



## The Sonoma County Grand Jury

**GOT WATER?**  
July 1, 2004



### Summary

Water, sometimes called “blue gold” in reference to its value, is becoming increasingly important. Sonoma County’s population increases, vineyard and business expansion, and other land use changes are challenging the way in which groundwater is viewed and used. Groundwater is rainwater that filters through the soil to the underground water table. Numerous citizens, community and governmental agencies have expressed concern regarding groundwater resources in the county. Nearly all of the county’s population relies on groundwater as either a primary or backup source of water supply. Sonoma County is reported to have more wells than any other county in the state. Already some area residents have reported water shortages and dry wells. The decision to monitor and manage our groundwater is a personal as well as a political issue and goes beyond this county’s borders. Although there is much interest and concern in water availability for today, the more serious question is that of a sustainable water system that maintains itself for future generations.

The 2003-2004 Sonoma County grand jury recommends:

- The county and each of its cities include a “water element” in their general plans
- The county and each of its cities develop a comprehensive groundwater management plan
- An independent regional water resources management board be established

If the county does not implement a countywide groundwater resource management plan and does not continue to further invest in educating the public regarding water conservation, there is every reason to believe that groundwater resources will be further threatened and that population and business growth will be limited. Water conservation measures by all residents of Sonoma County are an immediate and practical first step in resolving these issues. It costs much less to preserve water resources than to try to replace them after they are lost.

This grand jury will transfer all information gathered on this subject to next year’s grand jury which is encouraged to pursue it further. (Penal Code 924.4)

### **Reason for the Investigation**

The investigation was initiated due to overwhelming citizen interest and concern regarding the availability and sustainability of Sonoma County's groundwater. There are many other water sources for the residents of Sonoma County such as lakes, rivers, springs and recycled water. All of these sources are interrelated and must be considered when investigating water. However, this grand jury specifically investigated how the county, its cities and public agencies monitor their groundwater resources in order to assure adequate water supply availability for today and sustainability for future generations.

### **Background**

Water rights are property rights, but those who hold these rights do not own the water itself—they only possess the right to use it. Groundwater is that part of rainfall that infiltrates through the soil to the underground water table. California does not have a statewide uniform regulatory system for groundwater management. In order to protect this resource, other methods such as water supply legislation, local groundwater ordinances and water management plans are used. The law allows cities, counties and local agencies to regulate groundwater use to protect the public's health and welfare. Wells are used to extract groundwater and well owners are required to put it to a reasonable, beneficial use. Only a local, not a state, permit is required for a well, unless the well is within certain proximity of surface water, such as a river, in which case a state permit is also required.



The actual amount and availability of Sonoma County's groundwater is not completely known due in part to the complex geologic features of Sonoma County. However, the *Kleinfelder Report, "Pilot Study of Groundwater Conditions"*, on groundwater conditions in three water scarce areas (Joy Road, Bennett Valley and Mark West Springs) was recently completed on behalf of the Permit and Resource Management Department (PRMD). A five year joint study by the Sonoma County Water Agency (SCWA) and the United States Geological Survey regarding water resources availability and management in the Alexander and Sonoma Valley basins is on-going. There have been other groundwater reports done in the past that could provide valuable information when coordinated with current studies.

A main water source for this area is the Russian River watershed and is delivered under contract by SCWA, which currently supplies water to about 570,000 people throughout Sonoma and Marin Counties.

PRMD is Sonoma County's consolidated land use planning and development permitting agency. Its staff reviews all county and certain cities developmental proposals that will rely on wells and issues permits for construction. PRMD focuses on ensuring wells will be properly constructed. It is the responsibility of the well owners to maintain their wells and monitor the water quality.

### **Investigative Procedures**

The grand jury

Interviewed the following persons:

- Member, Sonoma County Board of Supervisors and member of the Sonoma County Water Agency Board of Directors
- Director, Department of Permit and Resource Management

## Sonoma County Grand Jury

### Got Water? (continued)

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- Operations Division Manager, Department of Permit and Resource Management
- President, Open Space Water Resource Protection Land Use Foundation (O.W.L)
- Hydrologist/Consultant, O.W.L. Foundation
- General Manager/Chief Engineer, Sonoma County Water Agency
- Unit Manager, District Board for Groundwater, Santa Clara Valley Water District

Reviewed the following documents/videotapes:

In the process of conducting this investigation, the grand jury researched and read numerous documents, reports and articles. For a complete listing of documents, see the "Reference List" at the end of this report.

Attended:

- Sonoma Valley Water Summit meeting, January 14, 2004
- Centers for Social Change, Water Forum, March 9, 2004
- Sonoma County Board of Supervisors meeting, March 23, 2004
- Sebastopol Community Water Forum, March 30, 2004

Toured the Sonoma County Water Agency facilities, September 10, 2003

## Findings

- F1. Since 1949, the Sonoma County Board of Supervisors and the Sonoma County Water Agency Board of Directors have been made up of exactly the same members. Testimony given to the grand jury indicated a perception that a conflict of interest exists due to the Board of Supervisor's political responsibilities to both rural and urban growth development which could affect their land use decisions to favor urban growth without regard to possible water supply shortages in the rural areas. Additional concerns were that each supervisor necessarily represents a specific geographical area, but not the entire county; and that the Board of Supervisors lacks technical expertise regarding water issues.
- F2. There are approximately 40,000 domestic wells in Sonoma County, but some of these are not functioning. Prior to 1974, there were few written records of well locations and/or productivity. Presently PRMD issues approximately 500 permits for new well construction each year but the details of each well are not public information. Other than requiring a well applicant to initially show water availability, no other records are maintained by the county regarding individually owned wells. The issue is that the volume of groundwater currently being extracted in the county is not monitored and therefore is not definitively known.
- F3. Presently no requirement regarding monitoring/testing of well water exists unless contamination is suspected. A proposed well pumping ordinance is being considered by the county Board of Supervisors regarding monitoring of well water level and output for new construction projects in water scarce areas or when a use permit is required.
- F4. Paving roads and building homes and businesses over natural groundwater recharge areas prevents rainwater from reaching the groundwater table which in turn contributes to less available groundwater, additional storm drain water runoff into the river, more pollutants into aquifers, and increased flood damage. Proposed large commercial and residential developments may cover over natural recharge areas.
- F5. Sonoma County's proposed *General Plan Update to the year 2020* includes a "Water Resources Element." Sonoma County is in the forefront of California counties in proposing to add this element to its general plan. The primary purpose of the water element is to

## Sonoma County Grand Jury

### Got Water? (continued)

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ensure that Sonoma County's water resources are sustained and protected. This water element includes objectives and policies to:

- Protect the quality of surface and groundwater resources
- Assure that there is sufficient groundwater for all new development
- Protect the natural environment
- Assure that public water suppliers manage groundwater to meet future growth.

This water element is currently being reviewed prior to final adoption of the general plan.

- F6. Cities receive their water supply from existing well fields and/or purchase it from the SCWA and/or other water suppliers. Although many cities in the county refer to water supply and conservation in their general development plans, they do not always consider the present availability and/or future sustainability regarding other water users outside their own city limits. In 2000 SCWA and its eight water contractors adopted an *Urban Water Management Plan* which helps to consolidate information for improved statewide water planning.
- F7. The Water Advisory Committee (WAC) is made up of appointed representatives from each of SCWA's eight water contractors. WAC advises the SCWA on programs, conservation efforts and water projects. Meetings are held monthly and are open to the public.
- F8. There are many interested parties in Sonoma County that claim some amount of jurisdiction over groundwater. These include the California Regional Water Quality Control Board, Sonoma County Board of Supervisors, SCWA Board of Directors, SCWA, WAC, Citizens Advisory Committee, PRMD, city and town councils, water conservation districts, federal agencies, California Department of Water Resources, California Environmental Protections Agency, and California Department of Fish and Game. There are many more private local organizations and out of county interested parties. Each is looking out for and protecting its own interests. Often, these organizations are unaware of the multitude of other interested groups and their activities and therefore lack a collective vision. There is currently no regional governing board to monitor and coordinate countywide water issues.
- F9. The Santa Clara Valley Water District is often cited as a benchmark for its progressive groundwater management and regulation. Santa Clara County has an independent, financially self-supporting water board that manages all the county's water resource issues.
- F10. In 1992 the California State Legislature adopted the *Groundwater Management Act* (AB 3030) which is set forth in the *State Water Code*: Sections 10750-10755. This provides a framework for groundwater management plans which may be adopted by any agency, city or county that provides water service. Approximately 170 public water supply agencies and several California counties have adopted a groundwater management plan. As an example, Santa Clara County successfully established a similar plan more than fifty years ago in response to severe water subsidence of their groundwater basin. Currently Sonoma County has no such plan.
- F11. Two of the most important components of a sustainable water system are public education and conservation programs. This includes water conservation measures like:
- Low-flow toilets and shower heads
  - Use of water conserving natural landscapes and construction design
  - Use of recycled water

- Use of recycled water on golf courses and by agri-business and other heavy demand areas that do not require potable water
- Minimizing run off
- Water quality enhancement activities

### **Conclusions**

For centuries, groundwater has been viewed as an endlessly renewable natural resource that is individually owned by the property owner. The most radical and necessary change for Sonoma County residents is to think of groundwater, not as an individual property right, but as a communal resource or commodity that must be intentionally managed and protected in order to assure its availability for today and sustainability for future generations.

Representatives of the county, its cities and water suppliers should work cooperatively in order for all citizens to benefit. Groundwater conservation education must be implemented and vigorously promoted and enforced. Increased population, agricultural expansion and new construction, without implementation of a groundwater management plan, will put the future economic and personal well being of all Sonoma County residents at risk. The threat of out-of-county interests in Sonoma County water resources can be expected to escalate.

### **Recommendations**

- R1. The county and each of its cities should adopt or amend a sustainable water element as part of their general plan with a target date of January 1, 2005, the adoption date of the next general plan.
- R2. The county and each of its cities should adopt and develop a comprehensive groundwater management plan such as that set forth in AB 3030. The information from the existing groundwater studies should be used to provide a bank of information upon which to initiate a groundwater management plan.
- R3. The Board of Supervisors should establish an independent Regional Water Resources Management Board that takes a long term regional vision of all water issues facing this county, emphasizing sustainability. This new board would have authority over all water matters in the county. It would have its own funding sources and enforcement powers and would be the coordinating body for all the county's water issues.
- R4. It is recommended that all residents, businesses and agri-businesses recognize their water supplies are not infinite and that everyone's water usage impacts the supply. It is everyone's individual responsibility to educate themselves on water conservation and the resources available, and practice and integrate conservation into their daily living for the benefit of their community today and into the future.

Information on water conservation can be found at:

- Sonoma County Permit and Resource Management Department  
(707)-565-1900; <http://www.sonoma-county.org/prmd>
- Sonoma County Department of Health Services, Environmental Health Division  
(707)-565-6565; <http://www.sonoma-county.org/health/eh>
- California Regional Water Quality Control Board  
(707)-576-2220 or (510)-622-2300; <http://www.swrcb.ca.gov>
- Sonoma County Water Agency  
(707)-547-1910; <http://www.scwa.ca.gov>
- City of Santa Rosa Water Conservation Hotline

## Sonoma County Grand Jury

Got Water? (continued)

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(707)543-3985; <http://ci.santa-rosa.ca.us>

- Santa Clara Valley Water District  
(408) 265-2607; <http://www.valleywater.org>

### Required Responses to Findings

Sonoma County Board of Supervisors - F1

### Required Responses to Recommendations

Sonoma County Board of Supervisors - R1, R2, R3

Sonoma County Water Agency - R2

City Councils of: Cloverdale, Cotati, Healdsburg, Petaluma, Rohnert Park; Santa Rosa, Sebastopol, Sonoma, and Windsor - R1, R2

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### Reference List

“Adopt Amendment to Well Pump Test Ordinance and Authorize PRMD to Establish Pump Test and Well Monitoring Guidelines” and all attachments. County of Sonoma Agenda Item Summary Report. County of Sonoma Board of Supervisors. March 23, 2004.

“Community Forum on Water, Winter-Spring 2004”. *Water Bulletin*.

Ford, Robert. “Evaluation of Ground Water Resources: Sonoma County.” Introduction and Summary. Department of Water Resources. State of California Resources Agency. 1975.

“Groundwater and the Rural Homeowner.” United States Geological Survey. 1994

“Groundwater in Water Scarce Areas” and all attachments. County of Sonoma Agenda Item Summary Report. County of Sonoma Board of Supervisors. November 4, 2003.

*Groundwater Management Act*, AB3030, signed into law 9/26/92 (*California Water Code* Section 10750-10750.10)

“Mission Statement”, “Policy Statement” and various charts, graphs and maps. O.W.L. Foundation.

“Natural Resources.” *General Plan for the Town of Windsor*.

“Outreach Efforts.” Water Advisory Committee, Sonoma County Water Agency.

“*Pilot Study of Groundwater Conditions in the Joy Road, Mark West Springs and Bennett Valley Areas of Sonoma County*.” Kleinfelder, Inc. September 2003.

“Position Statement on Sonoma County Ground Water.” Sierra Club, Sonoma Groups.

“Proposal for Study of Water Resources Availability and Management in Sonoma County, California.” United States Geological Survey/SCWA. October 29, 2003.

“Resolution of the Board of Directors of the Sonoma County Water Agency adopting the Urban Water Management Plan 2000.” April 17, 2001.

*Rohnert Park General Plan*.

“Sonoma County Water Agency Organizational Chart. FY 2002/2003.”

“Water Agencies Explain Supply, Savings Issues.” *The Sonoma Index-Tribune*. July 4, 2002.

“Water Mindbites.” Centers for Social Change. 2004.

## **Sonoma County Grand Jury**

Got Water? (continued)

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“Water Quality and Water Resources.” *Santa Rosa General Plan*. Sonoma County Economic Development Board. January 2004.

“Water Resources Element.” *Sonoma County General Plan Update 2020*. Draft.

“What You Need to Know About Water Quality in Your Well.” Sonoma County Department of Health Services. November 2002.

Pamphlet. Sonoma County Permit and Resource Management Department. January 2004.

Newspaper articles from various newspapers on water issues. 2003 and 2004.

*Urban Water Management Plan 2000*. Sonoma County Water Agency.

Videotape of television program “Sonoma County 2004” with members of the Sonoma County Board of Supervisors. January 26, 2004.