

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 86- 20

DIRECTING THE EXECUTIVE DIRECTOR TO
REFER TO THE ATTORNEY GENERAL
THE MATTER OF UNAUTHORIZED DIVERSION OF WATER
BY STORAGE IN LAKE MADRONE OPERATED BY THE
LAKE MADRONE WATER DISTRICT IN BUTTE COUNTY

WHEREAS:

1. The Lake Madrone Water District operates and maintains a dam on Berry Creek in Butte County which diverts water to storage in a reservoir named Lake Madrone. The capacity of the reservoir is approximately 200 acre feet.
2. The present dam at Lake Madrone was constructed in 1930 and 1931. This dam replaced an earlier structure known as the Apple Tree Dam which was constructed during the late 1920s and which washed out in 1929.
3. An appropriative water right permit from the State is required for all appropriations of water initiated after December 19, 1914.
4. The original developers of the Lake Madrone Dam, George C. Mansfield and Duncan C. McCallum, were advised of the requirement for an appropriative water right for Lake Madrone in 1932, but never applied for or received an appropriative water right permit.
5. The legal ownership of the Lake Madrone Dam was uncertain for many years.
6. The Lake Madrone Water District has assumed responsibility for operation of the Lake Madrone Dam.
7. By certified letters dated February 4, 1985 and April 4, 1985, the Lake Madrone Water District was requested to submit an appropriative water right application for the diversion of water to storage at Lake Madrone.
8. By letter dated February 11, 1986, the Lake Madrone Water District was advised that failure to submit a water right application for the storage of water at Lake Madrone would result in bringing the matter before the Board for referral to the Attorney General.
9. The Lake Madrone Water District has not submitted a water right application to date.

THEREFORE BE IT RESOLVED:

That the State Water Resources Control Board does direct and authorize the Executive Director to refer the matter of the unauthorized diversion of water by storage in Lake Madrone by the Lake Madrone Water District to the Attorney General for appropriate action to require the release of water collected

without a permit and to prevent 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 within 10 days from the date of mailing this resolution and thereafter pursued diligently.

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 March 20, 1986.



Raymond Walsh
Interim Executive Director