



*Nan and Will Burnett's Lodge, c. 1925*

[This Was Our Valley: Taking Asheville's Watershed](#)  
by Anne Chesky Smith

On a mild mid-March day in 1903, North Fork Watershed's first warden, Will Burnett, turned a newly-placed cast iron valve, opening the pipe that would send the first trickle of drinking water into the mountain town of Asheville, North Carolina, nearly 20 miles away. This water—some of the purest in the United States—would later flood the school, church, graveyard, and homesteads built by Burnett's family and friends over the last century and a half.

Will Burnett and his brother, Bart, two of eight children born to Confederate soldier Marcus Lafayette "Fate" Burnett and Sarah Jane Allison, became the first wardens to patrol the newly formed Asheville Watershed in 1903, when the city condemned and purchased a portion of the land (a little under 5,000 acres) that makes up the present day, approximately 22,000-acre property. Over the next four decades, the Burnett brothers were allowed to live near their homeplace, but under the charge that they would keep the North Fork Valley's native families—including their own—off their ancestral land. Now, over 100 years later, the City of Asheville finds itself in a similar

position, fighting to maintain control of the extensive watershed property that they took from North Fork's many residents at the beginning of the 20th century.

From the creation of national parks to determining mining and timbering rights to the removal of Native Americans, those living on land throughout the Appalachian range have often experienced the pain and sacrifice of forced takings of their land. Thad Burnette, one of the many mandated to vacate the North Fork Valley during the early 1900s, wrote in a May 1934 issue of the *Black Mountain Advocate* of the plight of his family and friends who had lived, hiked, and hunted on the land for over a century.

“The north end of the North Fork Valley was selected [for Asheville's water supply], the land condemned and fenced. Notices were nailed to the trees containing a new word to the mountaineers, ‘No Trespassing.’ The trails were closed. The saddened community, bewildered, wandered away. Thousands begged for permission to pass through the forests again, but were refused.”

Will and Bart's father, Fate, however, found an ingenious way to legally claim his birthright just as his boys had as wardens. Fate Burnett loved to hunt—especially bear. Sometime after the watershed land was posted no hunting, fishing, or trespassing, Fate approached Asheville's mayor to discuss a concern. He told the mayor about a number of deep pools within the watershed property that black bears would wallow in. Appalled at the thought of bears mudding the city's water, the mayor gave Fate the exclusive right to chase all the bears out of the watershed by whatever means necessary.

Fate was the grandson of Frederick Thomas Burnett Sr. and his wife, who was known only as “Granny Else.” In 1800, Frederick Sr., Else, and their children stopped under the shadow of the great Black and Craggy mountain ranges and declared they would go no further west than the uninhabited forests on the North Fork of the Swannanoa River. Though the land was rocky, the game was abundant and the family soon built the first log cabin in the valley very near the spot where over 100 years later City of Asheville workers would bulldoze and shape the land into a 1309-foot earthen dam.

Many other families migrated to the North Fork Valley over the next century—Pattons, Tysons, Powers, Presleys, Bartlets, Lydas, Morrises, Hendersons, Cordells, Allisons, Hambys, Walkers, McAfees, Connallys, and (perhaps most famously) North Carolina's Civil War Governor Zebulon B. Vance—but the Burnetts remained a central force in the development of the North Fork Valley from an unexplored wilderness to a community that at its beginning had a population competing with the City of Asheville. Will and Bart's great Uncle Else, named for Granny Else, organized and gave the sermons at the first church in the valley in 1823. Will and Bart's cousin, William Henry “Champ” Burnett taught at the one-room schoolhouse that stood at the confluence of Sugar Fork and North Fork. Champ also served as the church song leader as well as the Justice of the Peace, magistrate, and constable for the North Fork Valley.

With such strong ties to the community, the Burnett family did not give up their land without a fight. On August 7, 1911, W.H. Burnett sent a handwritten letter to Mr. S. Montgomery of the City of Asheville stating,

“I learn from your notice in *Asheville Citizen* that you have cut timber, built houses, put up notices, and otherwise trespassed on five acres of land on Mitchell’s peak, including the summit and Dr. Mitchell’s grave. The above belongs to my wife, Mrs. Elsie E. Burnett. You have no wright [sic] title or permission to this property and [I] hereby notify you to remove the things from said lands, which I hope you may do without further ... trouble.”

But, still, in 1926, W.H. and Elsie Burnett and their neighbors received a notice from Asheville’s Chief of Police that six jurors had been selected to determine a fair purchase price for their land. Soon after, the Burnetts were warned that their 183 acres had been condemned. Though the city gave North Fork’s families a fair price for their land, most lost the money when the Depression hit a few years later.

No longer able to make a living off the land as they had done in the valley, many of North Fork’s native families were left destitute and felt they had no recourse. F. Bascombe Burnette memorialized his time in the valley in the December 30, 1954, *Black Mountain News*:

“I was born under the shadows of Craggy Garden in January, 1882, many happy hours have I spent under azure blue of ... its turbulent trout streams and eternal hills.... The many jars of cream, butter and eggs in stone jars sunken in the huge poplar log ... it being the only refrigeration to us at the period with the temperature around 40 the year round. We holed up potatoes and turnips, cabbage and carrots in mother earth. The Honorable Zeb Vance and Col. J.K. Conley [sic] were about our only sources of cash income, 80 cents per day from sun up to sun down.”

A great many men lived principally by gathering wild ginseng and other herbs sold to Hines and Wilson at Cooper Station, now Swannanoa. Of course some of us had hogs that lived on chestnut and acorns and other mountain resources.... It surely grieves me to look up old North Fork at the works of man, it’s all gashed up by modern civilization.... Such is life. There is nothing we can do about it.”

And, it seems, he was right. The original North Fork Church and Schoolhouse are now under water and most other structures were simply abandoned when the land was condemned. Today, all that is left are the remnants of stone fireplaces and foundations dotting the landscape—many toppled over by time, weather, and fallen trees. Even the still-standing chimneys from the more elaborate two-story homes are missing their mantles, looted from the properties years before and used in new construction in the nearby Town of Black Mountain. Though the original Burnetts have passed on, their descendants still feel the effects of the loss of their family’s land. Many crave the right to visit the valley of their ancestors.

Ironically, over a century later, the City of Asheville stands to lose control of this same property. North Carolina House Bill 488, “Regionalization of Public Utilities,” sponsored by Republican Representatives Mike Hager, Tim Moffitt, Chuck McGrady, and Nathan Ramsey, has the power to force the city to turn over not only the water system they built over the last 100 years, but also their 22,000-acre watershed property to a regional authority by merging it with the Metropolitan Sewer District (MSD). This bill has been controversial, to say the least, particularly because the property could be involuntarily seized without proper compensation (which would amount to approximately \$57 million) to the city for its infrastructure and assets, which includes 1,200 miles of transmission and service lines, three water treatment plants, 40 pump stations, and 32 reservoirs.

In the November 2012 election, Asheville city ratepayers overwhelmingly voted “No” (85%) on the ballot referendum question, “Shall the City of Asheville undertake the sale or lease of its water treatment system and water distribution system?” Still, in only one and a half months in the spring of 2013, the measure passed through both the North Carolina House and Senate, and was ratified in May 2013. North Carolina Governor, Pat McCrory, however, allowed the bill to become law without his signature because of the “number of complicated inter-governmental issues” that it had the potential to raise. As expected, soon after the bill became law, the City of Asheville filed a suit against the State of North Carolina to resolve the issues McCrory spoke of, and the law is now under a temporary restraining order. The final hearing for the case is set to be held in the spring of 2014.

Whichever way the case goes, the war over ownership of the land is unlikely to end. The battle between the Burnetts and the City of Asheville was not the first fight over rights to the property – the land had been in use for centuries as a Native American hunting ground prior to 1800 – and it is unlikely that the final ruling in the 2014 court case will be the last. The shift to a publicly-owned resource in the early 1900s preserved not only a source of water, but also an entire Appalachian ecosystem. The Burnetts and other valley families sacrificed a great deal so that Asheville could provide some of the nation’s cleanest water to tens of thousands of people in Buncombe County. But now, with the potential transfer of ownership, residents are concerned that development, timbering, and even fracking could occur within the boundaries of the city’s watershed, which is currently closed to the public and under a conservation easement. It is very possible that the fight for the future of the property is just beginning.

**UPDATE:** June 9, 2014 – Wake County Superior Court Judge Howard Manning Jr. found the 2013 law transferring Asheville’s water system to the Metropolitan Sewerage District to be unconstitutional. Judge Manning said that the law was an “unlawful taking” of the city’s assets. He also referred to the lack of compensation that would have been granted to the city if the law came into effect. The Republican sponsors of the law feel sure Manning’s decision will be overturned.