

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 90-3

DIRECTING THE EXECUTIVE DIRECTOR TO REFER TO THE
ATTORNEY GENERAL THE MATTER OF UNAUTHORIZED
DIVERSION OF WATER BY STORAGE IN A RESERVOIR
OF DR. DEAK VAN ARSDALE ON GARDEN GULCH
IN TRINITY COUNTY

WHEREAS:

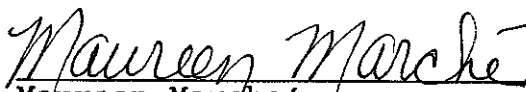
1. By letters dated October 8, 1988, January 17, 1989, and March 9, 1989, Dr. Deak Van Arsdale was requested to file an application to appropriate water for a reservoir located on his property in the SE 1/4 of the NE 1/4 of Section 34, Township 32 North, Range 11 West, Mount Diablo Meridian.
2. Dr. Van Arsdale belatedly filed an application for his reservoir when he received a notice that the State Water Resources Control Board (Board) would consider referring this matter to the Attorney General during January of 1990.
3. 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 Dr. Deak Van Arsdale 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 if Dr. Van Arsdale or his successors in interest do not diligently pursue their application for a permit to appropriate unappropriated water for a reservoir situated near Garden Gulch in Trinity County.

CERTIFICATION

The undersigned, Administrative Assistant 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 January 18, 1990.


Maureen Marche
Administrative Assistant
to the Board