

**Lucerne Valley-Johnson Valley Municipal Advisory Council
LV Community Center, 33187 Highway 247 East, Lucerne Valley CA 92356**

RECOMMENDATION ON ISSUE:

**County of San Bernardino Division of Environmental Health Services
Policy Discouraging the Use of Hauled Water**

Dear Supervisor Ramos:

As a public health problem, water hauling is a non-starter. Those familiar with it know health risks can be easily eliminated at every step in the hauling process. City dwellers may never have even considered how easy this is, and are taking our property rights in the name of protecting us.

Environmental Health Services has stated, without citing actual health problems, “Historically, hauled water does not provide an equivalent level of public health protection or reliability as that provided by a private well or public utility.” They do not mention reports of defects in those public water supplies, complete with Boil Orders.

Not long ago, hauled water came from springs or hand-dug wells. Haulers even then were capable of safeguarding their health, sanitizing their tankers and their storage. If the State and the County are truly concerned for our well-being, educating a few owner/haulers would be easy and cheap – and far less oppressive than taking away the rights of every single property owner and destroying the businesses of licensed commercial water haulers.

Public pressurized water systems can be impossible for several reasons:

- The geology may not allow well drilling and/or pipeline construction.
- Small scattered desert populations cannot support indebtedness incurred installing miles of pipeline, and few can afford connection expense.
- Some areas historically have little or no water, or unusable water.

THIS BAN ON HAULED WATER IS NOT FOUNDED IN WRITTEN LAW OR CODES. At no time have actual users of hauled water been consulted on this unwritten policy, or had a vote on the matter. It is subject to arbitrary and conflicting judgment calls by unelected County employees.

The state code legalizes water hauling. The state exacts large permit fees to inspect and license commercial water haulers, and mandates expensive precautionary sanitary practices regarding equipment and inspections.

The state certifies community wells at great expense.

Yet the state “recommends” the County discourage the use of hauled water, citing inherent contamination risks. If in the judgement of EHS, the water hauler cannot be trusted to use certified water sources and maintain equipment properly, is it not more practical to monitor a few haulers than to penalize every single property owner in outlying desert or mountain settlements?

This policy is unreasonable and inexplicable to anyone familiar with rural settlements. Water in the desert is life in the desert. Water hauling has been successful for generations.

The question arises: what happens in an emergency if there are no more water haulers? This is a major source of concern for your constituents whether using domestic or community well water; when wells fail, haulers are a necessity.

Lucerne Valley has one remaining licensed water hauler.

Johnson Valley has one remaining licensed water hauler.

This policy discriminates against lower income property owners who have not the means to support the cost of drilling a well and have no certainty of the success of that well. **Who pays for a mandated dry well or unusable results? The State? The County? Who pays for the property owner's costs of buying a tanker and licensing it for the highway to go to a certified well for water, when the commercial hauler is put out of business?**

This policy is unconstitutional. It deprives us of our property rights. Selling a property becomes very difficult or impossible when a buyer learns that a well is mandatory if any future building permits are to be acquired. Drilling a well may actually cost more than the cost of the property itself.

In effect unelected bureaucrats are devaluing all property that does not have a well or is not on a water main. We are sure you would agree that legal actions are to be avoided over this taking of property rights.

The State of California urges water conservation. It has been proven that the most frugal water users are those who rely on hauled water. Is it prudent for the State or County to be mandating a greater rate of drilling and more water usage, in an era of chronic water shortages?

The county's policy discouraging the use of hauled water is opposed:

- by the Homestead Valley Community Council, representing residents and property owners in the desert communities of Johnson Valley, Landers, Flamingo Heights and Yucca Mesa;
- by the Lucerne Valley Economic Development Association;
- by Lucerne Valley and Johnson Valley property owners who have made their opinions known to the Municipal Advisory Council;
- and by other property owners all over your district, contrary to what you may hear from some water agencies, the only ones who profit from this policy.

A petition sent to the previous Supervisor garnered hundreds of signatures. If necessary to prove how urgent this issue is to all of us, your constituents are ready to organize another drive to sign up all those people again.

In conclusion:

1. Every owner has the right to a permit for any new construction or remodeling on the property, with ordinary health and safety requirements for plumbing and septic system.
2. There must be no restriction as to how long a property may have been unoccupied, as has been arbitrarily cited in the past.
3. There must be no mandate that an owner first pay for the opinion of a hydrologist on non-availability or quality of water on the property, in order to exercise constitutional property rights.

Your desert constituents ask your help. Please work in our behalf to reverse the current County policy denying building permits to property owners who rely on hauled water.

Thank you.

**Recommendation so moved and unanimously approved, November 21, 2013
Members of the Lucerne Valley-Johnson Valley Municipal Advisory Council**

Richard Selby, Chairman