Williams, Jonathan@Waterboards

From: Williams, Jonathan@Waterboards
Sent: Tuesday, January 14, 2014 11:40 AM

To: 'konrad@Klamathriver.org'

Subject: Douglas Cole Attorney (Stoel Rives LLP) Letters

Attachments: 2012-10-2 ltr from SRives.pdf; 2012-11-02 ltr Division to Cole.pdf; 2012-11-29 ltr from

SRives.pdf

Konrad,

Per our conversation earlier, attached is the most recent correspondence the Water Board has had with Douglas Cole's attorney.

Thanks, Jon

Jonathan Williams, Environmental Scientist State Water Resources Control Board Water Rights Division Enforcement, Unit 5 (916) 319-8107



STATE WATER RESOURCES CONTROL BOARD

2012 OCT -2 AM 10: 41

DIV OF WATER RIGHTS SACRAMENTO M. M A029449

> 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

October 1, 2012

VIA E-MAIL AND FIRST-CLASS MAIL

Matt McCarthy
State Water Resources Control Board
Division of Water Rights
1001 I Street, 14th Floor
Sacramento, CA 95814

Re: MMcCarthy: A029449/ Diversion Rights in Stanshaw Creek in Siskiyou County:

63:MC:262.0(47-40-01);A029449

Mr. McCarthy:

Marble Mountain Ranch (the "Ranch"), located in Skiskiyou County, is owned and operated by Douglas and Heidi Cole (the "Coles"). The Coles have diverted water from Stanshaw Creek since purchasing the property in 1994 and continue use the water to support the Ranch. Previously, the Coles have informed staff for the State Water Resources Control Board ("Board") that the right to divert the water is based on their pre-1914 appropriative rights. Accordingly, the Coles are already entitled to divert water from Stanshaw Creek for irrigation and domestic use and hydroelectric production.

Board staff contends that the Coles do not have a valid pre-1914 claim to the water rights because there is insufficient evidence that the diversion of water has been continuously maintained as to the amount diverted since December 19, 1914. (Letter from Board, September 15, 1998.) However, there is no basis for this assertion and the Coles have enclosed evidence of continuous diversion and use of water from Stanshaw Creek since the 1860's.

Moreover, under California Water Code section 1202, the Board has no jurisdiction over Marble Mountain's pre-1914 water rights. Numerous Board water right decisions and orders confirm that the Board has no authority to adjudicate a pre-1914 water right. (See Board Decisions, D934; D1282; D1290; D1324; D1379.) The Board has conceded to this fact in a letter to the Coles dated August 22, 2002, in which Edward C. Anton, Chief of the Division of Water Rights states,



Matt McCarthy October 1, 2012 Page 2

"Regardless of past letters sent by the Division containing estimates of what could be diverted pursuant to a pre-1914 appropriative right claim, the Division has no adjudicatory authority to quantify such a claim. Only the courts can make this determination. ... All available evidence suggests that the diversion and use has been maintained in a diligent and continuous fashion ever since. Consequently, we believe that a court would find that the Coles have a valid claim of a pre-1914 appropriative right to divert water for the full irrigation and domestic uses currently maintained, including reasonable conveyance losses."

Accordingly, the Board's arguments regarding the validity of the Coles pre-1914 appropriative rights are moot and Board staff has no authority to make this determination. Once the claimant of a pre-1914 water rights presents prima facie evidence of the existence of a pre-1914 right, the burden shifts to the petitioner, or in this instance Board staff, to show that the pre-1914 right was lost. Board staff has not met this burden and in fact, the evidence establishes a pre-1914 water right, none of which has been lost or diminished.

Board staff argues that the Coles are limited to 0.49 cubic feet per second (cfs) and relies solely on information obtained in a 1965 bulletin by the Department of Water Resources entitled "Land and Water Use in the Klamath River Hydrographic Unit" (Bulletin No. 94-6). Bulletin 94-6 identifies the total amount diverted for irrigation, domestic, stockwatering, and power production of 362 acre-feet, annually. Board staff further states that the information was confirmed by Mr. Marvin Goss, Forest Service Hydrologist, who lived on the property under prior ownership. Mr. Goss inappropriately claimed the flow capacity of the ditch to be 1.25 cfs, limited by a low point in the channel and that water had been used at a rate of 0.49 cfs for many years.

There is no sound evidence which demonstrates the Department of Water Resources' basis for the total amount of diverted water. In addition, the information documented by Mr. Goss is insufficient. His reading was based on a one-time analysis during a relatively dry season, using a leaf to measure the water flow. It is also well-known in the community that Mr. Goss had a contentious relationship with Lue and Agnes Hayes, the owners of the property at the time of Mr. Goss' reading. That fact, in conjunction with historic canal dimensions and the vast use of water at that time, dispute Mr. Goss' reading. The enclosed details the history of use which evidence prior use of at least 3.6 cfs from Stanshaw Creek (see Attachment A, "Summary of Continuous Water Use at Marble Mountain Ranch"). Furthermore, the Board has previously determined that



Matt McCarthy October 1, 2012 Page 3

evidence introduced in support of a pre-1914 water right must be considered in the light most favorable to the claimant. (Board Order No. WR 95-10.)

It is also established in common law that the quantity of water to which an appropriator is entitled is determined by quantifying the maximum amount of water reasonably and beneficially used by the appropriator within the five previous calendar years. (*Smith v. Hawkins* (1898) 120 Cal. 86, 87.) The Coles have presented evidence that their use of water from Stanshaw Creek amounts to 3.6 cfs over the past five years, consistent with the amount of water diverted and put to use under previous Ranch ownership.

On these bases, the Coles have the right to divert water from Stanshaw Creek for all their irrigation and domestic consumption as well as hydroelectric power production at a minimum of 3.6 cfs. If you have any questions please contact me at 916-447-0700.

Best regards

Barbara A. Brenner

Counsel for Marble Mountain Ranch

BB:jhc Enclosure

cc: Phillip Crader

Doug and Heidi Cole

Attachment A Summary of Continuous Water Use At Marble Mountain Ranch

In 1867, the United States of America granted a parcel located in Dillon's Township, Klamath County, California to Samuel Stanshaw who hired Chinese laborers to dig canals on the parcel of land that measured approximately 3.5 feet deep, 2 feet across the bottom, and 10 feet across the top, creating a cross section of 21 feet. (See Sean Bagheban, P.E.) In 1867, Samuel Stanshaw filed a claim for water rights amounting to 600 inches to be used for a gold mining operation and irrigation purposes on several areas of the Stanshaw property, including what is now known as the Marble Mountain Ranch. (Water Notice recorded March 25, 1867 in Book of Mining Claims 232 at Page 397.) Samuel Stanshaw hired 600 miners to mine for gold and created a community for the miners to work and live on the ranch with their families. In 1870, the mining rights were leased to Bow & Company, certain "Chinamen" to take gold ore from the Stanshaw Mining Company who also mined for gold. A requirement under the mining lease was that Bow & Company purchase their eggs from the ranch operating at the Stanshaw Mining Company. Commencing in 1867 water was diverted from Stanshaw Creek to Marble Mountain for reasonable and beneficial use.

In 1911, Samuel Stanshaw patented his mining claim which granted water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with those water rights. This patent granted him the pre-1914 appropriative water rights that continued to be diverted and put to use at Marble Mountain. Commencing in 1911 approximately 15 cubic feet per second (cfs) of water from Stanshaw Creek was diverted to Marble Mountain.

During this time, the State commenced construction of State Highway 96 and the construction crew lived on the site while the mining, ranching and domestic operations were ongoing. Each of these operations relied on Samuel Stanshaw's appropriative water rights until 1922 when the Stanshaw mine/homestead ranch was sold to Guy McMurtry, a state road engineer. Mr. McMurtry was assigned by the State to complete construction of the last unfinished section of Highway 96, between Orleans and Happy Camp. The water distribution system on Marble Mountain Ranch was utilized to support the construction work and soon, Mr. McMurtry built additional housing for these crew members and their families. The Stanshaw Creek pre-1914 water diversion was continuously relied upon and was the sole source of water for all water demands at the ranch.

The population burst prompted the State to build a school on site to service the children of all the people living on the ranch. The first school was a log building with one classroom, situated over Stanshaw Creek. In 1935 the County Superintendent of Schools in Siskiyou County determined that the one room classroom was insufficient to support the 52 children and made arrangements to construct a supporting school house adjacent to Marble Mountain Ranch. The new school house included bathrooms, a kitchen, dining room, and housing for the two teachers on site.

Meanwhile, Mr. McMurtry operated a dairy farm and provided milk and milk delivery services to the community on the ranch. There is some testimony by past residents and locals of a DC powered light system being used to illuminate/heat the main ranch house and the hen house on the ranch then owned by McMurtry. Further evidence of a DC hydroelectric power system is the remnant abandoned penstock system leading to the current powerhouse location and the knob and post electrical remnants removed from the original ranch house during renovations by the Coles in 2006. A single ditch line carrying approximately 4 cfs provide adequate sufficient water for all domestic and agricultural water uses. Although the original mining operation had ceased, the property still demanded water for the agricultural operations and domestic consumption by the residents and school. At this time the water was also used to generate power and the hydropower was and remains as the sole source of power generation.

The McMurtry's utilized the ditch for domestic consumption, as well as agricultural purposes to raise hay, fetch, vegetable garden, and the dairy farm until 1958 when it was sold to Lue and Agnes Hayes. The Hayes operated a cattle ranch with one hundred cattle from 1958 to 1994. The ranch sustained 16 homes and outbuildings and housed State road workers, United States Forest Service employees and transient recreational fisherman. The ditch lines and foundational domestic/agricultural water lines that are in place today were the same lines that existed when the Hayes' purchased the property. The lines carried approximately 4 cfs and supported all the people living on the ranch at that time, the cattle ranch operation and continued agricultural production.

The Hayes' continued to use the water for domestic consumption to support the many residents on the property. In addition, they irrigated hay and alfalfa pastures by turning out water from the ditch in various places and flooding the pastures. Some of the diverted water was returned to Stanshaw Creek. The dimensions of the ditch remained the same from the time the Hayes' purchased the property to the time the Ranch was sold to the Cole's. The Hayes also operated a pelton wheel generator for electricity, still in use today. The wheel generator was a 4 inch line, then increased to a 14 inch line utilized to create electricity for the occupants on the Ranch.

After diverted water was funneled into the domestic water line and hydropower penstock, remaining flows and power plant effluent continued through the lower elevation canals and were diverted at appropriate spots to flood irrigate alfalfa hay pastures, vegetable gardens, fruit trees, and lawns. Per Lue Hayes, there were times in his ownership that virtually every available bit of Stanshaw Creek water was diverted into the canals and used in power generation and irrigation of crops at the ranch. During the Hayes family occupation, the power plant was upgraded to a facility that produced about 40 KW of AC power that was needed for an increasing ranch residency population.

During these years, the Hayes' family maintained the ditch to ensure that any gravel and silt that settled in the ditch was excavated and the flume was kept in good condition particularly because the wood would deteriorate and branches would clog the flume. The Hayes family removed redwood plank ditch linings that had rotted in various places in the canal system and maintained and replaced a wooden flume section at various times during their occupation of the

ranch. The agricultural uses of the ranch continued through the Hayes family era with flood irrigation as the primary agricultural water distribution system.

The Hayes' measurement of the ditch at that time ranged from 2 -1/2 feet to 5 feet wide and from 2-1/2 feet to 1-1/2 feet deep, depending on the water flow. The abandoned ditch, which has now been inactive for approximately 140 years, is the same size as the original ditch in use today. The ranch was then sold to the Young family in 1972 when the Young's licensed the ranch as a state licensed mobile home/RV park with a permitted capacity of 57 mobile home hook-ups. The continuing rental of the 10 previously constructed cabins and three homes also added to the ranch population. Much of the water use was directed at domestic consumption and power generation to support ranch residents. However, the ranch still sustained alfalfa pastures, fruit and nut orchards, and large vegetable gardens.

The Young's Ranch Resort had a resident population between 100 - 200 persons consuming ranch water and hydroelectric power. Past Young's ranch visitors returning to Marble Mountain ranch recant stories of Young's ranch management needing to patrol the ranch routinely to chastise those ranch residents using more than their allotted share of power and water during low Stanshaw Creek stream flow periods during the summer months. Again, during this period, the original Stanshaw Creek canal system carried water at full capacity during periods of available flow, and carried nearly all of Stanshaw Creek flows during periods of diminished low Summer flows.

When the Cole family purchased the ranch in 1994, the infrastructure load requirements for power production and consumption were beyond the capacity of the ranch in the Cole's estimation. A change in business model was implemented at this time to reduce the ranch residency to a smaller population by targeting short term residents on a full service recreational visit. The target guest population now at Marble Mountain Ranch is 30 – 35 visitors on a full service short term guest ranch visit. Guided rafting, fly fishing, trail rides and other recreational activities along with food/meal service provide higher income returns per resident with fewer residents on location to deplete power and water resources. Additional water distribution improvements have been implemented by switching the agricultural uses from flood irrigation to sprinkler irrigated pastures, drip irrigated gardens and by installing culverts in the canal systems to reduce seepage of captured water. Additionally, the hydroelectric power plant was upgraded in 1997 to allow for more efficient power production with available Stanshaw Creek stream flows. Ongoing efforts to improve efficiency of Stanshaw Creek water and reduce demand include grant applications for canal system piping/culverting, and power plant upgrades.

Marble Mountain Ranch, since the Cole's ownership, has beneficially used approximately 4 cfs maintained by the Marble Mountain Ranch predecessors and current occupants. There has been no 5 year continuous lapse of water transport, or truncated use (despite seasonal variations in flow), that might suggest a diminished capacity. In fact, the historical growth and development of the ranch operations over 150 years speaks to the undeniable maintenance of the canal systems and beneficial use of all water diverted from Stanshaw Creek.





State Water Resources Control Board

NOV 0.2 2012

In Reply Refer to: MJM:A029449

Marble Mountain Ranch c/o Ms. Barbara Brenner Stoel Rives LLP 500 Capitol Mall, Suite 1600 Sacramento, CA 95814

Dear Ms. Brenner:

APPLICATION 29449 OF DOUGLAS COLE, ET AL., STANSHAW CREEK TRIBUTARY TO KLAMATH RIVER IN SISKIYOU COUNTY

By letter dated March 30, 2012, State Water Resources Control Board (State Water Board), Division of Water Rights (Division) staff requested that Douglas Cole (Applicant) provide a plan within sixty days to supply information necessary to document compliance with Water Code section 1275, subdivision (b). This information is necessary in order to continue processing Application 29449.

By letter dated May 29, 2012, you requested additional time to gather information about the Applicant's claim of pre-1914 right. Division staff granted your request. In your letter, however, you indicated that it had become apparent that the Applicant holds a valid pre-1914 water right that would negate the need for Application 29449.

By letter dated October 1, 2012, you provided information regarding the Applicant's claim of pre-1914 right. In the letter, you state that the State Water Board has no authority to adjudicate a pre-1914 right and thus has no jurisdiction over the Applicant's pre-1914 claim of right.

Pre-1914 Claim and Statement Requirements

The Applicant filed Statement of Water Diversion and Use (Statement) No. 15022 with the Division on December 1, 1998. According to Division files, no Supplemental Statements have been filed pursuant to Water Code section 5104, subdivision (a). Consequently, Statement No. 15022 is inactive in the Division's records. In your October 1, 2012 letter, you indicate that the Applicant has made continuous use of water pursuant to their pre-1914 claim of right.

With limited exceptions, Water Code section 5101 requires that a Statement be filed for a diversion not covered by a permit or license. After an Initial Statement is filed, Water Code section 5104 requires Supplemental Statements to be filed at three-year intervals. Water Code section 5107, subdivision (c)(1) provides that the State Water Board may impose a civil liability of \$1,000, plus \$500 per day for each additional day on which the violation continues if the person fails to file a

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

Statement within 30 days after the State Water Board has called the violation to the attention of that person. These penalties are in addition to any penalties that may be imposed if the diverter does not hold a valid right or diverts in excess of what is authorized under that right. This letter serves as your notice of the Statement requirement and potential penalty. You should immediately file a new Statement, or contact Mr. Bob Rinker to see if Statement No. 15022 can be reactivated so you can file online Supplemental Statements. Mr. Rinker can be reached at (916)-322-3143 or by email at rrinker@waterboards.ca.gov.

Request for Information

In the Division's March 30, 2012 letter, the Division threatened cancellation of Application 29449, pursuant to Water Code section 1276, if the requested information was not received within the time period specified. To date, the Division has not received the requested information. If the Division does not receive the requested information within 30 days of the date of this letter, Application 29449 will be cancelled.

Matt McCarthy is the staff person presently assigned to this matter, and he may be contacted at (916) 341-5310 or mmccarthy@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board; Division of Water Rights; Attn: Matt McCarthy; P.O. Box 2000; Sacramento, CA 95812-2000.

Sincerely,

Phillip Crader, Manager Permitting and Licensing Section

Division of Water Rights

cc: Marble Mountain Ranch

c/o Douglas Cole 92529 Highway 96 Somes Bar, CA 95568

ec: State Water Resources Control Board

Matthew McCarthy

mmccarthy@waterboards.ca.gov

John O'Hagan johagan@waterboards.ca.gov

Taro Murano tmurano@waterboards.ca.gov

Bob Rinker rrinker@waterboards.ca.gov

ec: Continues on next page.

NOV 0 2 2012

Department of Fish and Game ec: Jane Vorpagel

jvorpage@dfg.ca.gov

National Marine Fisheries Service Margaret Tauzer margaret.tauzer@noaa.gov



SOO Capitol Mall, Suite 1600 Sacramento, California 95814 main 916-447-0700 fax 916-447-4781 www.slocl.com

November 29, 2012

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

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.



Attn: Mr. Bob Rinker November 29, 2012

Page 2

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.



Attn: Mr. Bob Rinker November 29, 2012

Page 3

- 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,

cc:

Darbara A. Dicinici

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. Claims nt Information (required)					
Claimant Name(s): DouglasT. Cole, Heidi A. Cole, Norr	nan D. Cole, Carol	yn T. Co	ole		
Mailing Address 92520 Hwy 96	Som	City es Bar,	State	Zip 95568	
Phone Number 530-469-3322			ddress (if avai anch@mar	able) blemountainranch.com	
Agent Name (if applicable) DouglasT. Cole				-	
Mailing Address 92520 Hwy 96	Som	City es Bar,	State CA	Zip 95568	
Phone Number 530-469-3322			ddress (if avai	able) blemountainranch.com	
Land Owner Name (if different from claimant)					
Mailing Address		City	State	Zip	
B. T ype of Claim			HOUSE.	THE RESERVE OF THE PARTY OF THE	
Check the box(es) which describe the type of	claim(s) under which you	are divert	ing water.	-	
Riparian Pre-	1914	Court Dec	Pending Appropriative Application		
If you checked yes for Court Decree or Pendin	g Appropriative Applicati	ion, list the	decree numb	er or application ID:	
C. Water Course Description (required)		7 7 3 3			-
Source Name at the point of diversion		Tributary	/ to		
Stanshaw Creek			ath River		
D. Legal Land Description (required)			Transition of the last of the		
Provide the location of the Point of Diversion u	sing one of the following	methods	check one bo	and enter coordinates, if applicable).	
✓ Latitude/Longitude Measurements:	Latitude: 41.47276	60/Long	itude: -123	3.503764	
California Coordinate System (NAD	1983):				
USGS Topographic Map with point of	of diversion labeled on m	ap (if chec	ked ves. pleas	e attach map)	
977 Z 37 W 2 27		- A - SI	81 2021		
County (required) Siskiyou	Assessor's Parcel Num	ber(s), if a	ssigned		
Provide Public Land Description to nearest 40	acres (if assigned)				
SW % of the NW % of Section 33	Township 13	N	Range 6E	, _{B&M} <u>H</u>	
E. Place of Use Description (required)	KING THE THE				
Provide a general description of the area in whose attached	ich the water was used.				
Provide an outline of the Place of Use using or	ne or both of the following	g methods	(check box in	dicating each map attached)	
USGS Topographic map			County Asse	ssor's parcel map	
F. Purpose of Use Description (required)					
Provide a listing of use types (see instructions Power generation, domestic use, irr			protection	in-stream flow fish passage	
Number of Acres (if applicable) Approx. 65 acres	Persons Served (if a 30 Average Peak a	pplicable)		Stock Watered (if applicable)	

CONTINUE TO PAGE 2

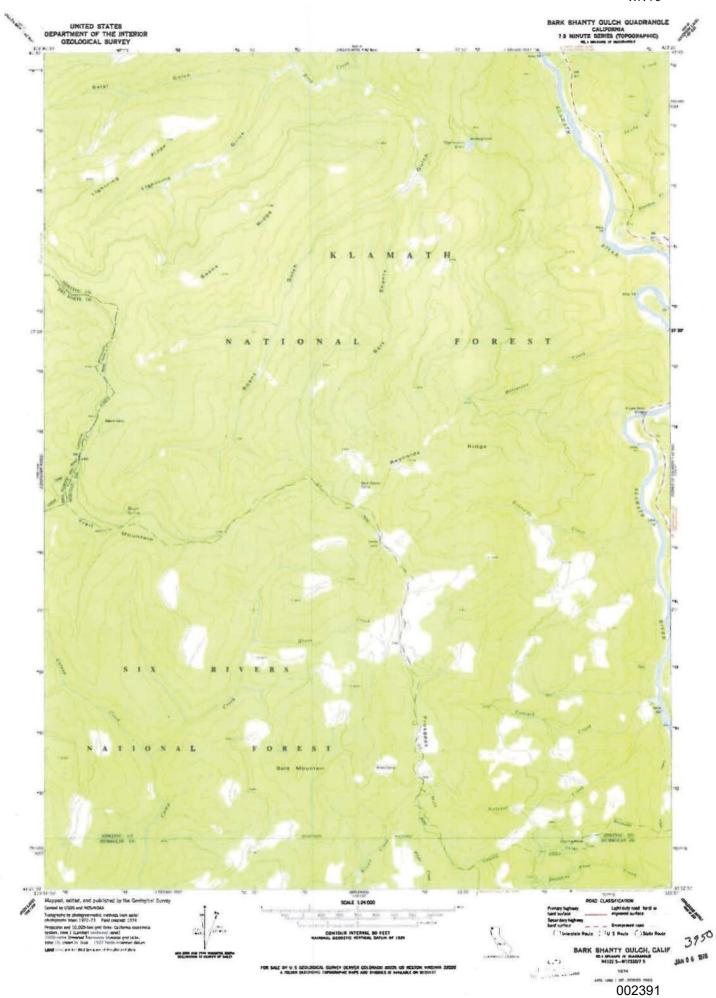
Additional copies of this form, instructions on how to complete this form and water right information can be obtained at http://www.waterboards.ca.gov/waterrights/water issues/programs/diversion use/. This form version will expire on 12/31/2012.

G. Diver	sion Work	s Descripti	on (requi	red)											
Name of Diversion Works, if named. Stanshaw Memorial Canal								Year in which diversion commenced (or specify nearest known year)							
List any	related exis	iting water i	rights, if ap	plicable (fo	or example	е, ап аррг	oprlative	right	using the s	ame di	version wo	rks).	(9.		
- 1	Diversion F	_	ct one) Creek Pun	np		Well Pum	p		Othe	r (plear	se specify)	:			
Method of Measurement: Weir (check one box)				P	Flume Estimate			Inline Flow Meter Other (please specify):							
Capacity of Diversion Works (specify unit of measure) Capacity of Storage Tank or Reservoir (if applicable) Gallons Capacity of Storage Tank or Reservoir (if applicable) Gallons															
H. Quantity of Water Diverted (Required - If amounts are available, list below - otherwise check months in which diversion occurred)											rred)				
Provide the quantity of water diverted each month in the table below as measured in (check one box) Gallons Acre-feet											e-feet				
2012	178.5	178.5	178.5	178.5	178.5	178.5	178	3.5	A48.01	19.0	1 78.5	178.5	78.5	* 2023.0	
	t Water Us					2-17	12								
Provide the annual water use in recent years: Maximum 2					Con mark	Assessment and the second and the second			Gallons Acre-feet				et		
See attached 1,9						um _1,90	33.53	Gallons Acre				Acre-fe	et		
	num Rate						2002					- ·			
100	ole, provide	-	1									cfs			
2012	3 ^{lan}	3 ^{Feb}	3 ^{Mar}	3 ^{Apr}	3 ^{May}	31	חו	3 ^{lul}	2 ^{Aug}		Sept 2	3°	Nov	3gc	
K. Misc	ellaneous \	Nater Use	(answer o	nly sectio	ns applic	able to y	our dive	rsion)						
	onservation YES	: Are you c		nploying ar O	ny method	is of wate	r conser	vation	7						
If yes, do See at	escribe any tached	water cons	ervation e	fforts in cu	rrent use.	2					*				
Water Q desalina	tuality and Vition facility YES	Vastewater or water po	lluted by w	ion: Are yo vaste to a c	ou now or legree tha	have you it unreaso	been us nabily af	ing re Tects s	claimed wa such water	iter fron for othe	n a wastew er beneficia	vater treatm il uses?	nent facility,		
Conjunc	YES	surface wat		undwater: NO	Are you u	sing grou	ndwater	in lieu	of surface	water?					
L. Certif	fication of	Statement	(required)								110000				
I declare	under pen	alty of perju	ry that the	informatio	n in this s	tatement	of water	divers	sion and us	e is true	to the be	st of my kn	owledge an	d belief.	
"DATE:	1428	12012		at	51	ski	bunty)				, Ca	ilifomia			
*SIGNA	TURE:	No	1981	7	ele										
PRINTED NAME: Douglas T. (DIP (find name) (middle initial) (last name)															
COMPANY NAME: Marke 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

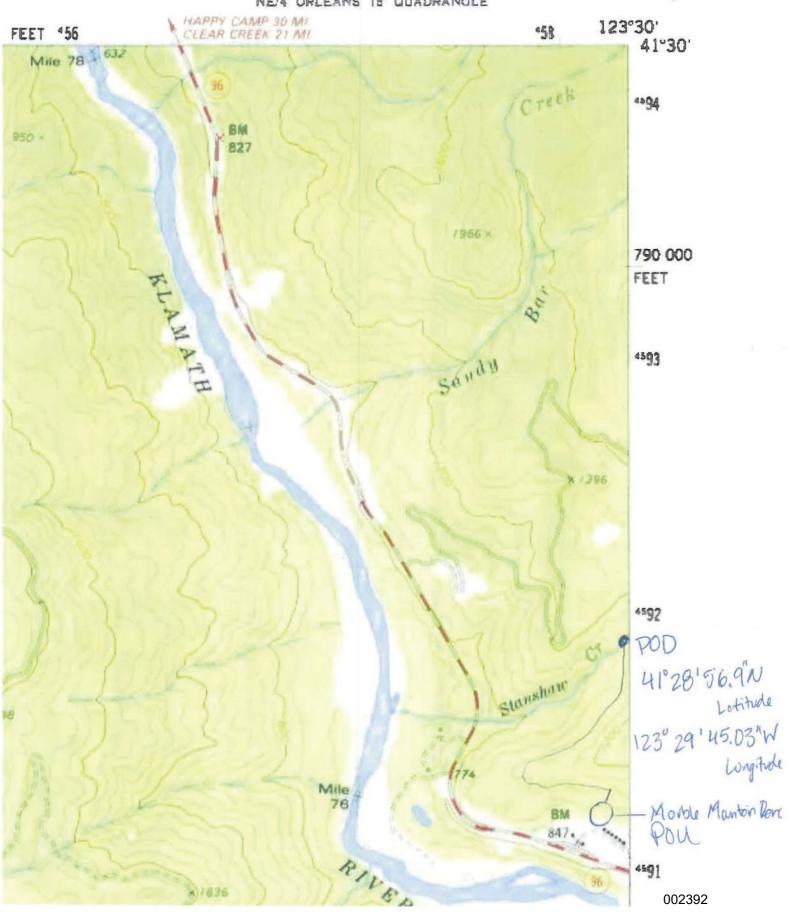
Additional copies of this form, instructions on how to complete this form and water right information can be obtained at http://www.wateroords.ca.gov/vaterrights/vater issues/programs/diversion use/. This form version will expire on 12/31/2012.



BARK SHANTY GULCH QUADRANGLE CALIFORNIA

7.5 MINUTE SERIES (TOPOGRAPHIC)

NE/4 ORLEANS IS QUADRANGLE



WR-73
WR-73
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WR-73
WR-73
WR-73

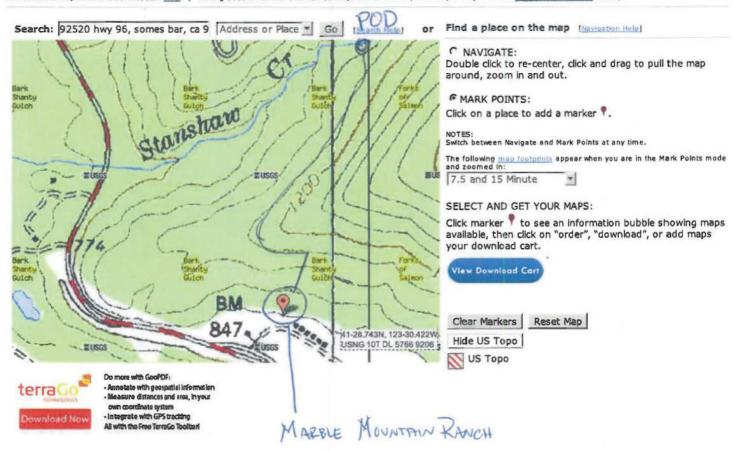
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Page Last Modified: May 17, 2012

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

123° 29' 45.03" W

Longitude