeles Times* 13 January 2002.
12. The social worker had spent three weeks retraining farmers in Klamath Reclamation Project area farm communities, quoted in George Woodward, Jeff Romm, and Ruth Langridge, “Policy impacts of the Klamath decision,” in *Water Allocation*, p. 11.
13. Denise Lach, Leslie Richards, Corinne Corson, and Patty Case, “Consequences in the Community,” in *Water Allocation*, pp. 17-24.
14. *Ibid.*, p. 20.
15. *Ibid.*
16. Niemi, *et al*, *op. cit.*, note 8, p. 33.
17. *Ibid.*, p. 34.

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