

Fawaz Farming



June 20, 2022

State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: 2022 Cooperative Solution – Fawaz Farming and coordinating growers

To the State Water Board:

As authorized by 23 CCR §§ 875-875.9, Fawaz Farming provides this letter to further describe its proposed local cooperative solution (LCS) for the 2022 irrigation season.

Approximately 49 acres are currently owned by Emory and Heide Gray.

Fawaz Farming / Brandon Fawaz has offered and we accepted to be part of his LCS as we do not have the required 400 acre minimum.

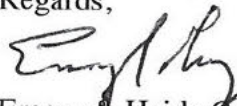

Fields are labeled using Google Earth / Daft Logic as we do not have a spray permit.

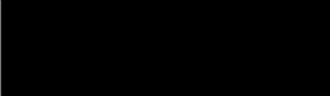
Irrigation season usually starts within the first 10 days of April. Irrigation this year did not happen in April. Irrigation started in May and has been tracked. Our ways of reducing water consumption / pumping primarily are achieved by a slight reduction in irrigation sets, but primarily due to the elimination of big guns, lower pressure, and a reduction in nozzle sizes on sprinklers. Additionally, 2020 was a double crop year as both a cereal grain and then a grass crop was established. Now, there will be only one crop.

This plan is offered in good-faith regarding the local control solution for the 2022 irrigation season. All rights, claims, and defenses with regard to the matters described herein are hereby expressly reserved. Moreover, this plan is offered voluntarily by Emory and Heide Gray.

My contact information is provided above. Please feel free to contact me by phone, email, or text regarding any questions you might have in moving forward with this plan.

Regards,

 
Emory & Heide Gray



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

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,¹ 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

¹ California Code of Regulations, title 23, sections 875–875.9.

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. *we request Joe Croteau as the CDFW inspector for our LCS and at least 1 day notice.*

- 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 conservation practice, 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. 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.

1 day notice with our Confirmation.

* *If Landowner is not available we will coordinate someone familiar with our LCS agreement to meet with Joe Croteau or his CDFW Assistant.*

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 June 20, 2022, Emory & Heide Gray (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 parcel/field maps incorporated by reference. The proposal uses the year 2020 as the baseline; it includes detailed spreadsheets and a narrative that describes enhanced irrigation pivot efficiencies, reduced irrigation wheel line set timing, reduced planting, and a reduction in irrigated acres. 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 32.1% 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 Fawaz Farming's Local Cooperative Solution with the understanding that their added 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

- 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.

Contact Information	
California Department of Fish and Wildlife Carmen Tull klamathwatershed@wildlife.ca.gov 916.203.1947	Emory & Heide Gray 

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:  Date Signed: 8/30/2022

Sign Here:  Date Signed: 8/30/2022

Authorized Coordinating Entity Signature:

Sign Here:  Date Signed: 8/25/2022

Emory & Heide Gray

August 25, 2022

Page 3 of 3

cc: Emory & Heide Gray, Landowner and Manager

[REDACTED]
State Water Resources Control Board

Erik Ekdahl, Deputy Director

Division of Water Rights

DWR-scottshastasrought@waterboards.ca.gov

California Department of Water Resources

Paul Gosselin, Deputy Director for Sustainable Groundwater Management

paul.gosselin@water.ca.gov

National Marine Fisheries Service

Alecia Van Atta, Assistant Regional Administrator

alecia.vanatta@noaa.gov

California Department of Fish and Wildlife

Tina Bartlett, Regional Manager

Joe Croteau, Environmental Program Manager

klamathwatershed@wildlife.ca.gov

SUPPORTING INFORMATION



START



3 Easy steps:

- 1) Click 'Start'
- 2) Add Extension



START



3 Easy steps:

- 1) Click 'Start'
- 2) Add Extension





Field ID	2020 Irrigated Acre	2020 Irrigation Method	2020 Crop Type	Calculation Factors	April 2020 Acre Feet Applied	May 2020 Acre Feet Applied	June 2020 Acre Feet Applied	July 2020 Acre Feet Applied	August 2020 Acre Feet Applied	September 2020 Acre Feet Applied	October 2020 Acre Feet Applied	2020 Total Acre Feet	2022 Irrigated Acre	2022 Irrigation Method	2022 Crop Type	Calculation Factors	April 2022 Acre Feet Applied	May 2022 Acre Feet Applied	June 2022 Acre Feet Applied	July 2022 Acre Feet Applied	August 2022 Acre Feet Applied	September 2022 Acre Feet Applied	October 2022 Acre Feet Applied	2022 Total Acre Feet
GH Pasture #1	2.5	Wheel Line + Hand line	Pasture	9 nozzles, 3/16", 60+ psi, 11 hour sets, 5 sets per pass. .73ac foot per pass	1.46	1.46	2.92	2.92	2.92	1.46	0.73	13.87	2.5	Wheel Line + Hand line	Pasture	9 nozzles, 11/64", 50 psi, 10 hour sets. .51 ac foot per pass	1.02	1.02	2.04	2.04	2.04	1.02	0.00	9.18
GH Pasture #2	4	Wheel Line	Pasture	14 nozzles, 3/16", 60+ psi, 11 hour sets, 6 sets per pass. 1.38 ac foot per pass	2.76	2.76	5.52	5.52	5.52	2.76	1.38	26.22	4.0	Wheel Line	Pasture	14 nozzles, 11/64", 50 psi, 10 hour sets, 6 sets per pass. 0.94 ac foot per pass	1.88	1.88	3.76	3.76	3.76	1.88	0.00	17.72
GH Fescue	33	Pivot Section	Fescue / Pasture / Grain	Pivot ran at 1" per pass. 2.75 acre feet per pass. 33 acres under pivot.	16.50	16.50	24.75	24.75	24.75	19.25	2.75	129.25	33	Pivot Section	Fescue / Hay / Pasture	Pivot ran at 1" per pass. 2.75 acre feet per pass. 33 acres under pivot.	11.00	11.00	16.50	16.50	16.50	13.75	2.75	89.00
GH Fescue	3	Wheel Line by River	Fescue / Pasture / Grain	11 nozzles, 3/16" nozzle, 60+ psi, 5 sets per pass. 11 hour sets. .89 ac foot per pass	1.78	1.78	3.56	3.56	3.56	1.78	0.89	16.91	3	Wheel Line by River	Fescue / Hay / Pasture	11 nozzles, 11/64", 50 psi, 10 hour sets, 5 sets per pass. .62 ac feet per pass	1.24	1.24	2.48	3.29	2.18	1.24	0.62	12.29
GH Fescue	4	Wheel + Hand Line by shop	Fescue / Pasture / Grain	19 nozzles, 3/16", 60+ psi, 4 sets per pass, 11 hour sets. 1.23 ac feet per pass	2.46	2.46	4.92	4.92	4.92	2.46	1.23	23.37	4	Wheel + Hand Line by shop	Fescue / Hay / Pasture	19 nozzles, 11/64", 50 psi, 10 hour sets, 5 sets per pass. 1.06 ac feet per pass	2.12	2.12	4.24	3.39	4.24	2.12	1.06	19.29
GH Fescue	1	Wheel Line by bottom	Fescue / Pasture / Grain	5 nozzles, 3/16", 60+ psi, 4 sets per pass, 11 hour sets. .33 ac foot per pass	0.64	0.64	1.28	1.28	1.28	0.64	0.32	6.08	1	Wheel Line by bottom	Fescue / Pasture	5 nozzles, 11/64", 50 psi, 4 sets per pass, 10 hour sets. .22 ac foot per pass	0.44	0.44	0.88	0.66	0.88	0.40	0.22	3.92
GH Fescue	1	Guns	Fescue / Pasture / Grain	1 Nelson 100 gun with .75" nozzle, 11 hour sets. 3 sets per pass. .77 ac per pass	1.54	1.54	3.08	3.08	3.08	1.54	0.77	16.53	1	Guns	Fescue / Pasture	Not used	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	48.5			TOTALD	37.14	27.14	46.03	46.03	46.03	29.89	9.07	230.33	48.5				17.70	17.70	29.90	29.64	29.60	20.41	5.45	150.40
																30% Reduction Target - 70% of 2020 use	19.00	19.00	32.22	32.22	32.22	20.92	5.65	161.23
																Water reduced in excess of need expressed in AD Feet				2.58	2.62	0.51	0.20	10.93
																Percentage Saved				35.60%	35.69%	31.72%	32.47%	34.70%

Field ID	2020 Irrigated	2020 Irrigation	2020 Crop	Calculation Factors	Apr 1 2020 Acre	May 2020 Acre	June 2020 Acre	July 2020 Acre	August 2020	September	October 2020	2020 Total	2022 Irrigated	2022 Irrigation	2022 Crop	Calculation	April 2022 Acre	May 2022 Acre	June 2022 Acre	July 2022 Acre	August 2022	September	October 2022	2022 Acre Feet	Soil Moisture
GH Pasture #1	2.5	Wheel Line	Pasture	9 nozzles 3/ 8" 60 psi 11 hour	1.46	1.46	2.92	2.92	2.92	1.46	0.73	13.87	2.5	Wheel Line	Pasture	9 nozzles	1.02	1.02	2.04	2.04	2.04	1.02	0.51	9.69	
GH Pasture #2	4	Wheel Line	Pasture	14 nozzles 3/ 8" 60 psi 11 hour	2.26	2.26	4.52	4.52	4.52	2.26	1.13	21.62	4	Wheel Line	Pasture	14 nozzles	1.88	1.88	3.76	3.76	3.76	1.88	0.94	37.86	
GH Fescue	42	Pivot Section	Fescue /	Flock rim at 1" per pass, 2.5 acre	15	15	22.5	22.5	22.5	17.5	2.5	112.5	42	Pivot Section	Pasture /	Pivot rim at 1"	19	0	17.5	17.5	17.5	0	2.5	86	
		Wheel Line by	Fescue /	11 nozzles 3/16" nozzle 60 psi 5	1.78	1.78	3.56	3.56	3.56	1.78	0.89	6.91		Wheel Line by	Pasture /	11 nozzles	1.24	1.24	2.48	2.48	2.48	1.24	0.62	11.48	
		Wheel Hand	Fescue /	19 nozzles 3/16" 60 psi 4 sets	2.46	2.46	4.92	4.92	4.92	2.46	1.23	23.37		Wheel Hand	Pasture /	19 nozzles	2.12	2.12	4.24	4.24	4.24	2.12	1.06	20.14	
		Wheel Line by	Fescue /	5 nozzles /16" 60 psi 4 sets per	0.64	0.64	1.28	1.28	1.28	0.64	0.32	6.08		Wheel Line by	Pasture /	5 nozzles	0.44	0.44	0.88	0.88	0.88	0.44	0.22	4.8	
		Guns	Fescue /	1 Nelson 100 gun with .75" nozzle	1.54	1.54	3.08	3.08	3.08	1.54	0.77	14.63		Not Used	Pasture /		0	0	0	0	0	0	0	0	
	48.5			TOTALS:	25.14	25.14	42.78	42.78	42.78	27.64	7.57	219.83	48.5				16.7	16.7	30.9	30.9	30.6	16.7	5.85	188.85	
																30% Reduction	17.598	17.598	29.946	29.946	29.946	19.348	5.299		