

7

# LOWER KERN RIVER

**THREAT:** Excessive water withdrawals

## STATE:

California

## AT RISK:

Fish and wildlife habitat, community access to river

## SUMMARY

The Kern River flows from the mountains of Central California to the San Joaquin Valley and the city of Bakersfield, where excessive water diversions for agriculture dry up the river. Instead of having access to the Kern's beauty and outdoor recreational opportunities, the residents of Bakersfield are left with a dusty, lifeless riverbed, and several species of the river's plants and animals are threatened or endangered due to the loss of riparian habitat. This year, the California State Water Resources Control Board has an opportunity to bring the river back to life by compelling water districts to adhere to minimum flow requirements, thereby putting water back in the river to support local communities, fish and wildlife.

LOWER KERN RIVER, CALIFORNIA

PHOTO: BRING BACK THE KERN

## THE RIVER

The Kern River originates in California's High Sierra alpine lakes that catch and disperse snowmelt from Mt. Whitney and the other jagged peaks of the Southern Sierra. For 130 miles, the river roars through mountain canyons that draw hikers, rafters, kayakers and fishing enthusiasts. When it exits this dramatic and steep canyon, the river passes through rolling grasslands to the flats of Kern County, the ancestral home of the Southern Valley Yokuts.

Around 500,000 people live near the Lower Kern River in and around Bakersfield, California. The river provides drinking water, most of which comes primarily as groundwater that is recharged through the Kern River channel. Water flowing through the Kern River is important to prevent the groundwater table from dropping and to preserve the quality of the city's drinking water. Many of the residents of Bakersfield are from under-resourced communities that have limited access to outdoor recreation or places to cool off during the long and hot summers.

Along with water from the Central Valley Project, the State Water Project and groundwater, the Kern is one of the primary water sources for 200,000 acres of agricultural land, now largely planted at industrial farms with highly automated perennial crops, such as almonds and pistachios, in addition to grapes, citrus, dairy feed and other specialty crops.

The Kern River supports federally threatened species including the yellow-billed cuckoo, southwestern willow flycatcher and least Bell's vireo. It is home to state threatened and endangered species, including the tricolored blackbird and the Buena Vista Lake shrew.

## THE THREAT

Decades of excessive water diversions for agriculture operations have dried up the last 25 miles of the Lower Kern River. Instead of allowing the water to run in the natural riverbed, water is transported to water rights holders through an elaborate system of concrete-lined canals, several of which run parallel to the dry riverbed. This denies the community access to a flowing river and harms the entire web of life, from riverside trees and vegetation to fish, birds and wildlife. Only in years with extraordinary rainfall – when there is more water than irrigation districts need – does water flow in the river. In the more common dry periods, the river that should be the gem of Bakersfield and a natural asset for roughly 500,000 residents is a lifeless eyesore.



7

# LOWER KERN RIVER

*Continued*

## FOR MORE INFORMATION:

**AMY MERRILL**  
American Rivers  
(510) 809-8010  
[amerrill@americanrivers.org](mailto:amerrill@americanrivers.org)

**KELLY DAMIAN**  
Bring Back the Kern  
(661) 333-6695  
[contact@bringbackthekern.org](mailto:contact@bringbackthekern.org)

## TAKE ACTION:

[AmericanRivers.org/  
LowerKernRiver2022](https://AmericanRivers.org/LowerKernRiver2022)

**KERN RIVER, CALIFORNIA**  
PHOTO: PETE WOLLESEN

By some estimates, allowing 15 to 20 percent of the Kern's average flow to stay in the river year-round would support a restored and flowing river. However, no water is earmarked for this purpose. Water rights holders are under no obligation to allow any water to flow through the riverbed. Water that flows through the river can still be used by cities and farms, as the flowing river recharges depleted aquifers with water that can be later recovered as groundwater. Because of this, keeping water in the river should have very little impact on water security or jobs dependent on Kern River water today.

Allowing the Lower Kern River to dry out is illegal. Under the Public Trust Doctrine, California is obligated to protect flowing waterways for the benefit of current and future generations. A dry river also does not comply with Fish and Game Code requiring dam operators to provide steady flows below dams to sustain

fisheries. These laws have been used in California to prevent waterways such as Mono Lake, Putah Creek and the San Joaquin River from being sucked dry. Despite success stories elsewhere, the state has never acted to enforce these laws in the allocation and use of Kern River water. The current process being debated by the California State Water Resources Control Board started with a lawsuit that took decades to resolve in 2007. Fifteen years later, the Board is finally trying to settle some outstanding questions from that 2007 ruling. If the river is not restored now, it may take decades for another opportunity like this to restore water to the Kern River.

## WHAT MUST BE DONE

We can have thriving communities, sustainable agriculture and a flowing, healthy Kern River. It is possible to restore the Lower Kern River, but it will not happen without a new approach to water management on the river. The Public Trust Doctrine must be enforced, water rights governing Kern River diversions need to change and a flowing river must be prioritized before other uses, as is required by California law.

California's State Water Board is currently in the process of resolving water rights disputes on the Kern River via a hearing process, giving the top authorities in California water a rare opportunity to address the broken state of Kern River water management and act in favor of restoring a flowing river. To do so effectively, the Board must go beyond the scope of the ongoing hearing. It must instead conduct a comprehensive review of the Kern River's public trust resources. This includes evaluating the species and uses of the Kern that are being harmed by it running dry, the quantity of water needed to restore a healthy river, the necessary timing of these water flows and the fair allocation of the responsibility to restore the river among Kern River water rights holders. Once this assessment is complete, the Board should expeditiously implement its findings and ensure prompt action to restore the Kern. Help this river by telling the members of the State Water Board to do their jobs and fix the Kern River.