
State Water Resources Control Board

October 2, 2024

Kimberly Ritola



DENIAL OF GROUNDWATER LOCAL COOPERATIVE SOLUTION FOR KIMBERLY RITOLA

Dear Ms. Ritola:

The State Water Resources Control Board (State Water Board) received your groundwater local cooperative solution proposal as an alternative to groundwater curtailment in the Scott River watershed. Staff have reviewed the proposal and determined that it did not meet the requirements set forth in the current drought emergency regulations. While the State Water Board appreciates and supports efforts to manage both surface water and groundwater in the Scott River watershed, the proposal did not include sufficient information to fulfill the requirements of the selected groundwater local cooperative solution option and contained contradictory information in several areas. Specific details related to the State Water Board's review are included below.

As of early October, the irrigation season has largely ended for the season, and groundwater curtailments are not in effect as of the date of this letter. No further action will be taken on this proposal. The State Water Board has broad prosecutorial discretion, but does not intend to pursue formal enforcement action for potential violations at this time. However, State Water Board staff would like to transmit the following information and analysis for your records, and for any future groundwater local cooperative solution proposal that you may choose to submit.

If you have any questions or concerns, please contact the email or phone number listed at the end of this letter.

Additional Background and Details

The 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

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

(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, provided that it meets the requirements of the Regulation.

Summary of Proposal

On July 12, 2024¹, the State Water Board received a groundwater local cooperative solution proposal from Kimberly Ritola (petitioner) that involves reducing water use from one groundwater well that irrigates a total of 21 acres using Option 1 of the Graduated Cessation Schedule groundwater local cooperative solution. The Option 1 schedule involves ceasing:

- At least 15% of irrigated acres by July 15,
- At least 50% of irrigated acres by August 15, and
- At least 90% of irrigated acres by August 31, with a maximum of 8 inches of water to be applied to the remaining 10% of irrigated acres during the remainder of the irrigation season. This 10% can be on land previously fallowed.

The proposal did not include a map or spreadsheet indicating which acreage corresponds to each cessation date to provide for clear evaluation and oversight of the proposal.

The application also proposed not to use end guns for the duration of the season, limit harvests to three cuttings, and, if requested, reduce the wheel line coverage of corners to eight-hour sets, which are conservation measures not required for a graduated cessation schedule application, but perhaps appropriate for a 30 percent reduction groundwater local cooperative solution. However, sufficient information to support a percent reduction groundwater local cooperative solution was lacking and the petitioner did not provide additional information or update the proposal following staff's repeated attempts to contact and work with the petitioner.

The proposal was posted to the State Water Board's webpage for local cooperative solutions associated with the Regulation on July 23, 2024, and provides a further description of the site and water reduction measures.

The petitioner selected to not work with a Coordinating Entity and agreed to grant property access to State Water Board staff to verify compliance with the proposal, with 24-hour notice. During a site inspection by State Water Board staff on July 31, 2024, staff was unable to verify whether the petitioner had reduced irrigation on 15% of her property by July 15. At the inspection, the petitioner indicated that irrigation had ceased for the remainder of the season, which substantially exceeds the minimum cessation

¹ The proposal was received after the April 15, 2024, deadline for submittal, but staff nevertheless considered the substance of the proposal. Please note that consideration of late proposals this year does not indicate that such consideration will occur in the future should the Regulation be readopted, or a similar regulation is adopted on an emergency or long-term basis.

requirements for August in Option 1, but also would eliminate the need to have the groundwater local cooperative solution as an alternative to curtailment this season. In light of this, staff inquired whether the petitioner wished to withdraw the application. The petitioner replied that she plans to complete a final pass over the entire 21 acres, which does not comply with the conditions of the selected graduated cessation schedule and was not indicated in the proposal.

Groundwater Metering

A groundwater local cooperative solution must include a description of existing metering for groundwater well diversions 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 requested a waiver of the metering requirement because the groundwater well that is part of this groundwater local cooperative solution irrigates less than 30 acres. The proposal included a plan to record and maintain a log of daily water usage and to submit monthly reports to the State Water Board. While the petitioner has not submitted any monthly reports to the State Water Board, during the July 31st site inspection, the petitioner provided State Water Board staff with a calendar containing a handwritten log of the irrigation hours used to quantify water use.

Denial

The Division of Water Rights has reviewed the groundwater local cooperative solution proposal and finds that it did not meet the requirements of Regulation section 875, subsection (f)(4)(D). The proposal suggested a range of water-reduction options but failed to provide sufficient information for a proposal under either the Graduated Cessation Schedule or Percent Reduction options. Further, staff contacted the petitioner by phone and e-mail on multiple occasions to assist with revising the proposal to align with Regulation's requirements for the appropriate groundwater local cooperative solution type, and to request the missing information needed to evaluate the proposal.

Eventually, staff set a deadline of July 30, 2024, to provide the required information in order to facilitate closure of the pending petition. The petitioner failed to meet the deadline. Subsequently, staff advised the petitioner that the groundwater local cooperative solution would be recommended for denial if the requested information was not received by August 2, 2024, but again the petitioner did not respond. While we tried to work with the petitioner to find a path forward, we were unable to do so this irrigation season. Consequently, the groundwater local cooperative solution proposal is hereby denied as insufficiently supported. While the irrigation season is over, conversations with staff and the explanation in this letter may provide a good starting point for a groundwater local cooperative solution in a future year if a regulation is in place with similar provisions. Such a future proposal would need to meet the specific percentages identified in the graduated cessation schedule option or provide sufficient information to support the percent reduction option.

In summary, the groundwater local cooperative solution has been denied for the following reasons:

- The proposal combined elements from different local cooperative solution options but did not provide sufficient information to meet the requirements of either the Graduated Cessation Schedule or Percent Reduction options.
- Despite repeated attempts by State Water Board staff to contact the petitioner for additional information, the petitioner failed to provide the necessary details by the requested deadlines (i.e., July 30, 2024, and August 2, 2024).

If you have questions regarding this denial, 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