

Meeting on Soquel Creek water rights starts hot, cools off

By MARY BARNETT

Resentment against Capitola threatened to flood a Soquel Valleys Association meeting on the current Soquel Creek system water rights adjudication last Thursday in the new Mountain School.

However, a water rights expert from Live Oak, Stanley Skeehan, turned the tide by telling the standing-room only crowd "the adjudication isn't between you and Capitola—it's you against the newcomers."

"I don't think the adjudication is to help Capitola," he said. "It will help you people against the big bunch of people moving in near the summit."

Many members of the audience of 200 or so persons that jammed the school auditorium had been angry at Capitola for forcing the water rights adjudication on them.

Purpose of the adjudication is to settle once and for all who has rights to water in the Soquel Creek Stream system, and how much.

The State Water Resources Control Board authorized the adjudication to go ahead at the request of the city of Capitola. The City Council was worried that it would lose its water flow for fire protection and for Soquel Lagoon, a recreational pond,

because of numerous new applications to use Soquel Creek water.

K. L. Woodward, chief of the water rights division of the State Water Resources Control Board, came down from Sacramento Thursday to explain the purposes of the adjudication. But the Soquel Valley residents at first appeared more concerned about the cost.

Woodward roughly estimated this at \$25,000 for the adjudication study, expected to be finished in 1973. This would amount to \$35 apiece if divided equally among the approximately 700 property owners on Soquel Creek and its tributaries.

However, Woodward said he expected Capitola to end up with a large share of the bill, because it will be apportioned on the basis of the amount of water each water-user gets.

Before Skeehan, a water expert of statewide reputation who recently retired to Live Oak, defended the adjudication, there was talk of getting up a petition to stop it.

"This thing has gone far enough," said the indignant property-owner who suggested the petition. "It's a bunch of applesauce."

Woodward said that it would be possible for the residents to

petition the state against the adjudication.

Skeehan then rose to urge that the benefits be considered.

Woodward followed up by declaring, "You are losing sight of the benefits of this to you. I drove down today and saw the developments going in. This will increase the value of your property. It will stop subdividers from claiming a riparian right up above you."

Heavy development in the scenic summit area threatens to cut off the water of downstream users, Woodward said.

By this time, people at the meeting apparently were having second thoughts about the value of the adjudication.

One young man declared, "When I came here I was dead set against the adjudication, but I'm changing my mind. It was important what was said about development on the summit. After listening to this, I think the adjudication offers us the best protection. At about \$40 apiece, it's a good investment."

Woodward gave his audience a quick course in the complex subject of water rights in California, which he described as "about as involved as any I know of."

He ruled out any discussion of

well water, because "anybody has a right to the ground water on his own land."

Domestic use of water has first priority under the law and irrigation second, Woodward reported. Beyond that, the law does not choose between other uses.

The state expert explained that there are two kinds of water rights in California: riparian rights and appropriative rights. Riparian rights have the highest priority.

The property-owner on land through which a stream flows has a right to its water, known as a riparian right, Woodward explained. If there is a shortage of supply, each riparian owner must share with other riparian owners. There is no priority of right. This causes problems.

Before 1872, an appropriative right could be created only by taking and using the water of a stream. In 1872, a new state law said an appropriative right could be established by filing a claim in the county recorder's office. But, said Woodward, the fact there is no claim on file doesn't mean there is no appropriative right.

In 1914, the California legislature passed a law setting up the system in effect today for establishing water rights. Ap-

plication must be made to the State Water Resources Board. An inspection is made to determine the amount of water the claimant can put to beneficial use, and the amount he is actually appropriating. If he qualifies, he is granted a license to appropriate a certain amount of water.

"The difficulty arises when the supply starts to get low," Woodward said. "The riparian right has the highest priority, regardless of when the landowner started to exercise it. And the highest landowner on the stream gets first access to water."

Woodward explained that the adjudication is not to create new water rights, but to determine the present rights of each property-owner and the priority of his right.

The object is to determine how

much each landowner is entitled to, and the priority of his right, he said. When the adjudication is completed, the Superior Court will issue a decree, setting forth the water rights, the amounts, and the priority of each.

Residents claiming water rights have been asked to file by April 1 a notice of intent to file a claim to Soquel Creek stream system water. This, said Woodward, is so they won't be overlooked by the state in sending out various notices throughout the adjudication procedure.

He reported that the state started March 1 to make a field investigation of the watershed. It set up stream gauges to measure the flow of water. He estimated the entire adjudication procedure will take two years, but it won't be fulltime work.