

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 84-76

DIRECTING THE EXECUTIVE DIRECTOR TO REFER TO THE
ATTORNEY GENERAL THE MATTER OF UNAUTHORIZED DIVERSION
OF WATER BY STORAGE IN MENDOCINO COUNTY BY ROBERT L.
SALMON

WHEREAS:

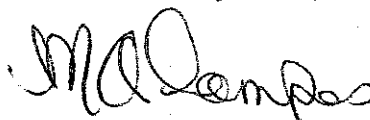
1. On August 24, 1982 a field inspection conducted by Division staff pursuant to Water Code Section 1345 revealed that Mr. Robert L. Salmon had constructed, sometime within the year 1980, a storage reservoir of undetermined capacity on his property. Division records do not show that Mr. Salmon has secured an appropriative water right to store water.
2. Division staff notified Mr. Salmon by letters dated September 13, 1982 and May 1, 1984 (certified) of the unauthorized status of his reservoir. Mr. Salmon was requested to file an application for permit. In a letter dated May 25, 1984, Mr. Salmon responded claiming that his right to store water was an inherent right.
3. By certified letter dated June 28, 1984, Division staff provided Mr. Salmon with a narrative explanation of the statutory procedures prescribed by the Water Code and reiterated previous requests that an application be submitted. Mr. Salmon was again informed of the probable initiation of formal enforcement action if an application was not submitted.
4. To date, no application has been submitted.
5. Water Code Section 1052 authorizes the Board to file an action for injunctive relief.

THEREFORE, BE IT RESOLVED:

That the State Water Resources Control Board does direct and authorize the Executive Director to refer the matter of unauthorized storage of water without a valid water right permit by Mr. Robert L. Salmon to the Attorney General for appropriate action to enjoin the present unauthorized diversion and use of water and prevent future unauthorized diversion and use until a permit is obtained. The Executive Director is authorized to defer referral to the Attorney General if a water right application for the project is filed within 20 days from date of mailing of this order and thereafter pursued diligently by Mr. Robert L. Salmon.

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 November 27, 1984.



Michael A. Campos
Executive Director