

# Well drillers explain their side

By BOB SMITH

Santa Cruz County is moving too fast on imposing a ban on water well drilling in the mnncounty and the far-flung Purisima groundwater formation, representatives of the county's water well drillers said this week.

County Supervisors appear ready to ban all new water wells in the Purisima groundwater formation which, the U.S. Geological Survey says, is possibly being overdrafted.

In an interview Monday afternoon, David Landino and Jeremy Wire of the Associated Drilling Contractors and attorney Dick Hendry of Watsonville said the Santa Cruz County supervisors may be breaking new legal ground in trying to stop property owners far away from the Soquel Creek County Water District from drilling into the groundwater basin for their personal water supply.

Supervisors have said they are planning to ban new wells throughout the Purisima formation in an attempt to protect the coastal wells operated by the Soquel Creek County Water District, the city of Santa Cruz, and private property owners from salt

water intrusion.

But Hendry pointed to California court cases and state water law as giving the principal right to tap groundwater supply to the individual land owner — not a governmental agency like the county, city or water district.

Property owners, according to the California courts, have a correlative or prime right to the groundwater under their property. A governmental entity like the County or the Soquel Creek County Water District has only appropriative rights.

The attorney maintains that in a groundwater overdraft condition like the one the USGS says exists in the midcounty now, an appropriative user like the water district could be told to restrict its pumping, making the limited water available to the private users.

But if property owners allow the proposed county ban to stand without challenge, Hendry said, the county may acquire a prescriptive right to the water supply after a five year period.

Overlying users (private property owners with wells), Hendry said, can protect their rights to the

water in three different ways under the present California court rulings.

If they act before an overdraft occurs, an owner can obtain a declaratory judgment that establishes his paramount overlying right against nonsurplus appropriations.

If property owners wait until an overdraft begins, they can go to court for injunctive relief against the nonsurplus appropriations (the water districts and private water companies).

And finally, Hendry said, an overlying user can retain his right to the extent that he exercises his rights during the prescriptive period. By pumping at any time during the prescriptive period, an overlying owner can retain his proportionate share of the safe yield.

Hendry and the other two men contended that this was the first time in California history that a county has tried to ban water well drilling in a geographical area.

Landino poses a question for the lawmakers. "Supposing the basin is in a state of overdraft, how do you balance the rights of the private property owners with no wells (but still having the right to drill

a well), the rights of those with existing wells, with the appropriative rights of the water district?

Hendry provides one answer to the question. "The judicial system may say Soquel Creek has the lowest right.

Landino, a Santa Cruz well driller and vice president of the Associated Drilling Contractors, and Wire, an engineering geologist based in San Jose, criticize the Board of Supervisors for imposing a drilling ban inside the Soquel Creek County Water District boundaries and contemplating its extension to the remainder of the Purisima formation without a detailed analysis of the USGS data and its conclusions.

"The argument is that if you don't ban water well drilling in the water district, others will drill wells and sneak around the water meter moratorium," Landino said.

Landino said that, in practice, the chances of that happening are remote to impossible.

The county already has an ordinance forbidding the establishment of private water companies in the service area of an existing water agency. That takes

care of the possibility of someone like the H.C. Perry Co. drilling its own water wells and building a distribution system for the proposed 100 acre O'Neil Ranch project in Soquel.

At the other end of the scale is the individual property owner who wants to build on a small urban lot and drills his own well to circumvent the meter ban. That is taken care of, Landino said, by another county ordinance that says you have to have a minimum lot size of one acre.

"All of the hysteria about people circumventing the meter moratorium within the district does not exist," Landino said.

Landino suggested that county supervisors are eagerly pursuing the idea of a Purisima-wide well drilling ban as another way to halt residential growth in Santa Cruz County.

That's overkill, Landino argued. Growth can be managed through Measure J — the voter-approved growth management ordinance. "You don't have to go after the water rights of the individual property owners."

"The minute the Board of Supervisors received that letter (asking for a well

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ban inside the district), they acted — no in-house study. In enacting the moratorium, the county did nothing to study the problem," Landino said.

"The time frame is too short. There needs to be time for further study," Landino added.

Wire and Landino are very critical of the water district's methods of locating new water wells and the USGS interpretation of the undergroundwater-bearing formations.

Pointing to the recently drilled, still unused well called Opal Cliffs #2 on Capitola's Garnet Street, the drillers said the water district is apparently siting new wells next to older ones that have been good producers in the past.

"The district is not using the technology available today," Landino said.

The Opal Cliffs wells are the ones that the USGS cites as evidence of salt water intrusion along the mid county coastline.

Those wells are comparatively shallow, Landino and Wire said, tapping what

appears to be an isolated portion of the uppermost layer of the Purisima groundwater formation. Landino and Wire argued that the water district's own well logs are the evidence that the Purisima formation (Subunit C) there extends from the surface down to about 300 feet. That aquifer is open to the sea and as the water district continues to pump large amounts of water from the area, it creates a "cone of depression" that eventually draws seawater into the water wells.

If you drill down through another 500 feet of soil, as the water district did in a test well, you'll find water-impervious clays and then reach Subunit B of the Purisima.

Drill through another 400-500 feet of ground, including another band of clay and you'll find the A subunit. Back to Subunit C of the Purisima, and the water district's shallow wells, the driller representatives said that the Opal Cliffs portion of the aquifer is not a confined aquifer as envisioned in the USGS report prepared last year by Ken Muir.

Because it is open to the sea, Hendry argued that "if you have a number of production wells (along the coast), they will obviously pick up salt water.

"That is what the USGS is telling Soquel Creek — move your wells inland." Landino believes that the concentration of comparative shallow production wells in the Cliffwood Heights-East Soquel area may be creating a cone of depression and drawing seawater into the shallow wells used by the Pine Tree Lane residents next to New Brighton Beach state beach.

But Hendry questions the use of the label "salt water intrusion" in the coastal wells. The highest chloride content yet is approximately 90 parts per million (ppm), yet federal drinking water standards for salt water intrusion is 250 ppm.

The water district could alleviate some of its impact on neighboring wells, Landino and Wire argued, if

they would string them out along the coastline, a little further inland than some of them are at present, but still within the existing service area and water distribution system.

The water district could tap the deeper B and A subunits as many private property owners do now.

Landino produced a copy of a electric log of a well he drilled recently for a property owner in the Pleasant Valley Road area. The well is the third drilled on the property.

The last well — drilled to 1,200 feet — when the property owner needed more water, had a higher static water level and produced more water than either of the two shallow wells.

The electric logs showed that the third well tapped the A sub-unit of the Purisima, while the other wells went into the B unit.

The high static water level (only 150 feet below the surface) makes it cheaper to pump water from the deepest well than it does from the shallower wells (one was only 450 feet deep with a static water level of 300 feet below the surface.)