

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 83- 51

DIRECTING THE EXECUTIVE DIRECTOR TO REFER TO THE ATTORNEY GENERAL THE MATTER OF UNAUTHORIZED DIVERSION OF WATER BY STORAGE IN A RESERVOIR OF DONLON J. ARQUES ON AN UNNAMED STREAM TRIBUTARY TO SNELL CREEK IN NAPA COUNTY

WHEREAS:

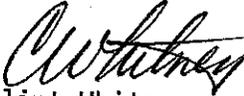
1. By letter dated March 11, 1980, Mr. Donlon J. Arques was notified that a water right permit be secured for his storage impoundment. The reservoir in question was subsequently surveyed by the Division of Water Rights staff and an application form was completed and provided to Mr. Arques with a letter dated May 28, 1980.
2. By letter dated March 12, 1981, Mr. Arques was again reminded of his responsibility to submit the previously prepared application form to the Division of Water Rights. A subsequent letter dated May 22, 1981 clearly informed Mr. Arques of the consequence which might result due to his continued failure to respond.
3. By certified letter dated May 27, 1983, Mr. Arques was informed that failure to respond within 30 days would result in staff's recommendation to the Board that the matter be referred to the Attorney General.
4. To date, an application has not been submitted.
5. Section 1052 of the California Water Code authorizes the Board to institute appropriate legal action to enjoin the unauthorized diversion of water.

THEREFORE BE IT RESOLVED:

That the State Water Resources Control Board does direct and authorize the Executive Director to refer the matter of storage of water without a valid permit in a reservoir of Donlon J. Arques to the Attorney General for appropriate action to require the release of water collected without a permit and to prevent any further storage of water unless a permit is issued.

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 July 21, 1983.

  
Clint Whitney  
Executive Director