

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 85-65

DIRECTING THE EXECUTIVE DIRECTOR OR HIS DESIGNEE TO REFER TO THE ATTORNEY GENERAL THE MATTER OF IMPENDING UNAUTHORIZED DIVERSION OF WATER BY MEGA RENEWABLES FROM ROARING CREEK IN SHASTA COUNTY

WHEREAS:

1. The Division of Water Rights has received a complaint from the Department of Fish & Game alleging that Mega Renewables is proposing to divert water from Roaring Creek without adequate water rights to justify such diversions.
2. Mega Renewables has failed to provide adequate evidence of the existence of a valid claim of water right to justify diversions from Roaring Creek as requested by letters from the Division of Water Rights dated July 18, 1985 and August 16, 1985.
3. An inspection by staff of the Division of Water Rights on August 14, 1985, revealed that construction of the project was well underway.
4. Mega Renewables has continued construction of the project.
5. On August 21, 1985, Mega Renewables was advised in a letter to their attorney as follows:


"Should your client continue construction (with the exception of environmental mitigation measures to prevent erosion) or initiate diversion of water under this project without convincing the Division of Water Rights that adequate water rights have obtained, we will recommend that the Board take action to obtain appropriate relief."

THEREFORE BE IT RESOLVED:

That the State Water Resources Control Board directs and authorizes the Executive Director or his designee to refer this matter of a threatened diversion of water without water rights to the Attorney General for appropriate action including cessation of all construction activities (with the exception of environmental mitigation measures) until such time as the project proponent is able to convince the Board that they have a valid claim of water rights sufficient to justify the proposed project diversions. The referral will be withheld for 30 days to allow Mega Renewables to submit evidence of the valid claim.

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 September 5, 1985.

  
Michael A. Campos  
Executive Director