

March 24, 2022

*Via Email*

**State Water Resources Control Board  
1001 I St.  
Sacramento, CA. 95814**

**Re: 2022 Cooperative Solution- Alan and Brett Piersall**

To Deputy Director:

As authorized by 23 CCR §§ 875(f)(4)(D), we (Alan and Brett Piersall) provide this letter to describe the proposed local cooperative solution (LCS) for the 2022 irrigation season.

Introduction/ Historic Irrigation Practices

As 3<sup>rd</sup> and 4<sup>th</sup> generation alfalfa/grain and cattle ranchers on our small family ranch we have made many improvements over the years to increase water efficiency, prior to any state requirements. In the 1950's, when our ranch was purchased, our land was 100% flood irrigation. It was then transitioned to hand lines and water was pumped directly from the river. Sometime in the 70's ranchers were encouraged to drill agriculture wells to stop directly pumping out of the river. In the late 70's we drilled an agriculture well and started replacing hand lines with wheellines. In 2017, we purchased and installed three center pivots to replace the far less efficient wheellines, which cost approximately \$140,000 at our own expense. In addition to the pivots, we also purchased and installed a variable speed pump panel. These two improvements alone save about 150 gallons per minute compared to the wheel lines. Three years ago, in 2018, we installed a stock water trough for our cattle to end the need to pump water into a ditch or pond. Water is one of our primary expenses and we perform regular maintenance to our irrigation systems to keep them running as efficiently as possible.

We irrigate 227 acres of alfalfa/grain ground on three different ranches with three separate irrigation systems. Our home ranch (section #13 R9W) is 90 acres of alfalfa. Approximately 80 acres are irrigated with three center pivots (installed in 2017) and the remaining corners are irrigated with a small wheelline and moveable irrigation gun. There are two wells. One ranch (Section #13 & #18 R9W) we lease is 190 acres of alfalfa. Sixty acres are irrigated with a wheelline and moveable irrigation gun and consists of one well, with the remaining acreage in dryland (not irrigated). Another ranch (Section #20 T43NR8W) we lease is 240 acres and 77 acres are irrigated with a center pivot and consists of four wells tied in with one another, the remainder is dryland (not irrigated).

## 2022 Conservation Efforts and Improvements

1. Opting to Plant Grain instead of Alfalfa- One 77 acre parcel with pivot was scheduled to be planted into alfalfa after rotating out of grain. We plan to postpone the planting of alfalfa and have already planted grain for the 2022 crop season. We will maintain a written log detailing pivot start/ stop times and application rates and will present that log to the cooperating entity upon request.
2. Wheelline reduced set time- 60 acres of alfalfa irrigated with a wheelline and moveable irrigation gun was on two 11.5 hour sets and will be reduced to two 8.5 hour sets for the 2022 crop season. We intend to maintain a written irrigation log detailing wheelline run times and will present that log to the cooperating entity upon request.
3. We have a surface water right. We do not use and will not replace conserved groundwater.

In addition to our irrigated land we farm approximately 400 acres of dryland hay ground. The recent drought has limited production on this acreage and we have become more dependent on the irrigated land to keep our business operating for the 5<sup>th</sup> generation.

While voluntary conservation and forbearance efforts may tend to improve river conditions (and we are certainly supportive of these efforts), unless snow pack improves soon, it seems clear that in a year like 2022 no amount of sacrifice by farmers and ranchers will improve river conditions this year. Nonetheless, we are undertaking voluntary conservation measures in good faith to provide an opportunity to improve watershed conditions and to create a more constructive and effective framework for water conservation than involuntary curtailment triggered by river flow standards that are not likely achievable and/ or other involuntary regulation. Conservation efforts can create real financial burdens on farmers and ranchers, their families and this community as a whole, especially in a year where operating costs are escalating on all inputs from fertilizer to fuel to equipment. We, therefore, hope you will thoughtfully and diligently consider these voluntary actions as you balance the interests of various stakeholders in our watershed.

Please note that this plan is offered in good faith in connection with the 2022 irrigation season only. All rights, claims, 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 Alan and Brett Piersall would otherwise be entitled, nothing herein shall be construed to limit the availability of such funds to Alan and Brett Piersall 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.

We are under the 400 acre minimum and have discussed partnering with Brian Heffernan of H&H Land and Livestock Company LLC. Our binding agreement with a Coordinating Entity will be determined by who we partner with.

For liability purposes we would like to be notified and possibly accompany our Cooperating Entity when monitoring our property. There are times throughout the year when we are spraying restricted herbicides and pesticides on our crops that have strict re-entry intervals.

We will make available labeled maps showing all irrigated acreage for CDFW staff only for inspection purposes.

Please advise as timely as permissible 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. Thank you for your time and consideration in this matter.

Feel free to contact us with any questions.

Regards,

Alan Piersall, Owner/ Operator  
Brett Piersall, Owner/ Operator

# **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](http://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,<sup>1</sup> 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

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<sup>1</sup> California Code of Regulations, title 23, sections 875–875.9.

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 March 24, 2022, Brett and Alan Piersall (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 field maps incorporated by reference. The proposal uses the year 2020 as the baseline; it includes a detailed spreadsheet and a narrative that describes alternative crop planting and reduced irrigation wheel line and gun set timing. 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 30.5 % 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 Brian Heffernan’s of the H&H Land & Livestock Co., LLC, Local Cooperative Solution with the understanding that their additional 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 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.
- 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 once 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](mailto: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.

- 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.

<b>Contact Information</b>	
California Department of Fish and Wildlife Carmen Tull <a href="mailto:klamathwatershed@wildlife.ca.gov">klamathwatershed@wildlife.ca.gov</a> 916.203.1947	Brett and Alan Piersall 

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 their residence in the event any questions arise from either party during implementation or monitoring.

**Authorized Landowner Signature:**

Sign Here:  Date Signed: 4-11-22  
 4-11-22

**Authorized Coordinating Entity Signature:**

Sign Here: DocuSigned by:  
Brett Kormos Date Signed: 4/18/2022  
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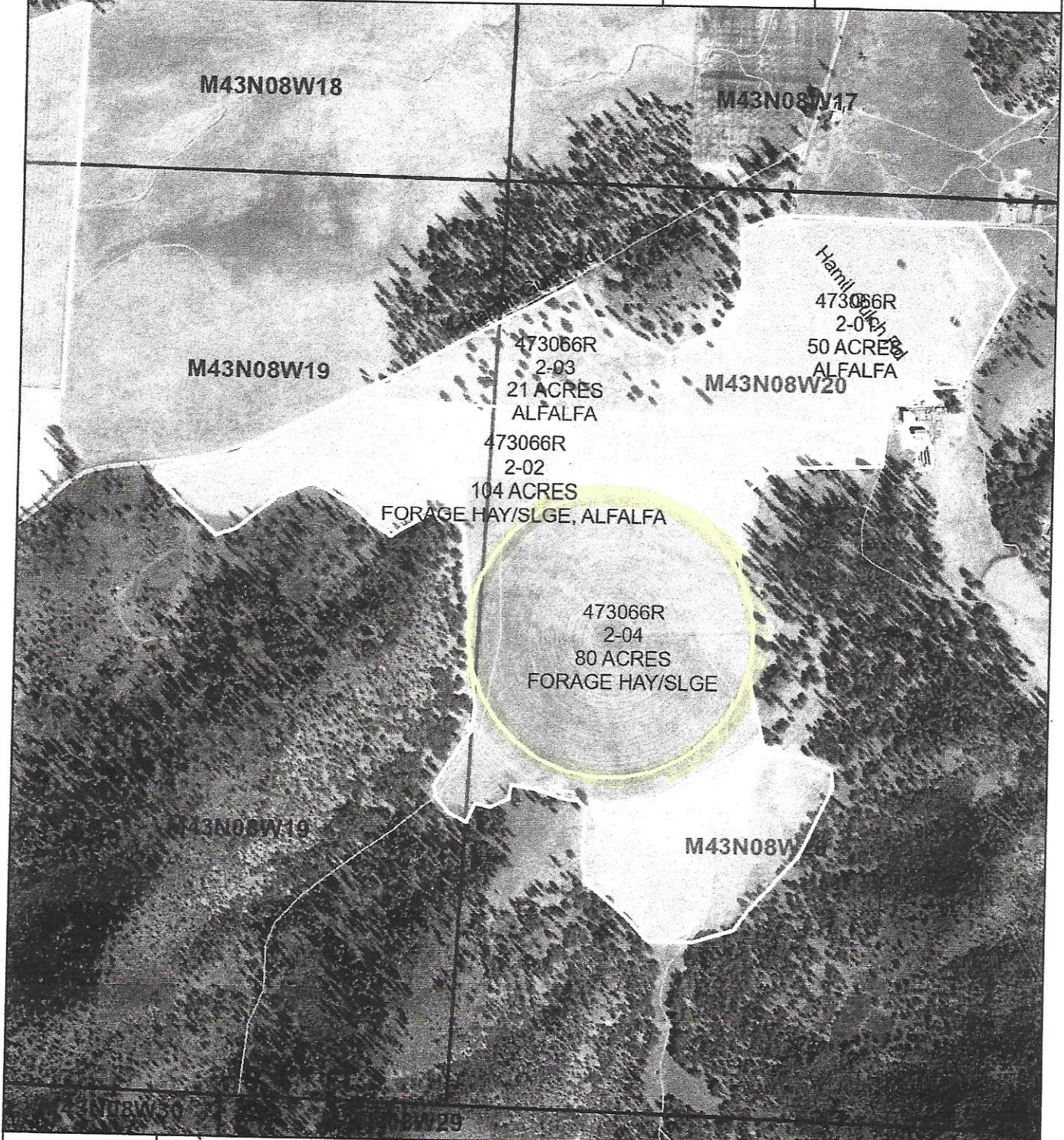


## **SUPPORTING INFORMATION**





<b>Siskiyou County</b>	Permit Number: [REDACTED]
MAP 2 DIXON RANCH	Created On: 2/25/2021
HAMLIN GULCH/House <b>grain pivot</b>	Operator: PIERSALL, ALAN



Included Sites:	2-01, 2-02, 2-03, 2-04	





<b>Siskiyou County</b>		Permit Number: [REDACTED]
MAP 4 (1-05, 5-01,03,04) HAMLIN GULCH		Created On: 2/25/2021
GRISWOLD RANCH, E HOME RANCH/House		Operator: PIERSALL, ALAN
<b>Alfalfa wheelline reduction</b>		



Included Sites:	1-05, 5-01, 5-03, 5-04
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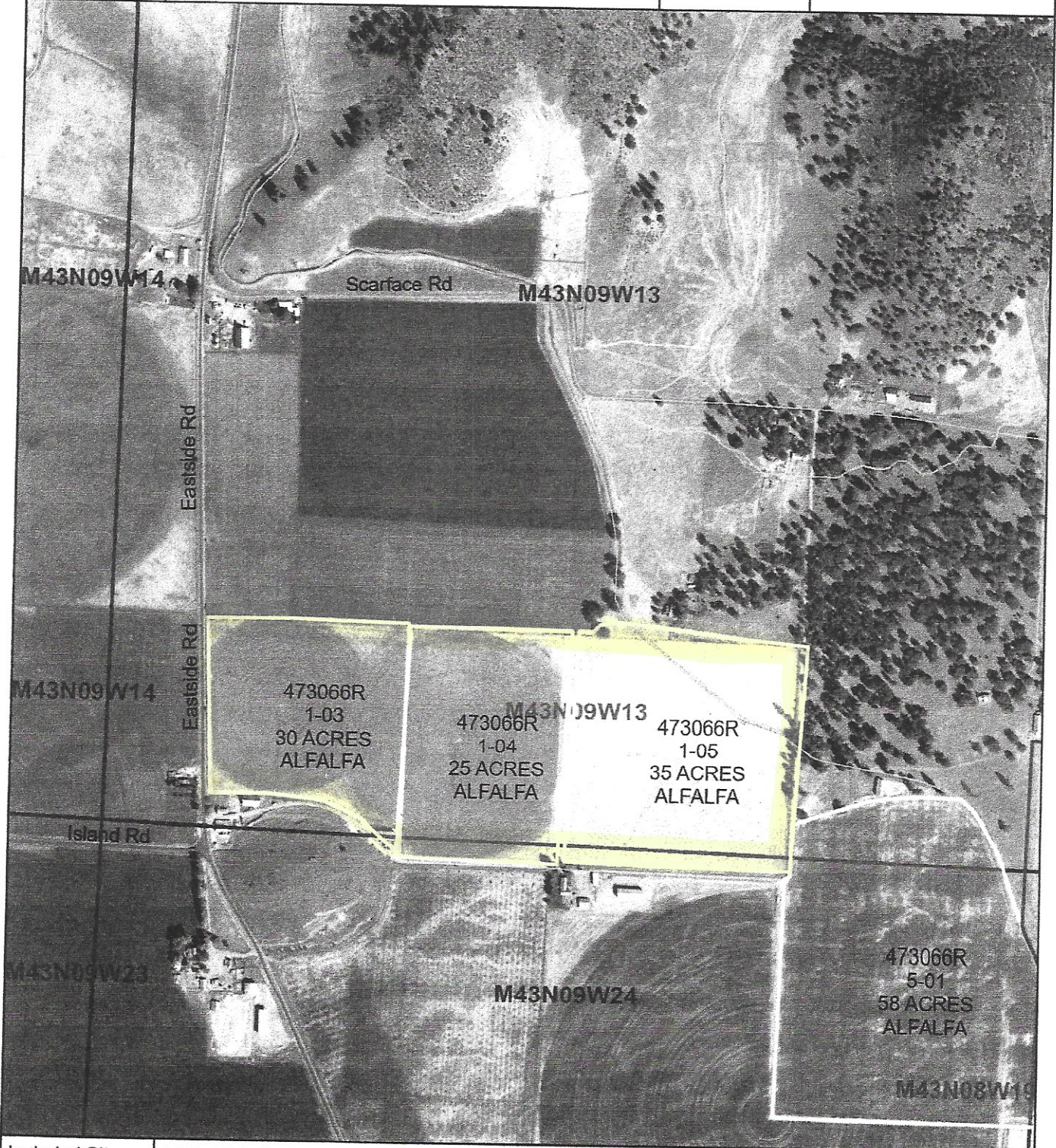




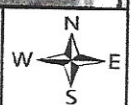
# Home alfalfa Pivots



Siskiyou County	Permit Number: [REDACTED]
MAP 1 HOME RANCH	Created On: 2/25/2021
EASTSIDE RD/Houses	Operator: PIERSALL, ALAN



Included Sites: 1-03, 1-04, 1-05









ALFALFA PIVOTS

Total Alfalfa Pivot Acres 90.00  
Alfalfa Pivots % Total Acres 39.65%

	2020 Pivot AF (baseline)	2022 Reduction AF
April	34.83	0.00
May	45.42	0.00
June	58.56	0.00
July	58.56	0.00
August	45.42	0.00
September	34.83	0.00
October	0.00	0.00
	277.63	0.00

GRAIN PIVOT

Total Grain Pivot Acres	77.00
Grain Pivot % Total Acres	33.92%

	2020 Grain Pivot (baseline)	2022 Grain Pivot Reduction AF
April [2022 grain monthly water use is less than 2020 alfalfa use]	29.80	13.23
May I [2022 grain monthly water use is less than 2020 alfalfa use]	38.86	12.94
June I [2022 grain monthly water use is less than 2020 alfalfa use]	50.10	26.70
July [no grain irrigation]	50.10	50.10
August [no grain irrigation]	38.86	38.86
September [no grain irrigation]	29.80	29.80
October [no grain irrigation]	0.00	0.00
	237.52	171.64



WHEELLINE AND IRRIGATION GUN

Total Wheelline and Irrigation Gun Acres	60.00
Wheelline and Irrigation Gun % Total Acres	26.43%
Wheelline and Irrigation Gun Savings (%) (reduce all sets from 11.5 hours to 8.5 hours each)	26.09%

	2020 Wheelline and Irrigation Gun AF (baseline)	2022 Wheelline and Irrigation Gun AF Reduction
April	23.22	6.06
May	30.28	7.90
June	39.04	10.18
July	39.04	10.18
August	30.28	7.90
September	23.22	6.06
October	0.00	0.00
	185.08	48.28