

California Bill Requiring Well-drilling Information Sparks Debate: 'Who could be against transparency?'

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California farmers have long been able to get permits to drill new wells in areas where groundwater levels are falling without publicly saying how much water they intend to pump. That would change under a bill approved this week by the California Senate.

The legislation would require those drilling new wells in groundwater basins that are in "critical overdraft" to notify neighbors they're applying for a well-drilling permit and provide information about the proposed well to the local agency in charge of approving the permit.

"For so long, water wells have just been able to be drilled with little or no information. And this is why we have the problems in our groundwater basins today," Sen. Bill Dodd, a Napa Democrat who introduced the bill.

Dodd said the legislation's purpose is to bring transparency to the well-drilling permit system and let neighbors know before a new well is drilled.

He pointed to the many household wells that went dry in the San Joaquin Valley during the drought, and to areas where the ground is sinking due to overpumping – causing costly damage to canals, roads and other infrastructure.

"Doing nothing, it's just simply not sustainable," Dodd said. "Anybody else who has a well right now in one of these critically overdrafted groundwater basins should really want to know what's going on there."

The measure, which was passed by the Senate on Tuesday, focuses on 21 groundwater basins across the state that are classified as being in a state of "critical overdraft," from Kern County to Paso Robles.

A list of influential farm groups have opposed the legislation, which will next go before the state Assembly.

If the bill passes, cities and counties that receive applications for well-drilling permits would be required to make information publicly available about each proposed well, such as the location, depth and pumping capacity. Cities and counties would also have to issue a notice and accept public comments before issuing a permit.

The bill is intended to temporarily step up regulation until local agencies establish plans for combating aquifer overdraft under California's Sustainable Groundwater Management Act, which was signed by Gov. Jerry Brown in 2014.

Under that law, the 21 groundwater basins with the most severe overdraft problems have until 2020 to adopt 20-year plans for achieving sustainable management – defined as managing aquifers in ways that avoid chronic declines or saltwater intrusion.

Dodd’s legislation, Senate Bill 252, would expire once the state approves local groundwater plans in 2020.

“My bill is just an interim step, really, to make sure that we don’t continue to overdraft at a higher level than we already are,” Dodd said. “It just puts people on notice every time a new agricultural or commercial water well is put in place.”

Residential wells would be exempt under the measure. Wells that have gone dry could also be redrilled without any new requirements.

Last year, a bill that would have imposed stricter regulation died in the Legislature. Sen. Lois Wolk introduced that bill, which would have prohibited the drilling of most new wells in “critical overdraft” basins.

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Dodd’s new bill would apply in coastal areas such as Oxnard and Soquel Valley, Borrego Valley in the desert, and areas including Madera, Kaweah and Eastern San Joaquin in the Central Valley. It wouldn’t apply in other areas deemed high- or medium-priority – such as the Coachella Valley, where state regulators have listed three aquifer sub-basins as being medium-priority.

Groups backing the legislation include The Nature Conservancy, Environmental Defense Fund and the Community Water Center, among others.

“This information is important. It’s important because we know that groundwater well-drilling has actually seen a really significant increase over the last few years,” said Juliet Christian-Smith, a water expert with the Union of Concerned Scientists. “Who could be against transparency? Unfortunately, the answer is a lot of really powerful people.”

The coalition of agriculture groups lobbying against the legislation includes the California Farm Bureau Federation, the Western Growers Association, the Almond Alliance of California and the California Association of Winegrape Growers, among others.

The farm groups said in a statement to lawmakers that the bill would take management decisions “out of the hands of the locals in critically overdrafted basins.” They said the legislation would infringe on property rights, impose a burden on applicants for drilling permits and increase the potential for costly adjudications of groundwater basins in the courts.

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Other groups opposing the bill in its current form include the League of California Cities, the California State Association of Counties, and the Rural County Representatives of

California. They said in an April letter to Sen. Mike McGuire (D-Healdsburg) that SB 252 would place an additional burden on local agencies.

The Association of California Water Agencies, which represents more than 400 public water agencies, also voiced opposition.

In a letter, the association said “there are privacy issues concerning public disclosure of private well information.” It urged lawmakers to allow time for the 2014 groundwater law to work properly at the local level.

Dodd argued that it doesn’t make sense to wait until 2020.

To make his case for urgent action, he cited a number in a recent [report](#) by the Public Policy Institute of California: nearly 2 million acre-feet, or 650 billion gallons. The report said that’s been the average overdraft per year in the San Joaquin Valley over the past three decades.

California’s five-year drought was the most severe in the state’s modern history. Brown declared the end of the drought emergency in most of the state in April after one of the wettest winters on record, which refilled reservoirs and sent water pouring over the tops of dams from Oroville to Shasta Lake.

Groundwater levels, however, have declined to record lows in many parts of California. And efforts to replenish badly depleted aquifers, which have receded over decades through wet and dry spells, will take much longer. Scientists say the state’s efforts to manage groundwater will be increasingly important because climate change is projected to lead to diminishing snowpack and more extreme weather swings.

Christian-Smith said it’s a problem that thousands of new wells have been drilled in recent years in areas where aquifers are in decline and that permits are continuing to be issued without any public notification for even more wells.

If that trend continues, she said, it will be even harder for communities to bring their aquifers to a sustainable balance by 2040, as required by California’s groundwater law.

“It’s very important over the next three to five years,” she said, “that we don’t dig the groundwater hole so deep that there’s no way we can get out of it over the 20-year time period.”

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