

J-16

PETITION FOR INSTREAM FLOW DEDICATION
 (WATER CODE 1707)

DIVISION OF WATER RIGHTS
SACRAMENTO

This type of petition is only for projects to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See Water Code section 1707).

Application _____ Permit _____ License _____ Statement* X SEE ATTACHMENT 1

*For pre-1914 appropriative rights and/or riparian rights - provide an attachment describing the basis of right (points of diversion, place of use, quantities and season of diversion, date of origination, map of point of diversion and place of use (Cal. Code Regs., tit. 23, § 715, et seq.)). Also, if the right has been verified by a court, provide a copy of the court ruling.

I (we) hereby petition for instream flow dedication as shown on the accompanying map and described as follows:

Upstream Location of Flow Dedication Reach of Stream: (Give coordinate distances in California Coordinates, NAD 83, or other ties as allowed by Cal. Code Regs., tit. 23, § 715. Also provide the 40-acre subdivision in which the upstream location of flow dedication reach is located.)

NAD 83 ZONE 10N 548428.029e 4604675.399n NW 1/4 NW 1/4 SEC. 10, T. 43 N., R. 5 W., M.D.B.& M.

Downstream Location of Flow Dedication Reach of Stream:

AT THE USGS GAGE #11517500 (SHASTA RIVER NEAR YREKA, CA): NAD83 10N 534025.088e 4630969.301n

List the quantities dedicated to instream flow in cubic feet per second:

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
			4	4	4	4	4	4			

Will the dedicated flow be diverted from the stream for consumptive use at a downstream location? If so, provide the location and the quantities of flow that will be diverted from the stream. The information for the point of diversion should be provided in California Coordinates, NAD 83, or other ties as allowed by Cal. Code Reg., tit. 23, § 715: NO

Are there any persons taking water from the stream in the instream flow dedication reach? YES (yes/no)

If so, list the name and addresses of the persons taking water from the stream in this stream reach.
SEE ATTACHMENT 2, TABLE 2

A copy of the petition must be provided to the California Department of Fish and Game (DFG). Indicate the date that the petition was provided to DFG and provide a copy of the transmittal letter to DFG: JUNE 25, 2012 - SEE ATTACHMENT 3

THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.
 I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated July 16, 2012 at SISKIYOU COUNTY, California

 Signature(s) Telephone No. 530-926-3199

NOTE: All petitions must be accompanied by the fee (see fee schedule at www.waterboards.ca.gov/waterrights), made payable to the State Water Resources Control Board (State Water Board) and an \$850 fee made payable to the Department of Fish and Game must accompany the petition. Separate petitions are required for each water right. Separate State Water Board fees are required if both a change and time extension petition are being filed.

See Attachment No. 2

2. COUNTY PERMITS

a. Contact your county planning or public works department and provide the following information: N/A

Person contacted: N/A Date of contact: N/A

Department: N/A Telephone: () N/A

County Zoning Designation:
N/A

Are any county permits required for your project? YES NO If YES, check appropriate box below:

- Grading permit Use permit Watercourse Obstruction permit Change of zoning
 General plan change Other (explain):

b. Have you obtained any of the required permits described above? YES NO
If YES, provide a complete copy of each permit obtained.

See Attachment No.

3. STATE/FEDERAL PERMITS AND REQUIREMENTS N/A

a. Check any additional state or federal permits required for your project:

- Federal Energy Regulatory Commission U.S. Forest Service Bureau of Land Management
 Soil Conservation Service Dept. of Water Resources (Div. of Safety of Dams) Reclamation Board
 Coastal Commission State Lands Commission Other (specify)

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

See Attachment No.

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake? YES NO
If YES, explain:

See Attachment No. _____

d. Have you contacted the California Department of Fish and Game concerning your project? YES
 NO

If YES, name and telephone number of contact:

MARK PISANO - 530-842-9322

4. ENVIRONMENTAL DOCUMENTS

a. Has any California public agency prepared an environmental document for your project? YES NO

If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency:

b. If NO, check the appropriate box and explain below, if necessary:

The petitioner is a California public agency and will be preparing the environmental document.*

I expect that the State Water Board will be preparing the environmental document.**

I expect that a California public agency other than the State Water Board will be preparing the environmental document.* Public agency:

See Attachment No. _____

* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Board, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

** Note: CEQA requires that the State Water Board, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the State Water Board, Division of Water Rights.

5. WASTE/WASTEWATER

a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?
 YES NO

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

See Attachment No. _____

b. Will a waste discharge permit be required for your project? YES NO

Person contacted: _____ Date of contact: _____

c. What method of treatment and disposal will be used?

See Attachment No. ____

6. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project? YES NO
- b. Will you be preparing an archeological report to satisfy another public agency? YES NO
- c. Do you know of any archeological or historic sites located within the general project area?
 YES NO If YES, explain:

See Attachment No. ____

7. ENVIRONMENTAL SETTING

Attach two complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.

8. CERTIFICATION

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: July 16, 2012 Signature: [Handwritten Signature]

***Attachment 1 to Accompany the Petition for Change
Instream Flow Dedication (Water Code 1707)
For Water Rights within the Shasta River Adjudication and Decree 7035, 1932
RE: Diversion No. 243, Little Springs Creek (4.0 cfs)
The Nature Conservancy***

Description of the basis of the water right associated with Point of Diversion #243

1. Cover page for Shasta River Adjudication and Decree 7035, 1932 (1 page)
2. Pages 120-121, paragraph 235 of Shasta River Adjudication and Decree, describing water rights associated with Point of Diversion #243 (2 pages)

State of California
Department of Public Works

Publications of the
Division of Water Resources
Edward Hyatt, State Engineer

SHASTA RIVER ADJUDICATION PROCEEDING

JUDGMENT AND DECREE

In the Matter of the Determination of the Relative
Rights, Based Upon Prior Appropriation, of the
Various Claimants to the Waters of Shasta River
and its tributaries, in Siskiyou County, California.
No. 7035.

Decree entered December 30, 1932

in Judgment Book 12, page 189.

Springs at a point (designated on Division of Water Rights Map as Diversion 241) which bears approximately N. 0° 30' W., approximately 1420 feet distant from the south quarter corner of Sec. 3, T. 43 N., R. 5 W., M.D.B. & M., being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 3, through the Louie-Rose Ditch, and/or at a point (designated on Division of Water Rights Map as Diversion 242) which bears approximately N. 0° 30' W., approximately 1420 feet distant from the south quarter corner of Sec. 3, T. 43 N., R. 5 W., M.D.B. & M., being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 3, through the Coonrod Ditch, and said water to be used for the irrigation of the following described lands:

5.6 acres in the	SW $\frac{1}{4}$ SW $\frac{1}{4}$,	Sec. 3, T. 43 N., R. 5 W., M.D.B. & M.
16.4 acres in the	NE $\frac{1}{4}$ SW $\frac{1}{4}$,	Sec. 3, T. 43 N., R. 5 W., M.D.B. & M.
26.9 acres in the	NW $\frac{1}{4}$ SW $\frac{1}{4}$,	Sec. 3, T. 43 N., R. 5 W., M.D.B. & M.
26.2 acres in the	NW $\frac{1}{4}$ NW $\frac{1}{4}$,	Sec. 3, T. 43 N., R. 5 W., M.D.B. & M.
31.2 acres in the	SW $\frac{1}{4}$ NW $\frac{1}{4}$,	Sec. 3, T. 43 N., R. 5 W., M.D.B. & M.
2.1 acres in the	SE $\frac{1}{4}$ NW $\frac{1}{4}$,	Sec. 3, T. 43 N., R. 5 W., M.D.B. & M.
36.3 acres in the	NE $\frac{1}{4}$ NE $\frac{1}{4}$,	Sec. 4, T. 43 N., R. 5 W., M.D.B. & M.
24.1 acres in the	NW $\frac{1}{4}$ NE $\frac{1}{4}$,	Sec. 4, T. 43 N., R. 5 W., M.D.B. & M.
31.8 acres in the	SW $\frac{1}{4}$ NE $\frac{1}{4}$,	Sec. 4, T. 43 N., R. 5 W., M.D.B. & M.
31.4 acres in the	SE $\frac{1}{4}$ NE $\frac{1}{4}$,	Sec. 4, T. 43 N., R. 5 W., M.D.B. & M.
21.9 acres in the	NE $\frac{1}{4}$ SE $\frac{1}{4}$,	Sec. 4, T. 43 N., R. 5 W., M.D.B. & M.
9.9 acres in the	NW $\frac{1}{4}$ SW $\frac{1}{4}$,	Sec. 4, T. 43 N., R. 5 W., M.D.B. & M.
26.1 acres in the	SW $\frac{1}{4}$ SE $\frac{1}{4}$,	Sec. 4, T. 43 N., R. 5 W., M.D.B. & M.
24.9 acres in the	SE $\frac{1}{4}$ SE $\frac{1}{4}$,	Sec. 4, T. 43 N., R. 5 W., M.D.B. & M.
3.5 acres in the	NE $\frac{1}{4}$ NW $\frac{1}{4}$,	Sec. 4, T. 43 N., R. 5 W., M.D.B. & M.
17.2 acres in the	SE $\frac{1}{4}$ NW $\frac{1}{4}$,	Sec. 4, T. 43 N., R. 5 W., M.D.B. & M.
23.7 acres in the	NE $\frac{1}{4}$ SW $\frac{1}{4}$,	Sec. 4, T. 43 N., R. 5 W., M.D.B. & M.
18.7 acres in the	SW $\frac{1}{4}$ SW $\frac{1}{4}$,	Sec. 4, T. 43 N., R. 5 W., M.D.B. & M.
16.1 acres in the	SE $\frac{1}{4}$ SW $\frac{1}{4}$,	Sec. 4, T. 43 N., R. 5 W., M.D.B. & M.
22.5 acres in the	NW $\frac{1}{4}$ SE $\frac{1}{4}$,	Sec. 4, T. 43 N., R. 5 W., M.D.B. & M.
6.3 acres in the	NE $\frac{1}{4}$ SE $\frac{1}{4}$,	Sec. 5, T. 43 N., R. 5 W., M.D.B. & M.
13.8 acres in the	SE $\frac{1}{4}$ SE $\frac{1}{4}$,	Sec. 5, T. 43 N., R. 5 W., M.D.B. & M.
15.2 acres in the	SE $\frac{1}{4}$ SE $\frac{1}{4}$,	Sec. 33, T. 44 N., R. 5 W., M.D.B. & M.
0.1 acre in the	SW $\frac{1}{4}$ SE $\frac{1}{4}$,	Sec. 33, T. 44 N., R. 5 W., M.D.B. & M.
<hr/>		
451.9 acres--Total.		

provided, however, that when said 10.00 cubic feet per second, or any part thereof, is not required for the irrigation of said lands, then such amount or amounts of water not necessary for the irrigation of said lands shall not be withdrawn from said Big Springs and wasted into Big Springs Creek but shall remain in said Big Springs subject to utilization by and delivery to later appropriators on the stream system to the extent of their appropriative rights as fixed in and by this decree.

235. JOHN LOUIE, MANUEL LOUIE AND FRANK LOUIE,

jointly, are entitled to divert from the natural or developed flow of Little Spring, through the Louie Little Spring Dennis Ditch,

4.00 CUBIC FEET PER SECOND--PRIORITY JUNE 15, 1891,

or as much thereof as they directly apply to beneficial use for the purpose hereinafter set forth, during the period between April first and October first of each year; said water to be diverted from said Little Spring at a point (designated on Division of Water Rights Map as Diversion 243) which bears S. 2° 30' E., approximately 1240 feet distant from

the northwest corner of Sec. 10, T. 43 N., R. 5 W., M.D.B. & M., being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 10, and said water to be used for the irrigation of the following described lands:

1.9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
1.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
23.1 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
1.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
27.4 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
3.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
19.4 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
30.9 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
26.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
33.3 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
29.7 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
0.2 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10, T. 43 N., R. 5 W., M.D.B. & M.
<u>198.5</u> acres--Total.

236. JOHN LOUIE, MANUEL LOUIE AND FRANK LOUIE,

jointly, are entitled to divert from the natural flow of Little Spring Creek, through the Louie Little Spring Middle South Ditch, 0.50 CUBIC FOOT PER SECOND--PRIORITY APRIL 1, 1893, or as much thereof as they directly apply to beneficial use for the purpose hereinafter set forth, during the period between April first and October first of each year; said water to be diverted from said Little Spring Creek at a point (designated on Division of Water Rights Map as Diversion 244) which bears approximately N. 20° 30' E., approximately 2860 feet distant from the south quarter corner of Sec. 9, T. 43 N., R. 5 W., M.D.B. & M., being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 9, and said water to be used for the irrigation of the following described lands:

4.9 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
11.8 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
<u>16.7</u> acres--Total.

237. JOHN LOUIE, MANUEL LOUIE AND FRANK LOUIE,

jointly, are entitled to divert from the natural flow of Little Spring Creek, through the Louie Little Spring North Ditch, 1.15 CUBIC FEET PER SECOND--PRIORITY APRIL 11, 1892, or as much thereof as they directly apply to beneficial use for the purpose hereinafter set forth, during the period between April first and October first of each year; said water to be diverted from said Little Spring Creek at a point (designated on Division of Water Rights Map as Diversion 245) which bears approximately S. 31° 30' W., approximately 3170 feet distant from the northeast corner of Sec. 9, T. 43 N., R. 5 W., M.D.B. & M., being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 9, and said water to be used for the irrigation of the following described lands:

21.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
6.1 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
20.2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
2.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T. 43 N., R. 5 W., M.D.B. & M.
<u>49.3</u> acres--Total.

**Attachment 2 to Accompany the Petition for Change
Instream Flow Dedication (Water Code 1707)
For Water Rights within the Shasta River Adjudication and Decree 7035, 1932
RE: Diversion No. 243, Little Springs Creek (4.0 cfs)
The Nature Conservancy**

Project Description

Little Springs Creek is a spring sourced tributary to Big Springs Creek that flows into the Shasta River at River Mile 33.5, providing essential cold water flows and cold water habitat for coho salmon, Chinook salmon, and steelhead trout. 4.0 cubic feet per second (cfs) may be diverted from Diversion Point #243, pursuant to the Shasta River Adjudication and Decree (Decree) in Siskiyou County, California.¹ By this Petition for Instream Flow Dedication (Petition)², TNC seeks to dedicate up to 4.0 cfs to instream uses for the purpose of preserving and enhancing fish and wildlife resources.

TNC owns water rights totaling 7.6 cubic feet per second (cfs) on Little Springs Creek at four different POD's (#243-246) pursuant to the Shasta River Adjudication and Decree (Decree) in Siskiyou County, California. TNC has the sole right to divert water on Little Springs Creek. As set forth in the Decree, this water right is for direct diversion from the natural or developed flow of Little Springs Creek during the period between April 1st and October 1st of each year for beneficial use on 198.5 acres. Diversion #243 has a priority date of June 15, 1891 (Priority 13). Diversions within the Little Springs Creek system are administered as part of the Scott and Shasta Watermaster District (SSWD).³

Pursuant to this Petition, water withdrawals from Diversion #243 in certain circumstances will be reduced or curtailed during some or all of the irrigation season for the purpose of preserving and enhancing fish and wildlife resources in Little Springs Creek, Big Springs Creek and the Shasta River. Decisions about whether and when diversions will be reduced or curtailed will be made by TNC and the Department of Fish and Game in coordination with the Watermaster, based on natural flow conditions, water temperatures, biological needs of fish and wildlife and other relevant considerations.

TNC requests that the water that is subject to this dedication be in addition to water that is, or may in the future be required, to be used for instream purposes to satisfy any applicable federal, state, or local regulatory requirements governing water quantity, water quality, instream flows, fish and wildlife, wetlands, recreation, or other instream beneficial uses. TNC further requests that the California State Water Resources Control Board and all other state and local agencies, as well as the courts, not credit the water subject to this petition towards compliance with any regulatory requirements, including any existing or future minimum instream flow requirements, but rather this water be in addition to (or applied on top of) any future required bypass or minimum instream flow requirements (per §1707 (c) (1)).

¹ Judgment No. 7035 entered into the Superior Court of the State of California in and for the County of Siskiyou on December 30, 1932 (Shasta River Decree).

² As the holder of a pre-1914 appropriative right, TNC is not required to obtain State Water Resources Control Board approval to change the place of use, purpose of use or point of diversion of its water right. Water Code §1706; see also *Barnes v. Hussa* (2006) 136 Cal.App.4th 1358. Nonetheless, TNC submits this Petition pursuant to Water Code §1707 in the interest of ensuring that its proposal to include as a purpose of use *preserving and enhancing fish and wildlife resources* is adequately documented and enforceable.

³ On December 22, 2011, the Siskiyou County Superior Court granted the petition of the Scott and Shasta Watermaster District (SSWD) to replace the Department of Water Resources as watermaster. The SSWD began to provide watermaster services on or about February 1, 2012.

Present Purpose of Use:

Irrigation.

Proposed Purpose of Use:

Irrigation and preserving and enhancing fish and wildlife resources.

Present Place of Use:

Since TNC purchased the property in 2009, irrigation has continued as it had prior to TNC's acquisition. However, since 1932 when the decree was adopted, the place of use for POD #243 has changed. There have been slight changes over time due to improved irrigation infrastructure and more efficient use of other nearby POD's. The acreage listed in Table 1 and shown on Map 1 describes the acres outlined in the decree and also shows the revisions to the place of use. This amendment does not change the total use on any given day for either irrigation or instream benefits and will not exceed the decreed amount of the water right from Diversion #243.

Table 1. Revised Place of Use for Diversion #243.

Irrigation Use is Within:	Section	Township	Range	B & M	Decreed Acres	Revised Acres Irrigated
NE ¼ NE ¼	9	T43N	R5W	M.D.	1.9	2.3
SW ¼ NE ¼	9	T43N	R5W	M.D.	1.7	2.1
SE ¼ NE ¼	9	T43N	R5W	M.D.	23.1	23.5
SE ¼ NW ¼	9	T43N	R5W	M.D.	1.5	1.5
NE ¼ SW ¼	9	T43N	R5W	M.D.	27.4	22.9
NW ¼ SW ¼	9	T43N	R5W	M.D.	3.4	0
SW ¼ SW ¼	9	T43N	R5W	M.D.	19.4	0
SE ¼ SW ¼	9	T43N	R5W	M.D.	30.9	10.4
NE ¼ SE ¼	9	T43N	R5W	M.D.	26.0	27.9
NW ¼ SE ¼	9	T43N	R5W	M.D.	33.3	32.8
SW ¼ SE ¼	9	T43N	R5W	M.D.	29.7	32.1
NW ¼ NW ¼	10	T43N	R5W	M.D.	0.2	0.2
				TOTAL	198.5 acres	155.7 acres

Proposed Place of Use:

Irrigation as described in Table 1 and shown on Map 1. The instream place of use for preserving and enhancing fish and wildlife resources would be an instream dedication reach from the POD (upper limit of project) to the mouth of the Shasta River (lower limit of project), as shown on Map 2 and described as follows:

Upper Location of Flow Dedication Reach (Point of Diversion #243):

NAD83 10N 548428.029e 4604675.399n

Downstream location of flow dedication reach (near the mouth of the Shasta River):

At the USGS gage # 11517500 (Shasta River near Yreka, Ca): NAD83 10N 534025.088e 4630969.301n

Little Springs Unit Irrigation

Diversion #243 is located at Little Springs Lake, and is approximately 1.3 miles upstream from Little Spring Creek's confluence with Big Springs Creek. The lake is formed by a man-made earthen dam which facilitates the gravity diversion of water at Diversion #243 to lands south of Little Springs Creek and sub-irrigates lands to the north.

The Little Springs Diversions #243-#246 are operated on a combine and rotate basis, are typically on a 10-day rotation, and run on a continuous or as needed basis. To irrigate using Diversion #243, the outfall head gate at Little Springs Lake is closed so that water from the springs raises the level of the impoundment until water flows into the diversion's ditch. Diversion #243 surface irrigates pastures to the south and sub-irrigates pastures to the north. After approximately 24 hours of irrigation with Diversion #243, the outfall head gate is opened to service Diversions #244-#246. By adding the instream use for preserving and enhancing fish and wildlife resources as a beneficial use, the total use on any given day for either irrigation or instream benefits will not exceed the decreed amount of TNC's water rights on Little Springs Creek.

Other Water Diverters in the Project Area

Below is a list of the water diverters in the project area. Those diverters above the bold line have a lower priority than the Priority associated with Diversion Number 243 (Priority 13). These lower priority rights are those rights that will need to be bypassed in the event that there is not enough water in the system to accommodate the instream dedication and all other water rights downstream.

Table 2. Water Diverters in Project Area

Diversion Number	Present Owner	Address	Quantity (cfs)	Priority
250A	Ekstrom, Roland	2209 Delphic Road, Montague, CA 96064	.25	29
249	Grenada Irrigation District	Post Office Box 307, Grenada, CA 96038	40	27
497	Manley, Robert P Trust	Post Office Box 275 Montague, CA 96064	.319	26
497	Shanahan, Robert	15034 Shoreline Drive, Weed, CA 96064	.076	26
497	Montague, City Of	Box 428, Montague, CA 96064	.134	26
497	Kosa, James & Margaret	1309 Glenwood Road, Sacramento, CA	.057	26
497	Smiley, Dean	Post Office Box 574, Yreka, CA 96097	.053	26
497	Mchenry, Glen	809 Old Montague Road, Montague, CA 96064	.010	26
497	Debenedetti, John	731 Old Montague Road, Montague, CA 96064	.012	26
497	Fasig, Lester H Trust	3507 Greenhorn Road, Yreka, CA 96064	.027	26
497	Dickson, Samantha	695 Old Montague Road, Montague, CA 96064	.056	26
497	Skillen, Linda	Post Office Box 31, Yreka, CA 96097	.013	26
497	Campbell, D. & M.	531 Old Montague Road, Montague, CA 96064	.031	26
497	Silva, B. & C.	Box 538, Angels Camp, CA 95222	.056	26
497	Marvin, Richard	Post Office Box 658, Montague, CA 96064	.038	26
497	Friedman Larry S Trust	3626 E State Highway 3, Montague, CA 96064	.198	26
497	Micke, William A Trust	4100 E Highway # 3, Montague, CA 96064	.712	26
497	Ivar, A. & C.	Post Office Box 0230, Cottonwood, CA 96022	2.177	26
497	Peters, Theodore A TR	201 Holcomb Road, Montague, CA 96064	.226	26
497	Campbell, Karen	409 Holcomb Road, Montague, CA 96064	.031	26
497	Taylor, Laurence E Trust	431 Holcomb Road, Montague, CA 96064	.016	26
497	Silver, James S Trust	Post Office Box 111, Grover Beach, CA 93483	.092	26
497	Terry, H. & D.	520 Holcomb Road, Montague, CA 96064	.070	26
497	Easton, Edwin	Post Office Box 397, Montague, CA 96064	.065	26
497	Meamber, Donald L Jr Trust	5800 Reservoir Road, Montague, CA 96064	.219	26

247	The Nature Conservancy	701 S. Mt. Shasta Blvd., Mt. Shasta, CA 96067	1.2	25
419	Shasta River Water Assoc.	Post Office Box 467, Grenada, CA 96038	42	23
420	Adrith Banhart	216 Mason Street, Ukiah, CA 95482	0.2	22
248	The Nature Conservancy	701 S. Mt. Shasta Blvd., Mt. Shasta, CA 96067	1.1	19
250	Marion Family Trust	Box 370, Grenada, CA 96038-0370	1.73	11
250	Root, Beth	Box 28, Grenada, CA 96038	1.05	11
250	Nicoletti, A.	Box 399, Grenada, CA 96038	2.25	11
250	Rice Livestock	1730 A-12 Road, Montague, CA 96064	6.24	11
250	Beck, James	3207 Old Military Rd., Central Point, OR 97502	.63	11
416	Rice, Joe	3333 Tomkins Hill Road, Loleta, CA 95551	1.314	11
416	Banhart, Adrith	216 Mason Street, Ukiah, CA 95482	0.486	11
423	Banhart, Adrith	216 Mason Street, Ukiah, CA 95482	0.15	11
503	Manley, Bob	Post Office Box 275, Montague, CA 96064	1.3	10
503	Fiock, E.C. and Sons	2725 Yreka Ager Road, Yreka, CA 96097	2.6	10
507	Fiock, E.C. and Sons	2725 Yreka Ager Road, Yreka, CA 96097	0.25	9
498	Manley, Bob	Post Office Box 275, Montague, CA 96064	1.2	8
499A-501	Lemos, A & D	3525 E. Hwy 3, Montague, CA 96064	0.7	8
494	Kuck, Elizabeth	6124 Willow Cr. Rd. , Montague, CA 96064	.015	7
494	Fruhan, Sandra	4 Latania Ln. , Chico, CA 95926	.235	7
495	Kuck, Elizabeth	6124 Willow Cr. Rd. , Montague, CA 96064	.071	7
495	Fruhan, Sandra	4 Latania Ln. , Chico, CA 95926	.029	7
505	Manley, Bob	Post Office Box 275, Montague, CA 96064	0.4	6
421	Kuck and Sons	6124 Willow Creek RD , Montague, CA 96064	.487	5
421	Rizzardo, Mario	2712 Montague Grenada Rd., Montague, CA 96064	.653	5
421	Banhart, Adrith	216 Mason Street, Ukiah, CA 95482	.01	5
422	Kuck, Elizabeth	6124 Willow Creek RD , Montague, CA 96064	.445	5
422	Kuck and Sons	6124 Willow Creek RD , Montague, CA 96064	.496	5
422	Rizzardo, Mario	2712 Montague Grenada Rd., Montague, CA 96064	.159	5
493	Kuck, Dale	10301 Willow Cr. Rd, Montague, CA 96064	.11	5
493	Kuck and Sons	6124 Willow Creek RD , Montague, CA 96064	.041	5
503	Fiock, E.C. and Sons	2725 Yreka Ager Road, Yreka, CA 96097	1.65	4
503	Fiock, Norman Jr.	2334 Fenton Parkway, Apr. # 111, San Diego, CA 92108	.35	4
509	Peters, Michael	323 Main Street, Yreka, CA 96097	1.16	3
509	McDonald, James	Box 1665 , Yreka, CA 96097	.59	3
502	Himmel, Pete	2215 Yreka Ager Road, Yreka, CA 96097-9414	.57	1
502	Spearin, Michael	2219 Yreka Ager Road, Yreka, CA	2.05	1
502	Fiock, E.C. and Sons	2725 Yreka Ager Road, Yreka, CA 96097	.44	1
502	Fiock, Norman Jr.	2334 Fenton Parkway, Apr. # 111, San Diego, CA 92108	.44	1

***Attachment 3 to Accompany the Petition for Change
Instream Flow Dedication (Water Code 1707)
For Water Rights within the Shasta River Adjudication and Decree 7035, 1932
The Nature Conservancy***

Transmittal Letter to Department of Fish and Game for 1707 petitions (1 page)

June 25, 2012

Department of Fish and Game
601 Locust Street, Redding, CA 96001
Attn: Karen Kovacs

Dear Ms. Kovacs,

Enclosed you will find a copy of eight 1707 Petitions (Petition for Instream Flow Dedications) for waters rights owned in association with Shasta Big Springs Ranch. These petitions are being submitted to the State Water Resources Control Board, Division of Water Rights with the purpose of adding fish and wildlife as a beneficial use to these water rights.

These eight petitions are for water rights that total 18.11 cubic feet per second (cfs) in the Shasta River Watershed and include the following Points of Diversion (POD):

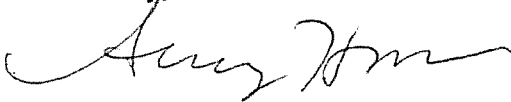
1. Shasta River (PODs #247 and #248)—2.3 cfs
2. Big Springs Creek (POD #241)—6.71 cfs
3. Little Springs Creek (PODs #243, #244, #245, and #246)—7.6 cfs
4. Hole in the Ground Creek (PODs #167, #168, #169, #170, #171, #172)—1.5 cfs

Copies of these petitions have also been provided to local DFG staff, Mark Pisano and Caitlin Bean. An earlier draft was provided to Caitlin Bean for review and comment on July 29, 2011.

Please note that these water rights and the Shasta Big Springs Ranch are encumbered by a conservation easement held by the Department of Fish and Game.

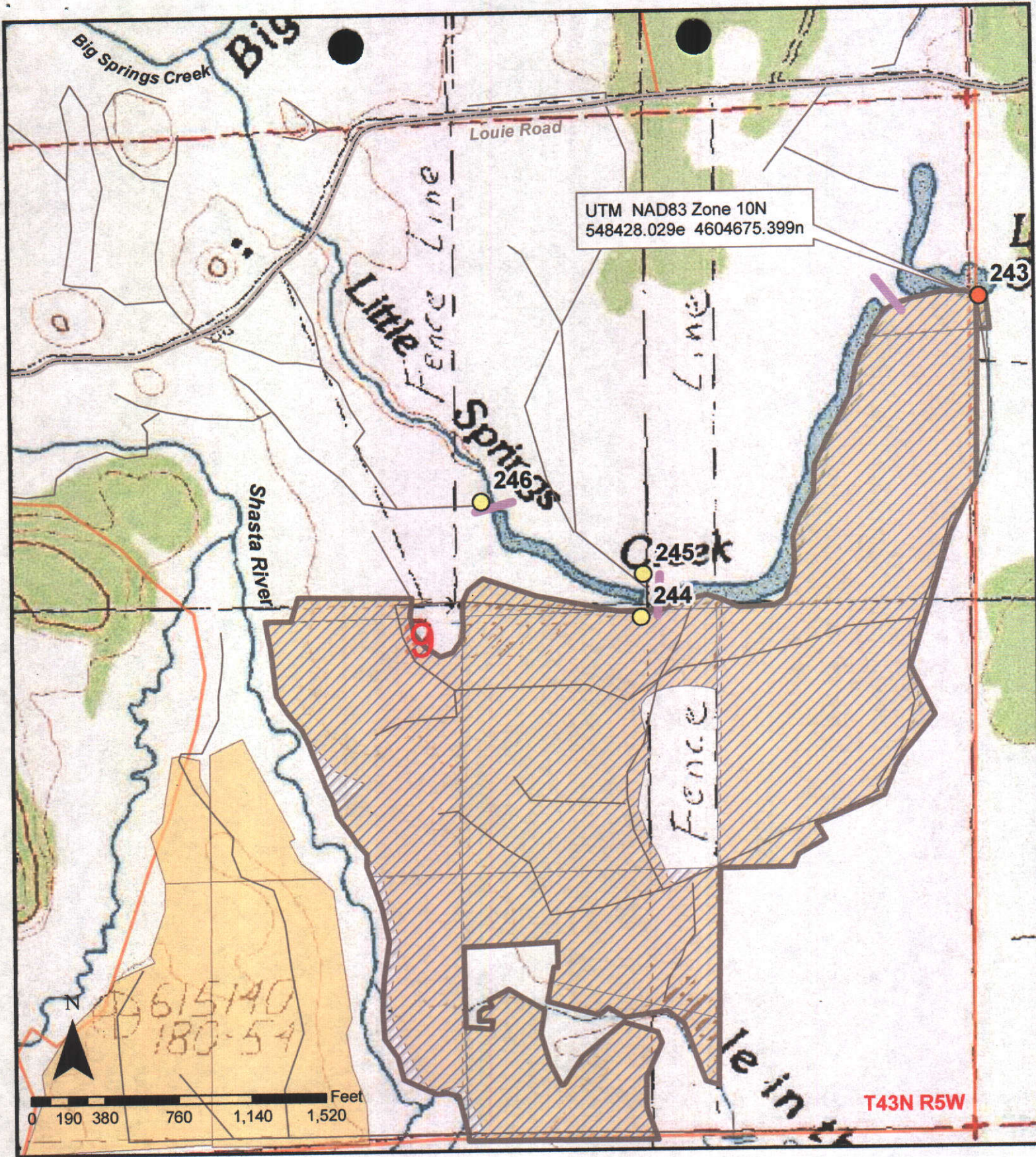
If you have any questions about these Petitions for Instream Flow Dedication, please call me at (530) 926-3199.

Sincerely,



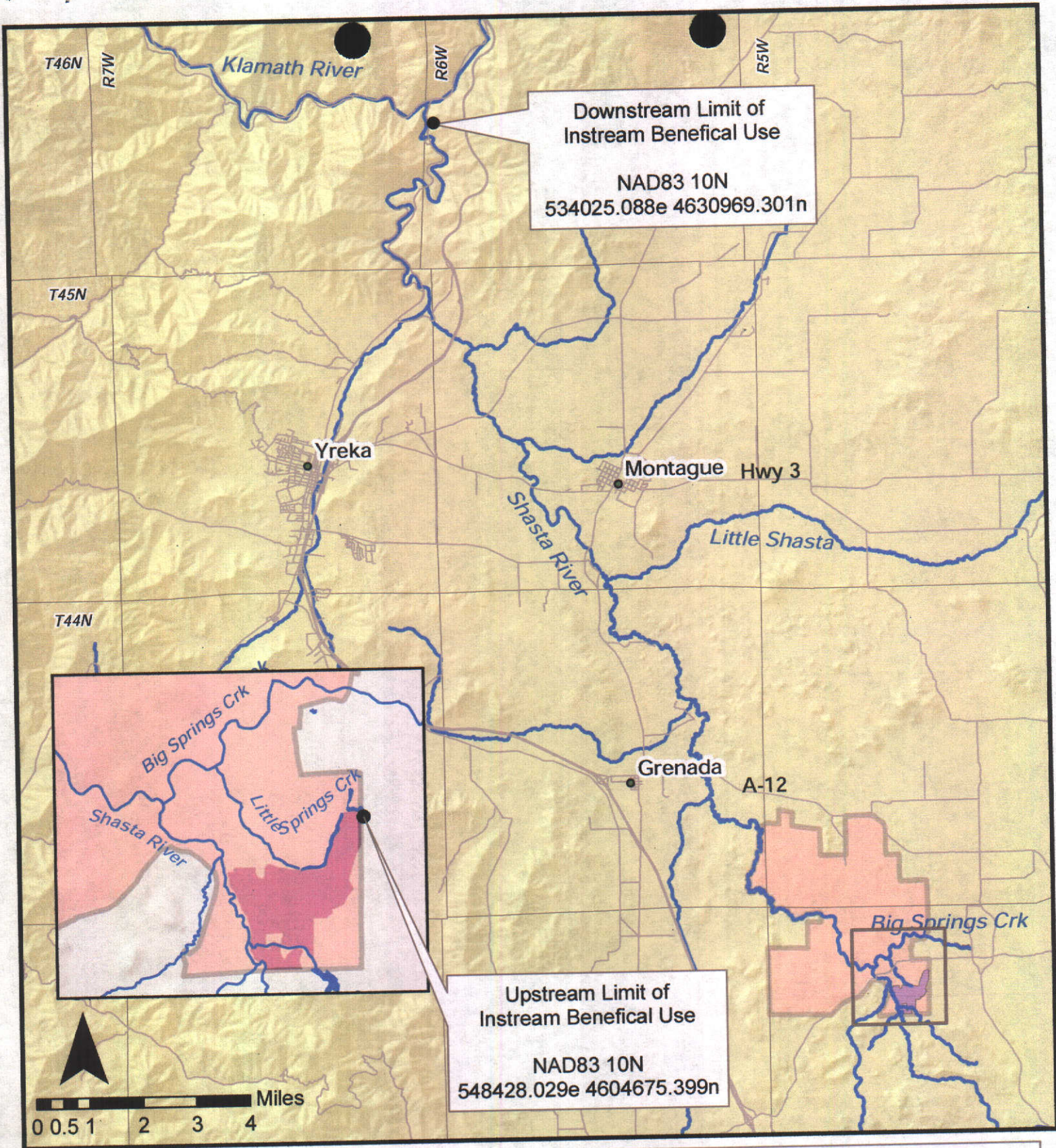
Amy Hoss
Project Director, Shasta River Project





cc: Mike McFadden, TNC attorney
Gregg Werner, TNC Project Director
Mark Pisano
Caitlin Bean



- Petition POD
- Other POD's
- Diversion Impoundments
- Ditches
- POD #243 Revised Place of Use (155.69 ac)
- POD #243 Adjudicated Place of Use (As shown on map sheet 87 of 199)
- TNC Property Boundary

MAP 1: PROJECT LOCATION
 to Accompany Petition for Change
 to Shasta River Decree 7035,
 Diversion #243
 Siskiyou County, CA



-  Roads
-  Rivers
-  POD#243 Place of Use for Irrigation
-  TNC Property Boundary

MAP 2: DOWNSTREAM AND UPSTREAM BOUNDARY OF INSTREAM BENEFICIAL USE

Map to Accompany Petition for Change to Shasta River Decree 7035, Diversion #243 Siskiyou County, CA

Photos to Accompany the Petition for Change
Instream Flow Dedication (Water Code 1707)
For Water Rights within the Shasta River Adjudication and Decree 7035, 1932
RE: Diversion No. 243, Little Springs Creek (4.0 cfs)
The Nature Conservancy

Photos for Environmental Information Form, Question #7. Environmental Setting



Photo 1 : Diversion #243 Looking immediately upstream at point of diversion.
Date Taken: 6/19/2012



Photo 2: Diversion #243 Looking immediately downstream into Little Springs Creek.
Date Taken: 6/19/2012



Photo 3: Diversion #243 place of use (irrigation).
Date Taken: 4/20/2012

Photos to Accompany the Petition for Change Instream Flow Dedication (Water Code 1707)
For Water Rights within the Shasta River Adjudication and Decree 7035, 1932
RE: Diversion No. 243, Little Springs Creek (4.0 cfs), The Nature Conservancy