

# PROTEST

00 MAR 20 PM 5:29

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

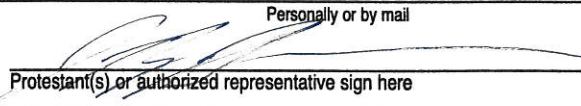
APPLICATION 29449

- I, (We) T. James Fisher; J.W. Fisher Logging Company; Phylis Fisher  
Name of Protestant(s)  
of 1721 Court Street, Redding, CA 96001, (530) 244-0909 have read carefully a  
copy Mailing address and zip code of protestant(s) Telephone Number  
of, or a notice relative to, Application of Doug Cole, Heidi Cole, Norman Cole & Caroline Cole  
Name of applicant  
to appropriate from Stanshaw Creek  
Name of source  
at a point 2,500 feet W, 1,500 feet NE Corner 785,300'N, 1,589,300'E Cal Coord. Zone 1  
Describe location of applicant's point of diversion  
(§33 T.13N R. 6E, H.B.M.)
- I, (We) desire to protest against the approval thereof because to the best of our information and belief the proposed appropriation  
will result in injury to us as follows: (See attachment, Item 2.)  
Me or us State the injury which will result
- Protestant claims an interest in the use of water from the source from which applicant proposes to divert which is based upon: \_\_\_\_\_  
Riparian rights  
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":  
None
- Where is your diversion point located? NW 1/4 of SW 1/4 of Section 33, T. 13N, R. 6E, H. B&M  
Is your point of diversion downstream from applicant point of diversion? Yes  
Yes, No, or at same point
- 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): Year round uses, including domestic and irrigation.  
(a) approximate date first use made unknown  
(b) amount used unknown  
(c) time of year when diversion is made January 1 - December 31  
(d) purpose(s) of use Drinking water, domestic uses, garden and fruit tree irrigation.
- Under what conditions may this protest be disregarded and dismissed? (See Attachment, Item b.)  
(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.)
- A true copy of this protest has been served upon the applicant's attorney by mail.

Date: March 15, 2000

Notes: Attach supplemental sheets as necessary.

Protests must be filed within the time specified in the notice of application.

Personally or by mail  
  
Protestant(s) or authorized representative sign here  
Jeffery J. Swanson, Attorney  
Type or print name and title of representative, if applicable  
2515 Park Marina Drive, Suite 102  
Street Address  
Redding, California 96001  
City and State  
(530) 225-8773  
Telephone Number



**ATTACHMENT TO PROTEST OF APPLICATION 29449  
BY JAMES FISHER AND J.W. FISHER LOGGING  
(BASED ON INJURY TO PRIOR RIGHTS)**

**ITEM 2:**

Applicants' appropriation causes, and will cause, a drastic reduction in the natural flow of Stanshaw Creek, particularly during the dry season. This results in insufficient water for Protestants' domestic and irrigation needs, and causes an aesthetic impact to Protestants' riparian property. The diversion also impacts the Stanshaw Creek anadromous fishery.

Applicants should not be given a water right simply because they have operated an illegal and unlicensed diversion for the past few years.

**ITEM 6:**

This protest may be dismissed if the applicants (1) guarantee minimum year-round stream flows in Stanshaw Creek to meet Protestants' needs as well as those of the instream fishery, (2) agree to stop diverting water to ensure minimum stream flows are satisfied, (3) acknowledge Protestants' prior rights, (4) contribute funding to restore the Stanshaw Creek fishery and to assist with the fish passage project under Highway 96, (5) submit evidence to show availability of water in Stanshaw Creek in excess of those needed for the instream fishery and existing riparian rights (6) submit evidence to support their claimed pre-1914 water right, including evidence of continuous use.



**JEFFERY J. SWANSON**  
**ATTORNEY AT LAW**

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2515 PARK MARINA DRIVE, SUITE 102  
REDDING, CA 96001-2831

TEL. 530.225.8773/FAX.225.8598  
e-mail: [jswanson@snowcrest.net](mailto:jswanson@snowcrest.net)

March 17, 2000

**VIA OVERNIGHT MAIL**

Yoko Mooring  
Sanitary Engineering Associate  
Application Unit  
State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, California 95812-2000

**RE: Application 29449 of Cole, Stanshaw Creek Tributary**  
**to Klamath River in Siskiyou County**  
**Your: 331:YM:29449**

Dear Ms. Yoko Mooring,

Enclosed herewith please find Protest form based on prior filed application or injury to prior rights and Protest form based on environmental considerations, public interest, public trust and other issues.

If you have any questions, please do not hesitate to contact Mr. Swanson.

Sincerely,



Mimi Fugitt  
Legal Secretary to  
Jeffery J. Swanson

mlf/  
Enclosures (as stated)

cc: Doug Cole, et al (w/enclosures via U.S. mail)  
92520 Highway 96  
Somes Bar, California 95568

STATEWATER RESOURCES  
CONTROL BOARD  
00 MAR 20 PM 5: 28  
DIV. OF WATER RIGHTS  
SACRAMENTO