

Local

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Many bridges to cross

The water-rights question: Who pays?

By TERESA JIMENEZ
Sentinel staff writer

WATSONVILLE — Once the Pajaro Valley Water Management Agency decides how to provide more water for the community, it has to come up with a way to pay for it.

Should the inland farmer who pumps fresh, high-quality water pay the same fees as a grower on the coast who deals with the taint of intruding seawater?

Should a new grower pay the same rate for water as a farmer who has been tilling the soil for decades?

With those questions come the prickly, and largely uncharted, issue of water rights.

Larry Galper, a strawberry farmer on the coast, is predicting some of the squabbles already.

"Philosophically, a water project should be paid for by the entire community. It benefits the entire community," Galper said. "In reality, politically, the only way is to have the farmer pay a tax per acre-foot. It's ludicrous when you compare use. Farmers use a lot more."

Legal experts say everyone who taps water from the same basin is equally responsible for its quality.

"In general, if there's trouble in groundwater basin, the people who overlie it share equally in who gets to use it, and how to preserve it," said Joe Scalmanini, water consulting engineer in Sacramento who has worked with the Soquel Creek Water District.

"In my opinion, the inland pumper has a share of the responsibility for the status of conditions in that valley, as long as it's all hydrologically connected with one another."

The question of who pays for what and who has a right to groundwater ultimately could be decided in

court, according to Alan Lilly, a water rights attorney based in Sacramento.

"With water law, there's nothing that's simple," Lilly said. "The general rule of law is that everyone has an equal right to use water in the basin. Everyone must share in proportion to what is available."

Complicating the issue is what lawyers call "prescriptive rights," a principle similar to "first come, first served."

Growers who have been pumping water out of the ground years before new farmers moved in could have an overriding right to the resource, Lilly said.

"If someone has been pumping a long time, he could have prescriptive rights — that could apply," Lilly said.

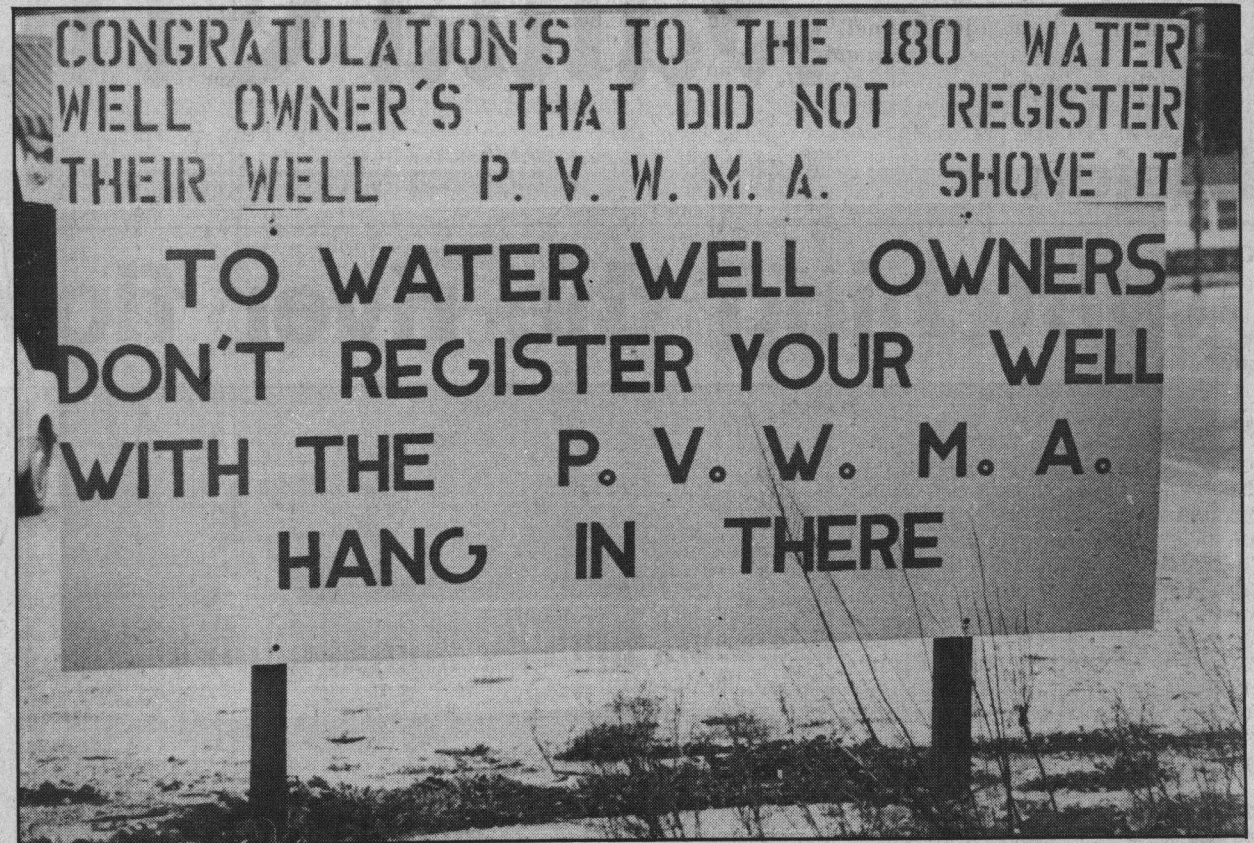
"Everyone has an impact on the basin," Scalmanini said. "You're more insulated from the problem inland, but still responsible."

The need for new water sources in the Pajaro Valley is driven in large part by the problem of sea water intruding into the area's underground water supply, but Galper said some farmers aren't convinced the problem is as large as it's cracked up to be.

"They're saying, 'Everyone's talking about a problem — where is it?' The vast majority don't have a problem. There are very few areas with intruded wells — the ones that do have a problem, they say they've always had the problem," Galper said.

Along with farmers' doubts and worries is concern that once their wells are registered, meters indicating how much groundwater being used will come next.

And once the water is metered, a price tag will be placed on the source farmers once had unlimited use of. But the Pajaro Valley water agency board has yet to decide how to collect money for a new project.



Bill Lovejoy/Sentinel

Not everyone has adopted a spirit of cooperation about Pajaro Valley water problems.

Farmers eye Pajaro River water

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Watching the river flow



Bill Lovejoy/Sentinel

A truck tows a tractor across the Pajaro bridge, on the way to work in the rich agricultural fields of the Pajaro Valley.

Farmers eye Pajaro River water

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YOU CAN'T TALK about one without the other.

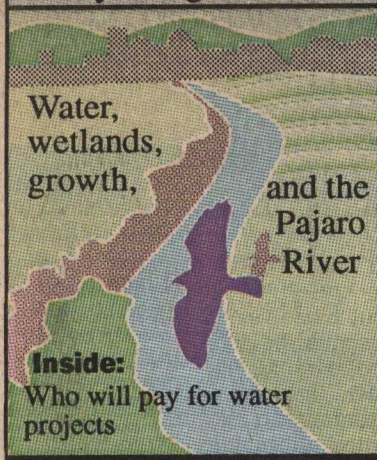
Pajaro Valley farmers feel the threat of saltwater creeping into the groundwater supply because more water is being pumped out than is put back with rain.

But at the same time, their eyes can't help turning to a Pajaro River that has been flowing steadily after the first normal season of rain in seven years.

Where does that water go? To the ocean, mostly. And when it rains too hard, suddenly the same community that needs water — both for crops and people — begins to worry about river water cresting its banks and flooding farm fields, homes and businesses.

South County residents cringe when they hear the price tag for a "Zone 7" county assessment district that pays for maintenance of the river, about \$277,000 expected for its first year. And

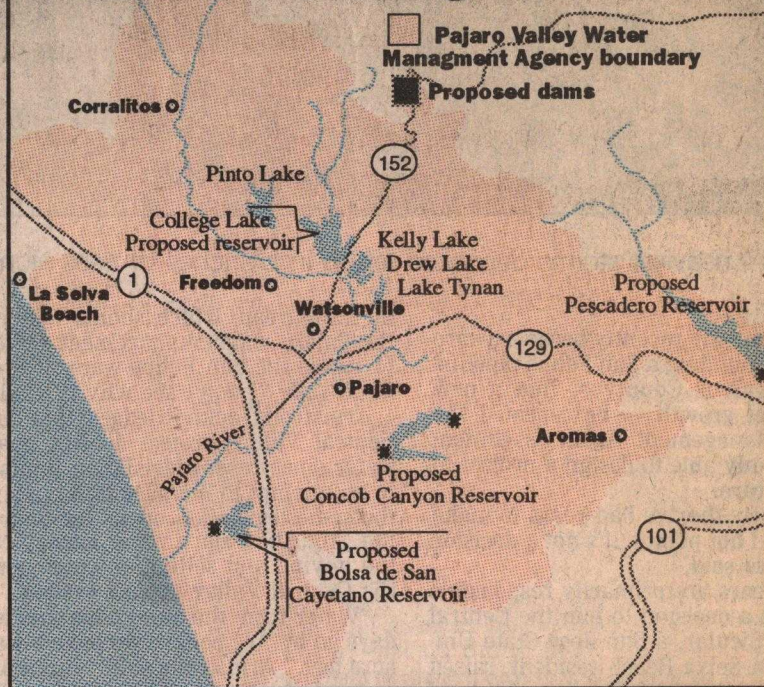
Many bridges to cross



the cost of a major federal project that would give the Pajaro Valley 100-year flood protection is considerably larger.

Then consider that the Pajaro Valley Water Management Agency is narrowing its options for providing farmers with an alter-

Potential water storage



Sentinel map

Please see FARMERS — A2

Farmers eye Pajaro River water

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nate source to the well water they now use.

And the price tag for that second water source — such as a reservoir, diversion dam or a wastewater treatment plant — isn't cheap, either. Preliminary estimates range from \$3.1 million to \$5.8 million.

Why not combine projects that ease the risk of flooding and provide new water sources? The water management agency and Army Corps of Engineers staff say they have been asked that question countless times.

Farmers, who use 85 percent of the water pumped, agree that the Pajaro is a water supply just waiting to be tapped.

"It's a shame we don't manage the Pajaro River for the resource that it is — we could collect a tremendous amount of water," said strawberry farmer Larry Galper. "When the river's really cooking, it's good to clean it out. But in summer, we can control flows for fish. People should be in favor of it (a river diversion). None of it makes any sense."

But the size, and the cost, of the two projects don't compare.

Water management agency manager Mike Armstrong said that while the agency must meet a water demand of 20,000 acre-feet with a storage project to prevent saltwater intrusion, that amount is a drop in the bucket when compared to the amount of water that flows in the river — a flood threat that could not be reduced with the kind of storage the water agency has in mind.

Bruce Laclergue, hydrologist for Santa Cruz County, said the river could have met that need on Jan. 14 alone, when it was near flood-warning level — 25 feet high. Some 20,000 acre-feet a day were flowing out of the Pajaro River, he said.

On Jan. 26, when the rain clouds had disappeared and the river slowed, 2,700 acre-feet per day were flowing out of the river, Laclergue said. He added that during the slower flow the river could "easily" provide 20,000 acre-feet in 10 days.

To store the amount of water needed to give the city 100-year flood protection, or a 50 percent chance of flood every 100 years, the water management agency would need a lot more money for a much larger project, designed to hold more water, Armstrong said.

Saving water and protecting the Pajaro Valley from flooding is complicated by development that has occurred along the river, some say.

State Coastal Commission staff member Les Strnad said, "It isn't the Pajaro River that's a threat alone. We've exacerbated the problem with growth. We've transferred nature's way of draining to the Monterey County side of the river. As we increase impervious surface area, runoff gets passed along. It can only pass on so long. Then it's a bathtub — it gets filled up."

Because the city of Watsonville has expanded and developed homes — compared to the Monterey County side, which is mostly agricultural land — the water tends to flow to the open land, Strnad said.

According to Steven Styles of the county Public Works Department, cleanup of the river still hinges on requirements from the Army Corps of Engineers and the state Department of Fish and Game. Styles said he expects to receive a letter from the Corps explaining cleanup it wants for the Pajaro River, with a Pajaro River Task Force meeting to follow at 1:30 p.m. Feb. 18.

The Corps is expected to host a meeting regarding potential flood control projects at 7:30 p.m. Feb. 18 in Watsonville Council Chamber, Styles said. Public comment will be accepted.

San Felipe link



Bill Lovejoy/Sentinel

Runoff from last year's heaviest storms deposited refuse in branches of trees along Pajaro River.

time," McNamara said.

And though McNamara only recently became aware of the political fears surrounding a San Felipe pipeline sending water to Santa Cruz County — that a new water source would fuel growth — he repeated the Pajaro Valley Water Management Agency's contention that the agency is only able to design a project to supply water to agriculture.

"I believe quite honestly they've had years to make a decision. It's a political hot potato. It's not a decision on our part," McNamara said.

And though growth fears are primarily responsible for the 20-year delay on a decision to join the Central Valley Project, George Sicular, a San Jose State University professor and La Selva Beach resident, raised another concern about piping in federally subsidized water.

Sicular said, "600,000 acre-feet either lands on Santa Cruz County or runs through it yearly. Is it necessary for the federal government to give water to people here when others need it more?"

Strawberry farmer Galper agreed that it doesn't matter what water the valley gets, it's how that water is handled.

"It comes down to management of water. There's plenty of water," said Galper. "It's pure politics — that's why this isn't over. Eight years ago, we should have said yes, we'll take it (Central Valley Project) and not stopped to think about it."

"I've always had reservations about having people come in and deal with our problem. With the state, at least they have the bureaucracy to deal with this. The county would come in with a political, environmental and social bent. We should be the ones to deal with it," Galper said.

Once the federal environmental study is completed

by the bureau, which should take about three years, the Pajaro water management agency should be able to access the San Felipe water if it chooses to, McNamara said. "I don't see why it would not," he said.

Armstrong acknowledges that hooking up to the Central Valley Project doesn't guarantee affordable water since recent legislation limits water to farmers in an attempt to increase flows in rivers. He adds that the same legislation opens the door to water marketing. And the Pajaro water agency can't participate in the buying and selling of water without a hookup to the Central Valley Project system.

"Water from the San Felipe gets less and less as the days go by. We believe we have a water right to 19,900 acre feet," Armstrong said. "But a pipeline that would connect us to the Central Valley Project would still allow us access to water marketing. We could purchase cheap water during wet years, and put it in the groundwater basin for use later."

Neighbors have plenty

THE WATER shortage faced by the Pajaro Valley baffles some in Santa Cruz County who have more reliable sources of water. After all, the nearby Soquel Creek Water District doesn't have a problem.

But Charlie McNiesh, water specialist for the Pajaro water agency, said the Soquel District taps a different aquifer, or layer of water under the ground.

Clay layers divide different water supplies. The Purisima aquifer, tapped by the Soquel District, is deeper than the Aromas aquifer that the Pajaro Valley depends upon.

And though farmers could dip their straws deeper into the ground to tap the Purisima aquifer, McNiesh said the quality of the water varies by location.

"It doesn't seem to be high quality," McNiesh said.

Some people have criticized the time the Pajaro water agency has taken to come up with a solution to the overdraft problem, which has plagued some farmers for years.

But Sicular said the agency doesn't have the funds it needs to speed the process. Even so, the agency, he said, has to drum up public support for an expensive project.

"A bond issue could be shot down," Sicular said of the financing that would most likely be necessary for a project.

Frank Bardacke, a Watsonville resident, is against a large-scale project.

"I say let's do something small and realistic," Bardacke said. "To deal with the water problem, we should look at the solution that causes the least interference into the natural world. Instead, they're looking at maximum projects for maximum money."

Taking advantage of Watsonville's existing lakes makes more sense than creating an "artificial lake," or reservoir, Bardacke said.

Five proposals

THE PAJARO agency has developed five proposals involving construction of water storage or treatment facilities. Two other solutions include doing nothing and reducing demand.

The five alternatives are:

- A San Felipe pipeline with storage at College, Kelly and Tynan lakes, and a distribution system to coastal farm land. A "leaky" canal would divert the water from the Pajaro River to the lakes, and recharge the groundwater on the way.

- A treatment plant that would treat Watsonville wastewater to a usable level (tertiary treatment), with a Pajaro River diversion to small dams in the Bolsa de San Cayetano and Corncob Canyon regions.

- Tertiary treatment plants in Watsonville and Santa Cruz, with storage at Bolsa reservoir.

- A Watsonville tertiary treatment plant with an injection system — shooting the water into the basin along the coast to prevent saltwater from creeping in. A San Felipe pipeline would provide water to coastal agricultural land.

- A Watsonville tertiary treatment plant with a Pajaro River diversion to reservoirs at Bolsa de San Cayetano and Pescadero Creek. Pipelines would have to be installed to distribute water to farmland.

The concept of using dams to store water, said Laclergue, provides "empty storage behind the dam and then release water at an acceptable level for the community below. But no one wants dams on major rivers anymore. The buzzword is to have off-site storage such as the Corncob Canyon or Pescadero Creek option."

While dams restrict flow on a river, diversions tap some of the water carried by the river and guide it to a storage area, Laclergue said.

There are, however, difficulties with every option on the agency's checklist.

To build a Corncob Canyon water storage facility, the agency would have to buy 200 homes worth approximately \$350,000 each, according to residents. The reservoir proposed at Bolsa would be very shallow because of the shape of the canyon, resulting in more evaporation, Laclergue said. And Pescadero Creek is a dense riparian habitat and steelhead-breeding ground, storage possibly could damage the habitat there.

Pajaro water agency board members will narrow their options April 14. And agency staff has been requested by the state Water Resources Board to present their proposed solutions for the valley's saltwater intrusion problem March 3-4.

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San Felipe link

THE unlikelihood of a joint flood-control and resource conservation project leaves it to the Pajaro Valley Water Management Agency to find a solution of its own, and the agency has been developing a plan to meet the Pajaro Valley's water needs.

Because of a change in federal legislation regarding the Central Valley Project, the process must now be done with less financial support from the federal Bureau of Reclamation, Armstrong said.

By law, the bureau can no longer help the water management agency with funding to study a proposed San Felipe pipeline from the Central Valley Project, said Jim McNamara, repayment specialist for the bureau. The reclamation bureau estimates its past contribution to the water agency at \$1 million.

Legislative reforms approved in November do not allow the Central Valley Project to form any new water contracts, which means the bureau can't help study the possibility of a new contract, either, McNamara said.

"The PVWMA has been putting off the decision as to whether they want their block of water for a long

time, that's why this isn't over. Eight years ago, we should have said yes, we'll take it (Central Valley Project) and not stopped to think about it.

"I've always had reservations about having people come in and deal with our problem. With the state, at least they have the bureaucracy to deal with this. The county would come in with a political, environmental and social bent. We should be the ones to deal with it," Galper said.

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On the street

Do you prefer Western or alternative medicine?

(Asked at Mission Street Beacon)



Jennifer Wilson
Cashier, Santa Cruz

I kind of prefer both. I believe in meditation for stress relief instead of aspirin. Both sides have their points to them so I believe in using a little bit of both.



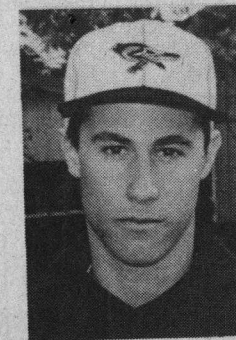
Danielle Long
Student, Aptos

I prefer Western medicine. In fact, I'm sick right now and I'm going to get some aspirin.



Lenny Barthel
Teacher/sales rep, Santa Cruz

I use both. I gave birth to my daughter at home and it was a healthy experience for both of us. But I also just had surgery because it was what was needed. I'd prefer to go with the natural method. I think Western medicine has led us to believe that a pill is the answer.



Rob Holmberg
12th grade, Santa Cruz

Western medicine, because they've gone to school and they seem to know what they're doing.



Chris Walker
Homemaker, Santa Cruz

I make use of both. I think Western medicine comes first but if that doesn't work, you should definitely explore alternative, holistic methods.

Corrections and clarifications

It is the policy of the Sentinel to correct factual errors. We encourage readers to call our City Desk if they are aware of such errors. Please phone 423-4242.