



Media Release

State Water Board Orders Benbow Water Co. to Stop Water Sales Outside of Its Area of Service

For Immediate Release
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To prevent possible negative impacts to fish and wildlife, the State Water Resources Control Board's Division of Water Rights today issued a Cease and Desist Order to the Benbow Water Co. in Humboldt County to halt water sales outside the district's area of service.

Under the order, the Benbow water Co. must stop selling bulk water for use outside the area of service defined in the water district's permit, and take actions to correct permit violations involving service to 20 homes outside of the service area. Violations were discovered as a result of a public complaint.

The water district has a State Water Board permit to draw water from the East Branch of the South Fork of the Eel River, and it also claims a riparian right to water from the river. The water right permit defines the uses for the water, the amount that may be diverted and the area in which the water may be used. Water diversions under riparian rights do not need a permit, but the water must be used on land contiguous to the water body.

The continued sale of bulk water outside the area of service of the Benbow Water Co. poses a threat to public trust resources and fisheries, according to the California Department of Fish and Wildlife. The South Fork of the Eel River is a designated Wild and Scenic River, and supports Coho Salmon, Chinook Salmon and Steelhead Trout, all listed as threatened species.

The unauthorized diversion of water reduces the amount of water available for fisheries and other riparian habitat.

Under the Cease and Desist Order, Benbow Water Co. must immediately stop the bulk sale and delivery of water outside the authorized place of use, including some local community-sponsored events, until the State Water Board considers a petition for change in the water right permit; and stop all other sale of bulk water outside the place or season of use within 30 days. The Order allows Benbow Water Co. to choose to continue to provide bulk water sales outside its authorized place of use, however, when the water is needed for emergency domestic water supply.

The water company is ordered to keep accurate records of bulk water sales within the area of service, detailing the name of the water hauler, the volume of water sold, the date, purchaser, purpose and place of use.

Separate records of bulk water sales for emergency domestic water use must be kept.

C A L I F O R N I A E N V I R O N M E N T A L P R O T E C T I O N A G E N C Y

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Within 60 days, Benbow Water Co. must file a petition for change in place of use to include areas now receiving water diverted under the Benbow permit, and keep monthly records of the water served to areas outside the authorized places of use.

Benbow Water Co. must demonstrate a valid basis of right to deliver water to the 20 homes outside the authorized service area or file an appropriative water right to cover the diversion and use of water; and immediately discontinue adding new residential or commercial water service connections to parcels outside of the authorized place of use or without a riparian claim of right.

If Benbow Water Co. fails to comply with the order, it could be subject to civil liability fees of up to \$1,000 for each day of violation, or referral to the Attorney General for further enforcement action.

To learn more about the State Water Board's protection of public trust resources, visit: http://www.swrcb.ca.gov/waterrights/water_issues/programs/public_trust_resources/