

A fight between farmers and tribes over Northern California water

By Michael Doyle
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Fish vs. farmers. Tribes vs. agribusiness.

It might seem easy, summarizing the conflict over the Trinity River in Northern California. But amid record drought, this long-running and singular battle has become a case study about the difficulties in balancing Western water use.

So let's take a crack at some fundamental questions, starting with:

Q. What's the Trinity River?

A. The Trinity River originates in northwest California, near the city of Weed. It runs southward and then west, eventually joining the Klamath River about 44 miles upstream of the Pacific Ocean.

California's Central Valley farmers began coveting Trinity River water in the 1930s, and [Congress authorized the Trinity Dam](#) as part of a larger network in 1955. Construction was completed in 1962.

Q. And the reservoir is big?

A. Yes, when there's water to store. Trinity Lake has a maximum capacity of 2.4 million acre-feet, making it California's third-largest reservoir. Seven miles downstream, Lewiston Dam holds a much smaller reservoir.

From Lewiston Dam, water can be directed either farther down the Trinity River or diverted. This is where things get interesting.

For years, as much as 90 percent of Trinity River water was diverted. This helped farms prosper.

Q. Meaning?

A. Water diverted from the Trinity River passes through a succession of hydroelectric power plants, tunnels and conduits, eventually ending up in the Sacramento River and canals serving thirsty farms.

For years, as much as 90 percent of Trinity River water was diverted. This helped farms prosper, and seemed consistent with Congress's stated intention in 1955 to be "increasing the supply of water available for irrigation and other beneficial uses in the Central Valley of California."

Unfortunately, the diversions also imposed what the non-partisan [Congressional Research Service called](#) "devastating effects on Trinity River and Lower Klamath fisheries."

Q. Like what?

A. Construction of the Trinity River projects cut off salmon access to upstream areas, and also contributed to a warming of river waters. A nasty protozoan pathogen known as [Ichthyophthirius](#), or Ich, spreads in warm water, further threatening fish.

Q. Ich, eh? Sounds yucky. How bad could it get?

A. Pretty bad. In September 2002, when river water levels fell, temperatures rose and Ich proliferated, [an estimated 34,056 fall-run Chinook salmon, steelhead trout and coho salmon](#) died on the Lower Klamath River. Scientists

conservatively estimate that nearly one-fifth of the total fall-run Chinook salmon were lost. While the role played in [this disaster](#) by agricultural diversions remains disputed, the losses touched humans as well as fish.

“There is no dispute, and the record clearly reflects, that the 2002 fish kill had severe impacts on commercial fishing interests and tribal fishing rights, and that another fish kill would likely have similar impacts,” U.S. District Judge Lawrence J. O’Neill wrote Aug. 26.

The Yurok, California’s largest tribe with nearly 6,100 members, and the Hoopa Valley tribe have long relied on fishing the Trinity and Klamath rivers.

Q. What’s that about tribal fishing rights?

A. The Yurok, California’s largest tribe with nearly 6,100 members, and the Hoopa Valley tribe have long relied on fishing the Trinity and Klamath rivers. The federal orders establishing the reservations explicitly vested the tribes with fishing rights, with the tribes citing their “subsistence, commercial and cultural purposes.”

Q. But Central Valley farmers are hurting too, right?

A. Definitely. Drought-afflicted farmers south of the Sacramento-San Joaquin Delta this year have received a dreaded zero allocation of their contracted water from the federal Central Valley Project. Fields are fallowed, jobs are lost and the land slowly sinks due to groundwater pumping.

Last year, federal officials released 64,000 acre-feet from Trinity River storage to aid fish. This year, they intend to release as much as 88,000 acre-feet. Desperate farmers say it would be better to hold onto the water.

“The greater the storage that can be carried over from one year to the next, the greater the water supply protection against dry conditions the next year,” the Westlands Water District and San Luis Delta Mendota Water Authority [stated in a lawsuit](#) filed Aug. 21.

Q. So the farmers want the water for themselves?

A. Yes, but it’s also complicated, in a bank-shot kind of way. In addition to wanting water reserved for future use, the farmers believe that sending water down the Trinity River and not diverting it to the Sacramento River will endanger the latter river’s protected salmon and thereby force federal officials into making other irrigation delivery cutbacks.

Q. Wow! It’s like you pull one string . . .

A. And everything unravels.

Q. What’s the latest?

A. On Aug. 23, Judge O’Neill rejected the farmers’ request for an injunction that would have stopped the Trinity River water releases.

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