

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 75-83
DIRECTING THE EXECUTIVE OFFICER TO REFER TO THE ATTORNEY GENERAL
THE MATTER OF
UNAUTHORIZED DIVERSION OF WATER BY EL CAMINO IRRIGATION DISTRICT
FROM
UNNAMED STREAM IN TEHAMA COUNTY

WHEREAS:

1. An analysis by the Board's legal staff of the rights of El Camino Irrigation District (ECID) in connection with its protest against Application 24055 concluded that ECID has no rights to water in an unnamed stream tributary to Rodeo Creek and this conclusion was confirmed in the findings of Decision 1447.
2. A copy of the analysis by the legal staff was sent to the District on May 21, 1974 in response to the District's request that the Board settle the matter of a dispute over diversion of water from the unnamed stream.
3. Application 24685 of ECID to appropriate 1.75 cubic feet per second (cfs) to be diverted from the unnamed stream from April 1 to November 1 was filed September 10, 1974.
4. License 4452 (Application 13254) authorizes appropriation by Ras C. Searcy and Sadie C. Searcy of 0.15 cfs by direct diversion from the unnamed stream from March 1 to October 31 of each year.
5. A complaint that ECID was diverting water from the unnamed stream was received from the Searcys by telephone communication on May 12, 1975.
6. A field investigation of the ECID sump on May 13, 1975 found that although ECID was diverting three or more cfs from the unnamed stream into the sump, flow in excess of the Searcys' license requirement was continuing downstream.
7. ECID was advised verbally and by copy of the report of the field investigation on May 13, 1975 of the prior right of the Searcys.
8. A complaint was again received from the Searcys by telephone communication on July 2, 1975 that ECID was not bypassing water sufficient to satisfy the Searcys' license.
9. A field investigation of the ECID sump on July 7, 1975 found that ECID was diverting approximately 98.3 gallons per minute (gpm) from the unnamed stream into the sump, while only 14.4 gpm were passing downstream.

NOW THEREFORE BE IT RESOLVED, that the State Water Resources Control Board does direct and authorize the Executive Officer, should further diversion of water from the unnamed stream to the El Camino Irrigation District sump be made after August 21, 1975 and prior to issuance of a permit for such diversion, to refer the matter without further delay to the Attorney General for appropriate action, including restraint against any further diversion 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
AUG 21 1975

Bill B. Dendy

Bill B. Dendy
Executive Officer