STOEL RIVES LLP
ATTORNEYS AT LAW

500 Capitol Mall, Suite 1600
Sacramento, California 95814
main 916.447.0700
fax 916.447.4781
www.stoel.com

BARBARA A. BRENNER
Direct (916) 319-4676
babrenner@stoel.com

November 29, 2012

VIA EMAIL AND REGULAR MAIL

Attn: Mr. Bob Rinker
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Supplemental Information for Initial Statement of Water Diversion and Use for MJM:A029449; Statement No. 15022

Dear Mr. Bob Rinker:

The purpose of this Initial Statement of Water Diversion and Use is, that in conjunction with a USGS map, to provide the most current information required by the State Water Resources Control Board in order to reactivate Statement No. 15022. Below please find supplemental information to be attached to the Initial Statement of Water Diversion and Use form.

Supplemental Information

E. Place of Use Description

Address: Marble Mountain Ranch, 92520 Hwy 96, Somes Bar, CA 95568
Acreage: Approximately sixty-five (65) acres

F. Purpose of Use Description

The California Department of Fish and Game has indicated that the fishery may benefit from an approximately 1 cfs bypass flow in the stream. When there is adequate flow, Mr. Cole makes every effort to provide this bypass flow.

H. Quantity of Water

The 178.5 acre-feet provided for December 2012 is an estimate based on the conversion from the 3 cfs anticipated diversion for that month.

I. Recent Water Use

The Coles have stored water in a pond that is filled with the out fall from their power plant, with a pond outlet that continues across the ranch and ultimately into Irving Creek, and thence to the Klamath. This is a permitted pond and provides for irrigation, fire protection, and recreational beneficial uses.

Within the last five years, the maximum water use is calculated from a maximum rate of diversion of 3 cfs per month, which converts to 178.5 acre-feet per month, for a total of 2,142 acre-feet a year. The minimum water use is calculated using the 3 cfs maximum diversion for 9 months, and then 2 cfs diversion for 3 low flow months for a total minimum water use of 1,963.53 acre-feet a year.

J. Maximum Rate of Diversion

The Coles intend to divert 3 cfs in December 2012. Thus, this is an estimate based on the maximum rate that is generally available at all times except for months of very low flow. December, unlike August and September, is not historically a low flow month and therefore the maximum 3 cfs is typically diverted.

K. Miscellaneous Water Use

Water Conservation – Description of water conservation efforts in current use

1. Upon purchase of the ranch in 1994 the Coles changed the business model from an existing RV/mobile home park with 57 licensed hook-ups to a guest ranch targeting a population of about 30 people. The 57 RVs were each impacting ranch infrastructure and consuming water, generating sewage, and needing the limited power available. The smaller population, full service, guests of a dude ranch generate sufficient income with far less demand on the resources.

2. Original flood irrigation of agricultural lands has been upgraded to more efficient sprinkler distribution of water.

3. The original gold rush era cast iron pelton wheel and generator system was upgraded to a more efficient bronze wheel and modern generator system in 1997.

4. Transport of canal water has been continuously improved as the Coles line the canal with 1/2 culverts in leaky/ suspect areas of the canal. This reduces loss of transported water through leakage.

5. An original gold rush era flume has been replaced with a permanent full culvert system also containing a high flow bypass to return excess winter flows to Stanshaw Creek.

6. All Ranch buildings have been upgraded and remodeled with duo pane windows, full insulation, fluorescent light fixtures, modern appliances, and current building technology to reduce the power demands of these buildings.

7. Past grant applications have been made to return unused power plant outflow to the anadromous sections of Stanshaw Creek, and the Coles are currently in grant consideration for on-ground water distribution system upgrades - pending acceptance by California Department of Fish and Game.

Thank you for your continued assistance in this matter. If you have any questions or concerns, please do not hesitate to contact Parissa Ebrahimzadeh (pebrahimzadeh@stoel.com) at (916) 319-4644 or me.

Best Regards,

Barbara A. Brenner

cc: Doug Cole

State Water Resources Control Board
DIVISION OF WATER RIGHTS
INITIAL STATEMENT OF WATER DIVERSION AND USE
NOTE: A Statement is not a Water Right

READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM

A. Claimant Information (required)

Claimant Name(s):
DouglasT. Cole, Heidi A. Cole, Norman D. Cole, Carolyn T. Cole

Mailing Address	City	State	Zip
92520 Hwy 96	Somes Bar,	CA	95568

Phone Number	Email Address (if available)
530-469-3322	guestranch@marblemountainranch.com

Agent Name (if applicable)
DouglasT. Cole

Mailing Address	City	State	Zip
92520 Hwy 96	Somes Bar,	CA	95568

Phone Number	Email Address (if available)
530-469-3322	guestranch@marblemountainranch.com

Land Owner Name (if different from claimant)

Mailing Address	City	State	Zip

B. Type of Claim

Check the box(es) which describe the type of claim(s) under which you are diverting water.

☐ Riparian ☑ Pre-1914 ☐ Court Decree ☐ Pending Appropriative Application

If you checked yes for Court Decree or Pending Appropriative Application, list the decree number or application ID

C. Water Course Description (required)

Source Name at the point of diversion	Tributary to
Stanshaw Creek	Klamath River

D. Legal Land Description (required)

Provide the location of the Point of Diversion using one of the following methods (check one box and enter coordinates, if applicable).

☑ Latitude/Longitude Measurements: Latitude: 41.472760/Longitude: -123.503764

☐ California Coordinate System (NAD 1983): _____

☑ USGS Topographic Map with point of diversion labeled on map (if checked yes, please attach map)

County (required)	Assessor's Parcel Number(s), if assigned
Siskiyou	

Provide Public Land Description to nearest 40 acres (if assigned)

SW ¼ of the NW ¼ of Section 33, Township 13N, Range 6E, B&M H

E. Place of Use Description (required)

Provide a general description of the area in which the water was used.
See attached

Provide an outline of the Place of Use using one or both of the following methods (check box indicating each map attached)

☑ USGS Topographic map ☐ County Assessor's parcel map

F. Purpose of Use Description (required)

Provide a listing of use types (see instructions for a listing of water uses)
Power generation, domestic use, irrigation, stock watering, fire protection, in-stream flow fish passage

Number of Acres (if applicable)	Persons Served (if applicable)	Stock Watered (if applicable)
Approx. 65 acres	30 Average. Peak approx. 500 at fire camps	25 Head

CONTINUE TO PAGE 2

Additional copies of this form, instructions on how to complete this form and water right information can be obtained at http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/. This form version will expire on 12/31/2012.

SOURCE/TRIBUTARY Stanshaw Creek DIVERSION WORKS NAME Stanshaw Memorial C

G. Diversion Works Description (required)

Name of Diversion Works, if named: Stanshaw Memorial Canal

Year in which diversion commenced (or specify nearest known year): 1865

List any related existing water rights, if applicable (for example, an appropriative right using the same diversion works).

Type of Diversion Facility (select one)
☒ Gravity ☐ Creek Pump ☐ Well Pump ☐ Other (please specify): _____

Method of Measurement: (check one box)
☐ Weir ☐ Electric Meter ☒ Flume ☐ Estimate ☐ Inline Flow Meter ☐ Other (please specify): _____

Capacity of Diversion Works (specify unit of measure): 3 ☒ cfs ☐ gpm ☐ gpd

Capacity of Storage Tank or Reservoir (if applicable): 10 ☐ Gallons ☒ Acre-feet

H. Quantity of Water Diverted (Required - If amounts are available, list below - otherwise check months in which diversion occurred)

Provide the quantity of water diverted each month in the table below as measured in (check one box) ☐ Gallons ☐ Acre-feet

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2012	178.5	178.5	178.5	178.5	178.5	178.5	178.5	119.01	119.01	178.5	178.5	178.5*	2023.(

I. Recent Water Use

Provide the annual water use in recent years: See attached

Maximum 2,142 ☐ Gallons ☒ Acre-feet

Minimum 1,963.53 ☐ Gallons ☒ Acre-feet

J. Maximum Rate of Diversion (if available)

If available, provide the maximum rate of diversion achieved in each month as measured in (check one box) ☒ cfs ☐ gpm ☐ gpd

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2012	3	3	3	3	3	3	3	2	2	3	3	3*

K. Miscellaneous Water Use (answer only sections applicable to your diversion)

Water Conservation: Are you currently employing any methods of water conservation?
☒ YES ☐ NO

If yes, describe any water conservation efforts in current use.
See attached

Water Quality and Wastewater Reclamation: Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree that unreasonably affects such water for other beneficial uses?
☐ YES ☒ NO

Conjunctive use of surface water and groundwater: Are you using groundwater in lieu of surface water?
☐ YES ☒ NO

L. Certification of Statement (required)

I declare under penalty of perjury that the information in this statement of water diversion and use is true to the best of my knowledge and belief.

*DATE: 4/28/2012 at Siskiyou (county), California

*SIGNATURE: Douglas T. Cole

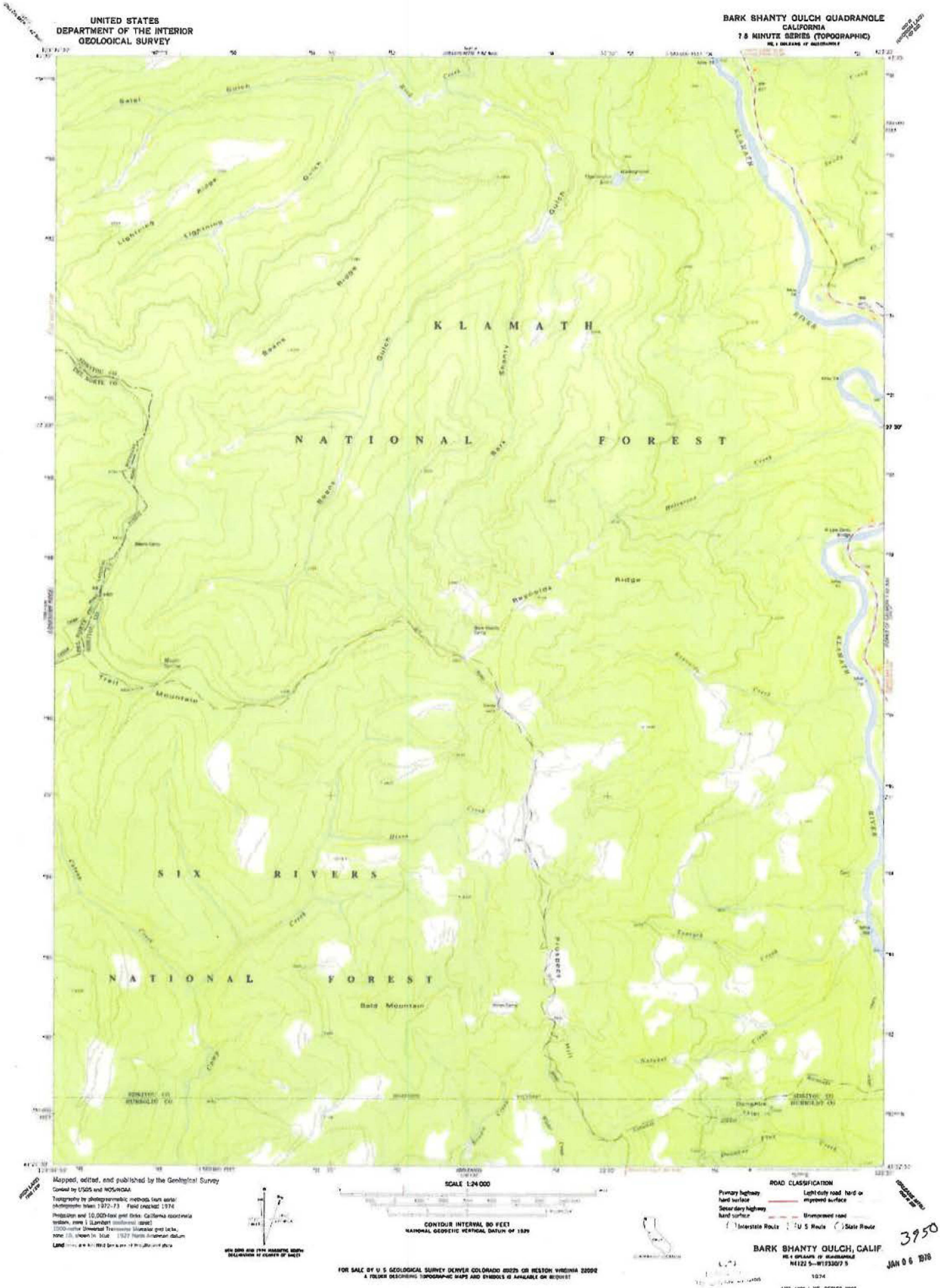
*PRINTED NAME: Douglas (first name) T. (middle initial) Cole (last name)

COMPANY NAME: Marble Mountain Ranch

UPON COMPLETION OF THIS STATEMENT, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND MAIL TO:

State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

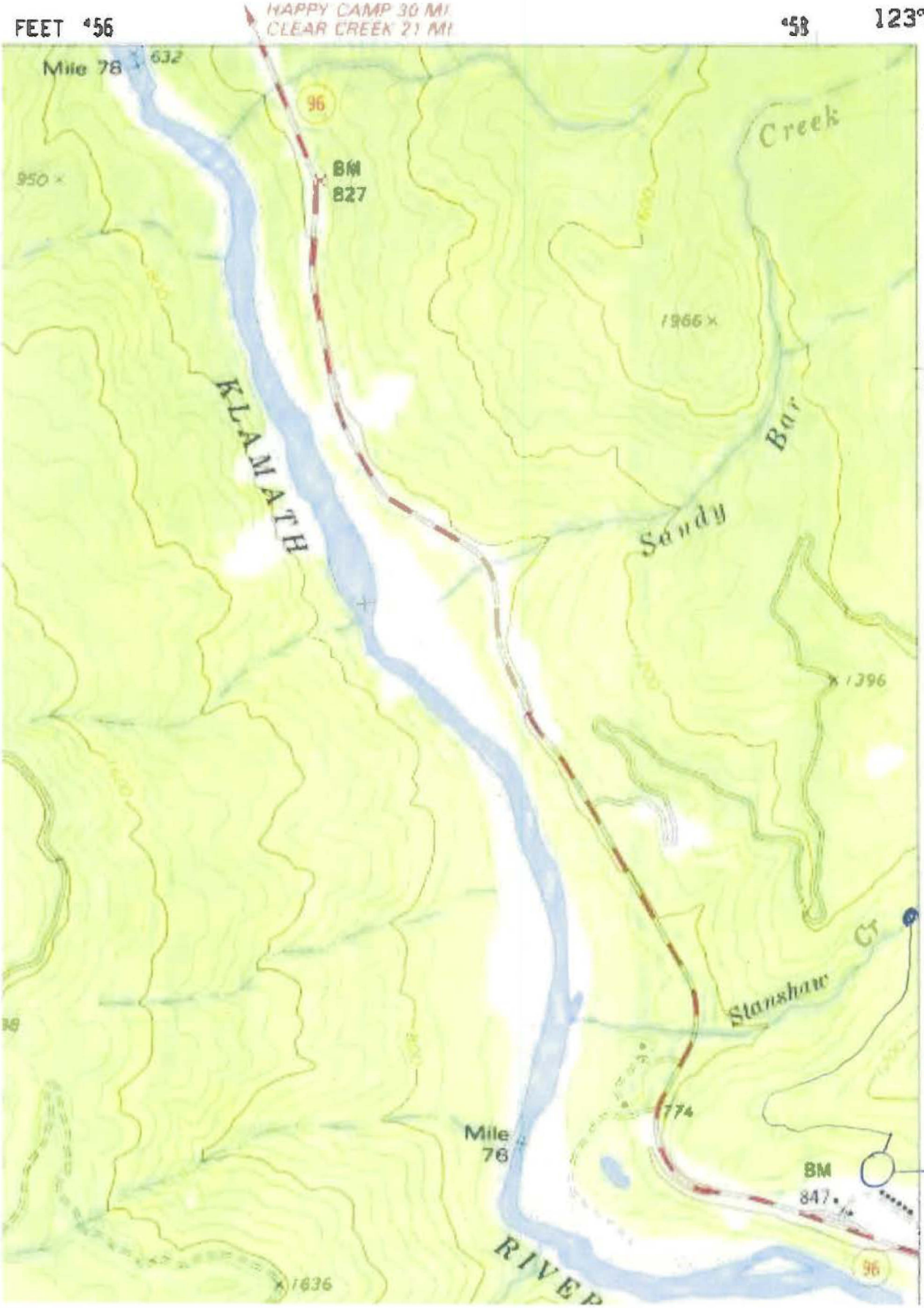
Additional copies of this form, instructions on how to complete this form and water right information can be obtained at http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/. This form version will expire on 12/31/2012.


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
BARK SHANTY GULCH QUADRANGLE
CALIFORNIA
7.5 MINUTE SERIES (TOPOGRAPHIC)
KLAMATH
NATIONAL FOREST
SIX RIVERS
NATIONAL FOREST
Bald Mountain
Mapped, edited, and published by the Geological Survey
SCALE 1:24 000
CONTOUR INTERVAL 80 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929
ROAD CLASSIFICATION
BARK SHANTY GULCH, CALIF.
1974
3950
JAN 0 6 1978

WR-69

BARK SHANTY GULCH QUADRANGLE
CALIFORNIA
7.5 MINUTE SERIES (TOPOGRAPHIC)
NE/4 ORLEANS 15' QUADRANGLE

1367 III
(UKONOM LAKE)
1:62 500



002350

USGS
science for a changing world

The USGS Store

No Items in Basket |

<< Back To Store

Map Locator & Downloader

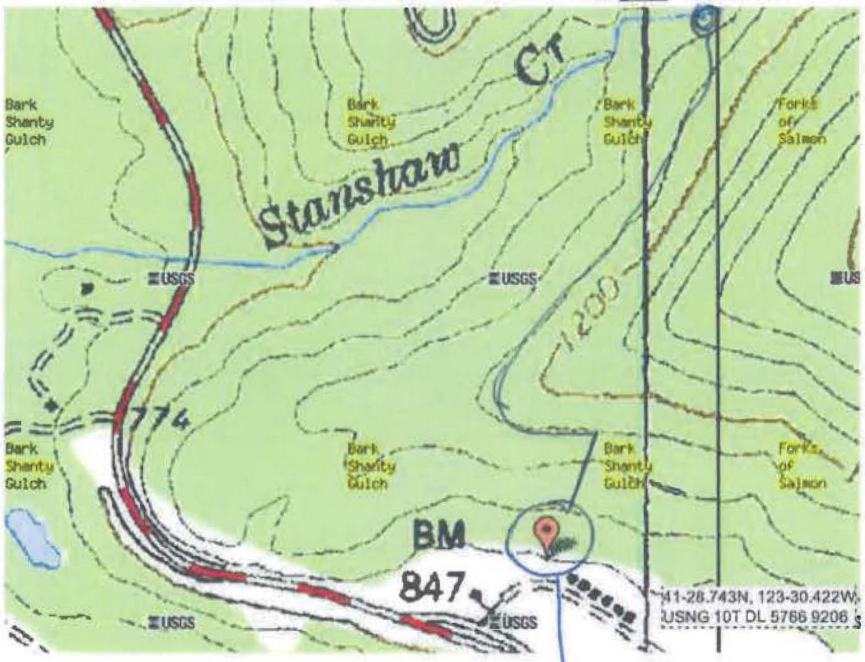
DQI Disclaimer on Google Maps API

Don't see the Map Locator & Downloader? Help | Having trouble? Call: 1-888-ASK-USGS (1-888-275-8747, Select Option 2) or Write: usgsstore@usgs.gov for help.

Search: 92520 hwy 96, somes bar, ca 9 | Address or Place | Go | [Search Help] or

POD

Find a place on the map [Navigation Help]



NAVIGATE:
Double click to re-center, click and drag to pull the map around, zoom in and out.

MARK POINTS:
Click on a place to add a marker.

NOTES:
Switch between Navigate and Mark Points at any time.

The following map footprints appear when you are in the Mark Points mode and zoomed in:
7.5 and 15 Minute

SELECT AND GET YOUR MAPS:
Click marker to see an information bubble showing maps available, then click on "order", "download", or add maps your download cart.

View Download Cart

Clear Markers | Reset Map

Hide US Topo

US Topo

MARBLE MOUNTAIN RANCH

POINT OF DIVERSION (POD) = 41° 28' 56.9" N Latitude

123° 29' 45.03" W Longitude

[SUMMARY OF FINAL SUBMITTED VERSION]

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FOR 2012

Primary Owner: DOUGLAS T COLE
Statement Number: S015022
Date Submitted: 2013-07-11

1. Water is used under	Pre-1914 Claim
2. Year of first use	1865

3-4. Maximum Rate of Diversion for each Month and Amount of Water Diverted and Used

Month	Rate of diversion (CFS)	Amount directly diverted or collected to storage (Acre-Feet)	Amount beneficially used (Acre-Feet)
January	178.5	3.5	3.5
February	178.5	3.5	3.5
March	178.5	3.5	3.5
April	178.5	3.5	3.5
May	178.5	3.5	3.5
June	178.5	3	3
July	178.5	2.75	2.75
August	119.01	2.5	2.5
September	119.01	2.5	2.5
October	178.5	3	3
November	178.5	3	3
December	178.5	3.25	3.25
Total		37.5	37.5
Comments			

5. Water Diversion Measurement

a.	Measurement	Water directly diverted and/or diverted to storage was measured
b.	Types of measuring devices used	Other: Swoffer digital flow meter
c.	Additional technology used	Flow Totalizer
	Description of additional technology used	As well as swoffer digital flow meter
d.	Who installed your measuring device(s)	Representative who is American Water Works Association (AWWA)-certified
e.	Make, model number, and last calibration date of your measuring device(s)	Swoffer 2100, last calibrated 5/29/2013
f.	Why direct measurement using a device listed in Section 1 is "not locally cost effective"	
	Explanation of why use of devices and technologies listed in Section 1 are "not locally cost effective"	N/A
g.	Method(s) used as an alternative to direct measurement	
	Explanation of method(s) used as an alternative to direct measurement	N/A

6. Purpose of Use

Irrigation	65 Acres
Stockwatering	25 Head, domestic consumption and power generation

Domestic	30 Average. Peak approx. 500 at fire camps.

7. Changes in Method of Diversion

8. Conservation of Water		
	Are you now employing water conservation efforts?	Yes
a.	Describe any water conservation efforts you have initiated	I. Upon purchase of the ranch in 1994 we changed the business model from a mobile home park twith 57 licensed hook-ups to a guest ranch targeting a guest pop. of about 30 people. The 57 RVs were each impacting ranch infrastructure and consuming water, generating sewage, and needing the limited power available. The smaller guest population, full, service, guests of a dude ranch generate sufficient income with farr less demand onf the resources. 2. Original flood irrigation of agricultural lands has been upgraded to more efficient sprinkler distribution of water. 3. The original gold rush era cast iron pelt on wheel and generator system was upgraded to a more effiecient bronze wheel and modern generator system in 1997. 4. Transport of canal water has been continuously improved as we line the canal with 1/2 culverts in leaky/suspect areas of the canal. This reduces loss of transported water through leakage. 5. An original gold rush era flume has been replaced with a permanent full culvert system also containing a high flow bypass to return excess Winter flows to Stanshaw creek. 6. Ranch buldings have ALL been upgraded and remodeled with duo pane windows, full insulation, fluorescent light fixtures, modern appliances, and current building technology to reduce the power demands of existing buldings. 7. Past grant applications have been made to return unused power plant effluent to the anadramous sections of Stanshaw creek, and we are currently in grant consideration for on-ground water distribution system upgrades - pending acceptance by Cal Fish and Game
	Amount of water conserved	Acre-Feet
b.	I have data to support the above surface water use reductions due to conservation efforts.	Yes

9. Water Quality and Wastewater Reclamation		
a.	Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility, or water polluted by waste to a degree which unreasonably affects such water for other beneficial causes?	No
b.	Amount of reduced diversion	
	Type of substitute water supply	
	Amount of substitute water supply used	
	I have data to support the above surface water use reductions due to the use of a substitute water supply	

10. Conjuctive Use of Surface Water and Groundwater		
a.	Are you now using groundwater in lieu of surface water?	No
	Amount of groundwater used	

b.	I have data to support the above surface water use reductions due to the use of groundwater.	

11a. Additional Remarks

Attachments		
File Name	**Description**	**Size**
No Attachments		

Contact Information of the Person Submitting the Form	
First Name	Douglas
Last Name	Cole
Relation to Water Right	Owner
Has read the form and agrees the information in the report is true to the best of his/her knowledge and belief	Yes