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Farmers Beat City Judge says farmers not to blame for flooding

*By Victoria Manley
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WATSONVILLE Farmers are not to blame for flooding problems when they haven't changed their general practices, a superior court judge ruled last week, giving a victory to local growers who were sued by city officials as the culprit for causing floods in town three years ago.

Farmers of more than 430 acres in the southeast end of Watsonville were vindicated in a civil suit when Santa Cruz County Superior Court Judge Robert Yonts ruled they were not to blame for increased flooding.

Dick Peixoto of Peixoto Farms, one of the defendants in the case filed last March, said the ruling was that farmers being sued hadn't really changed any of their practices and so flooding couldn't have been their fault.

"Farming is exempt when other factors change around them," Peixoto said. "We didn't really change. In the '70s, it's the city that went and built in our flow line."

Yonts heard the case Nov. 23, and came back with his decision the day after, Peixoto said.

City officials claimed that changes in farming practices had resulted in increased flooding in 1995 according to the suit, recent changes in land grading, crops, farming methods and drainage channels have all resulted in a significant increase in the amount of flow rates during storms.

The city reportedly settled out of court with Coastal Berry Co., who grows strawberries on the Franich property, the primary parcel blamed for contributing to the floods.

Coastal Berry Co. Manager Alan Thorne was unavailable for comment.

Floods were primarily due to the reawakening of the land on that property after it was dormant for years without any cultivation cultivating it for agricultural use required growers to build a ditch and level the field, spurring water runoff, Peixoto said.

The suit asked the court to issue preliminary and permanent injunctions that would require the farmers to modify their properties and farming practices, which they said were intended to reduce the amount of runoff, which carries topsoil, silt, excess water and other debris into the city and into the Bay Village and Pajaro Village subdivisions.

The city also sought a fiscal compensation in the amount of \$5,000 to \$7,000 per flooding event; according to Watsonville City Attorney Alan Smith, there have been 13 separate flooding events since 1995.

Neither Smith nor David Koch, director of the city's public works and utilities department, were available for comment.