

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 88- 78

RESOLUTION APPROVING REPORT OF REFEREE
FOR THE
LOWER AMERICAN RIVER COURT REFERENCE

WHEREAS:

1. The Alameda County Superior Court appointed the State Water Resources Control Board (Board) as referee for the Lower American River Court Reference pursuant to Water Code Section 2000 (Environmental Defense Fund, Inc., et al. v. East Bay Municipal Utility District, et al., No. 425 955). The Board was directed to conduct an investigation, hold a hearing on objections to the draft report of referee and prepare a report of referee addressing 21 specific issues. Further, the Board was directed to evaluate any physical solution proposed during the course of the reference and was authorized to propose its own solution.
2. The investigation having been completed, the Draft Report of Referee (Draft) was mailed or otherwise made available to the parties on February 5, 1987 pursuant to Water Code Sections 2013 and 2014.
3. Objections having been received, the Board held 11 days of hearing during May and June of 1987 to receive evidence on the objections to the Draft.
4. Interested persons and organizations were given the opportunity to participate in the investigation and to comment on the Draft because of the strong public interest in the use of American River water.
5. Consideration has been given to the evidence and arguments received in support of the objections to the Draft.
6. The physical solutions proposed during the course of the investigation were evaluated and the Board has proposed its own physical solution.
7. Due to the American River's extraordinary value and the limitations of this action, the Board should undertake a review of the beneficial uses of the American River insofar as they are affected by pertinent water rights administered by the Board.
8. The California Environmental Quality Act is not applicable to the courts of the state and, as referee for the court, the Board's adoption of the Report of Referee for the consideration of the Superior Court is not subject to CEQA (14 CCR 15379).

THEREFORE BE IT RESOLVED:

1. In accordance with Water Code Section 2016 the Board adopts the Report of Referee for the Lower American River Court Reference and directs the Chief,

Division of Water Rights, to file the Report with the clerk of the court and give notice by mail of the filing to the parties or their attorneys.

2. Further, the Chief, Division of Water Rights, is directed to prepare a work plan for the review of the water rights of the City of Sacramento and the U. S. Bureau of Reclamation's American River water rights to include consideration of points of diversion and rediversion.
3. The workplan shall be completed within three months.

CERTIFICATION

The undersigned, Administrative Assistant to the 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 June 16, 1988.

AYE: W. Don Maughan
 Darlene E. Ruiz
 Edwin H. Finster
 Eliseo M. Samaniego

NO: Danny Walsh

ABSENT: None

ABSTAIN: None


Maureen Marche
Administrative Assistant to the Board