

Supervisors Assert County Needs All Of Soquel Creek Water

By Marshall Watzke

Lots of sound and some fury boomed in the direction of the county line today as word was received in Santa Cruz county that the Santa Clara valley water conservation district has filed application at Sacramento to divert 20,000 acre feet of water a year from Santa Cruz county's Soquel creek.

"If they want a miniature replica of the Los Angeles-Arizona Colorado river water war, let them lay a hand on Soquel creek," said District Attorney Charles L. Moore.

Supervisor C. B. Harts of the Soquel district said, "We need all the water we can get. If we have any water left over after we are through, we'll be glad to sell it to Santa Clara county."

But most Santa Cruz county officials agreed the Santa Clara plan does not have much chance to succeed. The city of Santa Cruz has already filed claims on the upper Soquel and Glenwood sites. Furthermore, court decisions and an opinion by the attorney general seem to protect the rights of Santa Cruz county residents to their own water.

The Santa Clara application to the state water resources board said it proposed to bring the water from a small diversion dam on Soquel creek by gravity flow through a 6½-mile canal and then by way of a 1½-mile abandoned railroad tunnel through the Santa Cruz mountains.

It would then be turned into Los Gatos creek to flow to Lexington reservoir near Los Gatos.

The application marked the first major effort to import water into the Santa Clara valley, aside from a limited use of Hetch Hetchy water by the conservation district.

J. Winter Smith, member of the San Jose chamber of commerce's water resources committee, told conservation district directors that 45,500 acre feet of water is now emptying into the ocean at Capitola each year as waste water. The Santa Clara official said that the local supply of water in Santa Cruz county exceeds county needs and that the water in Soquel creek is not necessary here.

Supervisor Francis Silliman of the water-poor Pajaro district of Santa Cruz county disagreed with Smith's statement, however. His area is already experiencing a pronounced water shortage as the year's dry season is just beginning.

"I don't blame them a bit," Silliman said, "but they aren't going to get away with it. It's a good college try, that's all."

Board Chairman Gustav E. Wahlberg said he would set about immediately gathering information on the status of the Soquel watershed to fight the Santa Clara move if necessary.

Supervisor W. A. Deans declared that even if the water resources board should happen to grant a claim to Santa Clara county it would provide only prima facie right to the water — that is, the right could be upset by a court decision in favor of residents already using the water.

An opinion delivered early this year by Attorney General Edmund G. Brown says the department of finance has a duty to refrain from making any assignment which would deprive a county in which water originates of any water for development of the county.

Brown's opinion was related to Section 10505 of the water code, known as the "county of origin statute." It provides that:

"No priority under this part shall be released nor assignment made of any appropriation that will, in the judgment of the department of finance, deprive the county in which the appropriated water originated of any such water necessary for the development of the county."

Another opinion by Brown concerns the "watershed protection" sections of the code. It states that: "Water which has been put to use in the operation of the Central Valley Project in areas outside the county of origin, or the watershed of origin and areas immediately adjacent thereto, be withdrawn from such outside areas and made available for use in the specified areas of origin."

This ruling would indicate that even if Santa Clara county should begin to use Soquel creek water, Santa Cruz county could have the water back when it wants it.

Santa Cruz City Manager Rob-

ert Klein said the city of Santa Cruz, which has filed two prior claims on water in the controversial watershed, would have no statement to make until official notification of the Santa Clara action is received from the state water resources board.

Water Superintendent Weston Webber called Sacramento yesterday and was informed that the WRB at that time had no record of the Santa Clara filing, Klein said.

Brown and Caldwell, a San Francisco engineering firm, has completed geological studies of the Glenwood and Upper Soquel sites and currently is making engineering surveys with a view toward possible dam construction, according to Klein.

Webber said the Santa Cruz water commission will meet tonight and that he intends to bring the matter before it. He added that it is standard procedure for the WRB to notify prior filers when new water right claims are lodged, and that the city council would probably protest the Santa Clara "invasion" when it receives formal notification of the action.

Meanwhile, preparations were being made by county supervisors to begin work on the Santa Cruz county water conservation and flood control district, signed into existence Friday by Gov. Knight.

Supervisors Silliman and Harts urged that the supervisors add one or two cents to the tax rate to finance preliminary engineering studies and recommendations of county water needs. They asserted the studies should begin just as soon as the 30-day waiting period following signature of the bill ends.

Santa Clara county also faces difficult water problems. The city of San Francisco yesterday served notice that it does not intend to lower rates on Hetch Hetchy water and that eventually it will be able to use all the 400 gallons a day allowed by the Raker act.

Directors of the Santa Clara water conservation district expressed hope when they made the application that Santa Cruz county had not already filed a similar request for the water.

Klein's statement that the city on August 30, 1954 had filed such requests made it seem very unlikely that the Santa Clara request would be granted by the WRB.