

# Harvest man says water authority sucked up his fish ponds, so he's suing for water damages

**Once teeming with wildlife, it's now just the rotting fish**

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HARVEST - Rodger Morrison noticed the water in his seven ponds along Kelly Spring Road was beginning to disappear in 2006 about the time the Harvest-Monrovia Water Authority began selling water to Madison.

The seemingly inexhaustible Kelly Spring on Morrison's property for years had fed the former watercress ponds with cool water that drew migrating geese in the spring and fall. Frogs, crayfish and turtles were abundant, and the ponds were a smorgasbord for strolling blue cranes. A few grass pickerel chased other small fish and insects in the water.

But now Morrison is now suing the water authority because, he said, it began drawing far too much water from a well about 300 yards from Kelly Spring as the region's long-term drought deepened last summer.

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The well taps into the same subterranean aquifer that supplies Kelly Spring, he said, and all the water was sucked out of his ponds, leaving rotting fish.

Roger Raby, the general manager of the water authority, was unavailable for comment.

As Morrison's ponds were losing water, the water authority in August imposed lawn-watering restrictions on its 12,500 customers to try to stem their use of 7.5 million gallons daily. Because the system's four wells produce a maximum of about 6.7 million gallons daily, officials had been pulling from storage tanks to meet demand.

Morrison, who wants a jury to decide compensatory and punitive damages, said he understands greater demand for water during a drought.

"There is plenty of water and I'm willing to share," he said. "I don't believe they should take all of it."

Water authority officials told him they will take the water when they want it, Morrison said.

A jury will decide that, said Anthony Graffeo, Morrison's lawyer. "He would like to restore his property. He is trying to address what has been done and the damage that will continue in the future."

Water authority officials have not treated Morrison harshly, said the utility's attorney, Bruce Ables of Huntsville.

"I don't believe any officials have said that," he said. "We will respond to his complaint over the next few weeks."

The water authority's board of directors is scheduled to meet today to discuss the suit, Ables said.

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Before he retired in October, Morrison was the director of the Huntsville office of the Alabama Department of Forensic Sciences for several years in a 30-year career there.

The 11-acre strip he bought in 1982 became a welcome retreat after a long day in the lab. Kelly Spring once nourished a watercress farm when Madison County was known as the Watercress Capital of the World.

After the watercress farmers moved to Florida, the ponds were stocked with catfish and the public fished in them.

The land had been unoccupied for several years before Morrison bought it.

He found a small, rare sun darter, a fish species, thriving in the raceway between the spring and the ponds.

"This was one of three springs in the state that had that sun darter," he said. "I guess there's only one or two now."

Morrison said he applied with the U.S. Department of the Interior to get federal protection for the fish, but the effort failed in Washington.

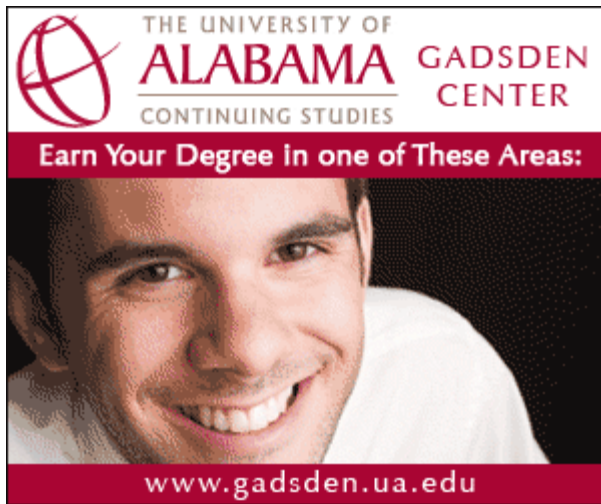
"We could not document that the darters had been in here forever," he said.

Morrison stocked the ponds with bass, catfish and bluegills. Wild watercress still thrived in the ponds.

"It was a favorite spot for my neighbors to come and fish," he said. The spring was also a site for school field trips led by science teachers.

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U.S. Geological Survey records show the spring had a continuous flow of water since 1929, Morrison said.

A change in the spring's discharge rate was noticeable around 1999 and 2000, when the water authority began to test a new well about 300 yards northwest of his property, Morrison said.

Those tests did not stop or reverse the water from the spring, Graffeo said. In 2006, the water authority began pumping water from the well to sell to customers. That year the authority struck a deal with the City of Madison to supply water to the city on an emergency basis.

The water level in the seven ponds dropped dramatically in 2006, according to Graffeo. The water authority denied it caused the problem, he said.

Since last summer's demand for water for lawns has diminished, water once again stands in the ponds, Morrison said. But the damage is done, and Morrison said he is not optimistic enough to restock the fish.

"I know that it will happen again," he said.