



could take effect immediately “to prevent imminent or irreparable injury to other legal users of water, or to instream beneficial uses,” the bill says. Water users who ignore an interim relief order could face fines of \$10,000 per day and \$2,500 per acre-foot diverted.

Jennifer Pierre, general manager of the State Water Contractors, an association of public water agencies, said vague definitions in the bill such as ‘irreparable injury’ create uncertainty over what water would actually be available to suppliers in the future, which could impede development.

Anderson added he would prefer to see enforcement run through the courts rather than state-issued

fines—an avenue that the water board could have but did not pursue with the Siskiyou County ranchers.

But water board officials said in the Shasta River case, seeking a court order would have kicked off a lengthy, resource-intensive battle.

“You’ve got both parties who are going to be subject to extensive litigation and litigation costs,” said Yvonne West, director of the water board’s Office of Enforcement. “We thought we could react quicker... In hindsight, we see that we didn’t gain the compliance we were hoping for from those initial actions.”

Bauer-Kahan’s bill is one of several taking aim at the state’s byzantine, Gold Rush-era water rights system that state analysts warn has

Jim Scala, a rancher in Siskiyou County, looks out over his dry stock pond in Montague on Aug. 29, 2022. Scala and others defied a state order to stop pumping water from the Shasta River.

promised more water than is available. The system, which establishes priority among users, is facing mounting criticism for its history of inequality and exclusion of Native peoples and people of color.

Another bill would expand the state’s powers to curtail pumping from rivers and streams even by water users with claims that pre-date the state’s water rights law, enacted in 1914. A third would allow the board to investigate the legitimacy of senior water rights claims.

All three face opposition from builders, water providers and agriculture. So far they have cleared their houses of origin and are continuing through the Legislature.

California water watchers say it’s critical to bolster the state’s power to enforce water laws.

“Is the genie out of the bottle now?” Berkeley’s Kiparsky asked.

“What happens during the next drought now that it’s been very publicly demonstrated that water users can in essence treat the water board’s enforcement actions as an additional, and sometimes very modest, cost of doing business?” □

NEWSLINES CONTINUED ON PAGE 12



The Klamath River flows outside of Happy Camp.

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