

# Decision time nears on water hookup ban

By BILL AKERS

Very little was said at the second, and last, public hearing Monday night on the proposed water connection moratorium in the Soquel Creek County Water District that hadn't been said before, but a couple of inferences could be drawn from what was said, such as:

—That a recently organized group of private well owners in the Soquel area are less concerned over the moratorium than they are with the possibility that the district will put meters on their wells sometime in the future.

—That by the questions they asked, a group of developers were less interested in obtaining information Monday night than they were in laying the ground work for taking the district to court should a moratorium be imposed.

Monday night's hearing was played out in the gymnasium at Good Shepherd School in Live Oak before an audience half the size of that at the first hearing two weeks before. Questions were asked and answered that went unanswered at the first hearing because of a "no response from the board" format employed the first time around.

The hearing was opened with a brief presentation by the district's engineer-manager, Robert Johnson, in which the oft-repeated facts were once again gone over.

Johnson told the gathering that the district pumps about 50 percent of the water taken from the underground Purisma Formation aquifer, with other

agencies and individuals accounting for the other half.

A district-instigated review last year of a 1968 report by the U.S. Geological Survey revealed that the "safe yield" of the underground supply is half what it was thought to be, Johnson said, and that an overdraft condition exists.

"That information was made public immediately and we started to seek solutions to the problem," Johnson told the audience. Among the solutions considered were waste-water reclamation, extracting water from Soquel and Aptos creeks and buying winter surplus water from the city of Santa Cruz.

What is now considered to be the most practical method of generating a new water supply to ease the overdraft — at least a temporary basis — is the construction of a "diversion" dam on Soquel Creek. "But that is three to five years and \$5-to-\$7 million away," Johnson said.

In addition, he told the audience, "to assure all well owners will receive a fair share of the water, the district will in the future consider (the formation of) a ground water management district." State legislation is required to do this. Depending on how the law is written, it would give the district control over all pumping within the water basin and recharge areas. It is this prospect which bothered the 65 or so members of the Well Owners Association of Santa Cruz County.

Included on the list of questions submitted by the group were:

—Are there any plans . . . concerning the metering of (private wells) in the district? ("At present, there are no plans to meter all the wells in the district or county.")

—Who owns the water in private wells? ("The property overlying the groundwater basin has what is known as correlative water rights under state law.")

—"If and when you put meters on our wells and tax us for drawing water . . . how does that benefit us? (. . . it will be done through a groundwater management district to assure all users receive a fair share of the supply that is available. A charge . . . will be for repayment of costs to replace the groundwater basin or provide a supplemental source . . .?)

Why aren't you worried about salt water intrusion? ("The district is worried about seawater intrusion.")

The group indicated it is in favor of a moratorium on new connections for large developments, but not on single-family home construction. The group may also be considering some kind of legal action, for it asked, "How would you react to a . . . class action suit due to salt water intrusion caused by overdevelopment?" The district would act, it was answered, according to "the specifics of an injunction or a suit."

A long list of questions submitted by builders Brown, Marani and Hickey were read and answered at the beginning of the hearing, with another long set of questions being submitted by representatives of the firm later on. At that time

the representative said the board didn't need to answer orally, but could do so in writing at a later date. This, plus the technical nature of the questions, indicated that the builders, which have projects pending in the area, might also have court action in mind should a moratorium be imposed.

Their questions dealt with the validity of the data in the USGS report on which the proposed moratorium is based, and the district's interpretation of the data; whether or not there is an emergency at all; and whether, "in its mandatory environmental review," the district will consider the economic effects of a moratorium as well as the physical effects.

Johnson's reply to the last question was that the district would comply with the EIR (Review) procedures set out by state law. District counsel Bob Bosso added that Marani's use of the word "mandatory" in relation to the EIR "may or may not apply."

Other speakers included Bruce Reed of the Santa Cruz Builders Exchange, who, by his questions, also challenged the sufficiency of the USGS report as a basis for a moratorium.

Anna Jean Cummings, chairman of Save Soquel, asked the water district board to use its influence to get the county as well as the city of Capitola to stop issuing building permits during the life of a water connection.

When all the questions were asked and all audience members who wanted to be heard were heard, board chairman Ken Izant closed

the public hearing and adjourned the meeting to Nov. 10, when the board will consider what it is going to do. That meeting will be held at the District office, 5180 Soquel Drive, beginning at 7:30 p.m.

Regardless of what action is taken, "It is going to be a struggle," Izant said. "We are going to hurt some people and make others happy. It's a case of damned

if we do and damned if we don't."

There's little question at this point there will be a moratorium and some restrictions on water use, but what form they will take has yet to be decided. At the Nov. 10 meeting Izant said the board will instruct Bosso and Johnson to draw up an ordinance "that will stand up in court," and bring it back for action at the board's Dec. 1 meeting.