
State Water Resources Control Board

May 13, 2022

Mr. Nick Jenner



APPROVAL OF GROUNDWATER LOCAL COOPERATIVE SOLUTION FOR JENNER CATTLE CO. INC.

Dear Mr. Jenner:

On August 17, 2021, the State Water Resources Control Board (State Water Board) adopted a regulation establishing drought emergency minimum flows in the Scott River and Shasta River watersheds (Cal. Code Regs., tit. 23, §§ 875-875.9) (Regulation). Under the Regulation, local cooperative solutions may be submitted by individuals or groups as alternative means of reducing water use. The Division of Water Rights has reviewed the proposed local cooperative solution and finds that it meets the requirements of Regulation section 875, subdivision (f)(4)(D), with conditions. Additional details regarding the contents of the proposal and conditions are described below.

For overlying or adjudicated groundwater diversions for irrigated agriculture described in Regulation section 875.5, subdivision (f)(4)(D), the Deputy Director for the Division of Water Rights (Deputy Director) may approve a local cooperative solution totaling at least 400 irrigated acres where the proposal is based on a binding agreement, and it reduces water use in the Scott River watershed by 30 percent compared to 2020 or 2021 during the total irrigation season (April 1 – October 31), and specifically includes a 30 percent monthly reduction in water use for July through October. (See section 875.5, subdivision (f)(4)(D) of the Regulation.) Such reductions may be demonstrated by a number of mechanisms, including pumping reports, conservation measures, electric bills, or planting decisions.

The State Water Board received a proposal from Jenner Cattle Co. Inc. (petitioner) for approval of a groundwater local cooperative solution that includes commitments to reduce water use by at least 30 percent as specified under Regulation Section 875.5, subdivision (f)(4)(D)(ii). This proposal provides for reduced water use from groundwater wells on approximately 1,575 acres associated with Assessor Parcel Numbers 024-250-170, 023-030-240, 023-071-360, 024-250-180, 023-071-380, 024-250-190, 023-071-370, 024-250-150, 024-500-310, 024-200-280, 023-030-250, 024-200-250, 024-220-300, 024-250-060, 023-030-260, 024-220-310, 023-090-020, 023-030-410,

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

and 024-260-030, based on information provided in the petition as part of the request for approval of a groundwater local cooperative solution. These parcels comprise land that is owned by the petitioner and are supplied by groundwater. The petitioner also has adjudicated surface water rights; surface water may be used on the parcels associated with the proposal. The proposal states that surface water will not be used in lieu of groundwater to meet the targeted reduction. The petitioner also works an additional 902 acres that are not amenable to groundwater irrigation and are therefore excluded from this proposal. The proposal includes detailed "conservation plan" spreadsheet, spray maps, a narrative description of conservation actions, and a tracking method. The proposed local cooperative solution sets forth verifiable conservation measures to reduce water use on the identified parcels by 30 percent, relative to a 2020 baseline. The proposed conservation actions are: substituting grain for 150 acres of land previously in alfalfa/grass production, installation of an irrigation pivot in 2021 to decrease the use of flood irrigation on pasture, and foregoing irrigation of a fourth cutting of hay and aftermath growth for cattle.

The proposal includes a Binding Agreement (Agreement) with the Siskiyou Resource Conservation District (Siskiyou RCD) granting the Siskiyou RCD sufficient access to verify compliance with the proposal.

The Division of Water Rights has reviewed the local cooperative solution proposal and finds that it meets the requirements of Regulation section 875, subdivision (f)(4)(D), with the following condition:

- To the extent surface water is available to the petitioner, surface water used in the 2022 irrigation season shall not exceed the amount of water used during the 2020 irrigation season, nor decrease the estimated overall 30 percent reduction in groundwater use approved as part of this local cooperative solution.

As determined by the Regulation under section 875, subdivision (f)(4)(D), continued diversions under this local cooperative solution are reasonable and will not result in injury to other legal users of water. Your local cooperative solution proposal, dated March 9, 2022, including the conservation plan, together with the terms of your executed Agreement dated April 15, 2022, are hereby approved, as conditioned. As described in Regulation section 875, subdivision (f)(2), any violations of this approval are subject to enforcement as a violation of the Regulation. Additionally, violations of other provisions of the Regulation (e.g., prohibition on inefficient livestock watering, surface water curtailment) may result in termination of this approval. Any changes to the approved local cooperative solution or Agreement shall be submitted to the Deputy Director for review and approval prior to implementation.

So long as this approval and the terms of the proposal and the Agreement remain in effect, the curtailments associated with water rights SG003016, SG003017, and SG003018 are suspended as to the above-referenced properties that are owned by Jenner Cattle Co. Inc. and are part of this proposal. Please note that this approval does not affect the curtailment status of the surface water rights referenced in the proposal.

Thank you for your efforts to help support both farming and fisheries in the Scott River watershed during this drought emergency.

If you have questions regarding this letter, please reach out to staff by email at: ScottShastaDrought@waterboards.ca.gov or leave a message on our phone line at: (916) 327-3113.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Ekdahl". The signature is written in a cursive style with a large, sweeping initial "E".

for
Erik Ekdahl
Deputy Director
Division of Water Rights

ec: Siskiyou RCD
Email: chris@siskiyourcd.com