

Our Water Rights Are Safe

I am sometimes asked, “If we don’t build Centennial Dam, is it true that Southern California, the State of California or some other water grabber can come in and take our water rights from the Bear River?”

Here is the answer from a water law expert.

That’s nonsense, nobody is coming for our water, and if they did we could stop them.

Here’s why. A set of state laws, referred to as area and county of origin statutes, serve to upend the normal “first in time, first in right” system of California Water law that allowed Los Angeles to steal Owens River Valley water. Instead, these laws make it so that beneficial uses (like industry, agriculture, or residential use) in the areas where the water originates will always receive priority over any out of area uses of that water.[1][2]

It’s true that these laws don’t outright prohibit someone from Southern California coming here and exporting our water, it just says that if they do they will lose their rights to that water as soon as it’s needed locally.[3] That’s an awful big disincentive to making a billion dollar investment. And it’s awfully comforting that even if someone did, as soon as any water from the Bear River is actually needed here in Nevada and Placer County, NID would be entitled to senior water rights.

[1] California Water Code 10505: “No priority under this part shall be released nor assignment made of any application that will, in the judgment of the board, deprive the county in which the water covered by the application originates of any such water necessary for the development of the county.”

[2] In fact NID’s own attorney’s rely on county of origin water rights to argue that the Bear River water they are seeking rights for on the Bear should receive priority over the South Sutter Water District’s perfected rights for diversion to Camp Far West

“The September 17, 1959, Release of Priority of Application 5634 in favor of Application 14804 subordinated the rights granted to SSWD to the, "Prior rights of any county in which the water sought to be appropriated originates to use such water as may be necessary for the development of the county, as provided in Section 10505 of the Water Code of California." (1959 Release of Priority, at p. 4.) This subordination rendered the water rights derived from

Application 14804 junior to all applications for the appropriation and use of water in the county in which the water originates (Nevada and Placer Counties) irrespective of whether the application was filed later or has a higher number than Application 14804.1 These county of origin rights are precisely those which NID [seeks to](#) develop pursuant to the requested assignment of Application 5634.”

[3] California Water Code 10505.5 “Every application heretofore or hereafter made and filed pursuant to Section 10500, and held by the State Water Resources Control Board, shall be amended to provide, and any permit hereafter issued pursuant to such an application, and any license issued pursuant to such a permit, shall provide, that the application, permit, or license shall not authorize the use of any water outside of the county of origin which is necessary for the development of the county.”