

# State Water Resources Control Board

WR-45  
FILE  
29449

## CONTACT REPORT DIVISION OF WATER RIGHTS

**SUBJECT:** Application 29449

**DATE:** 11/14/00

**TIME:** 15:00

**DIVISION PERSONNEL:** Robert E. Miller, EAS

**INDIVIDUAL (S) / AGENCY CONTACTED:** Brian Boyd  
DFG Game Warden

**TELEPHONE NUMBER:** Office (530)493-2030; Cell (530)598-1706

### CONVERSATION DESCRIPTION:

BB returned my call from earlier today. I asked if he was the warden that went out to Cole's to make the diversion structure passable to fish. He said that he was; he went to the diversion, made it passable to fish, then cited Cole under the authority of Fish and Game Code sections 1603 and 5901. I asked if the water level dropped in the diversion ditch after doing so and BB said it dropped about an inch.. BB also said that Cole's hydroplant was not operating, and that BB's work on the diversion would not have lessened the flow so much as to make the hydroplant inoperable. It should be noted here that no one has yet been out to the Cole property when his hydroplant was operating. BB mentioned that Cole became irate after receiving the citation and mentioned to BB that he has the appropriate water rights [I told BB that he has not yet secured his right]. BB told Cole that he is not concerned with water rights, since that does not pertain to the Fish and Game Code.

SURNAME	REM 11-15-00			
---------	--------------	--	--	--