

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 75- 70
DIRECTING THE EXECUTIVE OFFICER TO REFER
TO THE ATTORNEY GENERAL THE MATTER OF
UNAUTHORIZED DIVERSION OF WATER BY STORAGE IN THE
RIPLEY RESERVOIR ON PALOMARES CREEK IN ALAMEDA COUNTY

WHEREAS:

1. The Ripley dam on Palomares Creek in Alameda County was constructed in 1959 without a water right permit.
2. Each year around the first of April flashboards have been installed in the dam and water has been stored without a valid right thereto.
3. Application 24128 of H. Robert Ripley, M.D., and Robert F. Conry, M.D., to appropriate 2.3 acre-feet of water to be collected from April 1 to May 15 of each season was filed July 25, 1972.
4. By letter of April 21, 1975, the Board's staff advised Ripley that the storage of water as proposed under Application 24128 without a permit is a trespass under California Water Code Section 1052.
5. A letter from H. Robert Ripley, M.D., dated April 23, 1975, advised the Board's staff that "At the present time the water stored behind the dam at Palomares Creek is being released as rapidly as practicable in order not to create inconvenience or hazard to the downstream environment".
6. An inspection of the Ripley reservoir June 4, 1975, found the flashboards in place to the five foot level indicating that three feet of flashboards had been removed allowing only a portion of the water previously stored to be released.

NOW THEREFORE BE IT RESOLVED, that the State Water Resources Control Board does direct and authorize the Executive Officer, should further storage of water in the Ripley reservoir be made after June 26, 1975, and prior to issuance of a permit for such storage, to refer the matter without further delay to the Attorney General for appropriate action, including 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 June 19, 1975.

Bill B. Dendy

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Executive Officer