

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 84-75

DIRECTING THE EXECUTIVE DIRECTOR TO REFER  
TO THE ATTORNEY GENERAL THE MATTER OF  
UNAUTHORIZED DIVERSION OF WATER BY STORAGE  
IN A RESERVOIR BY MR. LUIS BONILLA ON DAVIS  
CANYON IN SANTA BARBARA COUNTY

WHEREAS:

1. A complaint against Mr. Luis Bonilla was filed on June 17, 1984 by Dr. John B. Caufield, holder of water right License 11269 (Application 23756) alleging that Mr. Bonilla had constructed an onstream reservoir in Davis Canyon without first obtaining the required authorization from this Board.
2. Mr. Bonilla was requested to respond to Dr. Caufield's complaint by letters dated June 28, 1984 and July 20, 1984 (certified). No response was received to either of staff's letters.
3. On July 23, 1984 Dr. Caufield notified staff that Mr. Bonilla's diversion and storage project was near completion. Dr. Caufield submitted additional supporting evidence with a letter dated August 5, 1984 which showed that Mr. Bonilla had, in fact, constructed an onstream reservoir which was impounding water.
4. By certified letter dated August 23, 1984, Mr. Bonilla was directed to cease diverting water until a water right permit has been issued and to file an application to divert and store water within 15 days. Mr. Bonilla was notified that formal enforcement action would be initiated if he did not submit an application or cease diverting water.
5. On October 5, 1984 Division staff conducted an on-site inspection of Mr. Bonilla's reservoir to verify Dr. Caufield's submitted evidence. The inspection revealed that a reservoir with an estimated capacity of 3 to 5 acre-feet has been constructed. The reservoir has been constructed in such a manner that it will fill to approximately 1/3 of its capacity before any quantity of water can be bypassed.
6. To date, no application has been submitted.
7. Water Code Section 1052 authorizes the Board to file an action for injunctive relief.

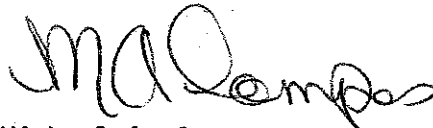
THEREFORE, BE IT RESOLVED:

That the State Water Resources Control Board does direct and authorize the Executive Director to refer the matter of unauthorized diversion by storage of water in Davis Canyon without a valid water right permit by Mr. Luis Bonilla to the Attorney General for appropriate action to enjoin the present

unauthorized diversion and use until 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 date of mailing this order and thereafter pursued diligently by Mr. Luis Bonilla.

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 November 27, 1984.

A handwritten signature in cursive script, appearing to read "Michael A. Campos".

Michael A. Campos  
Executive Director