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May 29, 2012

VIA EMAIL AND REGULAR MAIL

State Water Resources Control Board
Division of Water Rights
Attn: Matt McCarthy
P.O. Box 2000
Sacramento, CA 95812-2000

**Re: MMcCarthy: A029449; Application 29449 of Douglas Cole, et al.; Stanshaw Creek
Tributary to Klamath River in Siskiyou County**

Dear Mr. McCarthy:

Please consider this formal request for an extension of four (4) months for further pursuit of Mr. Doug Cole's Statement of Water Diversion and Use Application A029449.

I have been retained by Mr. Cole to assist in securing his right to divert water from Stanshaw Creek. In my efforts to assist Mr. Cole, it has become apparent that he holds a valid pre-1914 water right on which he can likely rely instead of pursuing this Application which was filed by his predecessor in interest.

Mr. Cole has been diligently working with the California Department of Fish and Game and National Marine Fisheries Service staff to develop means to return the water he diverts for hydropower back to Stanshaw Creek, thereby avoiding fishery impacts. A grant application has also been submitted to provide funding that will assist in determining the feasibility of Mr. Cole's proposal to return water back to Stanshaw Creek. Mr. Cole is committed to addressing the concerns raised by the fishery agencies and resolving such concerns in a mutually beneficial arrangement.

In an effort to establish Mr. Cole's pre-1914 appropriative rights, he has contacted previous owners of the property to prove continuous water diversion and use on the property over the past



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100 years. He has collected historical aerial photographs of the ranch evidencing continued use and obtained records from the U.S. Forest Service relevant to his water diversion. However, access to landowners who have passed away and documents which are difficult to locate have complicated Mr. Cole's efforts. Therefore, we request that you grant a four (4) month extension to either pursue his Application or withdraw the Application and rely on his pre-1914 water right.

Please feel free to contact me with any questions.

Thank you,



Barbara A. Brenner

BB:jhc

cc: Douglas Cole
Phillip Crader