



## WEED WAGES WATER WAR

*A small northern California town takes on Roseburg Forest Products*

**BRUCE SHOEMAKER WAS SUED BY ROSEBURG FOREST PRODUCTS**

PHOTO: TODD COOPER

**T**he pure waters of Beaughan Spring have poured through the taps of the small town of Weed, California, for more than 100 years. But according to Springfield-based Roseburg Forest Products (RFP), the lumber company owns Weed’s water and has the right to sell it to Crystal Geyser to bottle it and sell it to places like Japan, far from the town on the slopes of Mount Shasta.

“Weed was a company town,” Bruce Shoemaker explains. The Weed resident dropped by *Eugene Weekly’s* offices on a trip north in December to talk about the water conflict and the SLAPP (Strategic Lawsuit Against Public Participation) suit against him and other Weed residents that was recently shot down in court.

When Shoemaker says Weed was a company town, he means it was, in fact, owned by a timber company. According to the town’s website, Abner Weed bought the Siskiyou Lumber and Mercantile Mill and the 280 acres of land, which is now the city of Weed, for \$400.

When Weed became its own city in 1961, International Paper, the owner before RFP, sold land, houses and the water and sewage infrastructure to Weed. While normally water rights go with a land sale, the city instead signed a 50-year lease with the company for the water in which Weed paid \$1 a year for 2 cfs (cubic feet of water per second) until 2016, when the lease expired.

And when the lease expired, RFP informed the city of Weed it would no longer lease the gravity-fed mountain spring water to the city.

Shoemaker and fellow Weed water advocate Monica Zinda say there is proof the water rightfully belongs to the city. Shoemaker points to a 1982 document, found among a pile of papers in a garage, from a California watermaster to International Paper that he says proves that the rights were turned over to the city of Weed. It allocates a specific part of the water rights to Weed and the rest for industrial purposes for the company, he says.

Why would a timber company in Oregon want to own the water that flows to a small town of about 3,000 people in California? Because RFP sells the water that springs up from the slopes of Mount Shasta to bottled water company Crystal Geyser.

*The New York Times* reported on the story after Pierre Papillaud, the founder of the company that owns Crystal Geyser, showed up in Weed and reportedly demanded the city give up its water so his company could have more and — the *Times* reports — threatened to blow up the bottling plant.

Worried the town would lose its water, the Weed City Council voted to lease the water it once got for a dollar from RFP for more than \$97,000 a year.

Shoemaker, Zinda and other citizens, as well as a group called Water for Citizens of Weed, California, sent a let-

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— MONICA ZINDA, WEED WATER ADVOCATE

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ter to the district water office asking to clarify the ownership of the municipal water. They persuaded the Weed City Council to back their request. The council voted 5-0 to do so.

The next day, RFP sued the citizens and the City Council.

In written statement, RFP’s Senior Vice President and General Counsel Stuart Gray says, “Roseburg filed a suit, which seeks no monetary compensation and focuses solely on clarifying ownership, in response to a lawsuit from select individuals against us. Our goal is to maintain our ownership of Beaughan Spring and minimize frivolous actions from individuals intent on diverting attention from

this fact.”

Zinda says, “We are just all working people. We don’t have the resources to fight a corporation of this size, backed up by Crystal Geyser.”

Shoemaker adds, “It was intimidating and scary to be faced with this.”

Attorneys from California-based First Amendment Project stepped in, and on Dec. 8, Superior Court Judge Karen Dixon found that the lawsuit against the citizens was a SLAPP suit, which is barred by state law, and ruled that the citizens and the group could not be sued for exercising their constitutional rights by asking local government agencies for help. The case continues against the city, according to a press release from WCWC, but RFP will be required to pay court costs of the private citizens the company sued.

“Roseburg [Forest Products] acted like a bully in suing these citizens, and they hired some thugs with law licenses to scare them off. It didn’t work and now it’s backfired because the case against Roseburg is stronger than ever, both in the street and in the court. We’re calling it the ‘Roseburg effect,’” attorney James Wheaton says in the release.

RFP says in its statement that “all property records show Roseburg Forest Products as the rightful owner since 1983, when we purchased the water rights from International Paper as part of the Weed plant.”

Shoemaker says he hopes other small municipalities fighting efforts by bottling companies to take their water take heart from Weed’s recent success, and that he and other citizens of Weed keep an eye on other water-seeking efforts such as Nestlé in the Columbia Gorge.

Gray of RFP says the company is “disappointed in the court’s recent decision” but “generally pleased” with other rulings, “which excluded irrelevant material that is central to the City and other defendants’ positions.” Gray writes that RFP is “assessing next steps, including the possibility of appeal” and remains confident the timber company will in the end own the springs.

Zinda, however, says she is energized by the ruling and “I hope all the other small towns fighting this battle take heart; it’s not an unwinnable fight.” ■