

Occidental is Asking... What's Fair? What's Legal?

By Bill Wadsworth

We now know the seven million gallons of water the Occidental Community Service District (OCS D) pumps annually from the Russian River is taken unlawfully. A complaint to the Water Resources Control Board has caused OCS D to withdraw their false claim of having water rights.

In the mean time OCS D had given Thiessen Homes "will serve" letters committing to provide water for a large development in Occidental. However OCS D has no legal right to the water.

In the meantime Thiessen Homes took the bogus "will serve" letters to the Permit and Resource Management Department asking for permits to create a development with 30 water connections, which will increase Occidental by about one-third. The Permit Department claims they don't have authority to stop the development due to of lack of water rights.

In the meantime we asked the OCS D board to retract the bogus "will serve" letter, then they appointed Ken Cohan, General Manager, of Thiessen Homes to fill a vacant board seat instead. And the Thiessen Development proceeds without water rights. The children are asking, "Why do we bother to have water right law anyway?" What do we tell them?

In the meantime there are three protests to the Sonoma County Water Agency petition to provide Occidental lawful water. These protesters, including the State Fish and Game Department, are concerned about the biologic health of the Russian River, climate change issues, earthquake risk, and the fact that OCS D is asking for seven times more water than their 2006 use. The OCS D board says this additional water is not to fuel development. The children are asking, "Do you believe that?" Do we tell them no?

In the meantime OCS D has enough development in planning stages to double Occidental water use. But once these unauthorized homes are built with families living in them it will be politically impossible for the State Water Board to refuse the families water. For this reason the Fish and Game Department and other petition protesters lose they're legal right to a fair hearing once these unauthorized homes are built. Also, managed growth proponents lose when developers get out in front of water rights.

In the meantime OCS D is looking north to Camp Meeker's water rights to Russian River water. OCS D has a scheme to get Camp Meeker and the County Water Agency to let Occidental use Camp Meeker's legal water from the county to "legitimize" the development. The children are asking, "But what about the Fish?"

In the meantime Steve McNeal speaking at the September OCS D board meeting quoted Supervisor Reilly as saying, "The state has a de facto policy that all the state violations are in abeyance when the water right application is completed and submitted." In response to McNeal's statement, the State Water Board indicates there is no policy of violation abeyance and said, "it is illegal to divert water without an approved water permit" and that water rights are enforced "given the specifics of each case." Since OCS D's application is not an approved permit, McNeal's statement is false. Supervisor Reilly has not answered my letter asking him to respond to this quote attributed to him. The children are asking, "Is this politics?"

In the meantime the OCS D board claims they have conservation friendly water rates. But the California Urban Water Conservation Council, who sets standards in California regarding water conservation, requires water districts to receive at least 70% of their revenue from volumetric charges (cost per gallon). OCS D receives only 30% of their revenue from volumetric charges. OCS D has the 70:30 volumetric/service charge ratio backwards. OCS D is at 30:70. The children are asking, "How can 30:70 be considered conservation rates when it should be 70:30?" Is this how we teach our children about math?

In the meantime the smallest ten water users in Occidental pay 18 times more for a gallon of water than the big ten users, while the big ten use half the water. This inequity is caused by an inflated service charge of \$42.00 and falsely low per gallon rates. The American Water Works Association guidelines call for the service charge in small districts to be between \$2 and \$12.50. The children are asking, "Is that fair?" Is this how we teach our children about fairness?

In the meantime OCS D raised the service charge at the September meeting from \$42.00 to \$44.00. This made the conservation/equity problems worse but most importantly it is in violation of Article XIII D of the California Constitution which requires that charges imposed upon any person, as an incident of property ownership, must be equitable. The children are asking, "Can they do that?" Is this how we teach our children about democracy?

In the meantime records show that several properties did not pay for water use for many consecutive months before 2007. The board has refused in three meetings to answer questions regarding several of these zero water users.

In the meantime Occidental was losing on the average 113,492 gallons or 19% of their water each month. After people got concerned about this large loss, the water loss dropped in July to 28,525 gallons or 4.78%. The children screamed, "Hurrah!" But the OCS D board stopped reporting the master meter readings so the water loss improvement could not be confirmed. The children asked, "Do you think they're cheating?"

In the meantime OCS D's general manager for construction projects has estimated the assessment "in-lieu" charges for the CYO connection to be \$133,866, which is a discount of around \$300,000. The children said, "Three hundred thousand dollars is a lot of jelly beans."

In the meantime if we are going to prepare our children to participate in a democracy and to solve problems regarding global warming we must set a better example than this.

If you think OCS D should follow the law come to the **OCS D board meetings at 7 PM on November 20th at the Occidental Firehouse** and don't forget to vote in November for new board members. If you have questions call me 874-3348.

Source information: The McNeal statement is transcribed from the board meeting audio recording. The WRCB quotes are from an email from the WRCB responding to the McNeal statement.

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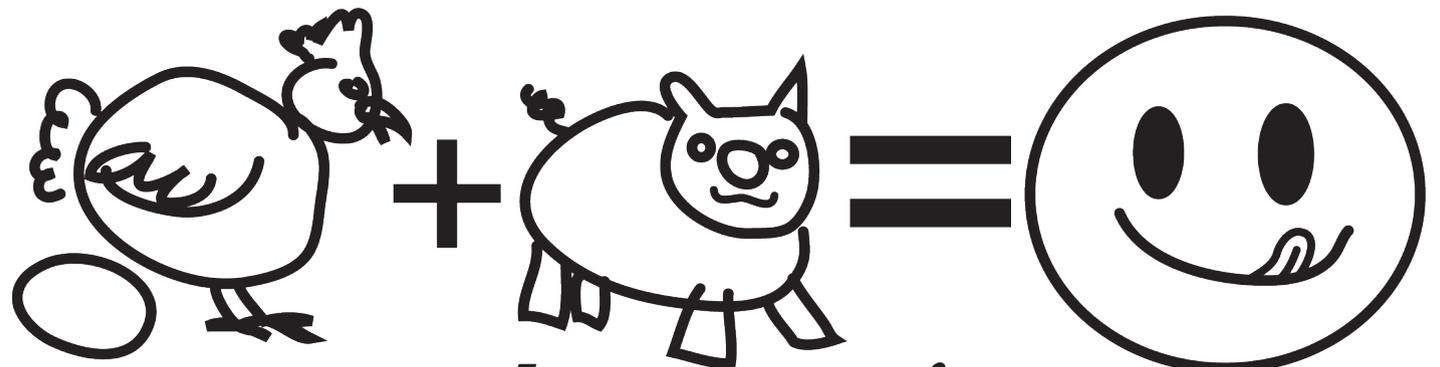


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"California is really at the cutting edge in terms of marine conservation efforts nationally," Nielsen says, "and the Marine Life Protection Act Initiative process is a good model for how the best available science can be used to inform public policy." - Sonoma State University Marine Biology Professor Karina Nielsen



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