

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of)
DETERMINATION OF THE RIGHTS)
of the Various Claimants to)
the Water of Brush Creek)

Order: 84-1
County: Mendocino

ORDER DENYING PETITION FOR DETERMINATION OF WATER RIGHTS
ON BRUSH CREEK

WHEREAS:

1. Two petitions, one from Louis and Russell Biaggi and the other from the State Department of Fish and Game, have been filed with the State Water Resources Control Board pursuant to Water Code Section 2525 requesting determination of the rights of the various claimants to the waters of the Brush Creek watershed.

2. The Board has made an investigation to determine the public interest and necessity for a statutory adjudication on Brush Creek in Mendocino County. The findings of this investigation are summarized in the document entitled "Report of Preliminary Investigation to Determine Public Interest and Necessity for a Statutory Adjudication on Brush Creek in Mendocino Creek".

3. The Board has reviewed the subject report and finds the following:

a. Brush Creek drains a watershed of about 16 square miles in Mendocino County. It flows directly into the Pacific Ocean.

b. Except for minor use in the upper watershed, current use is made by three downstream parties for irrigation and stockwatering.

c. Controversy over the use of water of Brush Creek has been confined to a minority of the landowners along the stream and can be resolved in the course of proceedings which have already been commenced.

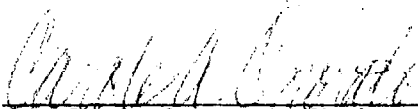
d. Currently, the threat to alleged public trust uses of Brush Creek is the result of an application to appropriate water. Protection of

the public trust uses of Brush Creek can be addressed in the water right application proceeding currently before the Board.

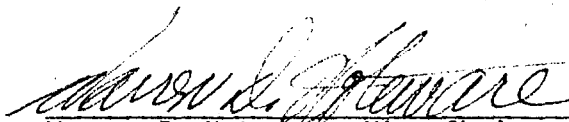
e. Facts and conditions in the Brush Creek watershed are such that the public interest and necessity will not be served by a determination of the water rights. Denial of this petition without prejudice does not prohibit the petitioners from filing a future petition when conditions become such that the public interest and necessity would be served by approval of any such petition.

NOW, THEREFORE, IT IS ORDERED that said petition be denied.

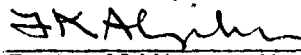
Dated: JAN 19 1984



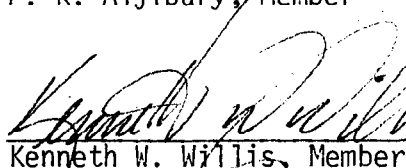
Carol A. Onorato, Chairwoman



Warren D. Noteware, Vice-Chairman



F. K. Aljibury, Member



Kenneth W. Willis, Member