

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 85-75

DIRECTING THE EXECUTIVE DIRECTOR TO REFER TO THE ATTORNEY GENERAL THE MATTER OF UNAUTHORIZED DIVERSION OF WATER BY STORAGE IN A RESERVOIR OF HILLSIDE ORCHARD ASSOCIATES ON AN UNNAMED STREAM TRIBUTARY TO MORMON RAVINE IN PLACER COUNTY

WHEREAS:


1. In response to a complaint, a field investigation was conducted by Division staff on January 16, 1984. It was determined from this investigation that Hillside Orchard Associates was the owner of a reservoir which was not covered by any known water rights.
2. In response to a request from the Division dated April 11, 1984, Hillside Orchard Associates filed Application 28148 on June 5, 1984. This application sought authorization of up to 49.9 acre-feet per annum in an onstream reservoir.
3. Following failure by the applicant to diligently pursue completion of the application, the Division, by Order dated July 9, 1985, rejected and cancelled Application 28148.
4. No information has been brought forth to substantiate a claim of water rights for the reservoir for which Application 28148 was filed.
5. Section 1052 of the California Water Code authorizes the Board to institute appropriate legal action to enjoin the unauthorized diversion of water.

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 Hillside Orchard Associates, A Partnership 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.

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 the resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 19, 1985.

  
Raymond Walsh  
Interim Executive Director