

State Water Resources Control Board

August 26, 2026

Mr. Cody Custer
Scott Valley Farms, LLC

CONDITIONAL APPROVAL OF 2026 GROUNDWATER LOCAL COOPERATIVE SOLUTION FOR SCOTT VALLEY FARMS

Dear Mr. Custer:

Assembly Bill (AB) 263, signed into law on September 26, 2025, extended the effective period of the State Water Resources Control Board's (State Water Board's) Scott River and Shasta River Emergency Regulation (Cal. Code Regs., tit. 23, §§ 875-875.9) (Regulation) until January 1, 2031, or until permanent rules establishing and implementing long-term instream flow requirements are adopted for those watersheds, whichever occurs first. Under the [Regulation](#)¹, 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 (f)(4)(D) of the Regulation describes three types of local cooperative solutions specifically 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 submitted by an individual or group, provided that it meets the specific requirements of the applicable groundwater local cooperative solution type, satisfies the metering and inspection requirements, is founded on a binding agreement with a coordinating entity if the petitioner chooses that option, and is to be implemented throughout the entirety of the irrigation season. The Deputy Director's approval of a proposal for a groundwater local cooperative solution may be subject to appropriate conditions, including metering, monitoring, and reporting requirements.

¹ *Establishment of Minimum Instream Flow Requirements, Curtailment Authority, and Information Order Authority in the Scott River and Shasta River Watersheds*, available online at: https://www.waterboards.ca.gov/drought/scott_shasta_rivers/docs/2025/2025-scott-shasta-emergency-reg-adopted-searchable.pdf

Summary of Proposal

The State Water Board received a proposal² from Cody Custer (petitioner) for a Graduated Cessation groundwater local cooperative solution for the 2026 season that proposes to reduce water use from six groundwater wells on 821 acres of petitioner's irrigated land.

The petitioner proposes to use Option 2 of the Graduated Cessation Schedule local cooperative solution for the 821 acres. Option 2 schedule involves ceasing irrigation on:

- 20% of irrigated acres by July 20,
- 50% of irrigated acres by August 20, and
- 95% of irrigated acres by September 5, with a maximum of six inches of water to be applied to the remaining 5% of irrigated acres during the remainder of the irrigation season. This 5% can be on land previously fallowed.

To meet the conditions of this graduated cessation schedule, the petitioner proposes to cease irrigation of 176 acres on July 20, 2026, which accounts for 21% of the total 821 acres. On August 20, 2026, irrigation will cease on an additional 267 acres, bringing the total irrigated acres with irrigation ceased for the season to 54%. Finally, on September 5, 2026, irrigation will cease on an additional 378 acres to achieve 100% cessation of the total 821 acres. The proposal achieves an overall irrigation reduction as compared to the standard practice on the property by changing from alfalfa to grain, foregoing one alfalfa cutting (resulting in roughly a 30% irrigation decrease), fallowing lands, and upgrading irrigation practices such as converting to pivot with a low-energy precision application (LEPA) systems.

The proposal was posted to the State Water Board's webpage for local cooperative solutions³ associated with the Regulation on May 15, 2026. A further description of the site and water reduction measures is provided in the application submitted for this proposal. The application identifies Scott River Water Trust as the coordinating entity and includes a "Binding Agreement" that grants property access to verify compliance with the proposal. No comments were received on the proposal.

Groundwater Metering

A groundwater local cooperative solution must include a description of any existing groundwater metering, and a proposal to meter and record such extractions or applications on a weekly basis, and to report this information monthly to the Deputy Director (or the Coordinating Entity, if so agreed), with limited exceptions. If a meter may not be 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,

² The term "proposal" includes, as applicable, elements of the petitioner's Application Form for 2026 Local Cooperative Solution, communications with Division of Water Rights staff, and content from one or more of the petitioner's previous local cooperative solutions. Generally, any applicable content is restated in this letter as part of the current proposal.

³ http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/scott_shasta_rivers/lcs2026.html

actions, and timelines for installation of a meter. 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 Deputy Director may also approve a time schedule for the installation of a meter if not currently installed at the start of the irrigation season.

The petitioner has installed six meters on the six groundwater wells that irrigate 756 acres and one meter on the pivot that irrigate 65 acres, enabling monitoring of water usage on 100% of the total irrigated acreage covered by the proposal (821 acres). The proposal includes a plan to record and maintain a log of the meter data of six wells and one pivot on a weekly basis and provide monthly reports to the State Water Board or the coordinating entity, where the coordinating entity will then submit the information to the State Water Board monthly and upon request.

Approval

The Deputy Director has delegated the authority to approve groundwater local cooperative solutions to the Assistant Deputy Director of the Water Quality Certification, Flow, Data, and Administrative Branch. The Assistant Deputy Director has reviewed the groundwater local cooperative solution proposal and finds that it meets the requirements of Regulation section 875, subdivision (f)(4)(D), with the following conditions:

- The petitioner is required to meter, record, and maintain a weekly log documenting the volume of water pumped, as measured by the existing six groundwater meters corresponding to the six groundwater wells, and the water applied from one metered pivot, throughout the 2026 irrigation season in accordance with the Regulation. This data must be submitted to the State Water Board by the 10th of each month, reflecting records from the previous month.

The petitioner's groundwater local cooperative solution proposal is hereby approved, as described in this letter. Any failure to implement any commitments of the proposal and any conditions of this approval (collectively, the approved local cooperative solution) is subject to enforcement as a violation of the Regulation. Additionally, violations of other provisions of the Regulation (e.g., surface water curtailment) may result in termination of this approval.

If you have questions regarding this approval, please contact Division of Water Rights staff via an email to: ScottShastaFlows@waterboards.ca.gov or by leaving a message on our dedicated phone line at (916) 327-3113.

Sincerely,



Erin Ragazzi
Assistant Deputy Director
Water Quality Certification, Flow, Data, and Administrative Branch
Division of Water Rights

Mr. Cody Custer
Scott Valley Farms

- 4 -

August 26, 2026

ec: Scott River Water Trust
scottwatertrust@gmail.com

From: Avub_Rivana@Waterboards
To: [REDACTED]
Cc: scottwatertrust@gmail.com; [WB-DWR-ScottShastaFlows](#); [Chris Voigt](#)
Subject: Approval to Continue Irrigation on 3% of the Land After Sept. 5th, 2026
Date: Wednesday, September 9, 2026 11:46:04 AM

Dear Mr. Custer-

This email is in response to your request for approval to continue irrigating 22 acres (or 3% of the irrigated lands covered by your groundwater local cooperative solution for 2026) after September 5, 2026. Your August 31, 2026 email notes that on September 5, 2026, irrigation will cease on an additional 356 acres to achieve 97% cessation of the total 821 acres covered by your groundwater local cooperative solution. Consistent with the Emergency Regulation, your request is approved as follows:

- After September 5, 2026, the remaining 3% of the irrigated land (i.e., Pasture 1, 2, and 3 covering an area of 22 acres) covered by your 2026 groundwater local cooperative solution, may be irrigated with up to a maximum of six inches (i.e., 11 acre-feet) of water for the rest of the irrigation season. Irrigation after September 5, 2026 represents a change from the original August 26, 2026.

All other requirements of your August 26, 2026 approval letter remain unchanged.

If you have questions, please contact Division of Water Rights staff via an email to: ScottShastaFlows@waterboards.ca.gov or by leaving a message on our dedicated phone line at (916) 327-3113.

Sincerely,

Erin Ragazzi

Assistant Deputy Director

Water Quality Certification, Flow, Data, and Administrative Branch

Division of Water Rights