

WATER SUPPLY Soquel Creek going dry

Fish die by the score; stream slows to trickle

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SOQUEL — A "substantial" fish kill has occurred on a portion of Soquel Creek, which has gone dry for the first time in more than a decade.

State Fish and Game Patrol Lt. John Peabody said "upwards of 100 dead fish," which he termed a "substantial fish kill," have been found in the dry creek bed between Highway 1 in Capitola to just above Bargetto Bridge in Soquel Village.

Capitola Police Chief Don Braunton, who is acting city administrator in City Manager Steve Burrell's absence, said Wednesday he spotted "hundreds" of fingerling steelhead trout trapped in a half-dozen shallow pools of water a few hundred yards downstream of Bargetto Bridge.

Peabody conceded the fish kill could be greater, "but at this time we're just not sure."

What Fish and Game officials also aren't sure of is what is causing the creek to run dry. Until a week ago, there was plenty of water for the trout.

Longtime Soquel residents say the last time the creek went dry was during the drought of 1977. Before that, they couldn't remember the creek's ever drying up.

Besides the drought, however, others suspect heavy water use by upstream property owners adjacent to the creek. Several nurseries off Cheryvale Avenue are pumping water out.

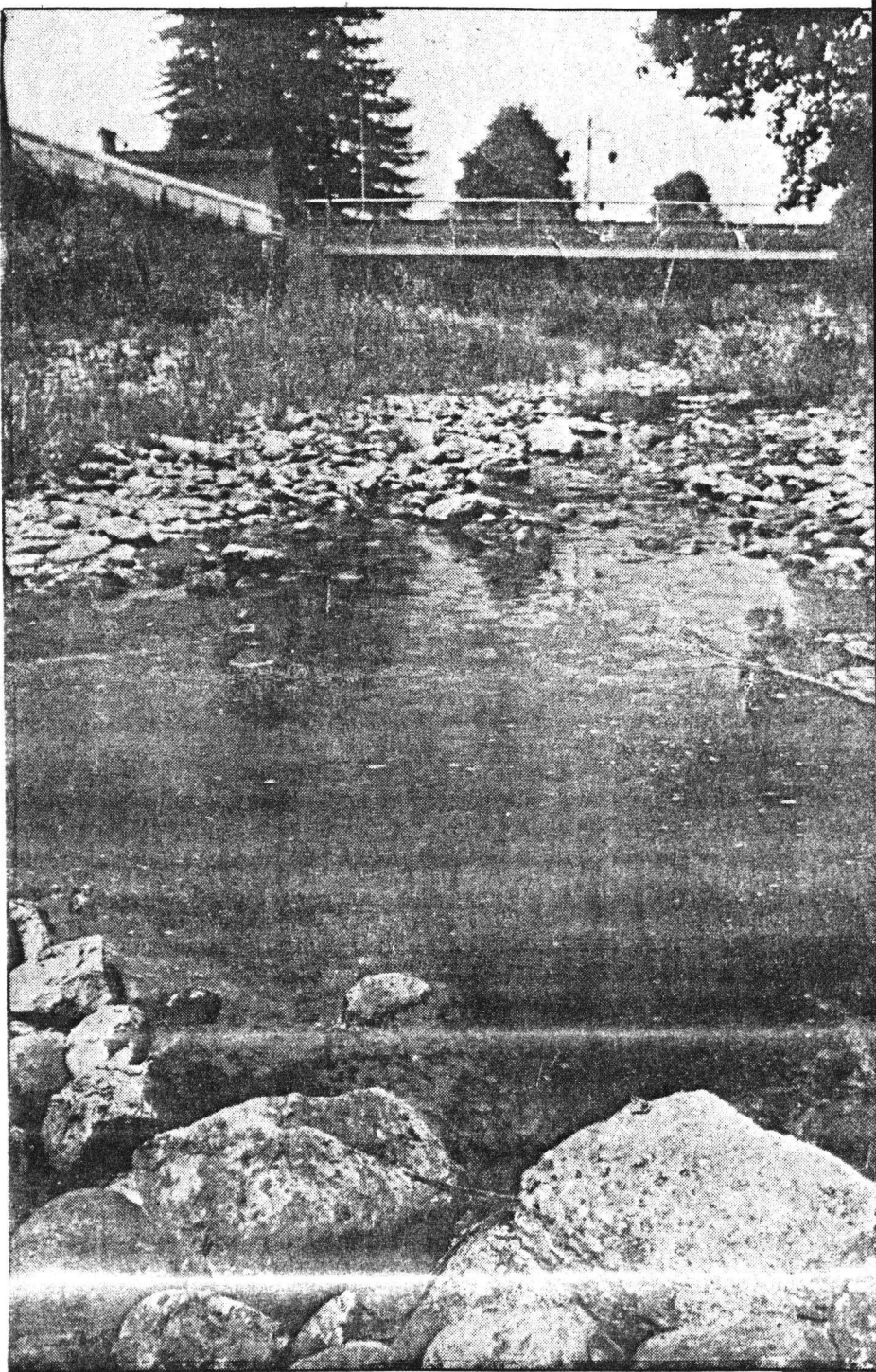
Capitola City Attorney Richard Manning is investigating whether the city has the authority to limit the amount of water taken from the stream.

State water officials have already said that since the creek is "adjudicated" — meaning adjacent property owners have water rights — there is nothing they can do about how much water can be pumped out.

"The courts established the water rights for everybody on the stream in the early 1970s," said Om Gulati, senior engineer for the state Resources Control Board in Sacramento. "There are no provisions in that court order for the protection of fish in the stream. So, all those people are legally pumping water out."

However, state Fish and Game Fisheries Biologist Dennis Eimoto said a specific code section states that if there is a dam or diversion device on the creek, a certain amount of water must be allowed to flow downstream.

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Dan Coyro/S

Hundreds of fish died in shallow pools such as this near Bargetto Bridge.

Fish/ Creek flow dwindling

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He said pumping water out of the creek can "significantly affect" downstream flow. Eimoto also said there was a "gray area" in the law concerning pumps, since they aren't considered diversion devices. Fish and Game wardens may have to attempt to come to some sort of compromise with such property owners, he added.

All of which is not sitting well for those downstream in Soquel Village and Capitola, who want something done immediately.

"It's only a matter of days before we'll have a completely dead creek," said Capitola Councilman Ron Graves. "I'm concerned from the environmental standpoint. I'm

Cocaine dealer sent to prison

SANTA CRUZ — A Beach Flats drug dealer was sentenced to a three-year state prison term Wednesday.

Superior Court Judge John

looking at an immediate court injunction (to prevent upstream pumping)."

Fellow Councilman Michael Routh called it "pretty amazing that someone can suck the stream dry, and Fish and Game has no provisions to stop it."

Others are concerned for their livelihoods.

Ernie Kinzli, owner of Ernie's Casting Pond, adjacent to the creek in downtown Soquel, said his customers fish for wild steelhead in the creek.

"Even if they (creekside property owners) have water rights, it's not right to pump it dry," he said.

Richard Hoover runs the boat-rental business in Capitola Lagoon, which sits at the mouth of dammed-up Soquel Creek on Capitola Beach. He has watched the lagoon's water level drop a half-inch a day for the past several weeks. He expects to be forced to close his business after this weekend because of the height difference between the platform where he launches the boats and the water level.

And, Capitola's pride and joy — the Begonia Festival's Nautical Parade — may even be in jeopardy. The 35th annual parade, set for Sept. 11, uses Soquel Creek for its begonia-decked floats. At worst, festival organizers may be forced to hold the parade on the street, which occurred in the 1970s.