



State

DWR Prosecuting Team  
Exhibit 15

Board



Terry Tamminen  
Secretary for  
Environmental  
Protection

1001 I Street, 14<sup>th</sup> Floor • Sacramento, California 95814 • (916) 341-5363  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • Web Site Address: <http://www.waterrights.ca.gov>

Arnold Schwarzenegger  
Governor

NOV 16 2004

In Reply Refer to:  
KDM:A26306 & A26307

CERTIFIED MAIL

Emerson Investment Inc.  
c/o Jack Frost  
P.O. Box 496014  
Redding, CA 96049-6014

7001 0320 0001 1830 8752

Dear Mr. Frost:

PERMITS 19164 AND 19165 (APPLICATIONS 26306 AND 26307) – SHASTA RIVER IN SISKIYOU COUNTY

The Division of Water Rights (Division) has been processing the petitions for extension of time for Permits 19164 and 19165. Division staff requested, by letter dated February 18, 2004, that you take the following steps in order for the Division to continue processing the petitions.

- Respond to the Department of Fish and Game (DFG) protest regarding potential impacts to coho salmon, a federally threatened and State candidate species. The Division requested that you submit a response to the protest by March 20, 2004.
- Based on statements of the Watermaster, Keith Dick, there has been no water available for use under Permits 19164 and 19165 since there has not been any water surplus to the Shasta River adjudication rights in the last few years. Thus Division staff requested that you document the frequency when water is available to serve these permits, and the months when water is available in order to document that there is sufficient water available to warrant granting a time extension. If there is no water available to serve the permits or for any increase in diversions pursuant to the petitions, it appears that you cannot show good cause for a time extension pursuant to Title 23, California Code of Regulations, section 681. The Division requested that you submit a response to this issue by March 20, 2004.

You responded to the Division's inquiry by letter dated March 22, 2004, advising the Division that you planned to meet with DFG staff onsite. It is my understanding that the onsite meeting was held, but no agreements regarding protest resolution resulted from the meeting.

The Division has not yet received your written response to the DFG protest, or the water availability information. As noted in the Division's February 18 letter, failure to provide an adequate response to the identified issues in a timely manner may result in cancellation of your petitions. If the petitions are cancelled, the Division may issue a Notice of Proposed Revocation of Permits 19164 and 19165 due to non-use.

California Environmental Protection Agency

SURNAME

KDM 11-15-04

Emerson Investment Inc.  
Mr. Jack Frost

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Division staff will initiate petition cancellation if an adequate written response is not received within 15 days of receipt of this letter.

If you require further assistance, I can be contacted at (916) 341-5363.

Sincerely,

ORIGINAL SIGNED BY

Katherine Mrowka, Chief  
Watershed Unit #3

cc: Regional Manager  
Department of Fish and Game  
Northern Calif.-North Coast Region  
601 Locust Street  
Redding, CA 96001

Ms. Jane Vorpapel  
Department of Fish and Game  
601 Locust Street  
Redding, CA 96001

bcc: RAS, AM

KMrowka\  
U:\Perdrv\Kathy Mrowka\26306-emerson

PS Form 3800, January 2001 (Reverse) 102595-01-M-1049

**IMPORTANT: Save this receipt and present it when making an inquiry.**

- Certified Mail Provides:
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