

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 90-17

DIRECTING THE EXECUTIVE DIRECTOR TO REFER TO THE  
ATTORNEY GENERAL THE MATTER OF THREATENED  
UNAUTHORIZED DIVERSION OF WATER BY  
NUGGET HYDROELECTRIC, L.P. FROM  
DEADWOOD CREEK AND OWL GULCH IN YUBA COUNTY

WHEREAS:

1. The predecessor in interest of Nugget Hydroelectric filed Application 27869 on September 15, 1983 to obtain an appropriative right to operate a hydroelectric facility on Deadwood Creek in Yuba County. On October 13, 1989, Nugget Hydroelectric filed Temporary Permit Application 29584 for permission to operate the facility prior to completion of processing on pending Application 27869.
2. On October 18, 1989, Division of Water Rights staff conducted a field inspection of the site and documented the ongoing construction of water diversion facilities on Deadwood Creek and Owl Gulch.
3. On December 7, 1989, Nugget Hydroelectric withdrew Application 29584. The application was officially cancelled on December 28, 1989. On December 22, 1989, Nugget Hydroelectric requested cancellation of Application 27869. Since Nugget Hydroelectric requested cancellation of the pending applications, it does not have a valid basis of appropriative right with the State Water Resources Control Board, nor is it pursuing an appropriative right.
4. The operator has not established any other basis of water right for the project.
5. Section 1052 of the California Water Code authorizes the Board to institute appropriate legal action to enjoin the threatened and/or actual unauthorized diversion of water and to impose penalties for violations.

THEREFORE BE IT RESOLVED:

That the State Water Resources Control Board does direct and authorize the Executive Director to refer the matter of unauthorized diversion of water by Nugget Hydroelectric, L.P. to the Attorney General for appropriate action.

CERTIFICATION

The undersigned, Administrative Assistant to the 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 February 15, 1990.

  
Maureen Marche  
Administrative Assistant to the Board