
State Water Resources Control Board

October 2, 2024

Mr. Cody Custer
Scott Valley Farms



CONDITIONAL APPROVAL OF GROUNDWATER LOCAL COOPERATIVE SOLUTION FOR SCOTT VALLEY FARMS

Dear Mr. Custer:

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 groundwater local cooperative solution proposal from Cody Custer (petitioner) that involves reducing water use from seven groundwater wells that irrigate a total of 821 acres using Option 2 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. This 5% can be on land previously fallowed.

To meet the conditions of this graduated cessation schedule, the petitioner proposed to cease irrigation of 199 acres on July 20, 2024, which accounts for 24% of the total 821 acres. On August 20, 2024, irrigation was proposed to cease on an additional

209 acres, bringing the total irrigated acres with irrigation ceased for the season to 50%. Finally, on September 5, 2024, irrigation was to cease on 413 acres to achieve 100% cessation of the total 821 acres. Inspections conducted on July 25, August 26, and September 12, 2024, indicate that petitioner ceased diversions as proposed.

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 is provided in the application submitted for this proposal. The State Water Board received public comments on the proposal that were considered in acting on this proposal. The application identifies Scott River Water Trust as the Coordinating Entity and includes a Binding Agreement that grants property access to verify compliance with the proposal.

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. 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 petitioner installed one meter on a groundwater well that irrigates 205 acres prior to the start of the 2024 irrigation season. The proposal includes a plan to record and maintain a log of the water usage data and submit monthly reports to the Coordinating Entity. On July 23, 2024, the petitioner agreed to install two additional meters in the fall, following the 2024 irrigation season, on two wells that irrigate 150 acres and 70 acres, respectively. The meters will monitor water usage on 425 acres of irrigated land, which accounts for 52% of the total 821 acres. The petitioner agrees to record and maintain a log of the metering data on these two wells from the time of installation through the entire 2025 irrigation season and submit it to the State Water Board in 2025. The proposal includes a request to suspend the metering requirement for the remaining four wells because the project will require a major overhaul to retrofit meters.

Approval

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

- The petitioner shall collect and maintain a log of the water usage data from the two groundwater meters that are to be installed in the fall of 2024 from the time of installation 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 10th of each month for the preceding month. This requirement is supplemental to the approved data plan submitted in the proposal for the one metered well and remaining six wells that is described above.

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The Division of Water Rights agrees to waive a portion of the metering requirement for four groundwater wells that irrigate 396 acres for the 2024 irrigation season because the petitioner plans to install meters on two wells that will monitor more than half of the total irrigated acreage and given the petitioner's statement that installing meters on these wells would require a substantial overhaul.

The groundwater local cooperative solution proposal is hereby approved, as conditioned. 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.

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

Sincerely,



Erik Ekdahl
Deputy Director
Division of Water Rights

ec: Scott River Water Trust
scottwatertrust@gmail.com