

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Applications 18307)
and 19232 of Harry Hoefler and)
Dale Hoefler to Appropriate from)
Moccasin Creek in Plumas County)

Decision D 1171

ADOPTED FEB 17 1964

DECISION APPROVING APPLICATION IN PART

Harry Hoefler and Dale Hoefler having filed Applications 18307 and 19232 for permits to appropriate unappropriated water; a protest having been received; a public hearing having been held before the State Water Rights Board in Sacramento, California, on August 7, 1963, Board Member W. A. Alexander, presiding; the applicants having appeared and presented evidence; all evidence having been considered; the Board, now being fully advised in the premises, finds as follows:

1. Application 18307 is for a permit to appropriate 10,000 gallons per day by direct diversion year-round. Application 19232 is for a permit to appropriate 0.08 cubic foot per second year-round, both for domestic purposes, from Moccasin Creek in Plumas County. The points of diversion are to be located within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36, T26N, R9E, MDB&M.

2. The flow of Moccasin Creek is continuous throughout the year, and there are no known diversions of water therefrom nor from Indian Creek between its confluence with Moccasin Creek

and East Branch of North Fork Feather River. No unappropriated water is available in the reach of the Sacramento River to which Feather River is tributary during the months of July and August. There is hydraulic continuity between Moccasin Creek and the Sacramento River.

3. The applicants intend to divert water from Moccasin Creek by means of a four-inch steel pipe for conveyance across Indian Creek to the place of use approximately 100 yards distant. Proposed developments include construction of approximately 150 homes, a 50-unit motel, a lodge, and service station.

4. Protestant Pacific Gas and Electric Company failed to appear, although due notice of the time and place of hearing was given, and it is concluded, therefore, that the protestant has no further interest in the applicants' project.

5. There is unappropriated water available from about September 1 of each year to about June 30 of the succeeding year to supply the applicants, and subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water. There is no unappropriated water available during the months of July and August.

6. The intended use is beneficial.

From the foregoing findings, the Board concludes that Applications 18307 and 19232 should be approved in part and that

permits should be issued to the applicants subject to the limitations and conditions set forth in the following Order.

ORDER

IT IS HEREBY ORDERED that Applications 18307 and 19232 be, and the same are, approved, and that permits be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used and shall not exceed 10,000 gallons per day pursuant to Application 18307 and 0.08 cubic foot per second pursuant to Application 19232, both by direct diversion, to be diverted from about September 1 of each year to about June 30 of the succeeding year.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Actual construction work shall begin on or before June 1, 1964, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Construction work shall be completed on or before December 1, 1966.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1967.

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

7. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

8. Permittee shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the _____ day of _____, 1964.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member