

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 76-7

DIRECTING THE EXECUTIVE OFFICER TO REFER
TO THE ATTORNEY GENERAL THE MATTER OF
UNAUTHORIZED DIVERSION OF WATER BY STORAGE
IN THE RESERVOIR OF SHIROKOW ON ARNOLD
CREEK IN MADERA COUNTY

WHEREAS:

1. The Shirokow dam, located within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 9, T8S, R22E, MDB&M, on Arnold Creek in Madera County was constructed before 1960 without a water right permit.
2. Each year water is collected to storage in the reservoir during the winter rainy season and this water is and has been collected and stored without a valid right thereto.
3. Application 23459 of George A. Shirokow to appropriate 19.5 acre-feet of water to be collected from December 1 to March 15 of each season was filed March 10, 1970.
4. Application 23459 was subsequently denied by Decision 1423 adopted April 19, 1973 when the applicant failed to complete and maintain a range management program sufficient to salvage the required amount of water.
5. Application 24520 of George A. Shirokow to appropriate 19.5 acre-feet of water to be collected from February 1 to May 1 of each year was filed January 7, 1974.
6. By letter of May 12, 1975, the Board's staff advised Shirokow that unappropriated water does not exist in most years in the San Joaquin River watershed above Friant Dam and in the absence of a water salvage effort of a magnitude sufficient to conserve the quantity of water requested in Application 24520 the staff could not recommend approval of the application.
7. By registered letter received June 12, 1975, Shirokow confirmed his intention to clear the brush in the designated 60-acre area by September 15, 1975, plant grasses, and keep the area in a cleared condition.
8. A letter received September 11, 1975 from Denslow Green, attorney for Shirokow, requested an extension of 60 days to complete the required brush removal.
9. On September 17, 1975, an extension of time until November 15, 1975 to complete the clearing operation and prepare a map of the work completed was granted.

10. An inspection of the Shirokow property on October 20, 1975 found no new areas had been cleared and areas previously cleared were experiencing regrowth of brush.
11. A return visit to the Shirokow property on December 4, 1975 showed no clearing since the October 20 inspection, although the spillway had new flashboards installed which were covered with polyethylene plastic sheeting to inhibit leakage through the flashboards.

THEREFORE BE IT RESOLVED:

That the State Water Resources Control Board does direct and authorize the Executive Officer to refer the matter of storage of water without a valid permit in the Shirokow reservoir to the Attorney General for appropriate action including requiring the release of water collected without a permit and 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 22, 1976.

Bill B. Dendy

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Executive Officer