



County of Lassen
Department of Planning and Building Services

• Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

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Zoning and Building

Inspection Requests

Phone: 530 257-5263

TO: Board of Supervisors
Agenda Date: March 26, 2024

FROM: Maurice L. Anderson, Director

SUBJECT: Consider a resolution approving exemption from the permit requirement for groundwater exportation for Estill Ranches, as the extraction quantities and the use are consistent with historical practices of the landowners.

ACTION REQUESTED:

1. Adopt a resolution to exempt Estill Ranches (Bare Ranch) from the requirement for a groundwater exportation permit, subject to conditions.

SUMMARY:

The Board of Supervisors of Lassen County, previously considered groundwater exportation applications, GW #2011-049, GW #2014-04, GW #2017-001, and GW #2020-001, which were all filed by Estill Ranches LLC, and allowed the Applicant to export 504.4 Acre-Feet Annually (AFA) of groundwater at 3.0 Cubic Feet Per Second (CFS) from Lassen County to Washoe County, Nevada, for irrigation of 129 acres of contiguous land.

The two points of diversion (groundwater wells) are in portions of Sections 10 and 14, Township 38 North, Range 17 East, Mount Diablo Baseline and Meridian, and are located in the Surprise Valley groundwater basin (DWR Bulletin 118 basin #6-001). Both points of diversion are approximately 1.5 miles southwest of the northeastern most corner of Lassen County (junction of the Lassen County, Modoc County, and Nevada borders) at 748-925 Bare Ranch Road, California. The point of use (metered pivot) is a portion of Section 29, Township 38 North, Range 18 East, Mount Diablo Baseline and Meridian, located within the Surprise Valley groundwater basin in Washoe County, Nevada. The Applicant owns the land at the points of diversion (Lassen County) and the contiguous land at the point of use (Washoe County). Lassen County has conducted inspections at the property biannually under the above listed previously issued permits, and the landowner has exported water for agricultural use without issue for the past 13 years.

Lassen County Code Section 17.01.030(5) (*Permit Required for Use Outside of County*) allows the County to find that the Applicant is exempt from the requirement to obtain a permit, when the extraction (and export) of the water is for use on lands outside the county, which are contiguous and in the same ownership to lands within the county from which the groundwater is extracted, where such extraction quantities and the use are consistent with historical practices of the landowners. Additionally, Lassen County Code Section 17.01.040 authorizes the Director to cause inspections on a property to determine whether any provision of Title 17 of the Lassen County Code is violated.

The Environmental Review Officer of the County of Lassen has determined that this proposal is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the Guidelines.

It is requested that the Board of Supervisors adopt a resolution to exempt Estill Ranches (Bare Ranch) from the requirement for a groundwater exportation permit, subject to conditions.

RECOMMENDED CONDITIONS:

1. The applicant acknowledges and agrees with Section 17.01.030(5) of Lassen County Code, allows for groundwater exportation without permit under the following circumstances:

“for use on lands outside the county which are contiguous and in the same ownership to lands within the county from which the groundwater is extracted, where such extraction quantities and the use are consistent with historical practices of the landowners. The applicant shall have the burden of supporting an assertion of an historical practice with competent evidence.”
2. This recognized historic practice of the landowner authorizes the export of no more than 3.0 CFS and 504.4 AFA of groundwater from either, or both, points of diversion identified herein, to the point of use identified herein, through the existing irrigation system. No changes to the system, or increases in export shall be made without prior approval of the Lassen County Department of Planning and Building Services.
3. The wells (points of diversion) and pivot (point of use) will be monitored by Lassen County annually, prior to seasonal extraction. Results of the data collected during the annual monitoring shall be forwarded to the Board for their review.
4. The exported groundwater shall be used at the point of use identified herein.
5. The exported groundwater shall be used at the point of use identified herein.
6. The recognized use shall immediately become invalid if the applicant sells or otherwise relinquishes control of land at either the point of diversion or point of use. The recognized use is not transferable in any way to any party, individual or entity.

7. The applicant shall obtain/maintain all permits (if any) required by other agencies for the exportation.
8. If it is determined that the conditions of this approval are not being complied with, the applicant shall be required to apply for a Groundwater Exportation Permit pursuant to Lassen County Code 17.01.030.

MLA:njm