

**Comments before the State Water Resources Control Board**  
**Theodora Johnson, Scott Valley Agriculture Water Alliance Spokesman**  
**4/4/23**

Good morning. My name is Theodora Johnson; I'm a Scott Valley cattle rancher and the spokesman for Scott Valley Agriculture Water Alliance, a grassroots communication group we started in April of last year in response to this Board's Emergency Drought Regulation for the Scott and Shasta. AgWA is a unified voice communicating on behalf of Scott Valley farmers and ranchers, spreading accurate information about our ag producers, River, and fish populations. The State's handling of our water rights poses an existential threat to our community of small family farms and ranches.

Like the previous speakers from Kern County, we too use water saving technology and consider water a precious resource that we do not waste.

We believe we were regulated in an unprecedented and unfair manner last year, and now that we've had a very decent winter, that unfair treatment some ranchers say is looking more and more like abuse. Our snowpack surveys so far are reading over 150%, yet we are still being required to reduce our groundwater use by 30% to avoid 100% curtailment this summer.

We think the Emergency Regulation was unfair to begin with, because of its unreasonable expectations. There are four reasons:

- First, the Regulation mandated untenable summer flow standards that almost guaranteed curtailments.
  - The Scott River has not met those summer flow requirements in 10 out of the past 12 years. So even on a normal-to-good water year like we appear to be having, we're afraid we won't meet the flow standards this summer.
  - We are primarily a snowmelt-fed system; we don't have any surface water storage or imported water to supplement flows in the river.
  - But, despite our not having met the Emergency flow standards for the bulk of the last decade, over that same decade, our three brood years of coho salmon have collectively increased, now matching levels similar to the 1960s.
  - California Department of Fish and Wildlife (CDFW) acknowledges the Scott boasts the largest coho population in the Klamath River system, and one of the largest natural populations in the state. The Department has even acknowledged the voluntary local efforts that have helped make that happen. And now, it feels like we're being punished for that.
- The Second reason we think the regulation is unfair: Scott Valley (and the Shasta) are the only ones in the whole state--or in history in California--to have their groundwater curtailed.
  - Yet, the data from UC Davis hydrologists says Scott Valley's aquifer is stable and fully recharges most years—unlike other parts of CA, which really do have an overdraft problem—but were not curtailed.

- Third: We were the only ones that were told we had to limit how much our livestock were allowed to drink – under penalty of perjury and fines.
  - This is an unprecedented regulation that borders on animal cruelty and really goes against everything that we as farmers and ranchers believe in.
- Fourth: the Regulation effectively did away with the availability of stockwater in our earthen ditches between September and the end of March, regardless of curtailment status.
  - Some ranchers count on ditch water as a reliable source of stockwater during the winter months where power outages and frozen pipes can quickly cause animal welfare emergencies.
  - We also lose the important side-benefit of groundwater recharge that happens as a result of our stockwater diversions in the winter. We think it's unfair that the State expects us to reach instream flow standards when we're not allowed to make an effort to recharge our aquifer in the winter, when streamflows are abundant. Give us a chance to do Environmental Managed Aquifer Recharge!

Despite this unfair treatment, there was an extremely high rate of compliance in Scott Valley last year. Local Cooperative Solutions (LCSs), which required a 30% reduction in groundwater use-- with no compensation-- were used on almost 100% of eligible acreage in Scott Valley. That was about 17,000 acres, according to Water Board staff. As far as compliance with those LCSs, the third-party coordinating entities who monitored them reported no problems.

- Siskiyou Resource Conservation District, which oversaw 22 LCSs in the Scott, reported 100% compliance.
- As for the remaining LCSs, the CDFW employee doing the monitoring at the time reports he is “not aware of any significant non-compliance issues with LCSs”

We implore this Board to recommend to Governor Newsom that our emergency drought status be lifted, so that when there truly is a drought emergency in the future, landowners will want to cooperate—and not feel like the State is the boy who cried wolf. If nothing else, please be sure that the next round of regulation operates on a sliding scale and does not ask us for 30% of our water—our livelihoods—on water years that don't merit it. Thank you.

[Click here to read Sari Sommarstrom's comments about the current hydrologic data for the Scott River watershed, which do not merit “emergency drought” status.](#)

[Click here to read Lauren Swezey's comments on the economic impacts of the Emergency Drought Regulation on two Scott Valley operations.](#)