

STATE WATER RESOURCES CONTROL BOARD

RESOLUTION NO. 81-76

Directing the Executive Director to refer to the Attorney General the matter of unauthorized direct diversion of water from Brush Creek by William Hay, Jr.

WHEREAS:

1. A complaint was received from Louis and Russell Biaggi alleging that William Hay, Jr. was irrigating nonriparian land and drying up the stream channel. The Biaggi's make use of water under riparian claim and licensed Application 16593.
2. A field investigation was made on July 29, 1981 at which time the Hay pump was observed to be supplying water to nonriparian parcels. Mr. Hay does not have an entitlement from the Board and no other basis of right has been determined for this use.
3. Mr. Hay was notified by telephone and by certified mail to cease pumping until such time as a water right permit is issued by the Board or other valid basis of right can be shown for the diversion of water from Brush Creek for use on lands under his control.
4. Mr. Hay has failed to cease pumping.
5. The complainant is willing to agree to the following pumping schedule for a two week period during which Mr. Hay and his attorney will have the opportunity to investigate the Hay basis of right:

*Hay to commence pumping from Brush Creek at 9 a.m. and  
cease pumping at 7 p.m. each day.*

THEREFORE BE IT RESOLVED:

1. The Board will again consider this matter at its Board Meeting of August 20, 1981.
2. In the event that the above pumping schedule is violated as determined by the Executive Director or the appropriate Deputy Executive Director, the State Water Resources Control Board does direct and authorize the Executive Director or appropriate Deputy Executive Director to refer the matter of unauthorized direct diversion of water from Brush Creek without a valid water right permit by William Hay, Jr. to the Attorney General for appropriate action to enjoin the present use of water and prevent future diversion until such time as a water right permit has been secured.

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 August 6, 1981.

*Walter S. Pettit*  
for Clint Whitney  
Executive Director

Dated: Sacramento, California