## **California Heritage Farms**



March 3, 2022

State Water Resources Control Board

1001 I St.

Sacramento, CA 95814

## Re: Local Cooperative Solution- California Heritage Farms, LLC

To Deputy Director:

As authorized by 23 CCR §§ 875(f)(4)(D), California Heritage Farms LLC is providing this letter to further describe its proposed local cooperative solution (LCS) for the 2022 irrigation season.

#### Introduction

California Heritage Farms (CHF) leases approximately 994 acres of irrigated land (alfalfa and permanent pasture) in the Scott River water shed. CHF raises high quality feed store hay, pasture-based hogs, and grass-fed cattle and uses rotational grazing, planting of cover crops to improve soil health, and water holding capacities. Siskiyou County spray maps of land leased by California Heritage Farms are attached. The 994 irrigated acres are irrigated by wheel lines and pivots using ground water wells. Water rights consist of overlying and adjudicated rights. No surface water will be substituted for the groundwater reductions listed out in this plan.

**Conservation Efforts and Improvements** 

 LEPA System Installation: In the spring of 2020 we retrofitted an 8-span pivot to the Low Energy Precision Application (LEPA) system. The LEPA system utilizes very low pressure "bubbling" nozzles (as opposed to high pressure rotating nozzles that disperse water over a larger area) that result in far less wind loss and more precise and effective water application. LEPA manufacturer's estimate that total water savings of up to 18% is achievable based on reduced wind drift and less frequent irrigation. Soil moisture sensors installed in 2021 document this response. The introduction of the LEPA system and soil moisture sensors have created further opportunities for us to conserve water.

- 2. Riverbank Stabilization Project: In the fall of 2020 and spring 2021 working with the Siskiyou Resource Conservation District (RCD), we finished a bank stabilization project along the Scott River. The final phase was planting willow and poplar trees along the project site and adding an irrigation system to ensure the growth and survival of the trees. We will hold out roughly ½ to 1 acre out of the Siskiyou Agriculture's Emergency Drought Voluntary Action Plan to irrigate the trees along the bank to unsure their survivability. Irrigation will occur twice a month for 24 hours applying about 4 to 5 inches total for the month. This water usages is not included in the proposed water savings plan. The land owner Scarface Cattle Company has applied for a Human Health and Safety Curtailment Exemption for tree health.
- 3. Fall 2021 Forbearance Measure Taken: Voluntary Action Plan, we ceased full irrigation by September 15, 2021. In addition, 815 acres was shut off by September 1, 2021. Another 360 acres was shut off since August 10<sup>th</sup>, 2021. Ceasing to irrigate 360 acres of 4<sup>th</sup> cutting alfalfa will conservatively cost us \$100,800 in lost revenue. We estimate that approximately 1,500-acre feet of water will be left in the aquifer by shutting off on August 10, 2021. Ceasing to irrigate 200 acres of pasture after September 15<sup>th</sup> will have an undisclosed cost base on the fact that our grass finished cattle will be forced on a feed value of lesser quality.
- 4. 2022 Proposed Actions: Using 2020 water usage estimates we used 3945.73 acre feet of water. To meet the Local Cooperative Solution (LCS) of 30% water use reduction and a total of 2,660.32 acre feet for 2022 a 32.60% reductions California Heritage Farms is proposing taking the following steps.
  - a. We will be fallowing 34.5 acres (30.5 ac of wheel line and 4 ac of Pivot) of land that was previously irrigated by wheel line and pivot in 2020. This save 140.94 ac feet and is a 5% savings for 2022 if we would not fallow this acreage. We will be installing 2 to 3 more soil moisture sensors to help us guide our water use.
  - We will be dropping our operating pressure from 65psi and cutting our irrigating times from 11.5 hours per set ran 2 times daily 3.91 inches per set. Now we will run at 55psi for 10 hours (2 times daily) 3.10 in per set on all our wheel line acreage which is 566 (2022) acres. The 428 (2022) acres under pivot will match the application rate of 3.10 per set. 12 set will be used from April 1st to October 1<sup>st</sup>. This will lead to a 29.97% saving over 2020.

- c. In 2017, we started planting cover crops after our grain crops were harvested. This was done for numerous reasons; reduces soil erosion, helps with water hold capacity by building soil organic matter, and building soil health by having multiple plant varieties in the soil. For 2022 we will be forgoing planting 194 acres to cover crops after we have harvested our grain crops which will lead to soil erosion, dead soil from not having a living plant in it and the use of more synthetic fertilizers. This will help save 517.98 acre feet of water during the months of July, August, and September. That is a 67.25% savings over 2020 on 194 acres during this months.
- d. The Coordinating Entity to ensure implementation of the LCS will be a contractor with the Siskiyou RCD. CHF will keep records at each site of when irrigations sets started and end along with CHF and the RCD meeting 2 twice a month for verification. Siskiyou RCD will have access to pressure gauges at all sites to verify that systems are running at the specified 55 psi, that fallowed ground is not being irrigated.
- 5. Please note that this plan is offered in good faith in connection with the 2022 irrigation season only. All rights, claims and defenses with regard to the matters described herein are hereby expressly reserved. Moreover, and as this plan is offered voluntarily (without any current legal obligation to undertake the matters described herein), should any governmental or NGO funds later become available for any forbearance or improvement efforts to which the California Heritage Farms, LLC would otherwise be entitled, nothing herein shall be construed to limit the availability of such funds to the California Heritage Farms, LLC provided that we materially perform the 2022 undertakings described herein. Water saved under this proposal will not be transferred to parcels not included under the LCS and we will not knowingly or intentionally otherwise take actions outside of the LCS that diminish, in any material way, the overall thirty percent reduction established by this proposal.

It is important to note that these proposed water conservation measures will greatly impact our overall crop production, decrease in our operations income, and limit our ability to implement additional healthy soil practices as well as impacted the overall economy of Scott Valley.

Please timely advise as to your decision on the acceptability of this plan in lieu of regulatory curtailment as contemplated by Title 23, Article 23.5, Section 875 and thank you for your consideration in this matter.

Please feel free to contact me with any questions.

Regards,

California Heritage Farms

Jim Harris, Manager

# **BINDING AGREEMENT**



P.O. Box 268, Etna, CA 96027 PHONE (530) 467-3975 FAX (530) 467-5617 Email: <u>sisqrcd@sisqtel.net</u> Website: <u>www.siskiyourcd.com</u>

#### **Binding Agreement**

#### **Contractor Contact Information:**

Business:	Siskiyou RCD
Contact Person:	Chris Voigt
Address:	Po Box 268 Etna, CA 96027
Phone:	530-467-3975
Email:	chris@siskiyourcd.com

#### Landowner Contact Information:

Business:	California Heritage Farms LLC
Contact Person:	Jim Harris
Address:	
Phone:	
Email:	

#### Background

Under the 2021 drought emergency regulation instated by the State Water Resources Control Board (SWRCB) that established drought emergency minimum flows in the Scott River, a Local Cooperative Solution (LCS) may be proposed by individuals or groups to submit by petition to the Deputy Director of the SWRCB as an alternative means of reducing water use to meet or preserve drought emergency minimum flows and provide fishery benefits, in lieu of curtailment. This binding agreement between the (Landowner) and Siskiyou Resource Conservation District (SRCD) will monitor the SRWCB approved LCS to achieve 1) a net reduction of water use of 30 percent throughout the irrigation season; and 2) a monthly reduction of at least 30 percent in the July through October 31 period, as compared to 2020.



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#### 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 sections 875.5(f)(4)(D)(i)-(iii) [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 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 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 similarly qualified entity."
  - ii. For the Scott River: "The proposal provides at least: 1) a net reduction in 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% in the July 1 through October 31 period, as compared to the prior year or 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:** (Specific action plan to be completed by landowner, see attached LCS application form)



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## **Binding Agreement Terms**

The Landowner is required to adhere to the LCS, as approved by SWRCB. The Landowner has requested that SRCD serve as the coordinating entity. As such, both parties agree to the following:

- For the duration of this binding agreement where SRCD is the coordinating entity, the Landowner shall give SRCD the right to reasonably access the included parcels for the limited propose of verifying execution of the LCS. Any individual not directly employed or contracted by SRCD shall provide pre-notification to, and shall obtain approval by the Landowner before accessing the property,
- SRCD will strive to notify the Landowner a day in advance of visiting the parcels and shall provide the Landowner or designee the ability to participate in monitoring activities,
- It is anticipated that SRCD representatives will visit the property approximately twice per month to monitor the approved LCS, unless inadequacies are discovered, in which case additional field visits will occur until inadequacies are rectified. A monitoring inspection may include verification of any or all of the actions described in the conservation plan and may include inspection checklist/notes/reports and photo verification,
- SRCD 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. SRCD supports the 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 at any time. Both parties agree to take reasonable measures to resolve any concerns related to the performance of the LCS, negative interpersonal interaction, or any unforeseen circumstance prior to invoking termination,
- As the irrigation season unfolds, there may be reason to change the terms of the LCS or this binding agreement with respect to its implementation and verification. Any such changes to the LCS or service agreement will need to be agreed upon by the Landowner



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and SRWCB. If a Landowner requests SRCD assistance with an updated LCS, the SRCD and Landowner will enter into a new Binding Agreement and,

#### Payment

In consideration for the services to be performed by SRCD, the Landowner agrees to pay SRCD at the rate of \$75.00 per hour for initial consultation and \$75.00 per hour for all services rendered after signing of the binding agreement.

#### Expenses

The Landowner will reimburse SRCD for expenses that are attributable directly to work performed under this Agreement. Any expenses incurred will be approved by the Landowner beforehand. SRCD will submit an itemized statement of Contractor's expenses attached with invoicing.

#### **Terms of Payment**

Upon completion of SRCD services under this binding agreement, the SRCD will submit an invoice. The Landowner will pay SRCD the compensation described within 30 days of receiving SRCD's invoice.

#### **Term of Agreement**

This agreement will become effective when signed by both parties and will terminate on:

- November 1, 2022, or
- The date a party terminates the binding agreement.
- Monitoring information will be collected by the SRCD and shared with State Water Board as a field report in accordance with their reporting schedule or upon request
- SRCD is not authorized to and will not distribute data or other information regarding work done under this contract to any third party without previous written approval by the Landowner
- Landowner agrees that water saved under the LCS will not be transferred to parcels not included under the LCS, and Landowner will not knowingly or intentionally otherwise take actions outside of the LCS that diminish, in any material way, the overall thirty percent reduction establish by the actions described ion the LSC



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Landowner

andowner 4-6-2022

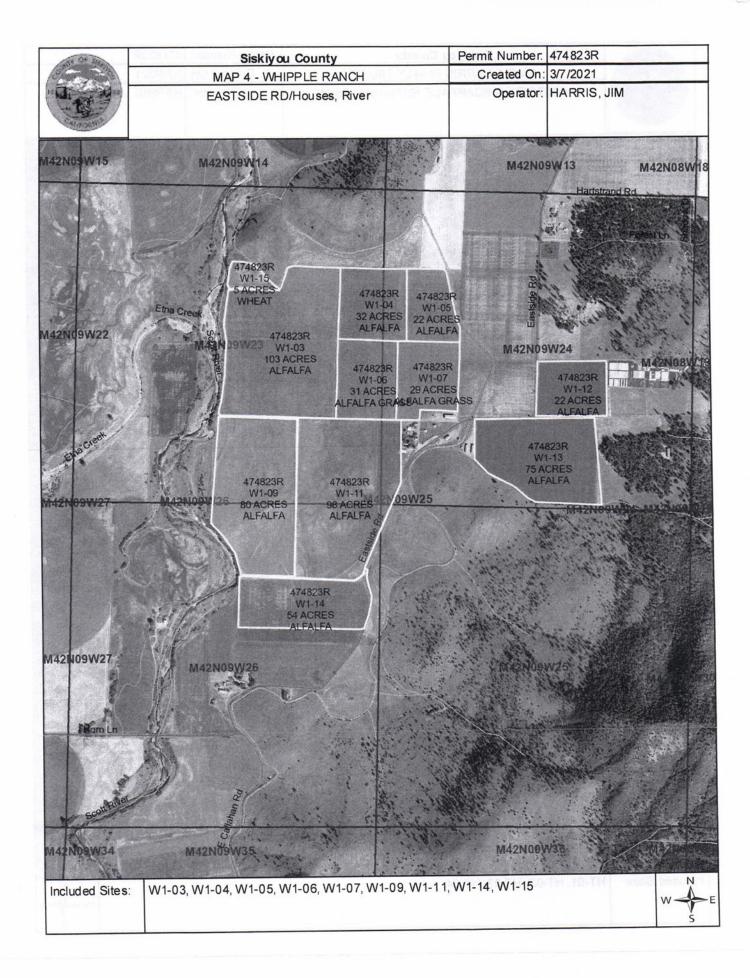
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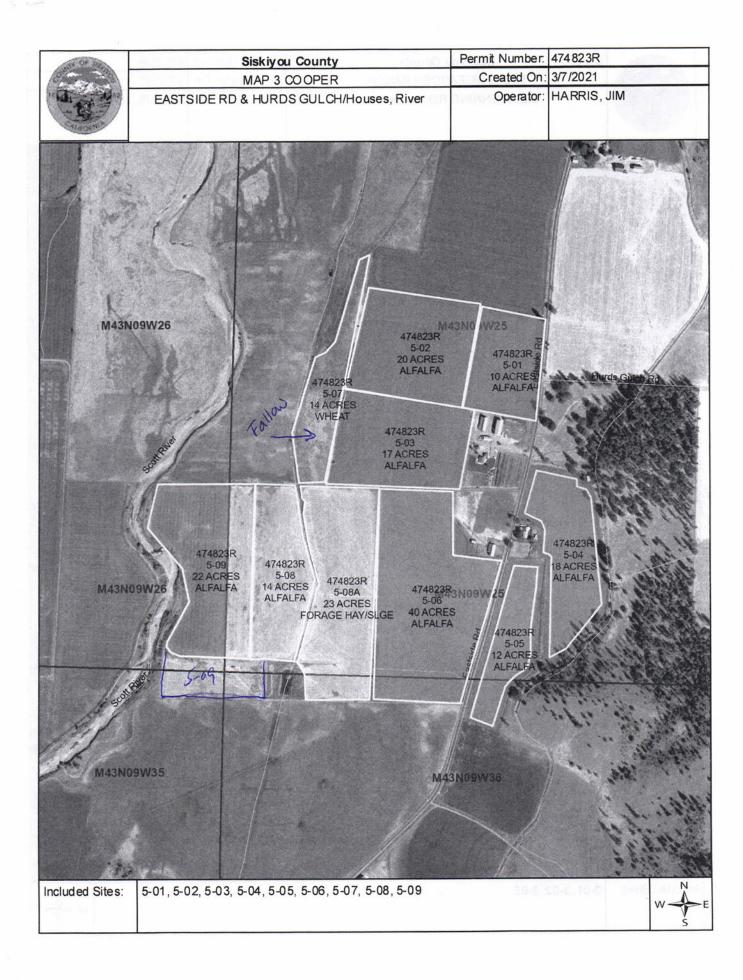
Signatures

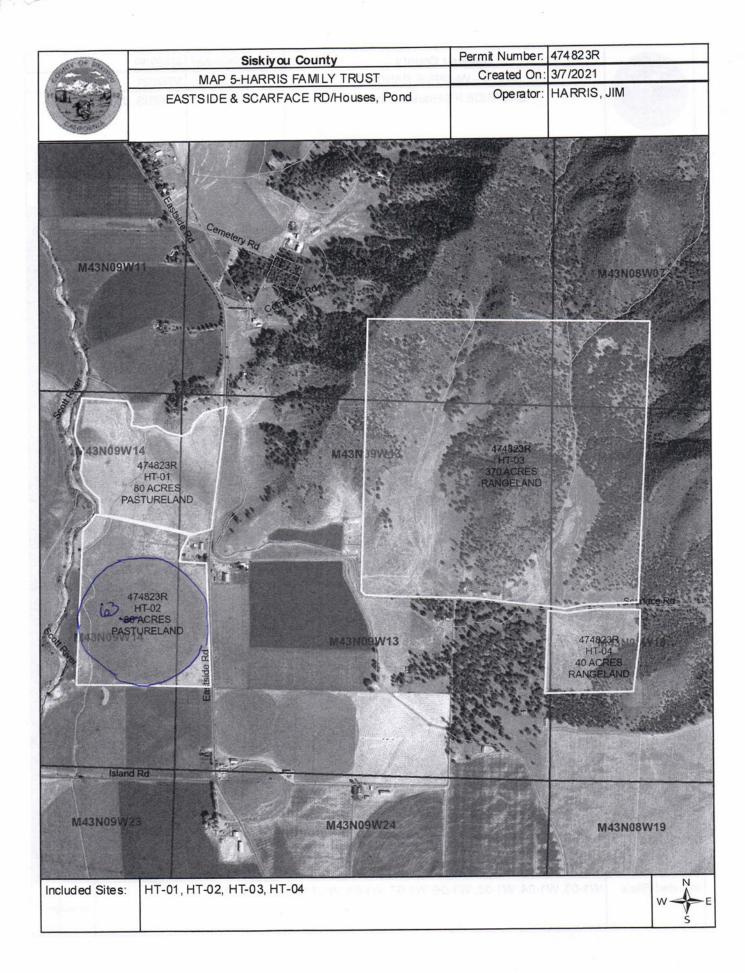
SRCD Representative

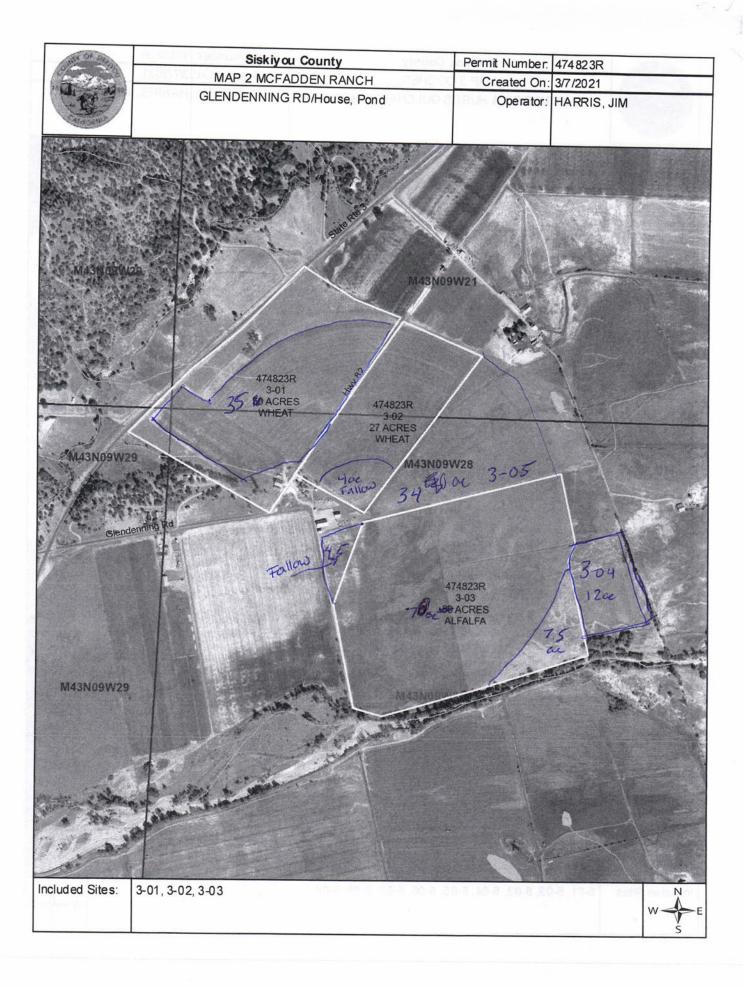
Date

# **SUPPORTING INFORMATION**









Site	Acreage Crop	2022 Method	Irrigation Sets	Ap	pril	Irrigation Sets May	Iri	rigation Set J	une	Irrigation Sets J	uly	Irrigation ! A	ugust	Irrigation	Septembe	2022 Annual tota
Field HT-02	63 Pasture	Pivot		2	32.76	2	32.76	2	32.76	2.5	40.95	2.5	40.95	2	32.76	212.94
Field W1-03	103 Alfalfa	Wheel line		2	53.56	2	53.56	1	26.78	2.5	66.95	2.5	66.95	2	53.56	321.36
Field W1-04,05	54 Alflalfa	Wheel line		2	28.08	2	28.08	1	14.04	2.5	35.1	2.5	35.1	. 2	28.08	168.48
Field W1-06,07	60 Grain	Wheel line		2	31.2	2	31.2	1	15.6	2.5	0	2.5	0	2	0	78
Field W1-09	76 Alfalfa	Pivot		2	39.52	2	39.52	1	19.76	2.5	49.4	2.5	49.4	. 2	39.52	237.12
Field W1-09Corner	4 Alfalfa	Wheel line		2	2.08	2	2.08	1	1.04	2.5	2.6	2.5	2.6	2	2.08	12.48
Field W1-11 Guns	4 Aflafla	Guns		2	2.08	2	2.08	1	1.04	2.5	2.6	2.5	2.6	2	2.08	12.48
Field W1-11 Fert	20 Aflafla	Wheel line		2	10.4	2	10.4	1	5.2	2.5	13	2.5	13	2	10.4	62.4
Field W1-11 Pivot	74 Alfalfa	Pivot		2	38.48	2	38.48	1	19.24	2.5	48.1	2.5	48.1	. 2	38.48	230.88
Field W1-12	22 Alfalfa/C	ir: Wheelline		2	11.44	2	11.44	1	5.72	2.5	14.3	2.5	14.3	2	11.44	68.64
Field W1-13	75 AlfalfaGı	a: Wheel line		2	39	2	39	1	19.5	2.5	48.75	2.5	48.75	2	39	234
Field W1-14	54 Grain	Wheel line		2	28.08	2	28.08	1	14.04	2.5	0	2.5	0	2	0	70.2
Field 5-01,02,03	47 Alfalfa	Wheel line		2	24.44	2	24.44	1	12.22	2.5	30.55	2.5	30.55	2	24.44	146.64
Field 5-04	18 Alfalfa/G	ir: Wheel line		2	9.36	2	9.36	1	4.68	2.5	11.7	2.5	11.7	2	9.36	56.16
Field 5-05	12 Alfalfa/G	ir: Wheel line		2	6.24	2	6.24	1	3.12	2.5	7.8	2.5	7.8	2	6.24	37.44
Field 5-06	38 Alfalfa/G	ir: Pivot		2	19.76	2	19.76	1	9.88	2.5	24.7	2.5	24.7	2	19.76	118.56
Field 5-06 Cornes	2 Alfalfa/G	ir: Wheel line		2	1.04	2	1.04	1	0.52	2.5	1.3	2.5	1.3	2	1.04	6.24
Field 5-07	14 Fallow	Wheel line		2	0	2	0	1	0	2.5	0	2.5	0	2	0	0
Field 5-08A	23 Grain	Pivot		2	11.96	2	11.96	1	5.98	2.5	0	2.5	0	2	0	29.9
Field 5-08,09	43 Alfalfa	Wheel line		2	22.36	2	22.36	1	11.18	2.5	27.95	2.5	27.95	2	22.36	134.16
Field 3-01,02	4 Fallow	Pivot		2	0	2	0	2	0	2.5	0	2.5	0	2	0	0
Field 3-01,02	50 Grain	Pivot		2	26	2	26	1	13	2.5	0	2.5	0	2	0	65
Field 3-01,02 Whee	li 10 Grain	Wheel line		2	5.2	2	5.2	1	2.6	2.5	0	2.5	0	2	0	13
Field 3-03 Corner	7.5 Aflalfa	Wheel line		2	3.9	2	3.9	1	1.95	2.5	4.875	2.5	4.875	2	3.9	23.4
Field 3-03 Corner 2	4.5 Fallow	Wheel line		2	0	2	0	1	0	2.5	0	2.5	0	2	0	0
Field 3-03	66 Aflalfa	Pivot		2	34.32	2	34.32	1	17.16	2.5	42.9	2.5	42.9	2	34.32	205.92
Field 3-04	12 Fallow	Wheel line		2	0	2	0	2	0	2.5	0	2.5	0	2	0	0
Field 3-05	34 Pasture	Pivot		2	17.68	2	17.68	2	17.68	2.5	22.1	2.5	22.1	. 2	17.68	114.92
Total	994		Total		498.94		498.94		274.69		495.625		495.625		396.5	2660.32
															2660.32	
						A	. / 0			10						

Wheel line acres	566	Wheel line acre feet	1445.08
Pivot acres	428	Pivot acre feet	1215.24
Total	994	Total acre feet	2660.32

Acre Feet/Crop		Acres/Crop	
Alfalfa acre feet	1555.32	Alfalfa acres 49	98.5
Alfalfa Grass	521.04	Alf Grass acres	167
Grain	256.1	Grain	<mark>197</mark>
Pasture	327.86	Pasture	97
		Fallow 3	34.5
Total	2660.32	Total	994

Crop Acreage 2020	
Alfalfa	391
Grass Alfalfa/Orchard Grass	281
Grain	213
Pasute	109
Total	994

Crop Acreage 2022		Acre Feet Used	Acers Under Pivot	412
Alfalfa	507.5	1555.32	Acers Under Wheel Lines	582
Grass Alfalfa	154	521.04	Total	994
Grain	194	256.1		
Pastrue	103	327.86		
Fallow ground	35.5	0		
Total	994	2660.32		

Total AF 2020 All Acres (NON BINDING BASELINE ESTIMATE FOR DISCUSSION PURPOSES ONLY)	3945.73
Total Monthly AF (avg) 2020	657.62

	Total 2020 Estimated Monthly (AF)	Total 2022 Estimated Monthly (AF)	Total Estimated 2022 Monthly Reduction (AF)	Estimated Monthly Redustion %	
April	648.05	498.94	149.11		23.01%
Мау	648.05	498.94	149.11		23.01%
June	362.90	274.69	88.21		24.31%
July	820.05	495.63	324.425		39.56%
August	820.05	495.63	324.425		39.56%
September	648.05	396.50	251.55		38.82%
October	0.00	0.00		#DIV/0!	

Total Estimated 2020 Seasonal (AF)	Total Estimated 2022 Seasonal (AF)	Total Estimated 2022 Seasonal Reduction (AF)	Estimated Seasonal Redustion %	
3947.15	2660.32	1286.83		32.60%

Site	Acreage Crop	2020 Method	Irrigation Sets A	pril	Irrigation Sets May		Irrigation Sets Jun	e	Irrigation Sets July	l	rrigation Sets A	ugust	Irrigation Sets	September	2020 Annual tota
Field HT-02	63 Pasture	Pivot	2	40.95	2	40.95	2	40.95	2.5	51.975	2.5	51.975	2	40.95	267.75
Field W1-03	103 Alfafla Grass	Wheel line	2	66.95	2	66.95	1	33.99	2.5	84.975	2.5	86.625	2	68.25	407.74
Field W1-04,05	54 Alflalfa	Wheel line	2	35.1	2	35.1	1	17.82	2.5	44.55	2.5	44.55	2	35.1	212.22
Field W1-06,07	60 Orchardgrass	Wheel line	2	39	2	39	1	19.8	2.5	49.5	2.5	49.5	2	39	235.8
Field W1-09	76 Alfalfa	Pivot	2	49.4	2	49.4	1	25.08	2.5	62.7	2.5	62.7	2	49.4	298.68
Field W1-09 Corner	4 Alfalfa	Wheel line	2	2.6	2	2.6	1	1.32	2.5	3.3	2.5	3.3	2	2.6	15.72
Field W1-11 Guns	4 Grain/Cover	Guns	2	2.6	2	2.6	1	1.32	2.5	3.3	2.5	3.3	2	2.6	15.72
Field W1-11 Fert.	20 Grain/Cover	Wheel line	2	13	2	13	1	6.6	2.5	16.5	2.5	16.5	2	13	78.6
Field W1-11	74 Grain/Cover	Pivot	2	48.1	2	48.1	1	24.42	2.5	61.05	2.5	61.05	2	48.1	290.82
Field W1-12	22 Alfalfa	Wheelline	2	14.3	2	14.3	1	7.26	2.5	18.15	2.5	20.625	2	16.25	90.885
Field W1-13	75 Alfalfa	Wheel line	2	48.75	2	48.75	1	24.75	2.5	61.875	2.5	49.5	2	39	272.625
Field W1-14	54 Alfalfa Grass	Wheel line	2	35.1	2	35.1	1	17.82	2.5	44.55	2.5	44.55	2	35.1	212.22
-ield 5-01,02,03	47 Alfalfa	Wheel line	2	30.55	2	30.55	1	15.51	2.5	38.775	2.5	41.25	2	32.5	189.135
Field 5-04	18 Alfalfa	Wheel line	2	11.7	2	11.7	1	5.94	2.5	14.85	2.5	13.2	2	10.4	67.79
Field 5-05	12 Alfalfa	Wheel line	2	7.8	2	7.8	1	3.96	2.5	9.9	2.5	9.075	2	7.15	45.685
Field 5-06	38 Alfalfa	Pivot	2	24.7	2	24.7	1	12.54	2.5	31.35	2.5	33	2	26	152.29
-ield 5-06 Cornes	2 Alfalfa	Wheel line	2	1.3	2	1.3	1	0.66	2.5	1.65	2.5	1.65	2	1.3	7.86
Field 5-07	14 Grain/Cover	Wheel line	2	9.1	2	9.1	1	4.62	2.5	11.55	2.5	12.375	2	9.75	56.495
Field 5-08A	23 Grain/Cover	Pivot	2	14.95	2	14.95	1	7.59	2.5	18.975	2.5	16.5	2	13	85.965
-ield 5-08,09	43 Alfalfa	Wheel line	2	27.95	2	27.95	1	14.19	2.5	35.475	2.5	41.25	2	32.5	179.315
Field 3-01,02	54 Alfalfa Grass	Pivot	2	35.1	2	35.1	1	17.82	2.5	44.55	2.5	44.55	2	35.1	212.22
ield 3-01	10 Alfalfa Grass	Wheel line	2	6.5	2	6.5	1	3.3	2.5	8.25	2.5	8.25	2	6.5	39.3
ield 3-03 Corner	7.5 Grain/Aflalfa	Wheel line	2	4.875	2	4.875	1	2.475	2.5	6.1875	2.5	6.1875	2	4.875	29.475
ield 3-03 Corner 2	4.5 Grain/Aflalfa	Wheel line	2	2.925	2	2.925	1	1.485	2.5	3.7125	2.5	3.7125	2	2.925	17.685
ield 3-03	66 Grain/Aflalfa	Pivot	2	42.9	2	42.9	1	21.78	2.5	54.45	2.5	54.45	2	42.9	259.38
ield 3-04	12 Pasture	Wheel line	2	7.8	2	7.8	2	7.8	2.5	9.9	2.5	9.9	2	7.8	51
ield 3-05	34 Pasture	Pivot	2	22.1	2	22.1	2	22.1	2.5	28.05	2.5	33	2	26	153.35
Total	994		Total	646.1		646.1		362.9		820.05		822.525		648.05	3945.725

Wheel line acres	566 Acre Ft	2225.27
Pivot acres	428 Acre Ft	1720.455
Total	994 Total Acre Ft	3945.725

Acre Ft/crop	
Alfalfa	1532.205
Alfalfa Grass	871.48
Grain/Cover	834.14
Pasture	472.1
Orchard Grass	235.8
Total Ac/Ft	3945.725

3945.725