

Lawsuit alleges lax groundwater oversight in Sonoma County threatens Russian River

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An environmental group dedicated to promoting healthy waterways around California is taking Sonoma County to court over permitting policies it says too liberally allow people to drill groundwater wells, potentially endangering Russian River stream flows.

California Coastkeeper, an affiliate of the locally based Russian Riverkeeper and a dozen or so other organizations around the state, filed the first-of-its-kind lawsuit late last month [amid the intensifying drought](#) and [a surge in well drilling around the region](#).

It seeks a court order preventing Sonoma County from issuing any more drilling permits until officials enact new requirements for site-specific and watershed-wide assessments of the effects of well water extraction on the Russian River and its tributaries.

The lawsuit, filed in Sonoma County Superior Court, says failure to take appropriate measures is a violation of the county's "public trust duty" to safeguard certain shared natural resources against adverse impacts.

The case could serve as a test of what California Coastkeeper claims is the tendency of water agencies and state regulators to operate on a "legal fiction that groundwater and surface water are separate systems."

"Long term, as we move forward, we need to manage our water as one water," said California Coastkeeper Executive Director Sean Bothwell.

He noted groundwater pumpers are operating without restriction at a time the state and other suppliers are [imposing stronger limits on surface water use](#), including measures to safeguard the Russian River.

"Surface water and groundwater are connected," he said, "and so we need to be, as a state, managing both that way."

Sonoma County vineyard operators, ranchers and rural residents are served by more than 40,000 water wells, according to a county report. Most of them located outside the Highway 101 corridor and urban areas, which are [served largely by Sonoma Water, which taps the Russian River](#).

Little is known, however, about how much those wells account for in cumulative annual use or exactly how they impact the Russian River. It wasn't until California's last drought that regulation and monitoring of underground water supplies [began with the state's landmark 2014 law](#).

A key concern in the Russian River watershed is over-pumping of wells during warm weather that then could degrade the surface flow to the point stretches of creeks and

even the river run dry, leaving endangered coho salmon and other imperiled fish stranded in warming, disconnected pools.

Only 14% of the historic coho habitat remains viable, and further degradation risks survival of the species, the suit says. Several other endangered and threatened species, including California tiger salamander and freshwater shrimp also call the watershed home.

County Supervisor David Rabbitt said the lawsuit reflects a unrealistic demand that the county resolve a long-standing question of science it's attempting to work through deliberately.

He and Lynda Hopkins, the board chairwoman, cited the formation of three basin-specific plans in the county under the state's 2014 groundwater management law that will do more to address the impact of well drilling on both groundwater and surface water sustainability, contributing to future resiliency. Hopkins had not read the suit but had seen a press release about it.

Sonoma Water, working with the U.S. Geological Survey, the California State Water Resources Control Board and other partners, also is conducting a a long-term study of the integrated groundwater and surface water flow in the Russian River basin to better model supply and demand.

"Water is connected in many different ways," said Rabbitt. "Whether that connective pattern is always detrimental to one or the other I think is not necessarily so."

Officials with Permit Sonoma, the county agency which oversees well applications, did not return three calls for information and comment for this story.

Bothwell said the Russian River already is under threat and the imperiled fish that inhabit the watershed particularly so, with no time to spare.

He said his organization was preparing its case before a second year of critically low rainfall brought [reservoirs to record low levels](#) and [reduced river flows accordingly](#).

The State Water Board this year ordered 930 water right holders in the Russian River watershed to stop diverting water, due to insufficient supplies, and put about 1,600 others on notice that their rights could be suspended if the water supply gets much lower.

In the meantime, well digging companies report being busier than ever, as wells run dry or are at risk of doing so, and property owners contract them to drill more.

"This was something we were going to do regardless of the drought," Bothwell said. "But with the drought it became important to us to hold groundwater pumpers accountable, similar to how we are holding surface water pumpers accountable. Otherwise, there's going to be no flow."

California Coastkeeper says in the suit that it learned through record requests that the county issued 2,041 well drilling permits in the Russian River watershed between Jan. 5, 2010 and Aug. 17, 2020.

Just over 400 permits were issued between late August 2018 and August 2020 — a period after a California appellate court ruling involving the Scott River in Siskiyou County. The court held that public trust resources, including endangered and threatened fish species, must be protected from harm caused by groundwater pumping.

Under Sonoma County's existing application process only licensed drilling contractors are eligible to obtain well permits. The permits are provided at the discretion of county staff, requiring well pump yield tests, site details — including setbacks from property lines, septic systems and waterways — but nothing addressing the potential impact on water flowing in nearby streams.

Pumping from some wells can have a fairly immediate impact on river flows, hydrology experts say, creating an underground gradient or “cone of depression” into which groundwater from elsewhere or water from nearby creeks or rivers will flow, reducing stream levels.

Dutch Bill, Green Valley, Mark West and Mill Creek watersheds, which are key to survival of local coho salmon runs, have significant connectivity between surface and subsurface water, for instance, the lawsuit states.

The Board of Supervisors had an opportunity to build more comprehensive analysis into its well permitting process when it amended its rules in 2014 and 2015, the lawsuit says. It was asked to do so by the National Marine Fisheries Service, the federal agency that oversees imperiled migratory fish stocks such as salmon and steelhead trout.

Agency officials called out findings in the lower court ruling on the Scott River case and warned that continuing to grant well permits without assessing the cumulative impact on stream flows could result in elimination of critical freshwater habitat for salmon and steelhead.

Rue Furch, a former Sonoma County planning commissioner and longtime conservationist, remembers that debate as a frustrating one in which county supervisors ultimately decided they were dealing with a construction ordinance and wanted to focus on ensuring the construction as legal.

“There were a lot of people who were concerned then. There are many more now,” Furch said.

She noted a very large number of domestic wells that are threatened by drought and other causes, which may spur replacement, raising “concern for more appropriate and sustainable well-drilling practices and standards for construction.

“Surface water and groundwater are intertwined inextricably, so you can't say ‘We're only really looking at groundwater,’ “ she said.

