

## Clint and Kay Isbell

To: State Water Resource Control Board  
1001 I Street  
Sacramento, CA 95814

Re: 2022 Cooperative Solution – Fawaz Farming and coordinating growers

Clint and Kay Isbell are the owners and operators of parcels [REDACTED] and [REDACTED]. We are submitting with “Fawaz Farming and coordinating growers” for these parcel numbers for the year of 2022. We look forward to working with Fawaz farming and you for this cooperative solution (2022).

These parcels add up to approximately 115 acres in which we irrigate the majority of the acres for hay and forage for cattle, goats, and horses. We also utilize water for livestock, domestic use, and commercial market garden. Attached is also a spreadsheet of approximate acreage and water usage during the year 2020. We have two agriculture wells for this operation that includes irrigation and watering of livestock and an adjudicated water right. Estimates for water usage were determined by similar methods to Fawaz Farming already sent into you, however, calculation outputs were calculated and reviewed/approved solely by us.

We have been owners of these parcels for over 4 years now. Over the past 4 years, we have made improvements to the water system including fixing leaks to the main line, new gaskets, new drainplugs, and replacing nozzles on the wheel lines and handlines. We plan on improving our water usage by reducing nozzle size this year and not utilizing the water gun/cannon in 2022. We have also installed a check valve so the mainline does not have to fill up every time in use for portions of our field. These improvements represent a 40.39% reduction in total applied acre-feet across the irrigation season further described in the spreadsheet. We will not utilize surface water in 2022. We will not use conserved groundwater in fields not included in this plan. More specifically, actions to conserve water include:

- East Side [REDACTED]:
  - Installing low-pressure irrigation nozzles
  - Reducing irrigation passes from five to four
  - Cease irrigation beginning in August 2022
  - Cease use of the water gun for the 2022 season
- Wheel lines on the west and east portions of our main field:
  - Reducing sets from 11 hours to 10 hours
  - Use irrigation nozzles of 3/16 or less

- Running pumps at 45 PSI
- Handlines on the west and east portions of our main field:
  - Installing low pressure irrigation nozzles
  - Reducing sets from 11 hours to 10 hours
  - Running pumps at 45 PSI

We intend to maintain a written log on run times and number of irrigation passes for wheel lines and handlines. We will present that log to the Cooperating Entity upon request. The installation of low-pressure nozzles can be verified by the coordinating entity on any inspection and only need to be verified once per irrigation season. The pumps can be verified by the coordinating entity on any inspection during the irrigation season. The suspension of irrigation in August and the disuse of the water gun can be verified by drive-by inspection from the road.

We would also like to inform you that many ranchers and water users in Scott Valley have not received your January 13th "Guidance on Groundwater Reduction Local Cooperative Solution for the Scott River Watershed". We were one of the landowners/water users that did not receive this letter. We had to find out via word of mouth from another rancher. We receive curtailment information via mail and now email, so do not understand why we and other ranchers are not on the cooperative solution list? We would like to be part of cooperative solutions in the future, but in order for this to happen, we need to be invited to the table. Agriculture producers have an abundance of cultural and historical ecological knowledge that can be part of solving complex problems. We would like to receive formal information via mail on anything that affects our land, water usage and/or livelihood from the State Water Resource Control Board.

Our family goes back 5 generations in Scott Valley and have been running ranches here since 1849. We hope to continue to work with you to find solutions for sustainable agriculture and ranches in Scott Valley for years to come and future generations.

Thank You,  
/S/ Clint Isbell  
Clint and Kay Isbell

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████████████████

# **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](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



May 6, 2022

Clint and Kay Isbell, Landowner and Manager

[Redacted]  
[Redacted]  
[Redacted]

**SUBJECT: Groundwater Use Reduction and Binding Agreement for Local Cooperative Solution**

Dear Clint and Kay Isbell,

On August 17, 2021, the State Water Board adopted an emergency regulation establishing drought emergency minimum flows in the Scott River and Shasta River watersheds. (Cal. Code Regs., tit. 23, §§ 875–875.9.). Under the regulation, 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 in lieu of curtailment. For individual cooperative solutions, the Deputy Director may approve a petition where a water user agrees to voluntarily cease diversions or where the California Department of Fish and Wildlife (CDFW) makes a recommendation for an exemption to curtailment based on an assessment that the benefits of the actions to anadromous fish in a specific time are equal to or greater than the protections provided by their contribution to flow under curtailment.

For overlying or adjudicated groundwater diversions for irrigated agriculture described in section 875.5(f)(4)(D)(i) – (ii) [Scott River], the State Water Resources Control Board (SWB) 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. For the Scott River the proposal needs to provide at least: 1) a net reduction of water use of 30 percent throughout the irrigation 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,

Clint and Kay Isbell  
May 6, 2022  
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estimation of water saved from conservation measures or changes in irrigation or planting decisions, and electric bills.

On March 8, 2022, you proposed an LCS authorized by 23 CCR §§ 875(f)(4)(D) of the regulation for the 2022 irrigation season. It includes a conservation plan, narrative, and parcel/spray/field maps incorporated by reference. The proposal uses the year 2020 as the baseline; it includes detailed spreadsheets and a narrative that describes enhanced wheel line and handline irrigation efficiencies, reduced irrigation wheel line and handline set timing, discontinued use of water guns, and a fall irrigation forbearance plan. The specific conservation practices within the narrative offer concise and proper monitoring elements enabling CDFW to assume the role of a coordinating entity to implement a binding agreement.

Attached to this cover letter is a groundwater use reduction and binding agreement for your LCS. You have worked closely with CDFW and SWB staff to develop this binding agreement that will enable us to be your coordinating entity. I have already signed it. If you agree with its content and terms, please sign and retain one copy, include one copy with your petition to the SWB, and return one copy to the email included in the contact information below.

CDFW is grateful for your commitment to enter a groundwater use reduction and binding agreement for a local cooperative solution. We think this will be one of several tools we can use to tackle the challenges of this ongoing drought to protect native salmon, protect tribal cultural resources, and support local and commercial economies. If you have any questions regarding this letter, please contact Senior Environmental Scientist Carman Tull at [klamathwatershed@wildlife.ca.gov](mailto:klamathwatershed@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
1D82ADE7303A474...

Tina Bartlett, Regional Manager  
Northern Region

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ec: **State Water Resources Control Board**

Erik Ekdahl, Deputy Director

Division of Water Rights

[erik.ekdahl@waterboards.ca.gov](mailto:erik.ekdahl@waterboards.ca.gov)

**California Department of Water Resources**

Craig Altare, Section Chief Sustainability Plan Review SGM

[craig.altare@water.ca.gov](mailto:craig.altare@water.ca.gov)

**National Marine Fisheries Service**

Alecia Van Atta, Assistant Regional Administrator

[alecia.vanatta@noaa.gov](mailto:alecia.vanatta@noaa.gov)

**California Department of Fish and Wildlife**

Tina Bartlett, Regional Manager

Joe Croteau, Environmental Program Manager

[klamathwatershed@wildlife.ca.gov](mailto:klamathwatershed@wildlife.ca.gov)



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
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**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,<sup>1</sup> 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

<sup>1</sup> 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 8, 2022, Clint and Kay Isbell (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 enhanced wheel line and handline irrigation efficiencies, reduced irrigation wheel line and handline set timing, discontinued use of water guns, and a fall irrigation forbearance plan. 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 45.6% to meet the requirement described in item “ii” above.

This proposal does not include the minimum 400 acres required under the emergency regulation, but this agreement is being entered in conjunction with Brandon Fawaz’s, of Fawaz Farming, Local Cooperative Solution with the understanding that their additional acres are under a separate binding agreement. As such, the total enrolled acreage exceeds the 400-acre minimum for State Water Resources Control Board (State Water Board) approval.

### 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.
- The written irrigation log described under the wheel line and handline conservation practices, and any photos, logs, checklists, and other documentation for this conservation strategy incorporated by reference will be transmitted by the Landowner via email to the Klamath Watershed Program at [klamathwatershed@wildlife.ca.gov](mailto: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.

<b>Contact Information</b>	
California Department of Fish and Wildlife Carmen Tull <a href="mailto:klamathwatershed@wildlife.ca.gov">klamathwatershed@wildlife.ca.gov</a> 916.203.1947	Clint and Kay Isbell <div style="background-color: black; width: 100px; height: 15px; margin: 5px auto;"></div> <div style="background-color: black; width: 80px; height: 15px; margin: 5px auto;"></div>

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:           *Clint Isbell*                Date Signed:           05/10/2022          

**Authorized Coordinating Entity Signature:**

Sign Here:           DocuSigned by:  
*Jana Bartlett*  
1D82ADE7303A474...                Date Signed:           5/6/2022

## **SUPPORTING INFORMATION**

Field ID	2020 Irrigated Acres	2020 Irrigation Method	2020 Crop Type	Calculation Factors	April 2020	May 2020	June 2020	July 2020	August	September	October	2020 Total Acre Feet	2022 Irrigated Acres	2022 Irrigation Method	2022 Crop Type	Calculation Factors	April 2022	May 2022	June 2022	July 2022	August	September	October	2022 Total Acre Feet	Soil Moisture Sensor Installed
					Acres Feet Applied						Acres Feet Applied														
West Half	33	Wheel Line Section	Grass	34 Sprinklers 3/16" @ 60 psi, 18 sets per pass, 11 hour sets, 10 passes per year	19.84	19.84	19.84	19.84	19.84	0	0	99.2	33	Wheel Line Section	Grass	34 Sprinklers 3/16" @ 45 psi, 18 sets per pass, 10 hour sets, 10 passes per year. 15 Sets per pass August.	15.32	15.32	15.32	15.32	12.76	0	0	74.04	
West Half		Hand Line Section	Grass	20 Sprinklers 3/16" @ 60 psi, 3 Sets per pass, 11 hour sets, 10 passes per year	1.86	1.86	1.395	2.325	1.86	0	0	9.3		Hand Line Section	Grass	20 Sprinklers 5/32" @ 45 psi, 3 sets per pass, 10 hour sets, 9 passes per year	1.04	1.04	1.04	1.04	0.52	0	0	4.68	
East Half	26	Wheel Line Section	Grass	34 sprinklers 3/16" @ 60 psi, 15 sets per pass, 11 hour sets, 10 passes per year	16.52	16.52	16.52	16.52	16.52	0	0	82.6	26	Wheel Line Section	Grass	34 Sprinklers 3/16" @ 45 psi, 15 sets per pass, 10 hour sets, 10 passes per year	12.76	12.76	12.76	12.76	12.76	0	0	63.8	
East Half		Hand Line Section	Grass	20 Sprinklers 3/16" @ 60 psi, 4 sets per pass, 10 passes per year	2.48	2.48	2.48	2.48	2.48	0	0	12.4		Hand Line Section	Grass	20 Sprinklers 5/32" @ 45 psi, 4 sets per pass, 10 hour sets, 9 passes per year	1.38	1.38	1.38	1.38	0.69	0	0	6.21	
East of [REDACTED]	5	Hand Line Section	Grass	4 sprinklers 3/16" @ 60 psi, 12 sets per pass, 4 passes per year	1.48	1.48	0.74	0.74	0.74	0	0	5.18	5	Hand Line Section	Grass	4 sprinklers 11/64 @ 45 psi, 12 sets per pass, 4 passes per year	1.02	1.02	0.51	0.51	0	0	0	3.06	
East of [REDACTED]		Gun Section	Grass	Nelson 200 series gun, 1.2" bore, 60 psi, 330 gpm, 12 sets per pass, 4 passes per year	15.32	15.32	7.66	7.66	0	0	0	45.96		Gun Section	Grass	NOT-IRRIGATED	0	0	0	0	0	0	0	0	
												0												0	
Totals for Clint Ibbell	64				57.5	57.5	48.635	49.565	41.44	0	0	254.64	64				31.52	31.52	31.01	31.01	26.73	0	0	151.79	
																	N/A	N/A	N/A	34.6955	29.008	0	0	178.248	
																								59.61%	
																								Overall Reduction in Use Percentage	40.39%