

Hurlimann Brothers LLC & Mark & Amy Hurlimann

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March 7, 2022

State Water Resources Control Board

1001 I St.

Sacramento, CA 95814

To Deputy Director

Local Cooperative Solution Proposal for Hurlimann Brothers for the 2022 Irrigation season within the Scott Valley Watershed.

Hurlimann Brothers LLC has 597 irrigated acres used for farmland in Scott Valley. Hurlimann Brothers LLC has adjudicated surface water rights from the Scott Valley Irrigation District Div. 223 and overlying adjudicated groundwater rights within the basin. We grow alfalfa/grass, hay mix, and tend pasturelands. We utilize wheel lines and flood irrigation for our irrigated acres. As a lifelong family of Scott Valley, we want to preserve our local resources so our future families may continue to farm and provide for their families as we have.

The current drought we are experiencing has led us to make changes in our typical seasonal farming practices, to reduce the quantity of water used throughout the season. We have within the past 3 years replaced 2 miles of an open ditch with underground pipe to reduce water loss. We have also laser-leveled our fields to provide more efficiency in the distribution of water. We have taken measures to create the best management practices for our ranch.

We look forward to the progress that can sustain our family as well as the environment, we believe all creatures, humans, and plants alike need water for survival and we want to be able to utilize water when it is available to us.

-Flood irrigated pasture consists of 318 acres

-Wheeline irrigated grass and alfalfa/grass hay consist of 144 acres

-Flood irrigated alfalfa/grass hay consists of 135 acres

These irrigated acres are all or part of the following Siskiyou County Parcels:

024-190-170, 024-190-180- Grass Alfalfa

024-190-160- Pasture

024-190-290- Pasture (10 acres)

023-020-020, 023-010-360- Grass/Alfalfa/Pasture

023-020-330- Pasture/Hay

023-020-320- Pasture (20 acres)

Reduction Methods:

Flood Irrigated Pasturelands- reducing irrigation sets from 24 to 16 days per month.

Hurlimann Brothers, Wheeline irrigated Hay- reducing irrigating for 2 cuttings instead of 3.

Mark & Amy Hurlimann, Wheeline irrigated Alfalfa/Grass- reducing the irrigation set from 4 to 3 per cutting and reducing the nozzle size from 9/64 inches to 5/32 inches for increased water savings.

The reduction in water usage will result in a thirty percent reduction for our ranch this year. We have begun to implement a regular water measurement log for our ranch. This will result in greater efficiency for future reduction practices and projects. We will continue to work with the State Water Resources Control Board and Local Entities to fulfill water savings plans. Irrigation for the start of this season will be delayed until late April. This reduction plan will reduce the quantity of groundwater pumped and will not replace surface water for groundwater during the 2022 irrigation season. To verify we are implementing these practices in our plan, we suggest that CDFW visit the ranch periodically to confirm that irrigation is occurring as the plan states.

Figures:

Field names are labeled in the maps and referenced in the table below. Like crops within the reduction plan are grouped together in the table.

| HURLIMANN ESTIMATED WATER USE FOR 2020 AND PROPOSED FOR 2022 | | | | | | | | | | | |
|--|-----------------|------|---------------------------------------|-----------------------|-------------------|----------|--------------------|-------------------------------|-----------------|---------------------------|------------------|
| Field | Irrigated Acres | | Crop Type | | Irrigation Method | | 2022 % Reduction | April - October Applied Water | | | |
| | 2020 | 2022 | 2020 | 2022 | 2020 | 2022 | per Acre | Inches per Acre | | Acre-Feet | |
| | 2020 | 2022 | 2020 | 2022 | 2020 | 2022 | | 2020 | 2022 | 2020 | 2022 |
| 1_01, 7_03 | 125 | 125 | alfalfa/ grass hay | alfalfa/ grass hay | Wheeline | Wheeline | 30 | 36.0 | 25.2 | 375.0 | 262.5 |
| 2_01,1_08-09,1_07-06,1_11-12 &2_02 | 318 | 318 | pasture | pasture | Flood | Flood | 30 | 42.0 | 29.4 | 1113.0 | 779.1 |
| 7_04 | 135 | 135 | alfalfa/ grass hay | alfalfa/ grass hay | Flood | Flood | 30 | 42.0 | 29.4 | 472.5 | 330.8 |
| 7_01-02, 7_05-7-04 | 19 | 19 | pasture | pasture | Wheeline | Wheeline | 30 | 36.0 | 25.2 | 57.0 | 39.9 |
| Total | 597 | 597 | | | | | | 156.0 | 109.2 | 2017.5 | 1412.3 |
| | | | | | | | | | | 2022 % Reduction = | 30.0 |
| Monthly Inches of Applied Water by Field Type | | | | | | | | | | | |
| Month | 1_01, 7_03 | | 2_01,1_08-09,1_07-06,1_11-12 &2_02 | | 7_04 | | 7_01-02, 7_05-7-04 | | Total Acre-Feet | | 2022 % Reduction |
| | 2020 | 2022 | 2020 | 2022 | 2020 | 2022 | 2020 | 2022 | 2020 | 2022 | |
| April | 4.2 | 2.9 | 4.2 | 2.9 | 4.2 | 2.9 | 4.2 | 2.9 | 209.0 | 146.3 | 30.0 |
| May | 6.0 | 4.2 | 6.8 | 4.8 | 6.8 | 4.8 | 6.0 | 4.2 | 328.7 | 230.1 | 30.0 |
| Jun | 7.4 | 5.2 | 8.0 | 5.6 | 8.0 | 5.6 | 7.4 | 5.2 | 390.8 | 273.6 | 30.0 |
| Jul | 8.1 | 5.7 | 8.1 | 5.7 | 8.1 | 5.7 | 8.1 | 5.7 | 403.0 | 282.1 | 30.0 |
| Aug | 7.3 | 5.1 | 8.1 | 5.7 | 8.1 | 5.7 | 7.3 | 5.1 | 393.4 | 275.4 | 30.0 |
| Sept | 3.0 | 2.1 | 6.8 | 4.8 | 6.8 | 4.8 | 3.0 | 2.1 | 292.7 | 204.9 | 30.0 |
| Oct | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Total | 36.0 | 25.2 | 42.0 | 29.4 | 42.0 | 29.4 | 36.0 | 25.2 | 2017.5 | 1412.3 | 30.0 |

BINDING AGREEMENT



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



GROUNDWATER USE REDUCTION AND BINDING AGREEMENT FOR LOCAL COOPERATIVE SOLUTION

BACKGROUND

Under the 2021 drought emergency regulation establishing drought emergency minimum flows in the Scott River and Shasta River watersheds,¹ local cooperative solutions (LCS) by individuals or groups may be proposed by petition to the Deputy Director as an alternative means of reducing water use to meet or preserve drought emergency minimum flows, or to provide other fishery benefits (such as cold-water refugia, localized fish passage, or redd protection), in lieu of curtailment.

RECITALS

1. Section 875(f)(4)(D) of the drought emergency regulation provides a specific type of LCS that was determined to be sufficient for approval by the Deputy Director;
2. For overlying or adjudicated groundwater diversions for irrigated agriculture described in section 875.5(f)(4)(D)(i) – (ii) [Scott River], the Deputy Director may approve a groundwater basin-wide, groundwater sub-basin-wide, or any number of individual local cooperative solutions totaling at least 400 irrigated acres where:
 - (i) The proposal is based on a binding agreement. “Such binding agreement may be made with a Coordinating Entity with the expertise and the ability to evaluate and require performance of the agreement, for example with the California Department of Fish and Wildlife (CDFW), the National Marine Fisheries Service, the Scott Valley and Shasta Valley Watermaster District, a non-profit organization with expertise and experience in water-saving transactions, or similar qualified entity. “
 - (ii) For the Scott River: “The proposal provides at least: 1) a net reduction of water use of 30 percent throughout the irrigation

¹ California Code of Regulations, title 23, sections 875–875.9.

season (April 1 – October 31), as compared to the prior irrigation season; and 2) a monthly reduction of at least 30 percent in the July 1 through October 31 period, as compared to the prior year or to 2020. Such reduction may be demonstrated by evidence that provides a reasonable assurance that the change in farming practice or other action results in at least the relevant proportionate reduction. Such evidence may include, but is not limited to: pumping reports; actions that will be taken to reduce water use; estimation of water saved from conservation measures or changes in irrigation or planting decisions; and electric bills.”

PROPOSED LOCAL COOPERATIVE SOLUTION

On March 7, 2022, the Mark & Amy Hurlimann DBA Hurlimann Brothers LLC (Landowner) proposed an LCS authorized by 23 CCR §§ 875(f)(4)(D) of the regulation for the 2022 irrigation season. It includes a final conservation plan, narrative, and field maps incorporated by reference. The proposal uses the year 2020 as the baseline; it includes detailed spreadsheets and a narrative that describes a reduction of monthly irrigation sets for flood irrigated pasturelands, reduced hay and alfalfa/grass cuttings, and enhanced irrigation efficiencies. The specific conservation practices within the narrative offer concise and appropriate monitoring elements enabling the California Department of Fish and Wildlife to assume the role of a Coordinating Entity to implement a binding agreement described in “i” above. The mathematically calculated conservation plan accounts for a net reduction of approximately 30% to meet the requirement described in item “ii” above.

The included lands in the proposal equal 597 acres and exceeds the minimum 400 acres required under the emergency regulation. This agreement is being entered into with the understanding that additional acres may be added under separate binding agreements with additional landowners for State Water Resources Control Board (State Water Board) approval. Any additional landowners joining the Hurlimann Brothers LLC’s LCS will only be done with the Landowner’s consent, and with the understanding it will not harm or hinder operations. The Landowner will not be held liable for any violations of additional landowners’ respective LCS.

TERMS OF BINDING AGREEMENT

The Landowner is required to adhere to the proposed conservation plan, as submitted to CDFW and approved by the State Water Board. The Landowner has requested that CDFW serve as the coordinating entity. The Landowner and CDFW agree to the following:

- For the duration of this binding agreement where CDFW is the coordinating entity, the Landowner shall give CDFW and CDFW agents the right to reasonably access the included parcels for the limited purpose of verifying execution of the conservation plan. Any individual not directly employed or contracted by CDFW shall provide pre-notification to, and shall obtain approval by, the Landowner.
- CDFW will strive to notify the Landowner a day in advance of visiting the parcels and shall provide the Landowner or a designee the ability to participate in the monitoring inspection.
- It is anticipated that CDFW representatives will visit the property approximately twice per month. A monitoring inspection may include verification of any or all the actions described in the conservation plan and may include inspection checklist/notes/report and photo verification.
- Any written irrigation logs, photos, logs, checklists, and other documentation for this conservation strategy incorporated by reference described under the conservation practice will be transmitted by the Landowner via email to the Klamath Watershed Program at klamathwatershed@wildlife.ca.gov. This information for each month shall be transmitted within the first 7 calendar days of each calendar month.
- CDFW will submit the Information regarding the verification materials and actions described in this agreement, and conservation plan incorporated by reference, to the State Water Board upon request, for the purposes of verifying compliance with the LCS.
- This binding agreement is not intended to preclude, harm, or otherwise interfere with the Landowner's ability to secure any funding to mitigate the financial impacts imposed by the emergency regulation or proposed conservation practices. CDFW supports use of funding programs to ameliorate the costs of implementing the conservation practices described in the proposed conservation plan: planning and cooperation under a voluntary LCS should not undermine the ability to receive such funding.
- This binding agreement may be terminated by either party with 30 days' notice. The Coordinating Entity will only terminate the agreement if the Landowner is not cooperating with the terms of this binding agreement (e.g., is not providing access, is not reporting, etc.). Both parties agree to take reasonable measures to resolve any concerns related to

performance of the conservation plan, negative human interaction, or any other unforeseen circumstance prior to invoking termination.

- It is recognized that as the irrigation season unfolds, there may be reason to change the terms of the conservation plan or this agreement regarding its implementation and verification. Any such changes to the conservation plan or binding agreement will need to offer continued compliance with the drought emergency regulations and shall be agreed upon by both parties as well as the State Water Board.

| Contact Information | |
|--|--|
| California Department of Fish and Wildlife Carmen Tull <u>klamathwatershed@wildlife.ca.gov</u> 916.203.1947 | Hurlimann Brothers LLC  |

This Binding Agreement is valid while the current drought emergency regulation is in place. By signature, both parties agree and memorialize CDFW as the Coordinating Entity for this binding agreement. The Landowner shall include one signed copy with its petition to the SWB, return one signed copy to CDFW, and retain a signed copy of this binding agreement and have the conservation plan readily available at its residence in the event any questions arise from either party during implementation or monitoring.

Authorized Landowner Signature:

Sign Here: Mark Hurlimann Date Signed: 7.31.22

Authorized Coordinating Entity Signature:

Sign Here: DocuSigned by:
Jana Bartlett
1D82ADE7303AA74 Date Signed: 7/25/2022

SUPPORTING INFORMATION

Figure 1- Table showing reduction quantities per month.



Figure 2-Map showing the overall outline of irrigated acres within the SV Basin.

