
State Water Resources Control Board

April 5, 2022

Mr. Brian Heffernan
H&H Land and Livestock Company LLC

[REDACTED]

REVISED APPROVAL OF GROUNDWATER LOCAL COOPERATIVE SOLUTION FOR H&H LAND AND LIVESTOCK COMPANY LLC

Dear Mr. Heffernan:

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 an alternative means of reducing water use. 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), with conditions. 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 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 through a number of mechanisms, including pumping reports, conservation measures, electric bills, or planting decisions.

The State Water Board received a proposal from H&H Land and Livestock Company LLC (petitioner) for approval of a groundwater local cooperative solution that includes commitments to reduce water use by 30 percent as specified under Section 875.5, subdivision (f)(4)(D)(ii). Staff appreciates your time meeting to discuss your plan and its implementation. This proposal provides for reduced water use from groundwater wells on Assessor Parcel Numbers 024-260-180, 024-260-110, and 024-260-170, which comprise all of the petitioner's land and are supplied by groundwater. The petitioner is also a member of the Scott Valley Irrigation District (SVID) and plans to make use of its standard seasonal rotation of surface water in 2022, if available. The proposal includes

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

detailed spreadsheets describing the conservation plan's water savings as compared to 2020, maps, information on the efficacy of the "Low Elevation Spray Application" system, and a narrative description of conservation actions and a tracking method. The proposed local cooperative solution sets forth verifiable voluntary conservation measures to reduce water use on the identified parcels by 32.7 percent, relative to a 2020 baseline. The proposed conservation actions are: enhanced irrigation pivot efficiencies, reduced irrigation wheel line set timing (i.e., reducing the duration of irrigation), reduced irrigation of "corner" acreage, and a fall irrigation forbearance plan.

The proposal also includes a Groundwater Use Reduction and Verification Agreement (Agreement) with the California Department of Fish and Wildlife (CDFW) granting CDFW with sufficient access to verify compliance with the proposal.

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) with the following condition:

- Addition of a proposal(s) and binding agreement(s) for additional lands that makes up the additional acres necessary to meet the 400-acre minimum. These additions may include submittals by other parties, with the approval of all those involved.
- To the extent surface water is made available to the petitioner under its existing contract with SVID, the surface water shall not be used to increase overall water used during the 2020 irrigation season, nor decrease the estimated overall 32.7 percent reduction in groundwater use approved as part of this local cooperative solution.

At present, the proposal does not include the minimum 400 acres. However, the Agreement between the participant and CDFW notes that additional acres will be added under a separate local cooperative solution proposal, such that the total number of acres meets or exceeds the 400-acre minimum required by the Regulation.

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 February 24, 2022, including the conservation plan, together with the terms of your executed Agreement dated March 10, 2022, are hereby approved, as conditioned. As described in Section 875, subdivision (f)(2), any violations of this approval are subject to enforcement as a violation of the Regulation. 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 binding agreement remain in effect, the curtailments associated with water rights related to SG003376 and SG003038 are rescinded.

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,

A handwritten signature in black ink, appearing to read "Erik Ekdahl", with a long, sweeping horizontal stroke extending to the right.

Erik Ekdahl
Deputy Director
Division of Water Rights

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