

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 83-52

DIRECTING THE EXECUTIVE DIRECTOR TO REFER TO THE ATTORNEY GENERAL THE MATTER OF UNAUTHORIZED DIVERSION OF WATER BY STORAGE IN THE BRAZILS' RESERVOIR ON AN UNNAMED STREAM (AKA WHEAT CREEK) TRIBUTARY TO THE PETALUMA RIVER IN SONOMA COUNTY

WHEREAS:

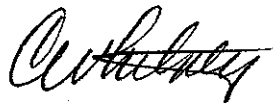
1. During a field investigation on September 15, 1982 concerning a related matter, Vasco Brazil stated that he did not have a water right for a reservoir operated on the property of John and Mary Brazil, his parents, and he was advised at that time by the investigating engineers that an application should be filed as soon as possible.
2. Vasco Brazil stated at the conclusion of the investigation that he intended to file an application in the near future.
3. Vasco Brazil was requested via a letter dated March 29, 1983 to file an application for his reservoir within 30 days.
4. By certified letter of May 26, 1983, Vasco Brazil was notified that unless an application was filed within 30 days, the Division of Water Rights would recommend to the Board that the matter be referred to the Attorney General.
5. An application has not been received.
6. 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 the Brazils' reservoir 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