

Friends of Butte Creek



Resource Renewal Institute
40 Years. Innovation for a Sustainable Future.

For Immediate Release:

March 29, 2023

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Friends of Butte Creek and Resource Renewal Institute work with California Department of Fish and Wildlife to set a precedent for salmon protection in California.

CHICO, CA—An unprecedented collaboration among government, nonprofit and private sectors has led to the one of the first acquisitions of water rights dedicated to instream flows in California. The environmental milestone for fish and wildlife preservation was announced jointly by Friends of Butte Creek (FBC), Resource Renewal Institute (RRI) and the California Department of Fish and Wildlife (CDFW).

The new owner of the rights is Friends of Butte Creek, a nonprofit organization and longtime advocate for the Butte Creek watershed. “This is a historic event,” explained FBC executive director, Allen Harthorn. “We look forward to continuing to work with local landowners and farmers to protect California’s last stronghold of wild, naturally spawned, spring run chinook salmon and steelhead by purchasing or leasing from willing sellers of water rights that can be dedicated to instream flows in Butte Creek.”



Gayland Taylor, FBC board member and former CDFW warden, stands at the point where Butte Creek water was diverted for agricultural use until RRI purchased the water rights. With the new purchase by FBC, the water will stay in Butte Creek in perpetuity.

The passage of Proposition 1 – the Water Quality, Supply, and Infrastructure Improvement Act of 2014 – by California’s voters provided CDFW with grant funding to acquire water rights for instream flows in California streams. CDFW used some of this funding to support FBC’s purchase of water rights from RRI, a Bay Area environmental organization that previously had

these water rights dedicated to instream flows in Butte Creek. CDFW steered a rigorous two-year process to document the presence of, and appraise the value of, the water rights. CDFW also carefully built additional legal protections into the acquisition to guarantee that the water rights will be permanently dedicated to instream flows.

As the new owner of the water rights, FBC will assume responsibility for paying the annual fee to the California Department of Water Resources watermaster, who performs the critical roles of monitoring instream flows in Butte Creek and preventing unlawful diversions. Gayland Taylor, retired Butte County warden and long-time advocate for salmon and steelhead protection, offers that, "this increase in availability of flowing water, especially in low flow periods, will keep the stream alive. "

The achievement has been a long time coming. Over three decades, RRI sought to prove that securing water rights for wildlife could revolutionize habitat and wildlife conservation activities in California. Modeled after the land trust concept he created at the Trust for Public Land, environmental pioneer, former California Secretary of Resources and RRI founder, Huey Johnson envisioned a parallel program that would permanently safeguard water rights for instream flows. He found his test case on Butte Creek and purchased water rights from two conservation-minded landowners who were retiring from farming. Then in 1998, RRI obtained an order from the Butte County Superior Court dedicating these water rights to instream uses (for fish and other aquatic wildlife) under California Water Code section 1707. RRI began searching for a buyer that could permanently hold and protect these water rights. Working with RRI during the entire 33-year process (including the last three years on a *pro bono* basis), veteran water-rights attorney, Alan Lilly, helped RRI navigate the endless complexities of California water law. Lilly describes the long-awaited water rights transfer as "well worth the effort. We knew it was possible, but we had no idea how long it would take."

"Kudos to RRI and Huey Johnson for the original purchase and to Friends of Butte Creek and CDFW for making this invaluable investment," said Tom Hicks, attorney for FBC.

RRI President Deborah Moskowitz sees the Butte Creek water rights transfer as a major step toward realizing Johnson's vision of water trusts becoming as common as land trusts that conserve open space for nature and the public. "As we face the challenges of climate change, this sale and purchase of Butte Creek water rights will serve as a model for the voluntary transfers to permanently protect California's precious water. It will lead to healthier streams, creeks, and rivers for the fish, wildlife, and humans that rely on them."

Friends of Butte Creek has established an endowment account at the North Valley Community Foundation for the annual watermaster fees. Contributions can be made by visiting:

www.buttecreek.org

or

<https://www.nvcf.org/funds/Michael-Smith-Salmon-Water-Endowment-Fund>