



State Water Resources Control Board

May 9, 2022

Mr. Joe O'Brien
O'Brien Ranch



APPROVAL OF GROUNDWATER LOCAL COOPERATIVE SOLUTION FOR O'BRIEN RANCH

Dear Mr. O'Brien:

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). Additional details regarding the contents of the proposal and conditions are described below.

For overlying or adjudicated groundwater diversions for irrigated agriculture described in 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 at least 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 O'Brien 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 Section 875.5, subdivision (f)(4)(D)(ii). This proposal provides for reduced water use from groundwater wells on approximately 116 acres associated with Assessor Parcel Numbers 024-200-100 and 024-190-080, based on information provided in the petition as part of the request for approval of a

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

groundwater local cooperative solution. These parcels comprise land that is owned by the petitioner and are supplied only by groundwater. The petitioner has committed that water saved under this proposal will not be transferred to parcels not included under the local cooperative solution and the petitioner will not take actions outside the local cooperative solution that diminish the overall 30 percent reduction established by the proposal.

The proposal includes detailed "conservation plan" spreadsheets, "spray" maps, information on the efficacy of various irrigation equipment upgrades, and a narrative description of conservation actions and tracking methods. The proposed local cooperative solution sets forth verifiable voluntary conservation measures to reduce water use on the identified parcels by 37 percent, relative to a 2020 baseline. The proposed conservation actions include: 2021 replacement of two wheel lines with pivots; increased wheel line sprinkler efficiency and forbearance (i.e., change out wheel line nozzle, reseal wheel lines, and forbearance starting September 1, 2022); reduced set times for handline and end gun usage (i.e., 11.5 hours to 10 hours each) on corners; and irrigation forbearance of corners starting on September 1, 2022.

The proposal includes a Binding Agreement (Agreement) with the California Department of Fish and Wildlife (CDFW) granting CDFW sufficient access to verify compliance with the proposal. The Agreement notes that the proposal does not include the minimum 400 acres on its own. However, the proposal notes that the petitioner is included with the H&H Land and Livestock Company LLC local cooperative solution. H&H Land and Livestock Company LLC has confirmed that the O'Brien Ranch local cooperative solution may be included with the H&H Land and Livestock LLC local cooperative solution. Therefore, in combination with the approved H&H Land and Livestock Company LLC proposal, the combined number of acres exceeds the 400-acre minimum.

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).

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, dated April 1, 2022, including the conservation plan, together with the terms of your executed Agreement dated April 23, 2022, are hereby approved. 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 SG004718 and SG005100 are rescinded as to the above-referenced properties that are owned by O'Brien Ranch and part of 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 or leave a message on our phone line at: (916) 327-3113.

Sincerely,



Erik Ekdahl
Deputy Director
Division of Water Rights

ec: CDFW
Email: klamathwatershed@wildlife.ca.gov

H&H Land and Livestock Co., LLC
Email: [REDACTED]