

New limits on California well-drilling sought

Jeremy B. White, Sacramento Bee, 2-20-16

Warning that a drought-driven surge in well drilling is causing the earth to sag and imperiling long-term water supplies, a California senator wants to place more stringent limits on new wells.

In an effort sure to inflame ever-sensitive disputes over water rights, Senate Bill 1317, by Sen. Lois Wolk, D-Davis, would have people hoping to sink new wells in strained basins obtain conditional use permits and furnish proof that a new well would not have “undesirable impacts” like causing the earth to sink or dropping water levels too low. It would halt new wells in critically overdrafted basins, of which there are currently 21 across the state.

Local governments could avoid those requirements by passing their own limits – no easy matter, given the intensity of fights over access to water and property rights.

“We have to recognize that there are serious problems now in some groundwater basins,” Wolk said in an interview. Local governments “need to take responsibility for their critically overdrafted basins.” She added, “and if they don’t, we will.”

Those new requirements could mean a longer process to get approval. It would almost certainly lead to some applications for new wells being denied, slowing a well-drilling scramble underway in response to the drought. The bill risks igniting a backlash from agricultural interests and rural lawmakers who have battled limits on tapping groundwater.

“If you’ve got a problem,” Wolk said, “you stop digging.”

Years of drought have thrown a spotlight on California’s disappearing groundwater. Farmers facing sharp curtailments in water deliveries have responded by drilling more and deeper wells, turning to underground water as surface sources like rivers and reservoirs have shriveled up. Groundwater typically accounts for a majority of California’s water use during dry years, according to state studies.

60 percent Groundwater’s approximate share of California water use in dry years, according to a state report

The growing reliance on groundwater has alarmed scientists, who say aquifers are shrinking at an unsustainable rate, causing large portions of the Central Valley to sink.

A scramble for scarce water has also pitted neighbor against neighbor, with those who can afford it sinking deeper wells that tap into aquifers spanning multiple properties.

“It affects more than just the individual landowner who’s digging the well,” Wolk said. “We have to recognize that these wells are not separate and individual. In fact, they affect everyone.”

Lawmakers responded in 2014 by passing California’s first state-level groundwater management requirements. The landmark package, which Wolk helped champion, overcame fierce opposition from agricultural interests and removed California’s holdout status as the only Western state not to regulate underground pumping.

But even as the requirements spur threats of lawsuits and complaints of government overreach, enforceable limits will not grow teeth for years. Basin managers will not need to balance their water withdrawal sheets for more than 20 years.

In the meantime, Wolk said, the consequences of over-drilling continue to play out.

“I don’t believe we dealt with the short-term emergency that we have in many parts of the state,” Wolk said.

Local governments have stepped into the fray by pursuing limits on new wells. Those efforts have yielded mixed results, demonstrating the issue’s political potency.

The defeat of a proposed well-drilling moratorium in Madera County spotlighted the political peril of such proposals in areas heavily dependent on agriculture. County Supervisor David Rogers said elected officials rebuffed the 2014 proposal “simply out of deference to personal property rights.”

“We realized that would be a problem for people whose wells went dry and people who already own property,” Rogers said. “It would limit their ability to even use their property or sell it.”

Vocal opposition from farmers helped to doom the measure, said Madera County Supervisor Tom Wheeler, who proposed the idea. He cast the effort as an attempt to protect residential water supplies from thirsty farms, particularly those that had invested in lucrative but water-intensive crops like nut trees.

“They’re all being drained by these farmers using ag grazing land for almonds and pistachios,” Wheeler said. “They’re sucking our land down.”

A halt on new well drilling in overdrafted parts of Ventura County fared better. Supervisor Steve Bennett intentionally kept the proposal quiet to forestall a rush of new well-drilling applications and then prevailed over what he called “a full-court press” led by large agricultural groups.

“These people whose wells are going dry because people are putting in wells around them – they were the ones who helped me,” Bennett said.

While proponents lauded the state groundwater laws as a breakthrough, Bennett said he believed elected officials “really punted” by deferring to locals and giving them ample time to set up groundwater management plans.

“It only sounds good to say let the locals figure it out,” Bennett said. “We’re in better shape than other places, but we’re still a long ways from where it should be. In other places it’s a free-for-all.”