

STATE WATER RESOURCES CONTROL BOARD

RESOLUTION NO. 80-20

Directing the Executive Director to refer to the Attorney General the matter of unauthorized diversion of water by storage in a reservoir of Cooks Flat Association on an Unnamed Stream tributary to Ritchie Creek in Napa County.

WHEREAS:

1. On September 11, 1978, the Department of Parks and Recreation filed a complaint alleging the construction of a dam and unauthorized storage of water therein by Stuart Smith (later known as Cooks Flat Associates) on an unnamed tributary to Ritchie Creek in Napa County.
2. By letters of October 10, 1978, November 9, 1978, and December 26, 1978, Mr. Smith was requested to file an application for a permit to collect water by storage or advise the Board under what basis of right his diversion was occurring. No response was received.
3. An inspection of the Cooks Flat Associates reservoir was made on July 12, 1979. The reservoir was essentially empty at that time, however, the highwater line indicated that the reservoir had reached two-thirds full during the preceding collection season.
4. By certified letter of September 6, 1979 Cooks Flat Associates were advised of the need to secure a water right permit for the collection of water to storage. A response was not received.
5. On January 22, 1980, the Division of Water Rights notified Cooks Flat Associates by certified mail that if an application for a permit to collect water by storage was not received within 15 days, the matter would be referred to the Board recommending referral to the Attorney General.
6. No response has been received from Cooks Flat Associates.

THEREFORE BE IT RESOLVED:

That the State Water Resources Control Board does direct and authorize the Executive Director to refer the matter of storage of water without a valid permit in the Cooks Flat Associates reservoir to the Attorney General for appropriate action to require the release of water collected without a permit and to prevent any further storage of water until a permit is issued.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 17, 1980.



Clint Whitney
Executive Director

Dated: APR 17 1980
Sacramento, California