



Water for Citizens of Weed, California (WCWC)

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JUDGE DISMISSES WEED RESIDENTS FROM SUIT OVER WATER RIGHTS

Roseburg Forest Products Suit Held to Interfere with Constitutional Rights

The ongoing fight over the ownership of the rights to Weed's water took a dramatic turn Thursday. A judge overseeing a lawsuit about that water right filed by Roseburg Forest Products dismissed nine residents of Weed and a local community organization, "Water for Citizens of Weed" or WCWC, from the suit. Superior Court Judge Karen Dixon ruled that the lawsuit was a "SLAPP suit" and the citizens and the group could not be sued for exercising their constitutional rights when they asked local government agencies for help.

The individuals: Jim Taylor, Jim Gubetta, Bob Hall, Bruce Shoemaker, Dave Pearce, Mary Jackson, Michael Yates, Monica Zinda, Ray Strack and WCWC in April of this year sent a letter to the Scott Shasta Watermaster District asking the District to amend its records to reflect that Weed, not Roseburg, owns a right to 2.0 cubic feet per second of water from Beaughan Springs. That water has supplied the City of Weed since the 1930s. The group also attended a Weed City Council meeting in May where they asked the City to join their request to the District. The City voted 5-0 to do so.

Roseburg filed its lawsuit the next day against the City, and named all nine individuals and WCWC. The lawsuit is called a "quiet title" action, and is usually used to settle legal disputes between two people who each claim ownership of a piece of land.

The action by the court Thursday was to grant a motion by the citizens and the organization to dismiss them. The group claimed that they were not proper parties to a case between Roseburg and Weed over the

water rights. They also claimed that writing to the District and going to the City Council were protected by the state and federal Constitutions. The Judge agreed and granted the motion.

“We are all thrilled to get out from under this lawsuit that was costing us money and time and distracting us from the work we are trying to do for everyone in Weed. Water is sacred, and this attempt to steal Weed’s water has gotten Roseburg a big black eye,” said Jim Taylor, President of WCWC.

“Roseburg thought they could bully us in to being quiet. Instead we stood up and fought back. And the little guy won. We achieved one step in the ladder of receiving water for Weed folks,” stated former Mayor of Weed Jim Gubetta.

One of their lawyers, James Wheaton of Oakland, said afterward, “Roseburg 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.’”

The case will continue against the City of Weed only. The WCWC members believe however that Roseburg’s hope for a quick victory may have backfired. In defending themselves, they uncovered historic documents they believe show that International Paper, which sold the property to Roseburg in the early 1980s, transferred the Beaughan Springs water right to the City of Weed before the sale. In dismissing the group from the case, Judge Dixon did not rule on who owns the water right, but said during the hearing that the quiet title action filed by Roseburg was “on thin ice.”

The Weed citizens and WCWC were represented by the James Wheaton and First Amendment Project, a nonprofit law firm, and Paul Clifford, both located in Oakland.

Under the rules that control these lawsuits, the citizens will be reimbursed for all their costs for being sued, and Roseburg will be required to pay their lawyers for defending them.