

# FW: SLO Sheriff - Request for Assistance

Lynn Compton

Fri 8/19/2016 9:33 AM

To: cr\_board\_clerk Clerk Recorder <cr\_board\_clerk@co.slo.ca.us>;

~ Jocelyn Brennan  
 Legislative Assistant District 4  
 San Luis Obispo County Supervisor Lynn Compton

[San Luis Obispo CA 93408](#)

Visit our Website

Visit us on FaceBook

-----Original Message-----

From: Patrick McGibney [<mailto:patindi@aol.com>]

Sent: Thursday, August 18, 2016 7:55 PM

To: John McKenney <jmckenney@co.slo.ca.us>

Cc: Bruce Gibson <bgibson@co.slo.ca.us>; Adam Hill <ahill@co.slo.ca.us>; Debbie Arnold <darnold@co.slo.ca.us>; Frank Mecham <fmecham@co.slo.ca.us>; Lynn Compton <lcompton@co.slo.ca.us>

Subject: SLO Sheriff - Request for Assistance

John McKenney  
 Deputy Sheriff  
 Rural Investigator  
 San Luis Obispo, California

Dear Deputy McKenney,

As a resident of California Valley, I wish to bring to your attention a situation that threatens the health and safety of our community, and seek your assistance in its resolution. The California Valley CSD, in conjunction with Cal Fire, has a small (residential-sized) "community" well that is for the use of the CSD, i.e., their small kitchen, restrooms, and landscaping, and for Cal Fire for fire suppression. Any other use is unauthorized. However, historically, residents throughout the Valley, mostly on the east side who do not have potable water, have been allowed to access the community well for their domestic needs. This, of course, is not legal, and constitutes unauthorized use, but as a community we look the other way in support of our neighbors. The upkeep of the well, the electric bills and replacement parts are paid for by the taxes collected from the residents.

The problems we are having now are due to the influx of out-of-state and out-of-county "farmers" who have moved (temporarily) into our Valley, and are exploiting this community well for their personal gain, rather than getting a

Agenda No. 23  
 Meeting Date: August 23, 2016  
 Presented By: Patrick McGibney  
 Rcv'd prior to the meeting & posted on the web: August 19, 2016

8/19/2016

permit and digging a legal well on the property they're "farming". This has put great strain on the well and our water resource. In the last few months, the community has had to replace the well pump twice, and the electric bills have skyrocketed. Cal Fire is researching the cost of drilling it's own well because the water supply in the community well's storage tank is often empty due to constant overuse, thus putting the community in jeopardy. The CSD board of directors, in their benevolence, has refused to regulate the use of the well for "health and safety" reasons (??). This is in strict violation of California Government Code (CGC) 8314 (<http://codes.findlaw.com/ca/government-code/gov-sect-8314.html>), which addresses the abuse and unauthorized use of of public resources.

In speaking with various State Agencies concerning this, including DWR and the State Attorney General's office, I was informed that this is a civil issue that needs to be addressed by our local county District Attorney. The local DA informed me that they would not respond to the concerns of private individuals so I seek your help as our Rural Investigator. Many in the community would like the DA to send a "Cease and Desist" order to the California Valley CSD and direct them to secure their well and prohibit all unauthorized use in lieu of penalties as outlined in CGC 8314.

On a similar note: Water is now being sold by the truckload to these non-residential "farmers" by the local motel owner and several ranchers. This is not in accordance with the water laws afforded to "overlying" users who have the right to use the water under their property as long as it is a "reasonable and beneficial use". Once the water leaves their property and is exported off site, it is no longer considered a reasonable or beneficial use. We ask the DA also address this issue by issuing another cease and desist order to these newly unauthorized "water purveyors".

Our aquifer is in overdraft and we are entering into our fifth year of drought. Our County is in a perpetual political struggle and is unwilling or unable to act for the health, protection and benefit of its residents. We need someone to pay attention, to wake up, to act, before this becomes an unavoidable crisis.

Thank you for your assistance.

Sincerely,  
Patrick McGibney  
California Valley