



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

Division of Water Rights  
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WR-58  
Arnold Schwarzenegger  
Governor

## MEMORANDUM

**TO:** Gary Stacey, Regional Manager  
Department of Fish and Game  
Northern Region  
601 Locust Street  
Redding, CA 96001  
**ORIGINAL SIGNED BY:**

**FROM:** Katherine Mrowka, Chief  
Inland Streams Unit  
**DIVISION OF WATER RIGHTS**

**DATE:** SEP 03 2009

**SUBJECT:** REQUEST FOR DEPARTMENT OF FISH AND GAME WRITTEN CONDITIONS FOR SMALL DOMESTIC USE REGISTRATION IN THE NAME OF DOUGLAS COLE, REGISTRATION NO. D030945R, CERTIFICATE NO. R480; DIVERSION FROM STANSHAW CREEK TRIBUTARY TO KLAMATH RIVER IN SISKIYOU COUNTY

On August 25, 2009 and August 27, 2009 the Division of Water Rights (Division) staff discussed or e-mailed the Department of Fish and Game (DFG) regarding Small Domestic Use (SDU) Certificate No. R480 regarding the lack of DFG written conditions for the SDU.

The Division of Water Rights (Division) received this Registration on September 9, 1999, and the Certificate was issued on November 30, 1999. Our records indicate that Division staff visited the site in May 1999. Mr. Squires, agent for Mr. Cole, indicated DFG had made a site visit and that Mr. Cole was entering into an Agreement with DFG. The Division never received either written conditions for the SDU, or a copy of the DFG Streambed Alteration Agreement. (DFG Code § 1600 et seq.)

Mr. Cole returned his Registrant Report and Request for Renewal in August, 2004, along with his renewal fee. A subsequent conversation with Yoko Mooring of this office and Jane Vorpagal, dated January 18, 2005, is summarized in a contact report in our records. Subsequently, on April 8, 2005, the Division sent Mr. Cole a letter requesting that he contact DFG again to obtain a written clearance letter from DFG. Division staff stated that his renewal was pending the DFG clearance letter. This office never received a letter from DFG regarding clearance for this SDU, and consequently, Certificate R480 has not been renewed.

Emails from Ms. Vorpagal of August 25 and 27, 2009 state that DFG has not issued clearance for this SDU, and DFG may require a new Streambed Alteration Agreement. The emails also state that Mr. Cole may need to file an Incidental Take permit for Coho. Please confirm in writing whether or not DFG will require either or both the Streambed Alteration Agreement and Incidental Take permit for this Registration.

SURNAME

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California Environmental Protection Agency

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Gary Stacey, Regional Manager  
Department of Fish and Game

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The ongoing protest regarding pending Application A029449, and the complaint regarding Mr. Cole's pre-1914 claim of right are separate issues and should be considered separately.

We will put a hold on the renewal process for this Registration for 45 days. If no response is received within 45 days of this letter, we will assume that DFG has determined that no special conditions for the Small Domestic Use Registration are required. We will proceed with the renewal process, if Mr. Cole submits his Report and Request for Renewal, along with the renewal fee.

Enclosures: Copy of Original Application  
Copy of Certificate R480

cc: (with enclosures)

Jane Vorpagal  
Department of Fish and Game  
Northern Region  
601 Locust Street  
Redding, CA 96001

bcc: Katherine Mrowka, Steve Herrera, Chuck Rich (electronic copy of memo only)

sjw:08282009: DCC: 09/02/09

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