
State Water Resources Control Board

STATUS CONFERENCE RULING

In the matter of the pending proceeding
before the State Water Resources Control Board
Administrative Hearings Office
regarding alleged waste, unreasonable use,
unreasonable method of use,
and unreasonable method of diversion of water by

Douglas and Heidi Cole and Marble Mountain Ranch

from Stanshaw Creek in Siskiyou County.

TO ALL PARTIES:

BACKGROUND

Douglas and Heidi Cole (Respondents) own and operate Marble Mountain Ranch, a commercial guest ranch located near Somes Bar in Siskiyou County. Respondents divert surface water for ranch operations at a single point of diversion on Stanshaw Creek, a tributary to the Klamath River. Respondents divert up to 3 cubic feet per second (cfd) under a pre-1914 claim of right reported under Statements of Diversion and Use S015022 and S016375, and up to 10 acre-feet per year reported under Small Domestic Use Registration D030945.

On August 30, 2016, the Division issued a draft order (2016 Draft Order) to the Respondents containing: (1) conclusions that Respondents' diversions constitute waste, unreasonable use, unreasonable method of use, and unreasonable method of diversion of water, (2) conclusions that Respondents' diversions cause unreasonable harm to public trust resources, and (3) corrective actions with interim and final implementation deadlines.

The State Water Board held public hearing on the draft order on November 13 through 16, 2017. On December 9, 2021, Eileen Sobeck, Executive Director of the State Water Board, assigned this matter to the Administrative Hearings Office (AHO) for further proceedings, including preparation of a proposed order and transmittal of it to the Board of the Board's consideration. The AHO held a status conference in this matter on February 2, 2023.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

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Based on the status conference statements filed by the parties and discussion during the February 2 status conference, the hearing officer directs the following actions:

1. The Prosecution Team and the Respondent shall meet and confer about the status of corrective actions identified in “Table 4: Time Schedule and Tasks” on page 22 of the 2016 Draft Order.
2. The Prosecution Team shall contact the North Coast Regional Water Quality Control Board (Regional Water Board) to obtain current information about the status of corrective actions directed by the Regional Water Board in the cleanup and abatement order that it issued to the Respondent on August 4, 2016 (2016 Cleanup and Abatement Order).
3. The Prosecution Team shall submit to the AHO by **April 3, 2023, at 12:00 p.m.**, a revised version of “Table 4: Time Schedule and Tasks” (Table 4) that it proposes to be included in any final order adopted by the Board. Revisions to Table 4 should include updated deadlines for the listed corrective actions and any revisions to the corrective actions that the Prosecution Team believes are appropriate based on new information, information received from the Regional Water Board about the actions directed in the 2016 Cleanup and Abatement Order, or negotiations with the Respondent.
4. The Respondent or any other party may submit to the AHO any comments on the revised version of Table 4 submitted by the Prosecution Team, by **May 3, 2023, at 12:00 p.m.**

February 21, 2023

/s/ Nicole Kuenzi
Nicole Kuenzi
Presiding Hearing Officer

Enclosures:
- Service List

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