Edson Foulke Yreka Ditch Company

Site Plan Agreement between
Edson Foulke Yreka Ditch Company, NOAA’s National Marine Fisheries Service (NMFS),
and California Department of Fish and Wildlife (CDFW)
for the Template Safe Harbor Agreement for Conservation
of Coho Salmon in the Shasta River

A. Introduction

This Site Plan Agreement for the Template Safe Harbor Agreement for Conservation of
Coho Salmon in the Shasta River (Agreement), which is intended to provide conservation
benefits for the Southern Oregon and Northern California Coast (SONCC) Evolutionarily
Significant Unit (ESU) of coho salmon (the Covered Species), is between Edson Foulke
Yreka Ditch Company (Permittee), NOAA’s National Marine Fisheries Service (NMFS),
and the California Department of Fish and Wildlife (CDFW). This Site Plan Agreement,
combined with the provisions of the Agreement, may serve as the basis for NMFS to
issue a federal enhancement of survival permit (ESP) to the above named Permittee
pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended
(ESA). The joint and respective responsibilities of NMFS, CDFW, and the Permittees are
detailed in the Agreement. This Site Plan Agreement is subject to terms and conditions
set forth herein and in the Agreement and ESP. The definitions included in Section 2 of
the Agreement are incorporated herein by reference.

In accordance with Section 5.1 of the Agreement, this Site Plan Agreement includes the
following:

- General description of the Enrolled Property, including map and water rights
  (Section B below);
- Description of Routine Agricultural Activities carried out on the Enrolled
  Property (Section C.1 below), applicable Avoidance and Minimization
  Measures (AMMs) (Section C.2 & G.1 below), and Beneficial Management
  Actions (BMAs) to be implemented by the Permittee, including a schedule
  and other terms and conditions for implementation (Section E below);
- Description of Baseline Conditions on the Enrolled Property (Section D below)
  and Actions Required to Maintain Baseline Conditions (Section E.1 below);
- Description of Elevated Baseline Conditions on the Enrolled Property if
  applicable (Section E.2 below) and description of Other Beneficial
  Management Activities on the Enrolled Property (Section E.3 below);
- Monitoring and reporting activities that the Permittee agrees to carry out
  (Section G below);
- Description of potential and existing funding sources and timeline for the

1 The Edson Foulke Yreka Ditch Company is a consortium of individuals, including Emmerson Investments, Inc., that
are listed in Section J with the exception of NMFS and CDFW. The consortium share and sign the same ESP. For
this Site Plan Agreement, the terms “Edson Foulke Yreka Ditch Company” and “Permittee” refer to all the individuals
in Section J, except for NMFS and CDFW.
Permittee to carry out BMAs, AMMs, and monitoring and reporting requirements (Section E, F, & G below); and
- Other information consistent with the terms and conditions of the Agreement and ESP (Section F, H & I below).

The AMMs, BMAs, and associated monitoring and reporting protocols described below derive from Appendix 2 and Appendix 3 of the Agreement. In the event there is any conflict between the AMMs, BMAs, and associated monitoring and reporting protocols as described below and as described in the appendices to the Agreement, the appendices to the Agreement control.

B. Enrolled Property

B.1 General narrative and map describing Enrolled Property

The entity applying for the Agreement is Edson Foulke Yreka Ditch Company, an association consisting of six individual members that divert water through a single delivery system commonly known as the Edson Foulke or China Ditch. The water diverted through Edson Foulke ditch is a combination of multiple shared water rights. Edson Foulke Yreka Ditch Company, hereinafter referred to as Permittee or Edson Foulke, owns no real property and operates its diversion through an easement on Parks Creek Ranch. Permittee is seeking coverage for its easement area and infrastructure located at its point of diversion on Parks Creek, including its intake structure, initial reach of diversion ditch, fish screen and flow measuring device.

The furthest point of use is 15.45 ditch miles north of Parks Creek diversion point. The map included below shows the approximate location of Enrolled Property within the Covered Area that is within the Upper Parks Creek Reach in the Agreement. The approximate general location of Edson Foulke diversion within the Covered Area is shown in Figure 1.
B.2 Legal Description of Property Boundary (Parks Creek Diversion Point)

Permittee's has an easement on property owned by Outpost International - Parks Creek Ranch to divert water, maintain and operate its point of diversion located on Parks Creek. Permittee owns no real property. Permittee's easement for the Parks Creek Point of Diversion (POD) is attached as Appendix B (Wells Agreement). The legal description of the involved water right is the Parks Creek Diversion Point identified as Diversion #183 in the Shasta River Decree and described in Paragraphs 33, 116, 117 and 324.

The Edson Foulke Parks Creek point of diversion is location at: (latitude and longitude) 41.435431°, 122.471370°

B.3 Description of Water Right

Permittee is an association comprised of multiple users who operate the Parks Creek point of diversion that serve the users located along Edson Foulkes 15.45 mile long canal. Permittee has a water right on Parks Creek, identified in the Shasta River Decree as Diversion #183 (described in Paragraphs 33, 116, 117 and 324 attached as Appendix A).

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Owner</th>
<th>Time</th>
<th>Use</th>
<th>Decreed Acres</th>
<th>Source/Diversion Number</th>
<th>CFS</th>
</tr>
</thead>
<tbody>
<tr>
<td>33</td>
<td>Halpenny</td>
<td>3/1-2/28</td>
<td>Irrigation/Stock water</td>
<td>212.1</td>
<td>Parks Creek #183</td>
<td>1.25</td>
</tr>
<tr>
<td>116</td>
<td>T. Nielsen, Crechriou, R. Nielsen, &amp; Novy</td>
<td>3/1-2/28</td>
<td>Irrigation/Stock water</td>
<td>2,559.7</td>
<td>Parks Creek #183</td>
<td>7.45</td>
</tr>
<tr>
<td></td>
<td></td>
<td>11/1-3/1</td>
<td>Storage</td>
<td></td>
<td>Shasta #18 or Parks #183</td>
<td>228 acre/ft</td>
</tr>
<tr>
<td>117</td>
<td>Emerson</td>
<td>3/1-2/28</td>
<td>Irrigation/Stock water</td>
<td>225.1</td>
<td>Parks Creek #183</td>
<td>0.6</td>
</tr>
<tr>
<td>324</td>
<td>Emerson</td>
<td>3/1-2/28</td>
<td>Irrigation/Stock water</td>
<td>102.4</td>
<td>Parks Creek #183</td>
<td>0.6</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total Acres: 3,099.3</td>
<td>Total CFS</td>
<td>9.9</td>
</tr>
</tbody>
</table>

Irrigation season at Parks Creek starts on March 1st and continues through October 31st. Winter diversion occurs from November 1st through February 28th. Maximum diversion volume for either period of diversion is 9.9cfs. Permittee also has a 228 acre-feet storage right allowing water to be diverted from 11/1 through 3/1 in addition to the continuous flow volume of 9.9 cfs.
Outpost MR, LLC, operating Parks Creek Ranch, also has an agreement that enables them to use Edson Foulke’s Ditch infrastructure to convey 5.3 cfs of water from the Parks Creek POD from March 1 to July 10. This 5.3 cfs is a separate right from the 9.9 cfs adjudicated right of Edson Foulke’s Parks Creek diversion. It is an agreement between current users which include the Permittee and Parks Creek Ranch to include their 5.3 cfs water right at the same point of diversion, identified as the Wells Agreement, which establishes the easement (Appendix B).

The upper Parks Creek hydrograph is a snow melt driven system with highest constant flows during spring, April through May on a normal water year. Inter-annual and seasonal variability is significant. Climatic influences from Mt. Shasta and surrounding mountains can result in precipitation events, including rain on snow, causing more extreme stream flow variations compared to other tributaries of the Shasta River. When snow melt tails off, flows reduce, typically starting during mid-June and ending in base flow condition by early-July, ceasing operation of diversion by mid-July.

Summer flows are characterized by very low flow conditions from mid-July into October. Generally, Parks Creek diversion point ceases to divert as surface flows subside during summer. In most years, any stream flow in Parks Creek must be yielded to higher priority rights upstream of the Permittee’s diversion. Surface flows typically do not recover until after mid-October or when a significant precipitation event occurs.

During the fall streamflow typically becomes more steady and dependable by mid-November in a normal water year. Figure 2 shows the Edson Foulke's diversion point in relation to the canal and irrigated acreage.
C. **Routine Agricultural Activities**

C.1 **Present Routine Agricultural Activities**

*General description:* Permittee is a ditch association that operates a diversion point located on Parks Creek, within the Upper Parks Creek Reach of the Covered Area. The head of the Edson Foulke’s Parks Creek Ditch diverts water to the main canal which delivers water north along the west side of Shasta Valley. The furthest point of use is 15.45 ditch miles north of the diversion point. Water is used for multiple purposes including pasture production, crop production, stock water and delivery to storage. Figure 3 shows Permittee member’s parcels outlined in red and various laterals for delivery from the main stem Ditch.

The diversion point includes an adjustable head gate attached to a culvert that diverts water from the stream. Armoring around the head gate and along the left bank of the stream protects the diversion infrastructure and the initial reach of the ditch. As flows reduce, a gravel berm is constructed in Parks Creek to build water surface elevation to divert water via the existing structure. Work to construct berm is often conducted by hand if winter flows are not significant. If high persistent winter flows occur, equipment is used to reestablish channel elevation to allow diversion via the head gate. By-pass flows and fish passage are provided with a 2' wide notch in the diversion berm constructed of native bedload material. The notch leads to a riffle allowing passage.

An on-canal self-cleaning fish screen was constructed in 2007. A 30' long 24” diameter by-pass pipe allows fish to return to Parks Creek. Permittee and Belcampo Farms operate and maintain the fish screen. The volume of water diverted can be measured within the diversion ditch located downstream of the fish screen.
Figures 2b- Place of Use
Irrigation Management

Edson Foulke can typically divert the full adjudicated volume during the spring until mid-June on an average year. Transmission losses can occur in the main canal. Losses are proportional to the volume of water diverted. Losses are proportionally higher when diverting near maximum volumes. Conversely, the efficiency of the ditch is higher when diverting smaller volumes of water. The ditch is an unlined earthen ditch excavated from native materials (consolidated and unconsolidated serpentine soils and rock). Transmission loss occurs through the fill side of the ditch when maximum capacity is approached.

During the non-irrigation season, a full volume of winter water is not able to be diverted until mid-November on Parks Creek or at least until after a significant precipitation event occurs. Parks Creek normally begins flowing at the POD again in mid-October but generally less than the water right (9.9 cfs). After Mid-November, flows increase but can be highly variable, exhibiting significant reductions during prolonged cold, dry periods or significant increases during heavy precipitation and high flow events. Management of the facility can be difficult and labor intensive from late fall, through winter and into spring.

Irrigation management includes managing the diversion point and diversion structure. Periodic cleaning of sediment deposited in front of the POD and development of a temporary gravel berm that is installed as surface flows subside to divert water. Bypass flows are managed until flows reduce to a minimal flow volume, typically in early summer. After mid-July, Parks Creek at the point of diversion is dry or nearly dry through mid to late October. A self-cleaning fish screen with a by-pass exists down ditch from the POD. Adequate amount of flows through the fish screen by-pass occur when POD is in operation until flows subside and diversion ceases. An adjustable head gate exists at the POD. A Department of Water Resources built and maintained stage measuring device exists down ditch from the fish screen. Evaluation is necessary to determine if current flow measuring methods are sufficiently accurate.

Irrigation Maintenance

Ditch Cleaning

The ditch is maintained regularly by the ditch association, using heavy equipment and hand work. Cleaning and ditch bank maintenance is conducted annually, and usually occurs before the onset of irrigation season. Diversion of water ceases when ditch maintenance occurs.

Diversion Cleaning

The diversion point is maintained regularly by the ditch association, using heavy equipment and hand work. Maintenance is conducted most often at the head of the ditch between the head gate and the fish screen and in the active channel after high flow events. Maintenance of the gravel and rock diversion structure is necessary within the active channel as well, especially after significant storm events. Maintenance within the active channel usually occurs when stream flows began to decline, which usually occurs
in June. Work in the active channel is usually conducted by hand and consists of clearing sediment and rocks from the active channel.

*Fish Screen Cleaning*

The Permittee and Parks Creek Ranch operate a fish screen that is located in the diversion ditch with a thirty-foot pipe bypass to Parks Creek. The Permittee’s clean, repair and maintain the fish screen and by-pass. The fish screen requires monthly greasing of bearings and some infrequent hand cleaning of debris.

*Riparian Grazing Management*

The Permittee has no real property and does not manage or graze livestock.

*Fence Maintenance*

The Permittee has no real property and does not manage riparian habitat.

*Road Maintenance*

The Permittee shares an access road off of Stewart Springs Road which crosses the active channel of Parks Creek. A secondary access road is often used on the north side of Parks Creek through Parks Creek Ranch property where crossing the stream is not required.

*Crossing Maintenance*

The Permittee uses a low water crossing located just upstream of the POD. However, the crossing is currently impassable due to significant bank erosion and near vertical approach resulting from high flows in 2017. The secondary access is currently the primary access point.

*Herbicide/Fertilizer/Pesticide Use*

The Permittee will not apply pesticides or herbicides at POD or where use could impact fisheries.

C.2 Avoidance and Minimization Measures

The Permittee has agreed to carry out and monitor AMMs that are relevant to their Routine Agricultural Activities as specified in Table G1 (Section G below) and as detailed in Appendix 3 of the Agreement.

D. Description of Baseline Conditions

Baseline Conditions mean the habitat conditions for the Covered Species on the Enrolled Property when NMFS approves this Site Plan Agreement. The Enrolled Property is an easement Permittee operates on property owned by Parks Creek Ranch within the Upper Parks Creek Reach of the Covered Area. Baseline conditions for the Enrolled Property are the Conditions described in the Agreement for these reaches of the Parks Creek.
Elevated Baseline Conditions are certain Baseline Conditions improved as a result of certain Beneficial Management Activities. Elevated Baseline Conditions for this Site Plan Agreement is to evaluate the fish screen and improve or replace as needed or as part of implemented Other Beneficial Management Activities.

Table 2 Summarizes the Beneficial Management Activities required to maintain Baseline Conditions and achieve Elevated Baseline Conditions on the Enrolled Property for the term of the Site Plan Agreement. The Beneficial Management Activities implement habitat enhancement actions recommended in the Agreement (Appendix 2) for the Upper Parks Creek reach. Section E describes the activities in more detail. All Beneficial Management Activities stipulated below will be implemented per relevant AMM’s included in Appendix 3 of the Agreement.

Note: Permittee does not own property. Permittee operates a diversion point only.

### Table 2- Summary of Baseline, Elevated and Other Beneficial Management Activities for the Enrolled Property

<table>
<thead>
<tr>
<th>Habitat Parameter</th>
<th>Beneficial Management Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Present Baseline (Section E1-Maintain)</td>
</tr>
<tr>
<td></td>
<td>Elevated Baseline (Section E2-Restore; Implement and Maintain)</td>
</tr>
<tr>
<td></td>
<td>Other Beneficial Management Activities (Section E3-Restore; Measures to Avoid and Minimize Impacts)</td>
</tr>
<tr>
<td>Hydrology/ Water Quality</td>
<td>-Maintain diversion facility and diversion operation as described in E.1.a.</td>
</tr>
<tr>
<td></td>
<td>-Participate in Upper Parks Creek Flow Plan E.3a1.</td>
</tr>
<tr>
<td></td>
<td>-To implement Upper Parks Creek Flow Plan, design and construct diversion facility which includes:</td>
</tr>
<tr>
<td></td>
<td>programmable, automated head gate and flow gage for the diverted volume. Facility will also</td>
</tr>
<tr>
<td></td>
<td>include stream flow gage facility located above or below diversion, based on feasibility and</td>
</tr>
<tr>
<td></td>
<td>design E.3a2</td>
</tr>
<tr>
<td></td>
<td>Assess, design, permit and implement a water conservation project on Edson Foulke Ditch that</td>
</tr>
<tr>
<td></td>
<td>conserves 3.0 cfs when ditch is operating at 60% capacity or greater. By-pass the 3.0 cfs of</td>
</tr>
<tr>
<td></td>
<td>conserved water prior to diverting for irrigation or stock watering purposes. E.3a3</td>
</tr>
</tbody>
</table>
### Beneficial Management Activities

<table>
<thead>
<tr>
<th>Habitat Parameter</th>
<th>Present Baseline (Section E1-Maintain)</th>
<th>Elevated Baseline (Section E2-Restore; Implement and Maintain)</th>
<th>Other Beneficial Management Activities (Section E3-Restore; Measures to Avoid and Minimize Impacts)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Passage/ Migration/ Screening</strong></td>
<td>- Maintain unimpeded fish passage at EF Parks Creek diversion except when surface flows cease E.1.a.</td>
<td>- Improve/replace existing fish screen based on screening criteria evaluation results, incorporate fish screen into new facility, if determined feasible E.2.b</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Maintain Edson - Foulke Fish Screen and by-pass as described in Section E.1.b</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Instream Habitat Complexity</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Riparian Condition/ Function</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Substrate Quality</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Pasture Management</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Assessments/ Studies</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Supplementation</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### E. Beneficial Management Activities

This section provides a detailed description of Beneficial Management Activities to be implemented on the Enrolled Property for the benefit of the Covered Species.

Measures identified in Section E are mutually agreed upon actions and commitments that the Permittee is agreeing to participate in but will not accept the responsibility to implement solely, without public participation and investment. This agreement embraces the concept that meaningful restoration actions include private commitment and investment combined with public commitment and investment and accepts that both private and public interests may benefit via increased commitments identified in this agreement and presented in Figures 4 and 5 below.
E.1 Actions Required to Maintain Baseline Conditions

This section details the actions required to maintain Baseline Conditions. This includes any Covered Activities that are being implemented, or have been implemented on the Enrolled Property that benefit the Covered Species and will be maintained over the duration of the Agreement.

E.1.a. Hydrology/Water Quality

Permittee will continue to operate and maintain the diversion facility including operation of an adjustable head gate. A seasonal cobble coffer berm is constructed to divert flows as flow volumes reduce typically after the beginning of June. Some minor instream work is necessary to maintain the seasonal diversion structure for passage. Work conducted to clear diversion of debris from high flow events and construct annual diversion berm will not exceed 10 cubic yards per year. Routine operations include constructing temporary gravel berm and/or remove bed load material from intake structure to divert water as flows reduce and maintaining a fish passage route through the diversion berm. Permittee will monitor, maintain and repair the Edson Foulke Ditch to ensure best delivery efficiency.

E.1.b. Passage/Migration/Diversion Screening

An in-canal fish screen was installed in 2007 with a 30' long by-pass pipe returning flow and fish to Parks Creek. Fish screen should be evaluated to ensure it meets criteria. Install downstream of fish screen a Department of Water Resources stage recorder measuring device to ensure diversion volumes are not exceeded.

E.1.c Instream Habitat Complexity

-N/A as Permittee only operates a POD and does not own property

E.1.d Riparian Condition/ Function

-N/A as Permittee does not own property at the site.

E.1.e Substrate Quality

-N/A as Permittee does not own riparian property

E.1.f Pasture Management

-N/A as Permittee does not own pasture.

E.1.g Assessment/Studies

-N/A as Permittee does not own riparian property
E.1.h Supplementation

-N/A as Permittee does not own riparian property

Figure 3- EDSON-FOLKE- Baseline Conditions
E.2 Elevated baseline:

This section and Figure 4 details the actions required to achieve and maintain Elevated Baseline Conditions. This includes any Covered Activities that will be implemented and maintained on the Enrolled Property during the term of the Agreement to improve unsuitable habitat conditions for the Covered Species.

**E.2.a. Hydrology/Water Quality**

- N/A

**E.2.b. Passage/Migration/Diversion Screening**

Evaluate current fish screen and fish passage at point of diversion (POD) using current criteria.

Scenario 1: If current fish screen and fish passage is acceptable, leave in place. If new POD facility/structure will be built, fish screen and fish passage will be reevaluated.

Scenario 2: If alternative fish screen and fish passage is needed, this project would occur simultaneously with the assessment and design process of a new diversion, automated gate and gaging/monitoring facility/structure at Permittee’s POD.

Scenario 3: If alternative fish screen and fish passage is necessary, but funding for a new diversion, automated gate and gaging/monitoring facility/structure is not achieved, a separate project would be initiated for fish screen and/or fish passage alternatives.

Scenario 4: If current fish screen and fish passage is acceptable, but instream improvements are necessary to improve instream fish passage, Permittee agrees to assist in design and seek funding for instream improvements. If a new POD facility/structure will be built, instream fish passage will be reevaluated.

For the above scenarios, evaluation and analysis of current fish screen and fish passage and development of possible design alternatives, if necessary, would be completed by close of 3rd year of permit. Improvement/replacement, if necessary, would be completed by close of 6th year of project.

**E.2.c Instream Habitat Complexity**

- N/A as Permittee does not own property

**E.2.d Riparian Condition/ Function**

- N/A as Permittee does not own property
E.2.e  Substrate Quality

-N/A as Permittee does not own property

E.2.f  Pasture Management

-N/A as Permittee does not own property

E.2.g  Assessment/Studies:

-Permittee will work with upper Parks Creek Permittees and agencies to develop and implement an interim program to collect data which will inform and evaluate habitat parameters including flow volume, diversion volume, water quality leading to improved projects and justified expectations.

E.2.h  Supplementation

-N/A as Edson Foulke does not own riparian property

E.3  Other Beneficial Management Activities

E.3.a.  Hydrology/Water Quality

E3a1: Participate in Upper Parks Creek Flow Plan:

The Permittee agrees to coordinate diversion volume and by-pass volumes with the other Permittees within the Upper Parks Creek reach to optimize reach-scale flow objectives. Permittee will coordinate with Parks Creek Ranch and Montague Water Conservation District to assure the instream flow targets identified below are met, based on the Upper Shasta Flow Plan and priority identified in the Shasta River Decree.

Permittee agrees to Upper Parks Creek Flow Plan which focuses on meeting biological objectives through water conservation and, at times, by-passing water or reducing (or ceasing) diversion below legal right to meet the biological flow targets presented below. The Upper Parks Creek Reach downstream boundary is located below the I-5 crossing of Parks Creek, identified as PCE on CDEC. The Upper Parks Creek Flow Plan identifies target flows at gage site PCE. The Upper Parks Creek Flow Plan also requires accurate measuring of flows at the involved diversion facilities. Biological Flow Objectives are identified per life stage as identified below:
Upper Parks Creek Flow Strategy - Instream flow targets at PCE:

<table>
<thead>
<tr>
<th>Life Stage:</th>
<th>Time Period</th>
<th>Flow at PCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Migration and Spawning</td>
<td>11/1-12/31*</td>
<td>10.00 cfs @PCE prior to diverting</td>
</tr>
<tr>
<td>Over-wintering/Incubation</td>
<td>1/1-2/28*</td>
<td>6.00 cfs @PCE prior to diverting</td>
</tr>
<tr>
<td>Juvenile outmigration/distribution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stage 1:</td>
<td>3/1-5/16</td>
<td>8.45 cfs @PCE prior to diverting more than 12.9 cfs (PCR #1,2 and EF #3)</td>
</tr>
<tr>
<td>Stage 2:</td>
<td>3/1-5/16</td>
<td>20.00 cfs @PCE prior to diverting more than 6.95 cfs (PCR #3-6)</td>
</tr>
<tr>
<td>Juvenile outmigration/distribution</td>
<td>5/16-5/23</td>
<td>12.00 cfs @PCE prior to diverting</td>
</tr>
<tr>
<td>Juvenile outmigration/distribution</td>
<td>5/24-5/31</td>
<td>8.00 cfs @PCE prior to diverting</td>
</tr>
<tr>
<td>Juvenile outmigration/distribution</td>
<td>6/01-6/10</td>
<td>4.00 cfs @PCE prior to diverting</td>
</tr>
<tr>
<td>Over-summering</td>
<td>6/11-10/14</td>
<td>1.00 cfs @PCE prior to diverting</td>
</tr>
<tr>
<td>Fall Ramp-up</td>
<td>10/15-11/1</td>
<td>4.00 cfs @PCE prior to diverting</td>
</tr>
</tbody>
</table>

*Storage rights for 228 acre/feet may be diverted from 11/1-2/28 by Edson Foulke after PCE target is met. Diverted volume for storage will not exceed 5.0 cfs.

E.3.a2: **Enhance Edson Foulke's Parks Creek Point of Diversion (POD):**

For Permittee to abide by the Proposed Upper Parks Creek Flow Plan and ensure water conserved through the proposed water conservation project is provided to instream benefit, a new diversion facility is required. Proposed Facility/Structure shall include: programmable, automated head gate and flow gage/monitoring for diverted water with real time capability. Real time stream flow gage/monitoring located upstream or downstream of the diversion (dependent on design) is necessary to affirm by-pass provided by either meeting the flow objective or verifying conserved water provided by the water conservation project. Real time monitoring would also satisfy 15 minute flow data log recording requirement for the California State Waterboard. The diversion facility will be designed to withstand flood events and protect facility infrastructure including the initial reach of the ditch. Gauging infrastructure operation and maintenance would need to be conducted by another entity than Permittee, presumably through the SWCG project monitoring requirements. The diversion facility improvements will be coordinated with other participating diversions participating in the Upper Parks Creek Flow Strategy. Assessment and potential design includes consideration of combining Edson Foulke Ditch with Parks Creek Ranch Diversion Points #1 and #2.
Enhanced Parks Creek POD Phases:

**Phase 1- Assessment and selection of preferred POD alternative:**

Permittee commits to seek funds and participate jointly with agencies and Parks Creek Ranch to assess appropriate POD location and preliminary design criteria. Phase 1 to be completed by close of 2nd year after signing Agreement.

**Phase 2- POD design and permitting for installation:**

Permittee commits to seek funding and participate jointly with agencies and Parks Creek Ranch to select a design engineering firm to conduct and complete POD enhanced design based on preferred POD location and preliminary design criteria and related permitting for installation. Phase 2 to be completed by close of 4th year after signing Agreement.

**Phase 3- POD installation:**

Permittee commits to seek funding jointly with agencies and Parks Creek Ranch and participate with installation of POD enhancement by close of 6th year after signing Agreement.

If at any Phase funding cannot be found or approved or other aspects of the project will result in a delay, Permittee and agencies will meet to discuss project scope and other alternatives that will allow the project to move forward or be terminated.

Permittee will not be financially responsible for replacing new diversion facility, automated head gate and flow monitoring gages if destroyed by a flood event. Permittee agrees to a maximum annual cost of $1500.00 to cover maintenance.

E.3.a3: Water Conservation:

Permittee has a right to divert 9.9 cfs from Parks Creek throughout the year. During the period from March 1st to October 31st water is diverted for irrigation. During the period from November 1st to February 28th, water is diverted for livestock watering. In addition to a right for continuous use, Permittee has a right to 288 acre ft of storage from November 1st to February 28th.

Permittee is an association that does not own property. Permittee only manages a point of diversion at Park Creek and a ditch that passes through, with easements, multiple non-association properties. Therefore, projects for instream benefit are limited. Permittee’s focus is to improve ditch conveyance efficiencies where conserved water would be used to provide by-pass flows in Parks Creek.
The proposed project is as follows:

Phase 1: Assessment and design alternatives analysis of water conservation project:

Permittee commits to jointly seek funding with agencies to hire a 3rd party to help Permittee continue to assess where water can be conserved and identify what project alternatives would best conserve this water. Complete final analysis and issue report. Review report with agencies and mutually select preferred alternative/project. Permittee is committed to conserve at least 3.0 cfs when the ditch is operating at 60% capacity. It is estimated water conserved for instream benefit from this project would be 850 acre ft/yr. during the irrigation season (March 1 to October 31) and 440 acre ft/yr. during winter diversion (December 15 to February 28th). Phase 1 to be completed by close of 2nd year of Agreement.

Phase 2: Engineering and permitting of shovel ready design:

Permittee commits to jointly seek funding with agencies to hire an engineering firm to conduct final assessment and analysis of preferred design and to complete final designs and required permits. Phase 2 to be completed by close of 4th year after signing the Agreement.

Phase 3: Project Implementation:

Permittee commits to jointly seek funding with agencies to complete construction of project. Upon completion of project, Permittee will deliver 3.0 cfs of its 9.9 cfs rights for instream benefit. The 3.0 cfs will be provided for instream benefit prior to diverting for irrigation. Permittee agrees to incorporate other fish and wildlife as a secondary beneficial use of conserved water. Phase 3 to be completed by close of 7th year after signing the Agreement.

If at any Phase funding cannot be found or approved or other aspects of the project would result in a delay, Permittee and agencies will meet to discuss project scope and other alternatives that will allow project to move forward or be terminated.

E.3.a4: Forbearance Agreement: Permittee agrees to enter into a Forbearance Agreement with SWCG members for the purpose of improving habitat for Covered Species in the Shasta River.

E.3.b. Passage/Migration/Diversion Screening:

See E.2.b
E.3.c  **Instream Habitat Complexity**

- N/A as Edson Foulke only operates a POD and does not own property

E.3.d  **Riparian Condition/ Function**

- N/A as Edson Foulke only operates a POD and does not own property

E.3.e  **Substrate Quality**

- N/A as Edson Foulke does not own riparian property

E.3.f  **Pasture Management**

- N/A as Edson Foulke does not own pasture.

E.3.g  **Assessment/Studies**

- N/A

E.3.h  **Supplementation**

- N/A as Edson Foulke does not own riparian property
Figure 4- EDSON FOULKE- Proposed Conditions

Implement a water conservation project on Edson-Foulke Ditch

Design and implement diversion facility that includes: programmable, automated head gate and flow gage in the diversion. Facility will also include stream flow gage facility to measure flow downstream of diversion.
F. Effective Date and Duration of the Site Plan Agreement and Agreement

The Agreement, Site Plan Agreement and the ESP take effect when signed by the Permittees, NMFS, and CDFW. The ESP’s take authorization will not be effective until Permittee implements the flow strategy contained in Section E.3 of this Site Plan Agreement. Permittee will implement the flow strategy contained in Section E.3 of the Site Plan Agreement within two years of ESP issuance. Permittee will notify both NMFS and CDFW upon flow strategy implementation. Upon written confirmation by NMFS that the flow strategy is being implemented, the ESP’s take authorization will become effective.

*If within three years of ESP issuance NMFS does not issue confirmation that Permittee is implementing the flow strategy contained in Section E.3 of this Site Plan Agreement, then the ESP will automatically expire and its take authorization will never have been effective.*

The Agreement, Site Plan Agreement and ESP have a term of 20 years, which may be extended by mutual written consent of the Permittees, NMFS, and CDFW as stipulated in the Agreement. One (1) year prior to end of term of the Agreement, Site Plan Agreement and ESP, the Permittees, NMFS, and CDFW will meet to decide whether to extend the term of the Agreement, Site Plan Agreement and ESP.

G. Monitoring and Reporting

AMMs are intended to minimize or reduce potential adverse impacts that may occur during implementation of BMAs or Routine Agricultural Activities. The Permittee commits to implement the AMMs and associated monitoring protocols listed in Table G1 below and as described in Appendix 3 of the Agreement.

Implementation monitoring includes those monitoring tasks associated with construction and implementation of BMAs (e.g. construction of habitat restoration projects) and associated AMMs. Implementation monitoring of BMAs serves to verify that habitat restoration projects are constructed as designed and/or managed as intended. The Permittee commits to monitoring actions as summarized in Table G2. Permittee also commits to all relevant AMMs included in Appendix 3 of the Agreement related to the implementation of the BMAs identified in Section E above.

AMM and implementation monitoring will be conducted by the Permittee, the SWCG, or a contractor and included in the annual report.
### G.1 Avoidance and Minimization Measures Monitoring Commitments

The Permittee agrees to the following AMMs and monitoring actions:

<table>
<thead>
<tr>
<th>Routine Agricultural Activity</th>
<th>Edson Foulke Ditch –AMM (See Appendix 3 of Agreement for full description)</th>
<th>AMM Monitoring Technique</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Irrigation Management</strong></td>
<td>A1 A2 A3 A4 A5</td>
<td>All maintenance of instream diversion structures shall be monitored as follows:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-Log of what in-water work had occurred and what minimization measures were implemented will be included in the annual report</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-When construction or repair work is being done, three to five photo points using USDA Forest Service Photo Point Monitoring Handbook, 2002 <a href="http://www.fs.fed.us/pnw/pubs/gtr526/">http://www.fs.fed.us/pnw/pubs/gtr526/</a> or an annual agency inspection can be requested.</td>
</tr>
<tr>
<td><strong>Irrigation Maintenance</strong></td>
<td>B1 B2 B3 B4 B5 B6 B7 B8</td>
<td>All maintenance of instream irrigation facilities shall be monitored. Following are some examples of protocols:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-Log of maintenance activities carried out within the calendar year is included in the annual report.</td>
</tr>
<tr>
<td><strong>Riparian Grazing Management</strong></td>
<td>C1 C2 C3</td>
<td>Riparian grazing management shall be monitored as follows:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-Three to five permanent photo point stations will be established and marked at locations within each riparian pasture designed to show both vegetation changes before and after seasonal grazing activities, and long-term trends. Photo points shall be established using USDA Forest Service Photo Point Monitoring Handbook, 2002 <a href="http://www.fs.fed.us/pnw/pubs/gtr526/">http://www.fs.fed.us/pnw/pubs/gtr526/</a>. Digital photographs will be taken at each photo point station once per year for trend monitoring, and before and after riparian pasture grazing takes place for annual implementation reporting. -Maintain a log of grazing activities carried out within the calendar year and include in the annual report. At a minimum, the log will include the following information: beginning and end dates of riparian pasture grazing; number of animals, monitoring practices during the riparian grazing period, and management actions taken as a result of monitoring results including management</td>
</tr>
<tr>
<td>Routine Agricultural Activity</td>
<td>Edson Foulke Ditch –AMM (See Appendix 3 of Agreement for full description)</td>
<td>AMM Monitoring Technique</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>------------------------------------------------------------------------</td>
<td>-----------------------------</td>
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<td></td>
<td></td>
<td>cues used to determine the time to move livestock out of the riparian pasture.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-NMFS and CDFW may initiate periodic inspection of grazed riparian pastures to ensure riparian grazing management plan is effective.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>--NMFS, CDFW, or a qualified party, approved by CDFW or NMFS, may conduct redd surveys to determine the need for livestock restrictions in streams. In the event surveys indicate redds are not present, then livestock access will follow the procedures described in riparian grazing management plan.</td>
</tr>
<tr>
<td>Fence Maintenance</td>
<td>D1</td>
<td>-A short description of fence maintenance activities will be included in the annual report.</td>
</tr>
<tr>
<td></td>
<td>D2</td>
<td></td>
</tr>
<tr>
<td>Road Maintenance</td>
<td>E2</td>
<td>-A short description of annual road maintenance activities will be included in the annual report.</td>
</tr>
<tr>
<td></td>
<td>E3</td>
<td></td>
</tr>
<tr>
<td>Crossing Maintenance</td>
<td>F1</td>
<td>- Three to five photo points using USDA Forest Service Photo Point Monitoring Handbook, 2002 <a href="http://www.fs.fed.us/pnw/pubs/gtr526/">http://www.fs.fed.us/pnw/pubs/gtr526/</a></td>
</tr>
<tr>
<td></td>
<td>F2</td>
<td></td>
</tr>
<tr>
<td>Herbicide/Fertilizer/Pesticide</td>
<td>G1</td>
<td>- Permittee commits to log use of herbicide, fertilizer and pesticide activities carried out within the calendar year is included in the annual report.</td>
</tr>
<tr>
<td>Use</td>
<td>G2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>G3</td>
<td></td>
</tr>
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<td></td>
<td>G4</td>
<td></td>
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<td></td>
<td>G5</td>
<td></td>
</tr>
<tr>
<td>Flood Repair</td>
<td>H1</td>
<td>- Permittee shall take photographs of the emergency site repairs and a detailed description of the repairs to be included in the annual report.</td>
</tr>
<tr>
<td></td>
<td>H2</td>
<td></td>
</tr>
</tbody>
</table>
G.2 Implementation and Effectiveness Monitoring

The Permittee agrees to the following monitoring actions:

<table>
<thead>
<tr>
<th>Habitat Parameter</th>
<th>Edson Foulke Ditch-Beneficial Management Activities</th>
<th>Implementation Monitoring Technique</th>
<th>Effectiveness Monitoring Commitment/Technique</th>
</tr>
</thead>
</table>
| Hydrology/Water Quality | - Participate in Upper Parks Creek Flow Plan E.3a1.  
- In order to implement Upper Parks Creek Flow Plan, design and construct diversion facility that includes: programmable, automated head gate and flow gage for the diverted volume. Facility will also include stream flow gage facility located above or above or below diversion, based on feasibility and design E.3a2  
- Assess, design, permit and implement a water conservation project on Edson Foulke Ditch that conserves 3.0 cfs when ditch is operating at 60% capacity or greater. By-pass the 3.0 cfs of conserved water prior to diverting for irrigation or stock watering purposes. E.3a3 | - Three to five photo points using USDA Forest Service Photo Point Monitoring Handbook, 2002 documenting functioning diversion, pipeline improvements and spring source enhancements.  
- Evaluate Soil Moisture sensor opportunities  
- Water measuring protocol that is in concurrence with SB88 of diversion, submit diversion data. | - Diversion monitoring station will be maintained and operated as designed. Provide yearly data. |

| Passage/Migration/Screening | - Maintain unimpeded fish passage at EF Parks Creek diversion except when surface flows cease E.1.a.  
- Maintain Edson - Foulke Fish Screen and by-pass as described in Section E.1.b  
- Improve/replace existing fish screen based on screening criteria evaluation results, incorporate fish screen into new facility, if determined feasible E.2.b | - Three to five photo points using USDA Forest Service Photo Point Monitoring Handbook, 2002 documenting fish passage and fish screen.  
- Evaluation Assessment of fish screen. | |

H. Annual Report and Adaptive Management

The Permittee will complete an annual report, yearly and report as stipulated in the Agreement.
I. Regulatory Assurances

Upon execution of the Agreement and this Site Plan Agreement and the satisfaction of all other applicable legal requirements, NMFS will issue a permit under Section 10(a)(1)(A) of the ESA to assure the Permittee may incidentally take Covered Species, in accordance with the Site Plan Agreement and Agreement, as a result of implementing the Covered Activities described in this Site Plan Agreement, and except where such activities would result in the diminishment or non-achievement of the Baseline and/or Elevated Baseline Conditions established for the Enrolled Property. This assurance depends on the Permittee maintaining the Baseline Conditions and/or achieving the Elevated Baseline Conditions set forth in the Site Plan Agreement, complying fully with the Agreement and the Site Plan Agreement, and so long as the continuation of Covered Activities would not be likely to result in jeopardy to Covered Species or the adverse modification or destruction of their designated critical habitat. NMFS provides no assurances with regard to any action that may affect species not covered under the Agreement, including the take of non-covered species and the adverse modification or destruction of their designated critical habitat.

J. Signatures of NMFS, CDFW, and the Permittees

Dorothy Crochiriou
P.O. Box 11
Gazelle, California 96034

Dr. Lowell Novy
Novy Ranches
P.O. Box 40
Grenada, California 96038

James R. Halpenny
Lynne S. Halpenny
16135 Old Westside Road
Grenada, California 96038

Pete Scala
Emmerson Investments, Inc.
21305 Slough Road
Weed, California 96094
530-604-0626

Tom Nielsen
P.O. Box 49
Gazelle, California 96034

Robert Nielsen
P.O. Box 608
Pleasanton, California 94566
By signing the Agreement and this Site Plan Agreement CDFW expresses its expectation that the Agreement along with a Permittee’s Site Plan Agreement signed by NMFS and the NMFS ESP, could meet the requirements of section 2089.22 of the California Fish and Game Code with respect to the Enrolled Property described in the Site Plan Agreement. However, CDFW will not make such determination until reviewing that Site Plan Agreement signed by NMFS and the NMFS ESP.
Appendix A

Edson Foulke- Proof of Water Right from Shasta River Decree

116. EDSON AND FOULK COMPANY, a corporation, and WILLIAM G. MAXWELL, are entitled to divert from the natural flow of Shasta River and Parks Creek, through the Edson-Foulke Yreka Ditch, and the Edson-Foulke Parks Creek Ditch, respectively,

(a) during the period between March first and November first of each year,
21.15 CUBIC FEET PER SECOND--PRIORITY MARCH 1, 1856,
from Shasta River, and
7.45 CUBIC FEET PER SECOND--PRIORITY MARCH 1, 1856,
from Parks Creek,
or as much of said amounts of water as they directly apply to beneficial use for stock watering purposes and for the irrigation of the lands hereinafter described in this paragraph;

(b) during the period between November first of each year and March first of the succeeding year,
4.55 CUBIC FEET PER SECOND--PRIORITY MARCH 1, 1856,
from Shasta River and
7.45 CUBIC FEET PER SECOND--PRIORITY MARCH 1, 1856,
from either Shasta River or Parks Creek, or in part from both of said sources;
or as much of said amounts of water as they directly apply to beneficial use for stock watering purposes;

(c) during the period between November first of each year and March first of the succeeding year,
228 ACRE-FEET PER SEASON--PRIORITY MARCH 1, 1884,
from either or in part from both of said sources, or as much thereof as said company impounds in the Edson and Foulke Company Reservoir, situated in the NE_4 of Sec. 35, and the NW_3 of Sec. 36, T. 43 N., R. 6 W., M.D.B. & M., and thereafter withdraws from said reservoir and applies to beneficial use for stock watering purposes and for the irrigation of the lands of Edson and Foulke Company hereinafter described in this paragraph:

all of said amounts of water from said Shasta River to be diverted therefrom at a point (designated on Division of Water Rights Map as Diversion 18) which bears approximately N. 36° 30' W., approximately 810 feet distant from the south quarter corner of Sec. 9, T. 41 N., R. 5 W., M.D.B. & M., being within the S$rac{1}{4}$ W$rac{1}{4}$ of said Sec. 9, all of said amounts of water from said Parks Creek to be diverted therefrom at a point (designated on Division of Water Rights Map as Diversion 183) which bears approximately S. 73° 00' E., approximately 850 feet distant from the northwest corner of Sec. 6, T. 41 N., R. 5 W., M.D.B. & M., being within the N$rac{1}{4}$ W$rac{1}{4}$ of said Sec. 6, and all of said waters to be used upon the following described lands hereinafter set forth under the names of said Edson and Foulke Company and William G. Maxwell and J. M. Kiernan, Rose E. Garner, Francis T. Land, Mary B. Locklin, and Rupert T. Mathey,
EDSON AND FOUKE COMPANY, a corporation, and WILLIAM G. MAXWELL

0.3 acres in the NW \(\frac{1}{4}\) SE \(\frac{1}{4}\), Sec. 2, T. 42 N., R. 6 W., M.D.B. & M.
11.1 acres in the NE \(\frac{3}{4}\) SE \(\frac{1}{4}\), Sec. 2, T. 42 N., R. 6 W., M.D.B. & M.
31.8 acres in the SE \(\frac{3}{4}\) NW \(\frac{1}{4}\), Sec. 2, T. 42 N., R. 6 W., M.D.B. & M.
7.7 acres in the NE \(\frac{3}{4}\) NW \(\frac{1}{4}\), Sec. 2, T. 42 N., R. 6 W., M.D.B. & M.
4.0 acres in the NE \(\frac{3}{4}\) SW \(\frac{1}{4}\), Sec. 2, T. 42 N., R. 6 W., M.D.B. & M.
20.7 acres in the NE \(\frac{3}{4}\) SW \(\frac{1}{4}\), Sec. 2, T. 42 N., R. 6 W., M.D.B. & M.
32.9 acres in the SW \(\frac{1}{4}\) SW \(\frac{1}{4}\), Sec. 2, T. 42 N., R. 6 W., M.D.B. & M.
22.3 acres in the NW \(\frac{3}{4}\) SW \(\frac{1}{4}\), Sec. 2, T. 42 N., R. 6 W., M.D.B. & M.
16.6 acres in the NE \(\frac{3}{4}\) NE \(\frac{1}{4}\), Sec. 3, T. 42 N., R. 6 W., M.D.B. & M.
36.4 acres in the NE \(\frac{3}{4}\) NE \(\frac{1}{4}\), Sec. 3, T. 42 N., R. 6 W., M.D.B. & M.
24.1 acres in the SW \(\frac{1}{4}\) NE \(\frac{1}{4}\), Sec. 3, T. 42 N., R. 6 W., M.D.B. & M.
17.0 acres in the SE \(\frac{3}{4}\) NE \(\frac{1}{4}\), Sec. 3, T. 42 N., R. 6 W., M.D.B. & M.
38.3 acres in the NE \(\frac{3}{4}\) SE \(\frac{1}{4}\), Sec. 3, T. 42 N., R. 6 W., M.D.B. & M.
26.5 acres in the NW \(\frac{3}{4}\) SE \(\frac{1}{4}\), Sec. 3, T. 42 N., R. 6 W., M.D.B. & M.
7.1 acres in the SE \(\frac{3}{4}\) NE \(\frac{1}{4}\), Sec. 3, T. 42 N., R. 6 W., M.D.B. & M.
4.3 acres in the SW \(\frac{1}{4}\) SW \(\frac{1}{4}\), Sec. 3, T. 42 N., R. 6 W., M.D.B. & M.
23.2 acres in the SE \(\frac{3}{4}\) SW \(\frac{1}{4}\), Sec. 3, T. 42 N., R. 6 W., M.D.B. & M.
26.7 acres in the NE \(\frac{3}{4}\) SE \(\frac{1}{4}\), Sec. 3, T. 42 N., R. 6 W., M.D.B. & M.
27.0 acres in the NW \(\frac{3}{4}\) SE \(\frac{1}{4}\), Sec. 3, T. 42 N., R. 6 W., M.D.B. & M.
33.4 acres in the SW \(\frac{1}{4}\) SW \(\frac{1}{4}\), Sec. 3, T. 42 N., R. 6 W., M.D.B. & M.
28.2 acres in the SE \(\frac{3}{4}\) SE \(\frac{1}{4}\), Sec. 3, T. 42 N., R. 6 W., M.D.B. & M.
18.1 acres in the NE \(\frac{3}{4}\) NE \(\frac{1}{4}\), Sec. 9, T. 42 N., R. 6 W., M.D.B. & M.
4.6 acres in the NE \(\frac{3}{4}\) NE \(\frac{1}{4}\), Sec. 9, T. 42 N., R. 6 W., M.D.B. & M.
8.4 acres in the SW \(\frac{1}{4}\) SW \(\frac{1}{4}\), Sec. 9, T. 42 N., R. 6 W., M.D.B. & M.
33.9 acres in the SE \(\frac{3}{4}\) NE \(\frac{1}{4}\), Sec. 9, T. 42 N., R. 6 W., M.D.B. & M.
37.5 acres in the NE \(\frac{3}{4}\) SE \(\frac{1}{4}\), Sec. 9, T. 42 N., R. 6 W., M.D.B. & M.
6.5 acres in the NE \(\frac{3}{4}\) SE \(\frac{1}{4}\), Sec. 9, T. 42 N., R. 6 W., M.D.B. & M.
1.2 acres in the SW \(\frac{1}{4}\) SE \(\frac{1}{4}\), Sec. 9, T. 42 N., R. 6 W., M.D.B. & M.
3.9 acres in the SE \(\frac{3}{4}\) SE \(\frac{1}{4}\), Sec. 9, T. 42 N., R. 6 W., M.D.B. & M.
27.2 acres in the NE \(\frac{3}{4}\) NE \(\frac{1}{4}\), Sec. 10, T. 42 N., R. 6 W., M.D.B. & M.
35.3 acres in the NW \(\frac{1}{4}\) NE \(\frac{1}{4}\), Sec. 10, T. 42 N., R. 6 W., M.D.B. & M.
28.1 acres in the SW \(\frac{1}{4}\) NE \(\frac{1}{4}\), Sec. 10, T. 42 N., R. 6 W., M.D.B. & M.
39.6 acres in the NE \(\frac{3}{4}\) NE \(\frac{1}{4}\), Sec. 10, T. 42 N., R. 6 W., M.D.B. & M.
37.3 acres in the NW \(\frac{1}{4}\) NE \(\frac{1}{4}\), Sec. 10, T. 42 N., R. 6 W., M.D.B. & M.
37.8 acres in the NW \(\frac{1}{4}\) NE \(\frac{1}{4}\), Sec. 10, T. 42 N., R. 6 W., M.D.B. & M.
33.3 acres in the SE \(\frac{3}{4}\) SW \(\frac{1}{4}\), Sec. 10, T. 42 N., R. 6 W., M.D.B. & M.
20.2 acres in the SE \(\frac{3}{4}\) NW \(\frac{1}{4}\), Sec. 10, T. 42 N., R. 6 W., M.D.B. & M.
16.1 acres in the NW \(\frac{1}{4}\) SW \(\frac{1}{4}\), Sec. 10, T. 42 N., R. 6 W., M.D.B. & M.
39.6 acres in the NE \(\frac{3}{4}\) SE \(\frac{1}{4}\), Sec. 10, T. 42 N., R. 6 W., M.D.B. & M.
40.0 acres in the NW \(\frac{1}{4}\) SE \(\frac{1}{4}\), Sec. 10, T. 42 N., R. 6 W., M.D.B. & M.
38.7 acres in the SW \(\frac{1}{4}\) SE \(\frac{1}{4}\), Sec. 10, T. 42 N., R. 6 W., M.D.B. & M.
8.8 acres in the SW \(\frac{1}{4}\) SE \(\frac{1}{4}\), Sec. 10, T. 42 N., R. 6 W., M.D.B. & M.
13.7 acres in the NE \(\frac{3}{4}\) NW \(\frac{1}{4}\), Sec. 11, T. 42 N., R. 6 W., M.D.B. & M.
29.2 acres in the NE \(\frac{3}{4}\) NW \(\frac{1}{4}\), Sec. 11, T. 42 N., R. 6 W., M.D.B. & M.
33.1 acres in the SE \(\frac{3}{4}\) NW \(\frac{1}{4}\), Sec. 11, T. 42 N., R. 6 W., M.D.B. & M.
29.9 acres in the SE \(\frac{3}{4}\) NW \(\frac{1}{4}\), Sec. 11, T. 42 N., R. 6 W., M.D.B. & M.
1.8 acres in the NE \(\frac{3}{4}\) SW \(\frac{1}{4}\), Sec. 11, T. 42 N., R. 6 W., M.D.B. & M.
19.9 acres in the SW \(\frac{1}{4}\) SW \(\frac{1}{4}\), Sec. 11, T. 42 N., R. 6 W., M.D.B. & M.
<table>
<thead>
<tr>
<th>Acres</th>
<th>Location</th>
<th>Section</th>
<th>Township</th>
<th>Range</th>
<th>Meridian</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>4.5</td>
<td>NE1/4 NW1/4</td>
<td>25</td>
<td>T. 43</td>
<td>N.</td>
<td>R. 6</td>
<td>W., M.D.B. &amp; M.</td>
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<tr>
<td>20.9</td>
<td>NW1/4 NW1/4</td>
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<td>N.</td>
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<td>W., M.D.B. &amp; M.</td>
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<td>6.8</td>
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<td>35.7</td>
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<td>25</td>
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<td>Town of Gazelle</td>
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Total: 2071.6 acres
EDSON AND FOULKE COMPANY, a corporation,
is entitled to divert from the natural flows of Shasta River
and Parks Creek, through the Edson-Foulke Yreka Ditch and the Edson-Foulke
Parks Creek Ditch, respectively,

(a) during the period between March first and November first
of each year,
1.75 CUBIC FEET PER SECOND—PRIORITY MARCH 1, 1856,
from Shasta River, and
0.60 CUBIC FOOT PER SECOND—PRIORITY MARCH 1, 1856,
from Parks Creek,
or as much of said waters as said company directly applies to ben-
eficial use for stock watering purposes and for the irrigation of
the lands hereinafter described in this paragraph;

(b) during the period between November first of each year
and March first of the succeeding year,
0.40 CUBIC FOOT PER SECOND—PRIORITY MARCH 1, 1856,
from Shasta River, and
0.60 CUBIC FOOT PER SECOND—PRIORITY MARCH 1, 1856,
from either Shasta River or Parks Creek, or in part from both of said
sources, or as much of said waters as said company directly applies to
beneficial use for stock watering purposes;

all of said amounts of water from said Shasta River to be diverted there-
from at a point (designated on Division of Water Rights Map as Diver-
sion 18) which bears approximately N. 36° 30' W., approximately 510 feet
distant from the south quarter corner of Sec. 9, T. 41 N., R. 5 W., M.D.
B. & M., being within the SE 1/4 NW 1/4 of said Sec. 9, and all of said amounts
of water from said Parks Creek to be diverted therefrom at a point (des-
ignated on Division of Water Rights Map as Division 183) which bears
approximately S. 73° 00' E., approximately 850 feet distant from the
northwest corner of Sec. 6, T. 41 N., R. 5 W., M.D.B. & M., being within
the NW 1/4 NE 1/4 of said Sec. 6, and all of said waters to be used upon the
following described lands:
38.9 acres in the NE\(^2\), Sec. 21, T. 43 N., R. 6 W., M.D.B. & M.
41.4 acres in the NW\(^2\), Sec. 21, T. 43 N., R. 6 W., M.D.B. & M.
34.2 acres in the SW\(^2\), Sec. 21, T. 43 N., R. 6 W., M.D.B. & M.
34.7 acres in the SE\(^2\), Sec. 21, T. 43 N., R. 6 W., M.D.B. & M.
39.9 acres in the NE\(^2\), Sec. 21, T. 43 N., R. 6 W., M.D.B. & M.
15.6 acres in the SW\(^2\), Sec. 21, T. 43 N., R. 6 W., M.D.B. & M.
14.5 acres in the NW\(^2\), Sec. 28, T. 43 N., R. 6 W., M.D.B. & M.
5.0 acres in the NE\(^2\), Sec. 28, T. 43 N., R. 6 W., M.D.B. & M.

225.1 acres — Total.

118. EDSON AND FOULKE COMPANY, a corporation,

is entitled to divert from the natural flow of Willow Creek, through the Edson and Foulke Company Willow Creek Ditch No. 2 and thence through the Webb Lateral of the Edson-Foulke Yreka Ditch, in lieu of the amounts of water allotted from Shasta River and Parks Creek under paragraph 117 hereof.

(a) during the period between March first and November first of each year,

2.10 CUBIC FEET PER SECOND — PRIORITY NOVEMBER 1, 1909,
or as much thereof as said company directly applies to beneficial use for stock watering purposes and for the irrigation of the lands hereinabove described under paragraph 117,

(b) during the period between November first of each year and March first of the succeeding year,

0.70 CUBIC FOOT PER SECOND — PRIORITY NOVEMBER 1, 1909,
or as much thereof as said company directly applies to beneficial use for stock watering purposes;

all of said water to be diverted from said Willow Creek at a point (designated on Division of Water Rights Map as Diversion 311) which bears approximately N. 45° 00' E., approximately 3590 feet distant from the southwest corner of Sec. 10, T. 42 N., R. 6 W., M.D.B. & M., being within the NE\(^2\), Sec. 10, T. 42 N., R. 6 W., being all of said water to be used upon the lands hereinabove described under paragraph 117,

119. EDSON AND FOULKE COMPANY, a corporation,

is entitled to divert from the natural flow of Willow Creek,

(1) in addition to the amounts of water from Shasta River and Parks Creek, hereinabove allowed under paragraph 116,

11.20 CUBIC FEET PER SECOND — PRIORITY MARCH 1, 1856,
or as much thereof as said company directly applies to beneficial use for stock watering purposes and for the irrigation of the lands of Edson and Foulke Company hereinabove described under paragraph 116, during the period between March first and November first of each year; and

(2) in lieu of an equal amount of water from Shasta River or from Shasta River and Parks Creek, jointly, hereinabove allowed under paragraph 116,
(a) during the period between March first and November first of each year, all or any part of
6.80 CUBIC FEET PER SECOND—PRIORITY MARCH 1, 1856,
or as much thereof as said company directly applies to beneficial use for stock watering purposes and for the irrigation of the lands of Edson and Foulke Company hereinabove described under paragraph 116,

(b) during the period between November first of each year and March first of the succeeding year, all or any part of
9.00 CUBIC FEET PER SECOND—PRIORITY MARCH 1, 1856,
or as much thereof as said company directly applies to beneficial use for stock watering purposes,

(c) during the period between November first of each year and March first of the succeeding year, all or any part of
225 ACRE-FEET PER SEASON—PRIORITY MARCH 1, 1864,
or as much thereof as said company impounds in the Edson and Foulke Company Reservoir, situated in the SE_3 of Sec. 35, and the NW of Sec. 36, T. 43 S., R. 6 W., M.D.B. & M., and thereafter withdraws from said reservoir and applies to beneficial use for stock watering purposes and for the irrigation of the lands of Edson and Foulke Company hereinabove described under paragraph 116;

all or any part of said water to be diverted from said Willow Creek at any of the following described points through any of the corresponding ditches:

(A) At a point (designated on Division of Water Rights Map as Diversion 301) which bears approximately S. 31° 30' W.,

approximately 1220 feet distant from the northeast corner of Sec. 19, T. 42 N., R. 6 W., M.D.B. & M., being within the NE_3 NE_3 of said Sec. 19, through the Edson and Foulke Company Willow Creek Ditch No. 1,

(B) At a point (designated on Division of Water Rights Map as Diversion 311) which bears approximately N. 45° 00' E.,

approximately 3590 feet distant from the southwest corner of Sec. 10, T. 42 N., R. 6 W., M.D.B. & M., being within the NE_3 SE_3 of said Sec. 10, through the Edson and Foulke Company Willow Creek Ditch No. 2,

(C) At a point (designated on Division of Water Rights Map as Diversion 320) which bears approximately S. 46° 30' W.,

approximately 1920 feet distant from the northeast corner of Sec. 10, T. 42 N., R. 6 W., M.D.B. & M., being within the NE_3 NE_3 of said Sec. 10, through the Edson and Foulke Company Willow Creek Ditch No. 3,

(D) At a point (designated on Division of Water Rights Map as Diversion 321) which bears approximately due north,

approximately 950 feet distant from the southwest corner of Sec. 2, T. 42 N., R. 6 W., M.D.B. & M., being within the SE_3 SE_3 of said Sec. 2, through the Edson and Foulke Company Willow Creek Ditch No. 4,
(B) At a point (designated on Division of Water Rights Map as Division 322) which bears approximately N. 5° 30' E., approximately 1770 feet distant from the southwest corner of Sec. 2, T. 42 N., R. 6 W., M.D.B. & M., being within the NE\textsuperscript{2} SE\textsuperscript{4} of said Sec. 2, through the Edson and Foulke Company Willow Creek Ditch No. 5,

(F) At a point (designated on Division of Water Rights Map as Division 323) which bears approximately S. 8° 30' W., approximately 1810 feet distant from the northeast corner of Sec. 3, T. 42 N., R. 6 W., M.D.B. & M., being within the SE\textsuperscript{2} NE\textsuperscript{4} of said Sec. 3, through the Edson and Foulke Company Willow Creek Ditch No. 6,

(G) At a point (designated on Division of Water Rights Map as Division 324) which bears approximately S. 30° 00' W., approximately 1570 feet distant from the northeast corner of Sec. 3, T. 42 N., R. 6 W., M.D.B. & M., being within the SE\textsuperscript{2} NE\textsuperscript{4} of said Sec. 3, through the Edson and Foulke Company Willow Creek Ditch No. 7,

(H) At a point (designated on Division of Water Rights Map as Division 341) which bears approximately N. 21° 00' W., approximately 1180 feet distant from the southeast corner of Sec. 34, T. 43 N., R. 6 W., M.D.B. & M., being within the SE\textsuperscript{4} SE\textsuperscript{4} of said Sec. 34, through the Edson and Foulke Company Willow Creek Ditch No. 8.

All of said water to be used upon the lands of Edson and Foulke Company hereinabove described under paragraph 116.

120. Edson and Foulke Company, a corporation, is entitled to divert from the natural or developed flow of Garden Spring situated at a point which bears approximately S. 22° 00' W., approximately 1250 feet distant from the northeast corner of Sec. 9, T. 42 N., R. 6 W., M.D.B. & M., being within the NE\textsuperscript{2} SE\textsuperscript{4} of said Sec. 9, through the Edson and Foulke Company Garden Spring Pipe Line and Ditch,

0.20 CUBIC FOOT PER SECOND—PRIORITY MARCH 1, 1856,
or as much thereof as said company directly applies to beneficial use for the purposes hereinafter set forth, during the period between January first and December thirty-first of each year; said water to be diverted at said Garden Spring as above described and used for stock watering purposes and for the irrigation of the lands of Edson and Foulke Company, hereinabove described in paragraph 116.

121. Edson and Foulke Company, a corporation, is entitled to divert from the natural flow of Kernan Slough, through the Edson and Foulke Company Kernan Slough Ditch,

(a) during the period between March first and November first of each year,

0.60 CUBIC FOOT PER SECOND—PRIORITY MARCH 1, 1856,
or as much thereof as said company directly applies to beneficial use for stock watering purposes and for the irrigation of the lands of Edson and Foulke Company hereinabove described in paragraph 116.
(b) during the period between November first of each year and March first of the succeeding year, 0.25 CUBIC FOOT PER SECOND—PRIORITY MARCH 1, 1856, or as much thereof as said company directly applies to beneficial use for stock watering purposes:

all of said water to be diverted from said Kiernan Slough at a point (designated on Division of Water Rights Map as Diversion 265) which bears approximately N. 59° 30' E., approximately 910 feet distant from the southeast corner of Sec. 2, T. 42 N., R. 6 W., M.D.B. & M., being within the SE

SW 1/4 of said Sec. 2, and all of said water to be used upon the lands of Ed and Foulke Company hereinabove described in paragraph 116.

122. EDSON AND FOULKE COMPANY, a corporation, is entitled to divert from the natural flow of McCloud Slough through any of the four Edison and Foulke Company McCloud Ditches, or in part through each of said ditches,

(a) during the period between March first and November first of each year, 2.00 CUBIC FOOT PER SECOND—PRIORITY MARCH 1, 1856, or as much thereof as said company directly applies to beneficial use for stock watering purposes and for the irrigation of the lands of Edison and Foulke Company hereinabove described in paragraph 116,

(b) during the period between November first of each year and March first of the succeeding year, 1.00 CUBIC FOOT PER SECOND—PRIORITY MARCH 1, 1856, or as much thereof as said company directly applies to beneficial use for stock watering purposes:

all or any part of said water to be diverted from said McCloud Slough at any of the following described points through any of the corresponding ditches:

(1) At a point (designated on Division of Water Rights Map as Diversion 251) which bears approximately S. 9° 30' W., approximately 1800 feet distant from the northeast corner of Sec. 26, T. 43 N., R. 6 W., M.D.B. & M., being within the SE

SW 1/4 of said Sec. 26, through the Edison and Foulke Company McCloud Slough Ditch No. 1,

(2) At a point (designated on Division of Water Rights Map as Diversion 252) which bears approximately S. 10° 30' W., approximately 1800 feet distant from the northeast corner of Sec. 26, T. 43 N., R. 6 W., M.D.B. & M., being within the SE

NE 1/4 of said Sec. 26, through the Edison and Foulke Company McCloud Slough Ditch No. 2,

(3) At a point (designated on Division of Water Rights Map as Diversion 253) which bears approximately S. 12° 00' E., approximately 760 feet distant from the northwest corner of Sec. 25, T. 43 N., R. 6 W., M.D.B. & M., being within the NW

NW 1/4 of said Sec. 25, through the Edison and Foulke Company McCloud Slough Ditch No. 3,
At a point (designated on Division of Water Rights Map as Diversion 254) which bears approximately S. 87° 30' E., approximately 1100 feet distant from the northwest corner of Sec. 25, T. 13 N., R. 6 W., M.D.B. & M., being within the NE 1/4 SW 1/4 of said Sec. 25, through the Edson and Foulke Company McCloud Slough Ditch No. 4,

all or said water to be used upon the lands of Edson and Foulke Company hereinafter described under paragraph 116.

EDSON AND FOULKE COMPANY, a corporation,

is entitled to divert from the natural flow of White Slough, through any of six unnamed ditches, or in part through each of said ditches,

5.00 CUBIC FEET PER SECOND—PRIORITY APRIL 1, 1873,

or as much thereof as said company directly applies to beneficial use for the purpose hereinafter set forth, during the period between April first and October first of each year; said water or any part thereof to be diverted from said White Slough at any of the following described points through any of the corresponding unnamed ditches:

(1) At a point (designated on Division of Water Rights Map as Diversion 374) which bears approximately N. 71° 30' E., approximately 1890 feet distant from the southwest corner of Sec. 20, T. 44 N., R. 5 W., M.D.B. & M., being within the SE 1/4 SW 1/4 of said Sec. 20,

(2) At a point (designated on Division of Water Rights Map as Diversion 375) which bears approximately S. 68° 30' W., approximately 3470 feet distant from the northeast corner of Sec. 19, T. 44 N., R. 5 W., M.D.B. & M., being within the SE 1/4 NW 1/4 of said Sec. 19,

(3) At a point (designated on Division of Water Rights Map as Diversion 376) which is situated at the above described point (designated on said map as Diversion 375),

(4) At a point (designated on Division of Water Rights Map as Diversion 377) which bears approximately S. 69° 00' W., approximately 3110 feet distant from the northeast corner of Sec. 19, T. 44 N., R. 5 W., M.D.B. & M., being within the SE 1/4 NW 1/4 of said Sec. 19,

(5) At a point (designated on Division of Water Rights Map as Diversion 378) which bears approximately S. 3° 00' W., approximately 1460 feet distant from the northeast corner of Sec. 24, T. 44 N., R. 6 W., M.D.B. & M., being within the SE 1/4 NE 1/4 of said Sec. 24,

(6) At a point (designated on Division of Water Rights Map as Diversion 379) which bears approximately S. 50° 30' W., approximately 2860 feet distant from the northeast corner of Sec. 24, T. 44 N., R. 6 W., M.D.B. & M., being within the SW 1/4 NE 1/4 of said Sec. 24,

All of said water to be used for the irrigation of the following described lands:

36 | Edson Foulke Yreka Ditch Company Site Plan Agreement, November 2, 2020
4.9 acres in the NE\textsubscript{4} NW\textsubscript{4}, Sec. 19, T. 44 N., R. 5 W., M.D.B. & M.
8.5 acres in the NW\textsubscript{1} NE\textsubscript{1}, Sec. 19, T. 44 N., R. 5 W., M.D.B. & M.
25.1 acres in the SW\textsubscript{1} NE\textsubscript{1}, Sec. 19, T. 44 N., R. 5 W., M.D.B. & M.
7.2 acres in the SE\textsubscript{1} NE\textsubscript{1}, Sec. 19, T. 44 N., R. 5 W., M.D.B. & M.
21.9 acres in the NW\textsubscript{4} NW\textsubscript{4}, Sec. 19, T. 44 N., R. 5 W., M.D.B. & M.
4.5 acres in the NW\textsubscript{1} NW\textsubscript{1}, Sec. 19, T. 44 N., R. 5 W., M.D.B. & M.
30.1 acres in the SW\textsubscript{4} NW\textsubscript{4}, Sec. 19, T. 44 N., R. 5 W., M.D.B. & M.
38.1 acres in the SE\textsubscript{4} NW\textsubscript{4}, Sec. 19, T. 44 N., R. 5 W., M.D.B. & M.
6.1 acres in the NE\textsubscript{4} SW\textsubscript{4}, Sec. 19, T. 44 N., R. 5 W., M.D.B. & M.
7.6 acres in the NW\textsubscript{1} SW\textsubscript{1}, Sec. 19, T. 44 N., R. 5 W., M.D.B. & M.
5.6 acres in the SW\textsubscript{1} SW\textsubscript{1}, Sec. 19, T. 44 N., R. 5 W., M.D.B. & M.
9.8 acres in the NE\textsubscript{1} SE\textsubscript{1}, Sec. 19, T. 44 N., R. 5 W., M.D.B. & M.
13.1 acres in the NW\textsubscript{1} SE\textsubscript{1}, Sec. 19, T. 44 N., R. 5 W., M.D.B. & M.
1.7 acres in the SE\textsubscript{1} SE\textsubscript{1}, Sec. 19, T. 44 N., R. 5 W., M.D.B. & M.
1.4 acres in the SW\textsubscript{1} SE\textsubscript{1}, Sec. 20, T. 44 N., R. 5 W., M.D.B. & M.
3.2 acres in the NE\textsubscript{1} SW\textsubscript{1}, Sec. 20, T. 44 N., R. 5 W., M.D.B. & M.
4.1 acres in the NW\textsubscript{4} SW\textsubscript{4}, Sec. 20, T. 44 N., R. 5 W., M.D.B. & M.
9.4 acres in the SW\textsubscript{4} SW\textsubscript{4}, Sec. 20, T. 44 N., R. 5 W., M.D.B. & M.
15.2 acres in the SE\textsubscript{1} SW\textsubscript{1}, Sec. 20, T. 44 N., R. 5 W., M.D.B. & M.
1.1 acres in the NE\textsubscript{1} SE\textsubscript{1}, Sec. 20, T. 44 N., R. 5 W., M.D.B. & M.
38.4 acres in the NW\textsubscript{1} SE\textsubscript{1}, Sec. 20, T. 44 N., R. 5 W., M.D.B. & M.
12.5 acres in the SW\textsubscript{1} SE\textsubscript{1}, Sec. 20, T. 44 N., R. 5 W., M.D.B. & M.
1.0 acre in the SE\textsubscript{1} SE\textsubscript{1}, Sec. 20, T. 44 N., R. 5 W., M.D.B. & M.
5.3 acres in the SE\textsubscript{1} SE\textsubscript{1}, Sec. 13, T. 44 N., R. 6 W., M.D.B. & M.
11.2 acres in the NE\textsubscript{4} SE\textsubscript{4}, Sec. 24, T. 44 N., R. 6 W., M.D.B. & M.
21.4 acres in the SW\textsubscript{4} SE\textsubscript{4}, Sec. 24, T. 44 N., R. 6 W., M.D.B. & M.
22.2 acres in the SE\textsubscript{4} NE\textsubscript{4}, Sec. 24, T. 44 N., R. 6 W., M.D.B. & M.
1.7 acres in the SE\textsubscript{4} NE\textsubscript{4}, Sec. 24, T. 44 N., R. 6 W., M.D.B. & M.

132.4 acres--Total.

124. EDSON AND FOULKE COMPANY, a corporation, and MANUEL DE SOZA, are entitled to divert from the natural flow of Shasta River, through the Edson and Foulke Company Grenada Ditch,

(a) during the period between April first and October first of each year,

11.90 CUBIC FEET PER SECOND—PRIORITY APRIL 1, 1885,

or as much thereof as they directly apply to beneficial use for stock watering purposes and for the irrigation of the lands hereinafter described in this paragraph;

(b) during the period between October first of each year and April first of the succeeding year,

5.00 CUBIC FEET PER SECOND—PRIORITY APRIL 1, 1885,

or as much thereof as they directly apply to beneficial use for stock watering purposes;

all of said water to be diverted from said Shasta River at a point (designated on Division of Water Rights Map as Diversion 250) which bears approximately S. 82° 30' W., approximately 1260 feet distant from the north quarter corner of Sec. 6, T. 44 N., R. 5 W., M.D.B. & M., being within the NE\textsubscript{1} NW\textsubscript{1} of said Sec. 6, and all of said water to be used upon the following described lands:
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<th>Range</th>
<th>Meridian</th>
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</tr>
</tbody>
</table>

569.8 acres--Total.
Appendix B

Edson Foulke Easement for Parks Creek POD

Edson Foulke has had access to the existing point of diversion and ditch infrastructure under a prescriptive easement. Once the conservation project, as described in Sections E.3.a2 and E.3.a3 has been designed, a legal easement will be prepared and recorded prior to implementation.