

# WATER supply Dam lawsuit may cut city's water

## Felton Grove residents claim homes flooded

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FELTON — A lawsuit that has been languishing for 4½ years could have serious implications for the Santa Cruz city water supply, especially if the drought continues.

In the suit, seven Felton Grove residents say that their riverfront homes have been flooded and undermined as a result of the rubber dam that the city of Santa Cruz puts in the San Lorenzo Valley River each winter.

The seasonally dammed river supplies as much as 20 percent of the city's water.

"That's really our drought protection," said city Water Director Bill Kocher. "It would be significant if they did prevail."

Since 1983, resident Beverly Craig and her husband Tom say they've lost a 100-foot wide swath of land to raging flood waters, and the river, once hidden from view on the other side of their property, is now visible from their doorstep.

Craig laughs as she says she's probably the only person in the county who doesn't pray for rain.

But she's serious about the effects of the dam.

"They don't realize what we're going through for them to have drinking water," said Craig.

Since 1976, the city has installed the dam across the river just upstream from the Highway 9 entrance to Henry Cowell Park.

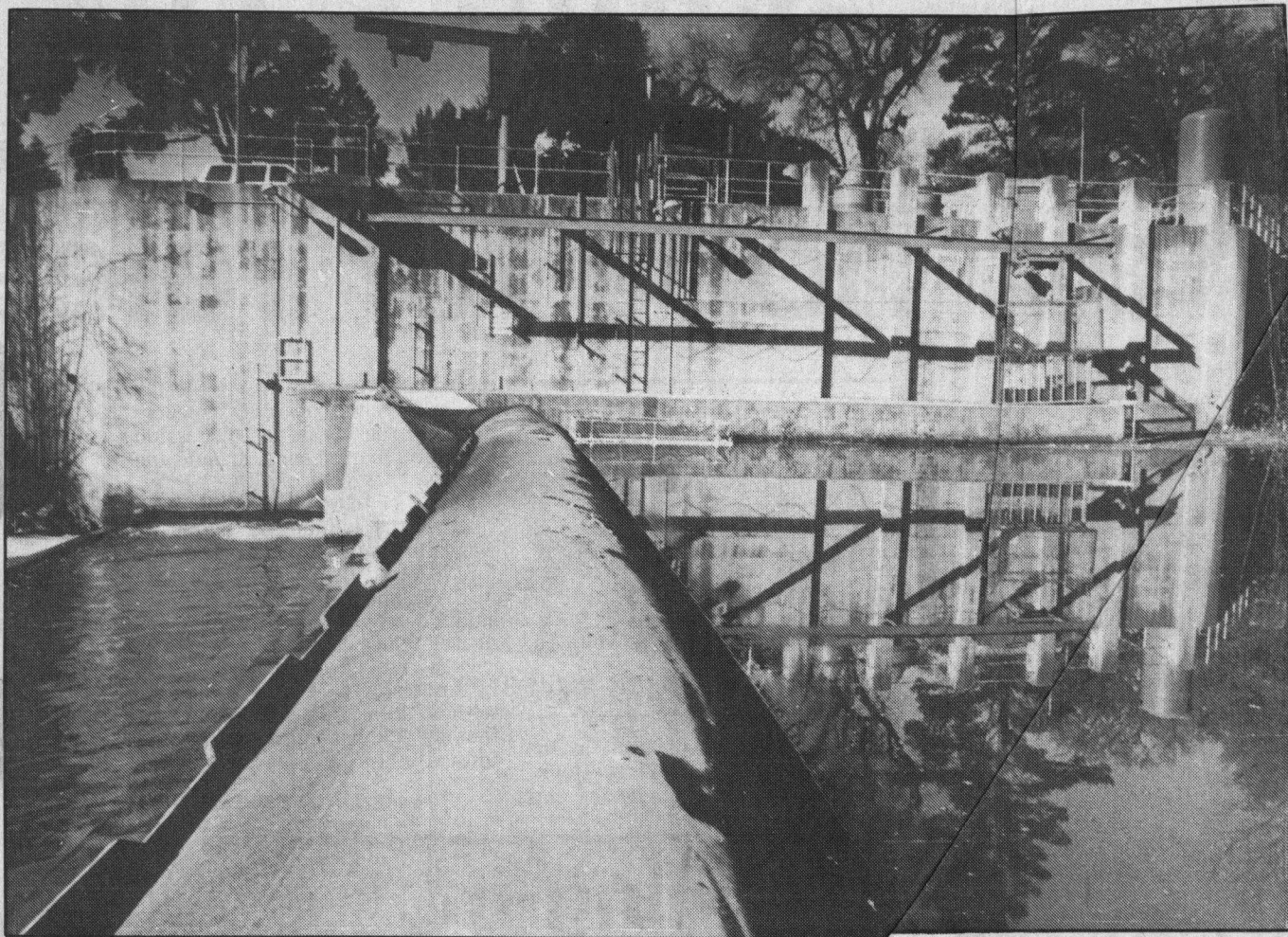
Water from the reservoir created is diverted to Loch Lomond, the city's reservoir.

The dam is in place during the river's main flood season, November to April, when 90 percent of the area's rain falls.

Since 1976, the river has flooded five times, residents say, with particularly disastrous results in 1982, 1983 and 1986.

In a lawsuit filed against the city in 1986, residents charge that the floods are a direct result of the dam and have undermined their property.

The case has been delayed for several reasons, said attorney Dan Cooper, including the county's crowded court cal-



Bill Lovejoy/Sentinel file

Felton residents say the seasonal rubber dam, Santa Cruz's 'drought protection,' has damaged their property.

endar, his busy calendar, the complexities of the suit, lack of money, changes in the suit itself and a change of attorneys by the city.

"People died, moved away, sold out," Cooper said. The suit was originally filed as a class action representing 55 Felton Grove residents, but has since been changed to individual actions consolidated to one suit.

Set for trial in October, the suit charges that silt trapped by the dam has cut the amount of water the river can hold, with resulting higher water levels.

The suit maintains that the river banks softened by the water were left vulnerable to the erosion that dropped them into the river. It also alleges the city has done nothing to maintain the reservoir.

"They should be responsible for what

their reservoir has created," said Craig.

Although residents originally asked only for damages in the suit, they say the city's lack of response has forced them to demand "abatement" of the problem, including permanent removal of the dam if necessary.

"That seems to be the only alternative they're going to listen to," said Craig.

Kocher declined comment on the case, because it is in litigation. City attorneys handling it could not be reached for comment.

However, Kocher said the water is badly needed by the city in drought years.

"It's been a real godsend the last few years," said Kocher.

In the last few years, he said, the city has drawn between 500 million and 700 million gallons of water from the spot,

or up to 20 percent of the city's total drought-year water supply of 3.6 billion gallons.

In a non-drought year, Kocher said, the supply may not be tapped at all.

"If the reservoir were full, and getting decent rains, there would be no reason to put it up," he said.

Besides asking the city to fix the problem, residents have also asked for damages "in excess of \$25,000 each," according to Cooper.

He has a house two doors down from the Craigs that flooded as well, but said he is not a party to the suit.

"This is not a money suit, it's a suit for sanctity of the home," said Cooper. "What they're after is peace of mind."

"What really got our goat in the last few weeks is the complete stonewalling in the case as far as moving toward resolution."