

YM
WR-379449

State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O.Box 2000, Sacramento, CA 95812-2000
(916) 657-2170

STATE WATER RESOURCES CONTROL BOARD
00 MAR 20 PM 5:25
DIV. OF WATER RIGHTS
SACRAMENTO

PROTEST

Based on Environmental Considerations, Public Interest, Public Trust, and Other Issues.
(Protests based on prior rights or prior filed applications should be completed on other side of form.)

APPLICATION 29449

1. I, (We) California Department of Fish and Game
Name of Protestant(s)
of 601 Locust Street, Redding, California 96001, (530) 225-2124 have read carefully a copy
Mailing address and zip code of protestant(s) Telephone Number
of, or a notice relative to, Application 29449 of Doug Cole, et al.
Name of applicant
Stanshaw Creek tributary to Klamath River
Name of source
to appropriate from
a point of diversion located within the projected Section 33, Township 13N,
Describe location of applicant's point of diversion
Range 6E, HB&M in Siskiyou County.

2. I, (We) protest the above application on:
 ENVIRONMENTAL ISSUES, ETC.:
The appropriation will not best conserve the public interest, will have an adverse environmental impact and/or will adversely affect a public trust use of a navigable waterway.
(a) Public interest protests should clearly indicate how the appropriation will affect the public.
(b) Environmental protest should identify specific impacts and provide supporting recitals on issues such as: plants, animals or fish affected, erosion, pollution, aesthetics, etc.
(c) Public trust protests must identify the navigable waters to be affected and how the project will impact public trust values.*
Protests of a general nature (not project specific) or opposed to constitutional or legislated state policy will not be accepted. A request for information or for studies to be conducted is not a protest.

OTHER ISSUES:
The appropriation will be contrary to law, will require access rights, will not be in Board's jurisdiction, or concerns other issues.

Facts and, if applicable, points of law which support the foregoing allegations are as follows: Our right to protest is based on Sections 1801 of the Fish and Game Code; Sections 1243 and 1257 of the Water Code. The applicant proposes to divert 3 cfs from Stanshaw Creek for hydro electric generation, from January 1 to December 31. Reduced stream flows during critical periods could adversely affect fish resources or other sensitive species in Stanshaw Creek.

3. Under what conditions may this protest be disregarded and dismissed? 1. The Department requests a field review with the applicant to develop suitable minimum bypass flow conditions for the protection of fish resources downstream. 2. The Department requests a time extension of 45 days after the above requested field review to develop minimum bypass flow conditions and season of diversion restrictions.

4. A true copy of this protest has been served upon the applicant by Mail
Personally or by mail

* For the purpose of filing a protest, navigable waters include streams and lakes that may be seasonally navigable in small recreational watercraft.

Date: March 17, 2000

Donald Koch
Protestant(s) or authorized representative sign here
Donald B. Koch, Regional Manager, NCNCR.
Type or print name and title of representative, if applicable
601 Locust Street
Street Address
Redding, California 96001
City and State
(530) 225-2124 (Ms. Jane Vorpagel)
Telephone Number

Notes: Attach supplemental sheets as necessary.
Protests must be filed within the time specified in the notice of application.
cc: Applicant, HCPB, Ms. J. Vorpagel-R1
Mr. William Hearn, NMFS, Santa Rosa
Messrs. Dennis Maria and Ron Presley-R1

accepted
4/4/00 ym
FORM 153R2
001870

State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O.Box 2000, Sacramento, CA 95812-2000
(916) 657-2170

PROTEST

Based on Prior Filed Application or Injury to Prior Rights
(Protests based on OTHER considerations should be completed on other side of form.)

APPLICATION _____

1. I, (We) _____
Name of Protestant(s)
of _____, (_____) _____ have read carefully a copy
Mailing address and zip code of protestant(s) Telephone Number
of, or a notice relative to, Application _____ of _____
Name of applicant
_____ to appropriate from _____
Name of source
at a point _____
Describe location of applicant's point of diversion

2. I, (We) desire to protest against the approval thereof because to the best of _____ information and belief the proposed appropriation
My or our
will result in injury to _____ as follows: _____
Me or us State the injury which will result

3. Protestant claims an interest in the use of water from the source from which applicant proposes to divert which is based upon: _____
Prior application; appropriative permit or license; notice posted or use begun prior to December 19, 1914; riparian claim; etc.
Please provide application, permit, license, or statement of water diversion and use numbers which cover your use of water, or state "none":

4. Where is your diversion point located? _____ 1/4 of _____ 1/4 of Section _____, T. _____, R. _____, _____ B&M
Is your point of diversion downstream from applicant point of diversion? _____
Yes, No, or at same point

5. The extent of present and past use of water by protestant or his predecessors in interest from this source is as follows (leave blank if protest based on prior filed application): _____
(a) approximate date first use made _____
(b) amount used _____
(c) time of year when diversion is made _____
(d) purpose(s) of use _____

6. Under what conditions may this protest be disregarded and dismissed? _____
(Conditions should be of a nature that the applicant can address, such as minimum by-pass flows, measuring devices required, acknowledgement of prior rights, etc.)

7. A true copy of this protest has been served upon the applicant _____
Personally or by mail

Date: _____

Protestant(s) or authorized representative sign here

Type or print name and title of representative, if applicable

Notes: Attach supplemental sheets as necessary.
Protests must be filed within the time specified in the notice of application.

Street Address

City and State

(_____) Telephone Number

WATER CODE

1243. The use of water for recreation and preservation and enhancement of fish and wildlife resources is a beneficial use of water. In determining the amount of water available for appropriation for other beneficial uses, the board shall take into account, whenever it is in the public interest, the amounts of water required for recreation and the preservation and enhancement of fish and wildlife resources.

The board shall notify the Department of Fish and Game of any application for a permit to appropriate water. The Department of Fish and Game shall recommend the amounts of water, if any, required for the preservation and enhancement of fish and wildlife resources and shall report its findings to the board.

This section shall not be construed to affect riparian rights.

1257. In acting upon application to appropriate water, the board shall consider the relative benefit to be derived from (1) all beneficial uses of the water concerned including, but not limited to, use for domestic, irrigation, municipal, industrial, preservation and enhancement of fish and wildlife, recreational, mining and power purposes, and any uses specified to be protected in any relevant water quality control plan, and (2) the reuse or reclamation of the water sought to be appropriated, as proposed by the applicant. The board may subject such appropriations to such terms and conditions as in its judgment will best develop, conserve, and utilize in the public interest, the water sought to be appropriated.

1780000

1. The first part of the report deals with the general situation of the country and the position of the various groups. It is a very general and somewhat superficial treatment of the subject. The author does not seem to have done any original research, but has merely collected and arranged some facts and figures. The report is written in a very dry and uninteresting style, and is full of errors and omissions. It is a very poor example of what a report should be.

2. The second part of the report deals with the economic situation of the country. It is a very general and somewhat superficial treatment of the subject. The author does not seem to have done any original research, but has merely collected and arranged some facts and figures. The report is written in a very dry and uninteresting style, and is full of errors and omissions. It is a very poor example of what a report should be.

3. The third part of the report deals with the social situation of the country. It is a very general and somewhat superficial treatment of the subject. The author does not seem to have done any original research, but has merely collected and arranged some facts and figures. The report is written in a very dry and uninteresting style, and is full of errors and omissions. It is a very poor example of what a report should be.

FISH AND GAME CODE
SECTION 1801

1801. It is hereby declared to be the policy of the state to encourage the preservation, conservation, and maintenance of wildlife resources under the jurisdiction and influence of the state. This policy shall include the following objectives:

(a) To maintain sufficient populations of all species of wildlife and the habitat necessary to achieve the objectives stated in subdivisions (b), (c), and (d).

(b) To provide for the beneficial use and enjoyment of wildlife by all citizens of the state.

(c) To perpetuate all species of wildlife for their intrinsic and ecological values, as well as for their direct benefits to all persons.

(d) To provide for aesthetic, educational, and nonappropriative uses of the various wildlife species.

(e) To maintain diversified recreational uses of wildlife, including the sport of hunting, as proper uses of certain designated species of wildlife, subject to regulations consistent with the maintenance of healthy, viable wildlife resources, the public safety, and a quality outdoor experience.

(f) To provide for economic contributions to the citizens of the state, through the recognition that wildlife is a renewable resource of the land by which economic return can accrue to the citizens of the state, individually and collectively, through regulated management. Such management shall be consistent with the maintenance of healthy and thriving wildlife resources and the public ownership status of the wildlife resources.

(g) To alleviate economic losses or public health or safety problems caused by wildlife to the people of the state either individually or collectively. Such resolution shall be in a manner designed to bring the problem within tolerable limits consistent with economic and public health considerations and the objectives stated in subdivisions (a), (b) and (c).

(h) It is not intended that this policy shall provide any power to regulate natural resources or commercial or other activities connected therewith, except as specifically provided by the Legislature.

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