

Your Water Rights Still In Jeopardy

By Eric Owens, Chino Valley Business Owner

To set the record straight, on 01-27-10 a warning flyer was distributed via the Review as penned by Chris Marley. Myself, a long-time Chino Valley business owner, not only supports the accuracy of this flyer (barring one word) but have added to it a website link (www.delriodrilling.com) where you can go to "Second Opinion" for more information.

On 01-28-10 Mayor Jim Bunker, Chris Marley and myself discussed the accuracy of this flyer for approximately 2 hours where there was no presented evidence of error other than Sec.60.07 where the word "requires" should have been "encourages".

On 02-03-10 via the Review, Mayor Jim Bunker's response was printed in the Review and Town Manager Gerald Stricklin's response was posted on the Review's website (because it exceeded the Review's print length limitations). These were their responses to this specific flyer as well as to other opinions that are contrary to their own. I am certainly not a politician but I am a concerned citizen who speaking from the experience of some 5000 wells over 31 years, am greatly disturbed by this Water Ordinance and the Politicians that are pushing it. No one can disagree on the verbiage of the proposed ordinance but everyone can disagree on how it will effect them, their children, the community, their existing or future rights to drill wells or pump water, if it is affordable, who will pay for it, for how many generations, who are the real benefactors, what are the liabilities, will it produce any significant benefit, does it even address the real source of the problem, are efforts better spent elsewhere, is it Chino's job to micro-manage, or should they even be in the water business at all ?

Therefore I personally am greatly disappointed for the following reasons:

A) Chris Marley a concerned citizen having taken his time and money to study, comment and encourage folks to "please read this proposal for yourself" is marginalized and essentially called a liar by the Mayor when he wrote, "none of the claims made are true. He has taken them totally out of context, and completely misinterpreted the rest." The burden of proof falls on the accuser, so for the Mayor to treat a citizen with contempt without one shred of evidence is inexcusable.

I extend the same disappointment to the Town Manager who dismissed the thoughts of the public with words like, "confusion", "misleading rumors" and "conspiracy theories".

B) In the Mayor's letter he states, "Nothing in the Ordinance takes away existing exempt wells" Commercial or residential wells may not be taken away but, sections like 60.07(B) will prohibit you from "utilizing water from an exempt well" or 60.07(C) requires you to disconnect from your exempt well and forces you to hookup to Town water. Read Section 60.01, 60.02 and you will find a blanket "water conservation compliance" that applies to, "Any person or entity within the corporate limits of the Town of Chino Valley or any water utility customer of the town, wherever situated to make, cause, use or permit the use of water for residential, commercial, industrial, agricultural or any other purpose in a manner contrary to the provisions of this chapter, or in an amount in excess of that use permitted under any law ordinance, or water conservation level declared in accordance with this chapter is prohibited." In one sentence every person loses their freedom to use their exempt well as they wish within the volume allowed by the state.

Does this not give local government the ability to "prohibit" all use of all water from all sources that are not in "compliance" with "any law, ordinance or water conservation level declared"? But the most disturbing thing about exempt wells that would be taken away, are the right of the citizens to construct them. Thousands and thousands of Chino Valley land owners currently have the right to construct up to (2) exempt wells per parcel number. Should this ordinance come to pass, the very same land owners would be stripped of their rights. Read Sec. 60.07(B) through 60.07(D) and you will find that it is stated five times that no new exempt well may be drilled.

C) The mayor also states in his letter that "nothing in the ordinance takes away... the right to a replacement well if the existing well fails." Read Sec. 60.07(B) through 60.07(D) and decide for yourself if this is a truth or a lie.

D) The Mayor also states in his letter, "It does not prohibit outdoor uses of water for any existing residence."

Read 60.07(A) Prohibits when you can use your water.

Read 60.07(B)1 Prohibits you from installing any "New Spray Irrigation Systems"

Read 60.07(B)2 Prohibits you from using outdoor misters.

Read 60.07(B)3 Prohibits you from adding any water-intensive turf.

Read 60.07(H) Prohibits the use of outdoor water features without a town permit.

Read 60.07(J) Prohibits adding any new irrigation system without a town permit.

Read 60.10(A) Prohibits water waste.

Read 60.10(C) Prohibits fugitive water.

Read 60.11(C)4b States "**No person shall irrigate or water outdoors.** Neither Town-Provided water, nor water from private water companies or **privately owned wells** shall be used for irrigation unless water is provided through harvested rainwater." This tells me that if the Town Manager declares a level 3 water conservation restriction, everyone is prohibited and no one is "grandfathered." You decide, is the Mayor's statement honest?

The Mayor also stated, "the authority given to the Town Manager to limit outdoor use of water applies only to customers of the town water system." Either this is also a false statement, or 60.01 and 60.11 truly mean that "all water" is town regulated and "all citizens" are town "customers" under this ordinance.

I do hope that the February 16th "study session" is much more than simply hearing what our Mayor, "sees as choices for the future." And though he states that, "The council is committed to full public discussion of the ordinance before any vote", this is simply patronizing lip service if these, "discussions" are not followed by a **Public Vote!**