

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 95-47

ADOPTING THE PROPOSED REPORT OF REFEREE
FOR BUTTE CREEK ABOVE WESTERN DAM IN BUTTE COUNTY

WHEREAS:

1. The Pacific Gas and Electric Company (PG&E) filed a petition in Butte County Superior Court (Court) to correct the Adjudication Decree entered on November 26, 1942 regarding water rights in the Butte Creek watershed above the Western Dam in Butte County.
2. The petition requests an affirmation and recognition of PG&E's claimed right to divert up to the full flow of Inskip Creek into the Butte Creek Canal for the generation of electrical energy at the DeSabra Power Plant.
3. The petition was filed in response to a determination by staff of the Division of Water Rights after an investigation of a complaint by the California Sportfishing Protection Alliance that a valid basis of right could not be demonstrated for the Inskip Creek diversion.
4. The Court referred the matter to the State Water Resources Control Board (SWRCB) via an order dated April 27, 1990.
5. A review of the evidence by SWRCB staff establishes that PG&E failed to comply with statutory requirements and forfeited whatever right may have accrued prior to the commencement of the adjudication.
6. There is no basis for the SWRCB to recommend that the Court grant PG&E's petition.

THEREFORE BE IT RESOLVED:

That the SWRCB adopts the Report of Referee (Report) proposed by staff and directs staff to file the adopted Report with the Court.

CERTIFICATION

The undersigned, Administrative Assistant to the SWRCB, 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 July 20, 1995.


Maureen Marché
Administrative Assistant to the Board