

STATE WATER RESOURCES CONTROL BOARD

RESOLUTION NO. 82 - 23

Directing the Executive Director to refer to the Attorney General the matter of unauthorized diversion of water by storage in two reservoirs of Eugene C. Petrick, known as Upper and Lower Petrick Reservoirs, on an unnamed stream tributary to Salinas River in San Luis Obispo County.

WHEREAS:

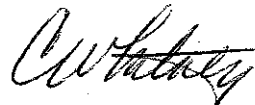
1. On September 11, 1978 the Division of Water Rights received from the Department of Water Resources, Division of Dam Safety, copies of their letters to Dr. Eugene C. Petrick stating that engineers from the Division of Dam Safety discovered two dams which have sufficient height and reservoir capacity to be subject to State jurisdiction.
2. A review of Division of Water Rights files revealed no applications, permits, licenses, or statements of water diversion and use covering storage of water in the two reservoirs.
3. Dr. Petrick was requested to file applications or advise the Division of Water Rights of his basis of right on October 30, 1978 and again on October 16, 1981.
4. By certified letter of March 5, 1982, Dr. Petrick was notified that unless an application was filed within 30 days, the Division of Water Rights would recommend to the Board that the matter be referred to the Attorney General.
5. An application has not been received.
6. 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 to storage of water without a valid permit in Upper and Lower Petrick Reservoirs 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 a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 20, 1982.



Clint Whitney
Executive Director