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## State Water Resources Control Board

July 20, 2022

Mr. Gary Black  
Black Ranch



### **APPROVAL OF GROUNDWATER LOCAL COOPERATIVE SOLUTION FOR BLACK RANCH**

Dear Mr. Black:

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 Black Ranch (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 188 acres associated with Assessor's Parcel Numbers

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023-010-220, 023-010-230, 023-010-240, 023-010-250, 023-010-270, 023-010-280, 024-260-080, 024-260-090, and 024-260-100, based on information provided as part of the request for approval of a groundwater local cooperative solution. These parcels comprise land that is owned and leased by the petitioner and are supplied by groundwater. The proposal indicates that the lands are also served by surface water from Scott Valley Irrigation District (SVID), but that such surface water used will be equal or less than the surface water applied in 2020.

The proposal includes detailed “conservation plan” spreadsheets, spray maps, a narrative description of conservation actions, and a tracking method. The proposed local cooperative solution sets for verifiable voluntary conservation measures to reduce water use on the identified parcels by 30 percent, relative to a 2020 baseline. The proposed conservation actions are: forbearance of 12.8 acres and reducing the operating line pressure and set times on wheel lines. Additionally, the proposal indicates that a small pond will be kept at 50 percent capacity.

The proposal includes a Binding Agreement (Agreement) with the Siskiyou Resource Conservation District (RCD) granting Siskiyou RCD with sufficient access to verify compliance with the proposal. The proposal notes that it does not include the minimum 400 acres on its own. However, in combination with the proposal from the Hurlimann Ranch LLC, the combined number of acres will exceed the 400-acre minimum. This proposal and the Hurlimann Ranch LLC proposal are being approved jointly under separate approval letters issued today.

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 conditions:

- 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.
- The petitioner shall track any groundwater pumping associated with maintaining its reservoir at 50 percent and notify the State Water Board if the petitioner determines that such diversions may impact the 30 percent groundwater reduction commitment made as part of this local cooperative solution. The petitioner shall also provide such tracking information to the State Water Board on request. A petition for human health and safety may be needed if the 30 percent groundwater reduction proposed as part of this local cooperative solution will not be met due to diversions to maintain the reservoir at 50 percent for fire protection.

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, as updated on April 15, 2022, including the conservation plan, together with the terms of your executed Agreement dated April 11, 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 SG003036, SG003349, and SG003719, are suspended as to the above-referenced properties that are owned and leased by Black Ranch and are part of this proposal. Please note that this approval does not affect the curtailment status of the surface water rights referenced in this 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](mailto:ScottShastaDrought@waterboards.ca.gov) or leave a message on our phone line at: (916) 327-3113.

Sincerely,



*for*  
Erik Ekdahl  
Deputy Director  
Division of Water Rights

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