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## State Water Resources Control Board

October 9, 2024

Nick Jenner  
Jenner Cattle Company



### **CONDITIONAL APPROVAL OF GROUNDWATER LOCAL COOPERATIVE SOLUTION FOR JENNER CATTLE COMPANY**

Dear Mr. Jenner:

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 Nick Jenner (petitioner) for a percent reduction groundwater local cooperative solution that proposes to reduce water use by 35 percent compared to water use in the 2020 irrigation season. The proposal covers 1,835 acres of land irrigated by eight groundwater wells. The petitioner proposed to achieve the water use reduction with the following water conservation actions:

- Reduced volume of water applied by flood irrigation compared to the amount used during the 2020 baseline year;
- Decreased number of days when flood irrigation is applied relative to the number of days it was applied in 2020; and
- Ceased water usage on 675 acres earlier in the irrigation season than was previously done in 2020.

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

Applied Water Baseline

Per the Regulation, if evidence from the 2020, 2021, 2022, or 2023 irrigation seasons indicates that the base rate of applied water is higher than 33 inches per year for alfalfa, 14 inches per year for grain, or 30 inches per year for pasture, then the base rate of applied water shall be adjusted to these specified values, or the petitioner may request a higher base rate for approval by the State Water Board. The petitioner must provide supporting information as part of any such request, such as multi-year practices, soil type, and irrigation methods. The petitioner requested to use a higher baseline rate of applied water for pasture and alfalfa, proposing 39 inches per year as the baseline amount for pasture and 61 inches per year for alfalfa in the Percent Reduction proposal.

The petitioner provided a justification for the request, stating that flood irrigation requires a consistent amount of water to ensure full field coverage, and any reduction or speeding up of the process would leave areas unwatered, leading to potential crop damage. Furthermore, pasture has a shallower root system compared to alfalfa, making it more susceptible to stress and irreversible damage under dry conditions. The State Water Board finds the baseline amounts proposed by the petitioner to be high when considering the water demands of the crops, soil moisture levels, and seasonal precipitation contributions. However, the State Water Board approves this request because there is considerable uncertainty regarding water application needs in the Scott Valley and meters will be installed on two of the irrigation wells and three pivots, which will provide data to inform applied water amounts relative to different watering practices that may be used in the future. Additionally, the proposal provides sufficient evidence that the proposed changes to irrigation methods will result in reduced application of water (i.e., substantial reduction in the volume of water applied and duration of flood irrigation will result in less water use such that to the extent the estimated 2020 irrigation amount is high, the corresponding reduction in water use is also high).

The proposal was posted to the State Water Board's webpage for local cooperative solutions associated with the Regulation on May 8, 2024, and augmented with additional information on September 12, 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.

At the start of the irrigation season, the petitioner had a meter installed on a groundwater well and another meter installed on a pivot that irrigated 320 acres of alfalfa, as confirmed by Scott River Water Trust's inspection in July. The proposal includes a commitment to record and maintain a log of the water usage data and submit monthly reports to the Coordinating Entity for the well and pivot. In Winter 2024, the petitioner plans to install a meter on another well that irrigates 560 acres, along with two additional meters on pivots that will irrigate an additional 110 acres, enabling monitoring of water usage on 54% of the total irrigated acreage covered by the proposal. For the devices installed in Winter 2024, the petitioner agrees to record and maintain a log of the metering data from the time of installation through the entire 2025 irrigation season and submit it to the State Water Board. The proposal includes a request to waive the metering requirement for the remaining groundwater wells because the installation of meters would require a major overhaul.

### **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 three meters that are to be installed in the winter of 2024 on one groundwater well and two pivots. Water usage data shall be collected 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 10<sup>th</sup> of each month for the preceding month. This requirement is supplemental to the approved data plan submitted in the proposal.

The Division of Water Rights waives a portion of the metering requirement for six groundwater wells because the petitioner has installed meters on one well and a pivot and has committed to install additional meters on another well and two pivots that will monitor more than half of the total irrigated acreage associated with the proposal, and in consideration that installing meters on the remaining wells would require a substantial overhaul. Conditional approval of this proposal does not assure approval under the same conditions in the future (e.g., additional metering may be required).

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,



Erik Ekdahl  
Deputy Director  
Division of Water Rights

ec: Scott River Water Trust  
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