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## State Water Resources Control Board

July 18, 2024

Clint and Kay Isbell



### **CONDITIONAL APPROVAL OF GROUNDWATER LOCAL COOPERATIVE SOLUTION FOR CLINT AND KAY ISBELL**

Dear Mr. and Ms. Isbell:

The State Water Resources Control Board (State Water Board) adopted an emergency regulation that went into effect on February 1, 2024, that establishes 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 by individuals or groups may be proposed by petition to the Deputy Director of the Division of Water Rights (Deputy Director) as an alternative means of reducing water use to meet or preserve the emergency minimum flows, or to provide other fishery benefits, in lieu of curtailment. Section 875, subdivision (f)(4)(D) describes three types of local cooperative solutions that are specifically available for overlying or adjudicated groundwater diversions for irrigated agriculture: Best Management Practices, Graduated Cessation Schedule, and Percent Reduction. The Deputy Director may approve a proposal submitted by an individual or group, provided that it meets the specific requirements of the applicable groundwater local cooperative solution type and satisfies the metering and inspection requirements.

#### **Summary of Proposal**

The State Water Board received a proposal from Clint and Kay Isbell (petitioners) that involves reducing water use from three groundwater wells that irrigate a total of 107 acres using Option 2.<sup>1</sup> of the Graduated Cessation Schedule groundwater local cooperative solution. The Option 2 schedule involves ceasing:

- At least 20% of irrigated acres by July 20,
- At least 50% of irrigated acres by August 20, and
- At least 95% of irrigated acres by September 5, with a maximum of six inches of water to be applied to the remaining 5% of irrigated acres during the remainder of the irrigation season. The 5% can be on land previously fallowed.

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<sup>1</sup> The original proposal requested an alternate schedule based on Option 1, but the petitioners modified their proposal in an e-mail dated July 15, 2024. This approval is for the modified proposal.

To meet the conditions of this graduated cessation schedule, the petitioners propose to cease irrigation of 20.9 acres on July 20, 2024, covering 20% of the total 107 acres. On August 20, 2024, irrigation will cease on an additional 58 acres, bringing the total irrigated acres with irrigation ceased for the season to 74%. On September 5, 2024, irrigation will cease on the remaining 28.1 acres, achieving 100% cessation of irrigation across all 107 acres.

The proposal was posted to the State Water Board's webpage for local cooperative solutions associated with the Regulation on May 7, 2024. A further description of the site and water reduction measures that indicate a reduction in usage as compared to prior practice on the property is provided in the application submitted for this proposal. The petitioners have selected to not work with a Coordinating Entity and agree to grant property access to State Water Board staff to verify compliance with the proposal, with 24-hour notice.

### **Groundwater Metering**

A groundwater local cooperative solution must include a description of metering in place for groundwater well extractions and a proposal to meter, record, and report such extractions to the Deputy Director or the Coordinating Entity, as applicable. If a meter has not been installed prior to the start of the irrigation season, the petitioner may submit a time schedule as part of the proposal that describes and substantiates the efforts, actions, and timelines for meter installation. Additionally, the Deputy Director may waive the metering requirement for groundwater wells irrigating less than 30 acres or upon a determination that metering in a particular instance is not feasible.

The proposal includes a plan to replace the existing wheel lines with a Low Energy Precision Application (LEPA) pivot system in Fall 2024 and to install two meters on two new pivots (that receive water from two groundwater wells). These two wells irrigate 70 acres of the total 107 acres or 65% of the total irrigated acres covered by this groundwater local cooperative solution. The petitioners have agreed to collect and report the meter data to the State Water Board from the time of installation until the end of the 2025 irrigation season. Prior to the installation of the meters, the petitioners will monitor water usage by maintaining daily records of pump times and durations and submitting monthly reports to the State Water Board.

The petitioners have requested a metering waiver for one well that irrigates the remaining 37 acres because the irrigated land is operated under a lease agreement, the well is located on a parcel not leased to the petitioners, and a significant overhaul would be required to install a meter on the well. The proposal includes a plan to monitor water usage for this well by maintaining daily records of pump times and durations and submitting monthly reports to the State Water Board.

### **Approval**

The Division of Water Rights has reviewed the groundwater local cooperative solution proposal. The Division of Water Rights grants the petitioners' request for a partial waiver of the metering requirement for one well that irrigates 37 acres, is operated under a lease agreement and the well is not located on the leased land, and installation of a

meter would require substantial overhaul to the well. The well will instead be monitored by the proposed daily record-keeping and monthly reporting.

Further, the Division of Water Rights finds that the groundwater local cooperative solution meets the requirements of Regulation section 875, subdivision (f)(4)(D), with the following condition

- The petitioners shall collect and maintain a log of the water usage data from the two groundwater meters to be installed on the new 70-acre pivot system from the time of installation (anticipated in fall of 2024) through the end of one full irrigation season (anticipated 2025 irrigation season). The metering data shall be submitted to the State Water Board by the 10<sup>th</sup> of each month for the preceding month.

Any failure to implement the proposal or violation of the conditions of this approval are subject to enforcement as a violation of the Regulation. Additionally, violations of other provisions of the Regulation (e.g., surface water curtailment) may result in termination of this approval.

The State Water Board has been advised that some groundwater users in the vicinity of the Shelly Fire are assisting the community by providing water for firefighting. Such use is not subject to the limitations of the groundwater local cooperative solution, which apply to water for irrigation use; water use for firefighting should be tracked to avoid confusion in any compliance assessment of your groundwater local cooperative solution.

If you have questions regarding this approval, please contact Division of Water Rights staff via email to: [ScottShastaDrought@waterboards.ca.gov](mailto:ScottShastaDrought@waterboards.ca.gov) or by leaving a message on our dedicated phone line at: (916) 327-3113.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Ekdahl".

for

Erik Ekdahl  
Deputy Director  
Division of Water Rights