

February 18, 2022

Via Email

Mr. Erik Ekdahl
Deputy Director, Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
Erik.ekdhal@waterboards.ca.gov

Re: Hart Ranch Petition for Relief from Klamath River Watershed Drought
Emergency Requirements

Dear Mr. Ekdahl:

We are a sixth-generation family cattle ranch operating as Hart Ranch, and water right owner in the Little Shasta Valley of Siskiyou County. We respectfully submit this petition for relief from the Klamath River Watershed Drought Emergency Requirements, California Code of Regulations Title 23, Division 3, Chapter 2, Article 23.5, Sections 875, 875.1, 875.2, 875.3, 875.4, 875.5, 875.6, 875.7, 875.8 and 875.9, pursuant to Article 23.5, section 875, subsection (f)(4)(C)(ii) – cooperative solution as an individual diverter, “Where an individual diverter has entered into a binding agreement with the California Department of Fish and Wildlife or the National Marine Fisheries Service to perform actions for the benefit of anadromous salmonids....” (Petition.)

Harts have committed to a broad range of voluntary conservation measures on our ranch properties located in the Shasta River watershed, including permanent in stream flow dedications in support of coho salmon, the only ones to date in the watershed by individual water rights holders. While Harts believe our existing commitments justify relief from the Drought Emergency Requirements, we are proposing additional flow commitments in support of this Petition for relief from Article 23.5 for all of the Hart Ranch’s decreed pre-1914 water rights, identified in Exhibit A, which are held by Forrest Blair Hart, Susan S. Hart, individually and as Co-Trustees of The Hart Family 2003 Trust, Rabbit Hill, LLC, a California limited liability company, and Soda Springs LLC, a California limited liability company (collectively “the Hart Ranch”). The Hart Ranch committed significant resources, coordinated closely with the California Department of Fish and Wildlife (DFW), and made several revisions to this petition to support its success and for its use as a binding agreement with, and as a basis for a recommendation from, DFW pursuant to Section 875, subdivision (f)(4)(C)(ii).

BACKGROUND

The Hart family has been actively engaged in ranching on our property since 1852. Our primary management objective is to build a sustainable, holistic property stewardship program that allows for equal economically viable ranching operations and wildlife habitat enrichment. More information about our numerous conservation activities can be viewed at

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<https://www.sustainabilityfromthehart.com/environment-hartranch>. Ranching and wildlife habitat enhancement depend on our pre-1914 water rights. As part of a long-term conservation strategy to improve conditions for anadromous fish species in the Little Shasta River, in 2018 the Hart Ranch entered into a Safe Harbor Agreement (SHA) with the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, and National Marine Fisheries Service (NMFS) in accordance with section 10(a)(1)(A) of the federal Endangered Species Act (ESA) for the survival and recovery of the threatened Southern Oregon/Northern California Coast (SONCC) Coho salmon. (Exhibit B.) As a companion to the SHA, Hart Ranch has developed a Ranch Management Plan (RMP) under the lead of the California Department of Fish and Wildlife (CDFW), and in partnership with CDFW, the California North Coast Regional Water Quality Control Board (RWQCB), and State Water Board (SWB). (Exhibit C.) The RMP was developed to promote informed routine management practices designed to ensure guided enhancement of all resources inclusive of critical wetlands and protected species. Complementing the SHA, Hart Ranch was awarded California Endangered Species Act (CESA) Consistency Determination by CDFW.¹ (Exhibit D.) In support of these voluntary agreements, Hart Ranch in January 2019 filed four petitions under California Water Code section 1707 (Section 1707) to add fish and wildlife enhancement as a beneficial use to all of its Little Shasta River water rights (collectively, "1707 Petitions"). (Exhibit E.) These 1707 Petitions are currently pending approval by the SWB.

In these voluntary cooperative agreements with CDFW and NMFS, Hart Ranch has committed to beneficial actions supportive of salmonid species, and in particular the SONCC Coho salmon, while balancing these actions with existing measures which benefit and protect ESA, CESA, and California Fully Protected species present on the ranch. In order to achieve overall success in our continued conservation efforts, we rely on regenerative agricultural management practices in maintaining the delicate balance of supporting all public trust resources.

The following completed and ongoing voluntary flow commitments and beneficial management activities are being implemented by (and with the support and permission of) the Hart Ranch:

- Permanent dedication to instream beneficial use (fish and wildlife enhancement) year-round of approximately 0.5 cubic feet per second (cfs) of the Hart Ranch's most senior Little Shasta River water right, with an 1857 priority.
- Petition to modify all of Hart Ranch's decreed water rights to add instream flow as a beneficial use in the form of a permissive dedication pursuant to Section 1707.

The Hart Ranch water right dedications are significant and impactful as they represent "wet water" that is voluntarily dedicated (permissively and/or permanently) and of a priority

¹ No. 2089-2019-001-01 (July 1, 2019).

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such that the water will be available and not just represented on paper. The significance of this voluntary flow commitment is illustrated during severe drought conditions, when the Hart Ranch will be dedicating 86 percent of its full Little Shasta River right (0.975 cfs). As recognized by CDFW in its July 1, 2019, CESA consistency determination, the Hart Ranch is “voluntarily providing enhanced stream flows to benefit stream habitat and promote Coho Salmon recovery in the Little Shasta River. Enhancing stream flows will reduce diversions of Hart’s water rights at the Hart-Haight diversion while sustainably managing aquatic and terrestrial species in an agricultural setting.” The SHA voluntary flow commitments are slated to commence as soon as the SWB approves the 1707 Petitions and the associated Stock Water Project, planned for summer of 2022, is completed.

Hart Ranch’s voluntary instream flow dedication commitments and the other beneficial management actions described below were made well in advance of current drought conditions and any emergency orders and would have been occurring already had it not been for unforeseen challenges incurred with Section 1707 procurement. Importantly, they will endure past drought conditions. The Hart Ranch Section 1707 dedications are all subject to the requisite Compliance Management Plan submitted to the SWB and under the direction and authority of the Scott Valley-Shasta Valley Watermaster District (SSWD).

- Replacement of Hart-Haight Irrigation Diversion (HHID) –to remove fish passage constraints to upper reaches of the Little Shasta River per SHA – completed winter of 2019. The fish screen design contemplated the future potential of consolidating some upstream diversion structures with HHID, by enlarging the completed size of the HHID beyond that required by the 2019 replacement design and the Hart SHA. Parties acknowledge that the designed HHID paddle wheel structure is undergoing refabrication (steel to aluminum) and will require flow assessment upon completion. Full operation of the up-sized structure, until such time as these consolidations are made, and all diverters are participating in bypass flows that will augment the wetting of the HHID stream triangle and or screen operation, will require the Hart Ranch to request regulatory variances during low flow periods as a cooperative solution to Hart Ranch LSA compliance.
- Maintenance and enhancement, *per RMP*, of high-quality stream and riparian habitat on Little Shasta River both upstream and downstream of HHID. The area upstream of the Hart Ranch diversion has been fully fenced for cattle exclusion and is maintained for aquatic habitat. This coming summer an additional 0.7 river miles of the Little Shasta River on the ranch downstream of our diversion will be fenced and the streambed restored. In aggregate, Hart Ranch will be managing nearly three river miles of the Little Shasta River for fish, dedicating this property for fisheries habitat under the cattle exclusion techniques described in the RMP. Hart Ranch also supports and cooperates in ongoing temperature, flow monitoring, and nutrient studies being conducted by the University of California, Davis, Watershed Sciences Center for the benefit of the entire Little Shasta River.

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- Full access to all groundwater wells, with six years' worth of full monitoring data and current real time monitoring of wells and data access to Sustainable Groundwater Management Act scientists from University of California, Davis.
- Continued and ongoing, full access to fishery managers for monitoring, studying, and information gain, *per SHA* – CalTrout and University of California have full access to the Hart Ranch properties.
- Collaboration with CalTrout, neighboring Little Shasta River diverters, CDFW, SSWD, and the North Coast RWQCB in the analysis and development of joint projects to further enhance the riparian conditions, water quality, and flow volumes on the Little Shasta River, and specifically located in large part on Hart Ranch, *per SHA*.
- Attendance of the University of California Extension Service's Browns Valley Test Center's soil and grassland regenerative management classes have informed best management practices used in RMP implementation, particularly as related to wetland management, soil health, special habitat zone monitoring, and water quality. Seasonal wetlands overlie nearly half of the 2,860 acres of annual grassland cover type downslope of HHID. Maintenance of these critical wetlands incorporates stubble height management techniques and flood irrigation contributing to year around grassland soil recharge and health.
- North American Wetlands Conservation Act, and in-kind Hart Ranch-supported wildlife friendly field fence installation was completed to promote wetland and meadow nesting and foraging habitat enhancement for native and migrating waterfowl and waterbirds when coupled with rotational grazing, no-till seeding, and wetland recharging management techniques.

During the development of the Hart Ranch SHA, CDFW, NMFS, and the RWQCB staff acknowledged the importance of the broad array of baseline conservation values supported by our management practices.

VOLUNTARY COMMITMENTS SUPPORTING PETITION

In addition to the voluntary water right dedications and beneficial management practices described above (and stipulated in their 2018 SHA and CDFW CESA consistency determination), the Hart Ranch proposes the following additional commitments exclusively for the term of relief requested under this Petition.

1. The Hart Ranch agrees to adhere to all conditions, including monitoring elements within in its Lake and Streambed Alteration Agreement, SHA, RMP, and Section 1707 Compliance Plan issued as part of the order by the SWB approving the Hart Ranch 1707 Petitions.

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2. The Hart Ranch will coordinate with the SSWD to implement the individual cooperative solution, consistent with the requirements of the Section 1707 Compliance Plan, including providing SSWD access to all gaging stations.
3. The Hart Ranch will coordinate with NOAA and CDFW to develop cooperative mitigating solution(s) consistent with our past efforts that provide a balance between the management of protected aquatic and terrestrial species and ensure obligations of the Hart Ranch SHA, RMP and LSA are met.
4. **Instream Dedications:**
The following dedications are made in consideration of a full 19.5 cfs water rights potentially available to the Hart Ranch in the Shasta River decree; that during critically dry years the maximum available water at the Hart-Haight irrigation diversion (HHID) in previous years has been approximately 7 cfs; of the low likelihood of any curtailment of the Hart Ranch under the current drought emergency regulations; and the Hart Ranch SHA, RMP, and LSA.
 - a) During the drought emergency, the Hart Ranch will dedicate 1.5 cfs of its 3rd priority Little Shasta River (LSR) rights available at the Hart-Haight irrigation diversion (HHID) to the LSR. This dedication will occur pursuant to this local cooperative solution and regardless of any other permissive contingencies. This dedication is supported by the Hart Ranch 1707 order issued January 6, 2022 (Exhibit E).
 - b) During the drought emergency, and once a full 1.5 cfs dedication has been achieved to the LSR, the Hart Ranch may divert up to the next 5.5 cfs of their available and permitted LSR rights to meet management and/or conservation purposes, and
 - c) During the drought emergency, and in the event that there is water above the aggregate volume stipulated in 4(b) of 7 cfs, Hart Ranch will coordinate with SSWD to exercise a request under its 1707 Order to leave this additional volume instream to the degree legally permitted under the Shasta River decree.

The effect of these commitments is to guarantee up to 1.5 cfs of available instream flow during the drought emergency, to the extent such flows would otherwise have been available for diversion, as well as all of Hart Ranch's available flow at HHID over 7 cfs, a substantial increase over the commitments in the Hart Ranch SHA.

Harts commit to make these additional dedications until such time as the Order Imposing Water Right Curtailment and Reporting Requirements in the Shasta River Watershed (Order WR 2021-0082- DWR) is no longer in effect, or until November 1, 2022, whichever comes first. If

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the emergency regulations remain in effect following November 1, 2022, and in the absence of an active curtailment order, Harts' supplemental flow commitments under this Petition shall revert to the commitments defined in their SHA. Nothing in these supplemental flow commitments shall be interpreted or used as evidence of any intent by the Hart Ranch to forfeit or abandon any portion of their water rights, and all such flows committed to instream use shall be deemed to be beneficially used. (Water Code, § 1241; *Millview County Water Dist. v. State Water Resources Control Bd.*, 229 Cal.App.4th 879 (2014).)

Dedications are subject to water right availability by priority as listed in the Judgement and Decree entered on December 29, 1932, in Siskiyou County Superior Court Case No. 7035, 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 (Shasta River Decree) and are inclusive of all regulatory fish screen bypass volumes as required for the HHID. Consistent with our proposed 1707 petitions, these voluntary water right dedications are intended to remain instream and not subject to use by any other junior water right holder.

Harts have consulted with SWB and CDFW staff in preparing this Petition and carefully considered their thoughtful input in the development of these proposed commitments. Our proposed additional voluntary, short-term water dedications take in the responsibility of balancing the needs of the fishery resources with their obligation to ensure the health and safety of our livestock and the Ranch's ESA, CESA and fully protected species while under drought conditions. By careful consideration of these emergency conditions requirements, as well as the objectives of agency staff and the public trust, we believe that what is included in these supplemental dedications, especially when considered in light of our extensive conservation activities, wholesomely support this Petition.

MONITORING AND VERIFICATION OF COMMITMENTS

The SHA and RMP authorize CDFW to have full access to the Hart Ranch for purposes of monitoring and verifying the flow and other beneficial activities encompassed in those agreements. (See SHA at pp. 25, 30; RMP at pp. 54-55.). Harts understand and agree that these access provisions encompass the additional voluntary commitments included in the Petition, and that CDFW may access the Hart Ranch for purposes of monitoring compliance with the Petition commitments. In addition, upon request of the SWB and/or CDFW, Harts will provide HHID diversion measurements for the period between November 1 and February 28, and all well monitoring data, for the period the Order Imposing Water Right Curtailment and Reporting Requirements in the Shasta River Watershed (Order WR 2021-0082- DWR) is in effect. HHID diversion measurements for the period between March 1 and October 31 are produced and maintained by the SSWD and provided annually to CDFW in accordance with the SHA. (See SHA at p. 30.).

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CONCLUSION

As you know, numerous state and federal agencies, and nongovernmental organizations, have been working diligently for many years to improve conditions for protected fish in the Shasta watershed. These efforts depend on voluntary flow dedications by water rights holders. The Hart family has led the way with the first such private landowner dedication and has expended significant resources in support of the myriad permitting processes associated with the flow enhancement program. This Petition for exemption from the Emergency Drought Regulations is based on our voluntary in-stream dedication of high priority water rights and is supplemental to our prior dedication of water and management of a vital riparian corridor consisting of highly sought salmonid habitat, as reflected in the various binding agreements and water right petitions. We believe these supplemental flow commitments provide the benefits contemplated by the SWB in authorizing the exemptions, and are consistent with the approach being pursued by the California Environmental Protection Agency and California Natural Resources Agency with respect to voluntary agreements to improve conditions for fish and wildlife in the Sacramento-San Joaquin Delta and its major rivers, through commitments to create habitat and increase flows while providing regulatory certainty to water users.

We look forward to your response and to future collaborative opportunities to improve conditions within the Klamath Basin.

Respectfully,



Blair and Susan Hart

Hart Ranch

Little Shasta Exhibits (*via separate Dropbox link*):

- Exhibit A: Hart Ranch Water Rights
- Exhibit B: Hart Ranch Safe Harbor Agreement
- Exhibit C: Hart Ranch Management Plan
- Exhibit D: CDFW CESA Consistency Determination for Hart Ranch
- Exhibit E: Hart Ranch 1707 Order dated January 6, 2022

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**cc: Joaquin Esquivel, Chair, State Water Resources Control Board
Dorene D'Adamo, Vice Chair, State Water Resources Control Board
Charlton Bonham, Director, California Department of Fish and Wildlife**

BINDING AGREEMENT

Common Interest/Confidential/Privileged/Work Product



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
(530) 225-2300
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 24, 2022

Blair and Susan Hart, Landowner and Manager
Hart Ranch

[REDACTED]
[REDACTED]
[REDACTED]

SUBJECT: Conservation Actions and Binding Agreement for Local Cooperative Solution

Dear Ms. Hart,

On August 17, 2021, the State Water Resources Control Board (SWB) adopted an emergency regulation establishing drought emergency minimum flows in the Scott River and Shasta River watersheds. (Cal. Code Regs., tit. 23, §§ 875–875.9.). Under the regulation, local cooperative solutions (LCS) by individuals or groups may be proposed by petition to the Deputy Director as an alternative means of reducing water use to meet or preserve drought emergency minimum flows, or to provide other fishery benefits in lieu of curtailment. For individual cooperative solutions, the Deputy Director may approve a petition where a water user agrees to voluntarily cease diversions or where the California Department of Fish and Wildlife (CDFW) makes a recommendation for an exemption to curtailment based on an assessment that the benefits of the actions to anadromous fish in a specific time are equal to or greater than the protections provided by their contribution to flow under curtailment.

On February 18, 2022, you proposed a LCS that includes commitments under a Federal Safe Harbor Agreement for Coho Salmon, a State Consistency Determination for the Safe Harbor Agreement, an existing Lake and Streambed Alteration Agreement, a Ranch Management Plan developed in consultation with CDFW, and an instream dedication of flow pursuant to a section 1707 order issued on January 6, 2022, by the State Water Board. All include monitoring and agency coordination elements, which are incorporated by reference in the enclosed binding agreement.


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CDFW is has determined this LCS provides specific conservation actions and offers concise and appropriate monitoring elements enabling the CDFW to recommend approval to the SWB Deputy Director pursuant to section 875.5(f)(4)(C)(ii) and assume the role of a coordinating entity to implement a binding agreement.

Attached to this cover letter is a summary of conservation actions, a binding agreement, and our recommendation of support for your LCS. You have worked closely with CDFW and SWB staff to develop this binding agreement that will enable CDFW to be your coordinating entity. I have already signed it. If you agree with its content and terms, please sign and retain one copy, include one copy with your petition to the SWB, and send one copy to:
klamathwatershed@wildlife.ca.gov.

CDFW is grateful for your commitment to pursue the conservation actions anticipated in the enclosed and enter into binding agreement for an LCS. This will be one of several tools available to address the challenges of this ongoing drought to protect native salmon, protect tribal cultural resources, and support local and commercial economies. If you have any questions regarding this letter, please contact Senior Environmental Scientist Carmen Tull at
klamathwatershed@wildlife.ca.gov.

Sincerely,

DocuSigned by:

1D82ADE7303A474...

Tina Bartlett, Regional Manager
Northern Region

ec:

Hart Ranch

Blair and Susan Hart, Landowner and Manager


State Water Resources Control Board

Erik Ekdahl, Deputy Director
Division of Water Rights
Erik.Ekdahl@waterboards.ca.gov

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Hart Ranch
March 24, 2022
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California Department of Water Resources

Craig Altare, Section Chief Sustainability Plan Review SGMO

craig.altare@water.ca.gov

National Marine Fisheries Service

Alecia Van Atta, Assistant Regional Administrator

alecia.vanatta@noaa.gov

California Department of Fish and Wildlife

Tina Bartlett, Regional Manager

and Joe Croteau, Environmental Program Manager

klamathwatershed@wildlife.ca.gov



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



CONSERVATION ACTIONS, BINDING AGREEMENT, AND RECOMMENDATION FOR LOCAL COOPERATIVE SOLUTION

The following binding agreement regarding local cooperative solution is entered into between the California Department of Fish and Wildlife (CDWF) as Coordinating Entity, and the Hart Ranch (Landowner) pursuant to Section 875(f)(4)(C)(ii) of the 2021 Drought Emergency Regulation for the Scott River and Shasta River Watershed (Drought Emergency Regulation), adopted by the State Water Resources Control Board (State Water Board).

BACKGROUND

Under the 2021 drought emergency regulation establishing drought emergency minimum flows in the Scott River and Shasta River watersheds and associated curtailment of water diversions,¹ local cooperative solutions (LCS) by individuals or groups may be proposed by petition to the Deputy Director of the State Water Board as an alternative means of reducing water use to meet or preserve drought emergency minimum flows, or to provide other fishery benefits (such as cold-water refugia, localized fish passage, or redd protection), in lieu of curtailment.

RECITALS

1. Section 875(f)(4)(C)(ii) provides for an individual LCS where CDFW makes a recommendation for an exemption to curtailment based on an assessment that the benefits of the actions to anadromous fish in a specific time are equal to or greater than the protections provided by their contribution to flow under curtailment.
2. Section 875(f)(4)(C)(ii) requires that the diverter(s) enter into a binding agreement with a coordinating entity to perform actions for the benefit of anadromous salmonids.

¹ California Code of Regulations, title 23, sections 875–875.9.

PROPOSED LOCAL COOPERATIVE SOLUTION

On February 18, 2022, the Hart Ranch proposed a LCS that includes and further supplements actions for the benefit of anadromous salmonids pursuant to a federal Safe Harbor Agreement (SHA) for Coho Salmon (Enhancement of Survival Permit No. 21088) issued on February 21, 2018, a State Consistency Determination for that SHA on July 1, 2019 (No. 2089-2019-001-01) (State CD), an existing Lake and Streambed Alteration Agreement (No. 1600-2016-0314-R1) executed on June 3, 2019 (LSAA), a Ranch Management Plan developed in consultation with CDFW (RMP), and a Water Code section 1707 order issued on January 6, 2022 (1707 Order). The SHA, State CD, LSAA and 1707 Order are incorporated herein by reference, including the monitoring and agency coordination elements of each.

The proposed LCS provides additional voluntary conservation actions that include instream dedications in consideration of a cumulative 19.5 cubic feet per second (cfs) surface water rights including:

1. A 1.5 cfs dedication of Landowner's 3rd priority Little Shasta River right regardless of any permissive contingencies contained in the SHA and supported by their 1707 Order,
2. Once a full 1.5 cfs dedication has been achieved, Landowner may divert up to 5.5 cfs to meet management and/or conservation purposes, and
3. Any water available to Landowner above the aggregate volume of 7 cfs stipulated in #2 above will be left instream in coordination with the Shasta Scott Watermaster District (SSWD) and other water diverters to the degree permitted under the Shasta River decree.

CDFW has determined that this LCS provides equal to or greater actions for the benefit of anadromous salmonids compared to the protection provided by Landowner's contribution to flow described in section 875, subdivision (c)(2). The instream flow dedication of 1.5 cfs is unlikely to reach the confluence with the Shasta River and contribute to the minimum flow requirement at the Yreka gage as direct surface flow during most times of the year. However, the cumulative Landowner conservation actions represent obligations above prior commitments, and provide instream benefits appropriate to this drought emergency, and for other diverters to build on for additional benefits not achievable through the actions of a single diverter in this reach during this drought emergency. In addition, Landowner conservation actions include significant Little Shasta River habitat improvements including riparian planting and fencing, and channel restoration for fish passage. The Landowner is active in community conversations and contributes to surface and groundwater conservation for beneficial users and shares important data to inform future

watershed improvement efforts. CDFW is recommending an exemption to curtailment for the Hart Ranch based on the following:

1. The cumulative instream contributions defined in items 1-3 above in consideration of Landowner's full portfolio of water rights;
2. The relatively low possibility that Landowner's water rights will be curtailed to meet the flow described in section 875, subdivision (c)(2);
3. The cumulative additional benefits of Landowner's conservation agreements and orders described above; and
4. A commitment in this LCS to coordinate with NOAA Fisheries, the SSWD, and CDFW to develop cooperative mitigation to balance ranch management and obligations to the SHA, LSAA, RMP, and 1707 Order.

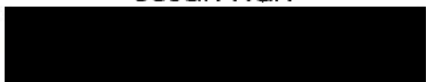
TERMS OF BINDING AGREEMENT

Landowner is required to adhere to the proposed conservation actions, as submitted to CDFW and approved by the State Water Board. Landowner has requested that CDFW serve as the coordinating entity. Landowner and CDFW hereby agree to the following:

- For the duration of this binding agreement, Landowner shall give CDFW and CDFW agents the right to reasonably access the included parcels for the limited purpose of verifying execution of the conservation actions. any individual not directly employed or contracted by CDFW shall provide a minimum of 24 hours advance notice to the Landowner and shall obtain approval from the Landowner prior to entering the Hart Ranch.
- CDFW will strive to notify Landowner a day in advance of visiting the Hart Ranch and shall provide Landowner or a designee the ability to participate in the monitoring inspection.
- CDFW representatives will exercise its monitoring obligations defined in the SHA, RMP, LSAA, and this LCS.
- Written irrigation logs for water dedication and any photos, checklists, and other documentation for the conservation actions incorporated by reference will be transmitted by the Landowner via email to the Klamath Watershed Program at klamathwatershed@wildlife.ca.gov. This information for each month shall be transmitted within the first 7 calendar days of each calendar month.
- CDFW will submit the information regarding the verification materials and actions described in this agreement and the conservation plan

incorporated by reference herein, to the State Water Board upon request, for the purposes of verifying compliance with the LCS.

- This binding agreement is not intended to preclude, harm, or otherwise interfere with Landowner's ability to secure any funding to mitigate the financial impacts imposed by the emergency regulation or proposed conservation practices. CDFW supports use of funding programs to ameliorate the costs of implementing the conservation practices described in the proposed conservation plan. Planning and cooperation under a voluntary LCS should not undermine the ability to receive such funding.
- This binding agreement may be terminated by either party with 30 days' notice. The Coordinating Entity will only terminate the agreement if Landowner is not cooperating with the terms of this binding agreement (e.g., is not providing access, is not reporting, etc.). Both parties agree to take reasonable measures to resolve any concerns related to performance of the conservation plan, negative human interaction, or any other unforeseen circumstance prior to invoking termination.
- It is recognized that as the irrigation season unfolds, there may be reason to change the terms of the conservation plan or this agreement regarding its implementation and verification. Any such changes to the conservation plan or binding agreement will need to offer continued compliance with the drought emergency regulations and shall be agreed upon by both parties as well as the State Water Board.
- Landowner has prepared a petition to the State Water Board in consideration of this agreement (Petition) (Exhibit A). The Coordinating Entity has reviewed the Petition and agrees that the Petition accurately reflects, and is not in conflict with, any provisions in this LCS.

Contact Information	
California Department of Fish and Wildlife Joe Croteau klamathwatershed@wildlife.ca.gov 530.340.0767	Hart Ranch Susan Hart 

This binding agreement is valid while the current drought emergency regulation is in place. By signature, both parties agree and memorialize CDFW as the Coordinating Entity for this binding agreement. The Landowner shall include one signed copy with its Petition to the State Water Board, return one signed copy to CDFW, and retain a signed copy of this binding agreement and the

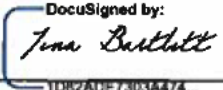
conservation plan readily handy at its residence in the event any questions arise for either party during implementation or monitoring.

Authorized Landowner Signature

Sign Here: 

Date signed: 3/24/2022

Authorized Cooperating Entity Signature

Sign Here: 
1D82ADE7303A474...

Date signed: 3/24/2022