
State Water Resources Control Board

August 5, 2024

Mark and Shelene Johnson
[REDACTED]

CONDITIONAL APPROVAL OF GROUNDWATER LOCAL COOPERATIVE SOLUTION FOR MARK AND SHELENE JOHNSON

Dear Mr. and Ms. Johnson:

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 Mark and Shelene Johnson (petitioners) for a percent reduction groundwater local cooperative solution that proposes to reduce water use by 42% percent compared to water use in the 2020 irrigation season. The proposal covers 92 acres of land irrigated by one groundwater well. The petitioners propose to achieve the water use reduction with the following water conservation actions:

- Reduced amount of water applied by pivots compared to the amount used during the 2020 baseline year;
- Reduced set times for the wheel lines and K-lines to shorter durations than used in the 2020 baseline year; and
- Early cessation of irrigation for 5 acres of grain starting on August 1, 2024.

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 petitioners may request a higher base rate for approval by the State Water Board. The petitioners must provide supporting information as part of any such request, such as multi-year practices, soil type, and irrigation methods. The petitioners have requested to use a higher baseline rate of applied water for pasture and alfalfa, proposing 44 inches per year as the baseline amount for 35 acres of pasture and 33 acres of alfalfa in the proposal.

The petitioners provided two documents by the Scott Valley Agriculture Water Alliance to justify the baseline, which offer guidance for calculating applied water needs and support using a higher baseline amount than 30 inches for pasture and 33 inches for alfalfa. The State Water Board finds the baseline amounts proposed by the petitioners 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 a meter will be installed on one of the irrigation wells, which will provide the data necessary 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 water application amounts and shorter set times 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 7, 2024. A further description of the site and water reduction measures is provided in the application submitted for 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 petitioners 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 petitioners have not yet installed a meter on the irrigation well but have an active application with the Natural Resources Conservation Service (NRCS) for funding to install a meter on the well, upgrade the pivots to the LEPA system, and install soil moisture sensors. The petitioners agree to record and maintain a log of the meter data

from the time of installation through one full irrigation season and submit it to the State Water Board.

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 follow condition:

- The petitioners shall collect and maintain a log of the water usage data from the groundwater meter 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.

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