29449
WR SURNAME

# State Water Resources Control Board


**Division of Water Rights**
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**Winston H. Hickox**
*Secretary for Environmental Protection*

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*Governor*


*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov.*

JUN 22 2001

Mr. Konrad Fisher
3210 Klingle Road NW
Washington D.C. 20008

Dear Mr. Fisher:

APPLICATION 29449 OF DOUG COLE ET. AL. TO DIVERT 3.0 CUBIC FEET PER SECOND (CFS) OF WATER FROM STANSHAW CREEK TRIBUTARY TO KLAMATH RIVER IN SISKIYOU COUNTY FOR GENERATION OF 33.9 KILOWATTS OF ELECTRICITY

Per our phone conversation on 21 June, 2001, I have enclosed text, tables, and a map from the May, 1965 bulletin authored by the Department of Water Resources (DWR) entitled "Land and Water Use in the Klamath River Hydrographic Unit" (Bulletin No. 94-6) that is pertinent to the above mentioned application. As you will see in Table 4 on page 58 of the copied report, the type of apparent water right is incorrectly listed as riparian. Page 31 states, "Those [diversions] which have been neither adjudicated nor based on appropriations [water right applications or pre-1914 appropriations], but for which the area of use is apparently riparian to the streams or which the owner claims to be riparian are listed as 'riparian.' " Either DWR incorrectly came to this conclusion or the owner incorrectly stated that it was a riparian right. It is interesting here to note that neither the owner at the time, L.H. Hayes, nor the previous owner, McMertree, listed this right as a pre-1914 appropriation even though the indicated date of first use on the table is "About 1800."

As you will also see in the enclosures, 362 acre-feet (af) was ***measured*** at the nozzle in 1958; this would be the amount of water that was put to beneficial use. This calculates to a daily average beneficial use of:

362 af/yr ÷ 365 days/yr = 0.99 af/day
0.99 af/day ÷ 1.98 af/day/cfs = **0.50 cfs**

Average instantaneous flow per month could also be calculated using data from Table 5. Small domestic use is not calculated in this figure, although that would be negligible at less than 10 af/yr. I also assume that seepage losses are not figured into this since this is measured at the nozzle rather than the point of diversion, but I would not expect seepage losses to nearly approach 2.5 cfs.

Please also note that: 1) 1958 was an "unusually wet year," with Klamath River flows nearly double that of the average annual flow, and 2) 6 kilowatts of electricity were generated by the diversion in question. Hence, an average rate of 0.5 cfs through the nozzle was probably all that was needed to generate 6 kilowatts, and this lower rate was not the result of low flows available for diversion from Stanshaw Creek.

If I can be of further assistance, please call me at (916) 341-5392.

Sincerely,

ORIGINAL SIGNED BY:

Robert E. Miller
Environmental Specialist II
Environmental Review Unit 2

Enclosures

bc: MC

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