

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 75-4

DIRECTING REFERRAL TO THE ATTORNEY GENERAL  
OF THE MATTER OF UNAUTHORIZED DIVERSION OF  
WATER BY STORAGE ON HARE CREEK IN SANTA CRUZ COUNTY

WHEREAS:

1. Hare Dam No. 2 on Hare Creek in Santa Cruz County was constructed by Boulder Creek Associates in 1972 without a water right permit.
2. Water has been stored in and used from Hare Reservoir No. 2 without a valid right thereto, with full knowledge of the project operators and beneficiaries that such diversion and use is not in accordance with law.
3. An application by Boulder Creek Associates for a temporary permit to appropriate water under Part 2, Division 2, Chapter 6.5, Section 1425 of the Water Code was submitted to the Board on March 11, 1974.
4. Letters of March 11, 1974, April 15, 1974, and May 31, 1974, from the Board's staff, advised Boulder Creek Associates that the issuance of a temporary permit to appropriate water is not proper in this case.
5. Water stored in Hare Reservoir No. 2 has been subsequently released into Hare Reservoir No. 1 of Big Basin Water Company and delivered to Boulder Creek Associates for irrigation use.
6. Complaint was received by letter of September 3, 1974, signed by eleven individuals, that water is flowing into Hare Reservoir No. 2 but none is released contrary to assurance given in October 1973 that no water would be stored until after a permit is issued.

NOW THEREFORE BE IT RESOLVED, that the State Water Resources Control Board does direct the matter of unauthorized diversion of water by storage in Hare Reservoir No. 2 and its subsequent use be referred to the Attorney General for appropriate action, including restraint against any further storage of water until a permit is issued.

CERTIFICATION

The undersigned, Executive Officer 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 January 16, 1975.

*Bill B. Dendy*

Bill B. Dendy  
Executive Officer