

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 75-71
DIRECTING THE EXECUTIVE OFFICER TO REFER
TO THE ATTORNEY GENERAL THE MATTER OF
UNAUTHORIZED DIVERSION OF WATER BY STORAGE IN THE
DOOLITTLE RESERVOIR ON PALOMARES CREEK IN ALAMEDA COUNTY

WHEREAS:

1. The Doolittle dam on Palomares Creek in Alameda County was constructed in 1963 without a water right permit.
2. With the exception of 1968, each year around the first of April flashboards have been installed in the dam and water has been stored without a valid water right thereto.
3. Application 24476 by Robert C. Doolittle, M.D. and Virginia Doolittle to appropriate 16 acre-feet of water to be collected from April 1 to May 15 of each season was filed September 27, 1973.
4. Letters of April 21, 1975 and May 1, 1975 from the Board's staff advised the Doolittles that the storage of water as proposed under Application 24476 without a permit is a trespass under California Water Code Section 1052.
5. An inspection of the Doolittle reservoir May 15, 1975 found the flashboards in place, the reservoir full and spilling.
6. A letter from the Doolittle's attorney dated June 2, 1975 advised the Board's staff that shortly after the inspection on May 15, 1975 they began the process of removing flashboards from their dam at a rate which would not cause problems downstream.
7. Further inspection by the Board's staff on June 4, 1975 showed that part of the water previously stored in the reservoir has been released.

NOW THEREFORE BE IT RESOLVED, that the State Water Resources Control Board does direct and authorize the Executive Officer, should further storage of water in the Doolittle Reservoir be made after June 26, 1975 and prior to issuance of permit for such storage, to refer the matter without further delay 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 June 19, 1975.

Bill B. Dendy

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Executive Officer