

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22958)
of Louis Fiora, Donald Fiora and)
Robert Fiora to Appropriate from)
an Unnamed Stream in Lake County)

Decision 1317

DECISION APPROVING APPLICATION IN PART

Louis Fiora et al, having filed Application 22958 for a permit to appropriate unappropriated water; protests having been received; the applicants and protestants having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

1. Application 22958 is for a permit to appropriate 14,400 gallons per day (gpd) by direct diversion from June 1 to September 30 of each year and 10 acre-feet per annum by storage from October 1 of each year to May 30 of the succeeding year for irrigation and recreation purposes from an unnamed stream tributary to Hog Hollow Creek thence

North Fork Cache Creek in Lake County. The point of diversion is to be located within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 25, T14N, R7W, MDB&M.

2. Applicants propose to construct a dam 22 feet high, forming a reservoir with a capacity of 10 acre-feet. The impounded water will be used for recreation purposes and for the irrigation of 10 acres.

3. Subsequent to the filing of the application, protests were received from the Yolo County Flood Control and Water Conservation District and Schath Enterprises, Inc.

4. A field investigation shows, and applicants admit, that there is no water in the unnamed creek at their point of diversion during the summer months. Therefore, the portion of the application to appropriate 14,400 gpd from June 1 to September 30 will not be approved.

5. A record of stream flow in the North Fork Cache Creek, which is fed, in part, by the unnamed stream and Hog Hollow Creek, shows that there is unappropriated water available for storage from October 1 of each year to May 30 of the following year.

6. Protestant Schath Enterprises, Inc., protested Application 22958 on the basis that the construction of a dam and reservoir would interfere with percolating waters, which are the source of their domestic water supply. However,

an investigation by a staff geologist indicates that the unnamed stream is not the source of protestant's percolating waters.

7. Unappropriated water is available 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.

8. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 22958 should be approved in part and that a permit should be issued to the applicants subject to the limitations and conditions set forth in the order following.

The records, documents, and other data relied upon in determining the matter are: Application 22958 and all relevant information on file therewith, particularly the report of the field investigation made on June 27, 1968.

ORDER

IT IS HEREBY ORDERED that Application 22958 be, and it is, approved in part, and that a permit be issued to the applicants subject to vested rights and to the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed

10 acre-feet per annum by storage to be collected from about October 1 of each year to about May 30 of the succeeding year. This permit does not authorize collection of water to storage outside the specified season to offset evaporation and seepage losses or for any other purpose.

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

3. Actual construction work shall begin on or before June 1, 1969, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before December 1, 1971.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1972.

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control 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 Resources Control 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 Resources Control 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 Resources Control Board at a meeting duly called and held at Palm Springs, California.

Dated: **NOV 21 1968**

GEORGE B. MAUL
George B. Maul, Chairman

W. A. ALEXANDER
W. A. Alexander, Vice Chairman

RALPH J. MCGILL
Ralph J. McGill, Member

NORMAN B. HUME
Norman B. Hume, Member

E. F. DIBBLE
E. F. Dibble, Member