

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 77- 41

Rescinded by
Res. 90-16

DELEGATING AUTHORITY TO BOARD MEMBERS INDIVIDUALLY TO REQUEST INSTITUTION OF JUDICIAL PROCEEDINGS BY THE ATTORNEY GENERAL TO ENJOIN UNLAWFUL DIVERSION OR USE OF WATER

WHEREAS:

1. Section 1052 of the Water Code deems the diversion or use of water subject to the provisions of Division 2 of the Water Code, other than as authorized in said division, to be a trespass, and authorizes the Board to institute judicial proceedings to enjoin such trespass.
2. The exigencies of the current drought are such that effective implementation of Section 1052 depends upon prompt action against the unlawful diversion or use of water so that irreparable injury to those lawfully diverting or using water is prevented.
3. The delay of such action until the convening of a Board meeting could bring about such irreparable injury.

THEREFORE, BE IT RESOLVED:

That the State Water Resources Control Board delegates to its Chairman and to each member, individually, the authority:

1. To request the Attorney General to institute appropriate proceedings in the superior court against unlawful diversion or use of water pursuant to Section 1052 of the Water Code; provided, that the request to the Attorney General contain findings, including a finding that delay until the convening of a Board meeting could result in irreparable injury, made by the Board member supporting his action in making the request, such findings to be based on all available relevant information and further provided that the Board member shall report to the Board, at its next meeting, the reasons upon which the decision to request the institution of such proceedings was based.

CERTIFICATION

The undersigned, Executive Officer 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 May 19, 1977.

Bill B. Dendy

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Executive Officer