

State Water Resources Control Board

JAN 07 2013

In Reply Refer to:
MJM:29449

CERTIFIED MAIL

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

Dear Ms. Brenner:

ORDER CANCELING APPLICATION 29449, STANSHAW CREEK IN SISKIYOU COUNTY

The Division of Water Rights is canceling Application 29449, due to failure to submit information requested by the Division. An order canceling the application is enclosed.

The order can also be viewed at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/compliance/revocations/

If you disagree with the enclosed order, you may file a petition for reconsideration with the State Water Resources Control Board (State Water Board) to set aside the cancellation and reinstate the application in accordance with California Code of Regulations, title 23, sections 768 and 769. Section 768 requires that the petition be submitted within 30 days of the date of the order, and be based on one or more of the causes listed in that section. The petition must contain the information required by section 769.

It is your responsibility to remove or modify diversion works or impoundments to ensure that water subject to this cancellation is not diverted and used. Unauthorized diversion and use of water is considered a trespass and subject to enforcement action under Water Code sections 1052 and 1831. Pursuant to Water Code section 1052, any diversion of water from the point of diversion identified in this application may be subject to Administrative Civil Liability of up to \$500 per day without further notice. The State Water Board also may issue a Cease and Desist Order in response to an unauthorized diversion or threatened unauthorized diversion pursuant to Water Code section 1831.

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

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov



Marble Mountain Ranch
c/o Ms. Barbara Brenner

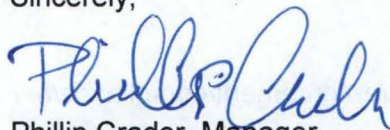
- 2 -

Before initiating any work in a stream channel, you should consult with the Department of Fish and Game and the Regional Water Quality Control Board to ensure that removal of project facilities does not adversely affect a fishery or result in unregulated sediment discharge to a waterway. You must also consult the Department of Water Resources, Division of Safety of Dams if a jurisdictional size dam will be removed or breached (dam height 25 feet or more, or reservoir volume 50 acre-feet or more). These agencies may require a permit or other approval prior to any construction activity.

Some diverters claim rights to divert independent of a permit, license, registration or certification issued by the State Water Board, such as diversions under riparian or pre-1914 rights. With limited exceptions, Water Code section 5101 requires that a Statement of Water Diversion and Use be filed for these diversions. Water Code section 5107 (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 statement within 30 days after the 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.

If you require further assistance, please contact Matt McCarthy 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

Enclosure

cc (certified w/enclosure): Douglas Cole, et al.
92520 Highway 96
Somes Bar, CA 95568

cc (w/o enclosure): T. James Fisher, et al.
100 Tomorrow Rd
Somes Bar, CA 95568

Konrad Fisher
100 Tomorrow Rd
Somes Bar, CA 95568

California Sportfishing Protection Alliance
1608 Francisco Street
Berkeley, CA 94703

Klamath National Forest
Ukonom Ranger District
c/o Mr. Jon Grunbaum
P.O. Drawer 410
Orleans, CA 95556

ec (w/o enclosure): State Water Resources Control Board
Taro Murano
tmurano@waterboards.ca.gov

Regional Water Quality Control Board
Bryan McFadin
bmcfadin@waterboards.ca.gov

Department of Fish and Game
Jane Vorpapel
jvorpapel@dfg.ca.gov

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