

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 84-60

DIRECTING THE EXECUTIVE DIRECTOR TO REFER TO  
THE ATTORNEY GENERAL THE MATTER OF UNAUTHORIZED  
DIVERSION OF WATER BY STORAGE IN A RESERVOIR OF  
CHARLES H. BUTLER ON SHAW GULCH IN SAN MATEO COUNTY

WHEREAS:

1. As a direct result of a field investigation conducted pursuant to Water Code Section 1345, Mr. Charles H. Butler was informed by letters dated July 17, 1983 and July 28, 1983 of the unauthorized status of storage of approximately 50 acre-feet of water in his reservoir. Mr. Butler was additionally requested by the Division of Water Rights (Division) staff to either file an application for a permit to store water or provide substantiating evidence of a valid right.
2. By certified letter dated April 30, 1984 Division staff subsequently requested that Mr. Butler submit an application for permit or substantiating evidence of a right. Mr. Butler responded in a letter dated May 30, 1984 claiming possession of a "Pre-1914" right, but failed to provide documented evidence which would support as well as quantify his claim of right.
3. By certified letter dated June 10, 1984 Mr. Butler was informed that the reservoir in question was, in fact, built as part of an irrigation project constructed under revoked Permit 8869 (Application 13722). Consequently, Mr. Butler was requested to file an application for a water right permit within 30 days. He was also informed that failure to respond would lead to the initiation of formal enforcement action and that the matter may be referred to the Attorney General.
4. To date, an application has not been submitted.

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 a reservoir of Charles H. Butler 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 unless a permit is issued. The Executive Director is authorized to defer referral to the Attorney General if a water right application for the project is filed not later than 10 days from date of mailing of a copy of this resolution to Mr. Butler and thereafter pursued diligently.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board does hereby certified 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 September 20, 1984.

Dated: **SEP 20 1984**

A handwritten signature in cursive script, appearing to read "Michael A. Campos".

Michael A. Campos  
Executive Director