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PLANNING COMMISSION MEETING
February 2, 2021

FILE NUMBER:	GW #2020-001
PROPERTY OWNER:	Estill Ranches, LLC (John and Lani Estill)
TYPE OF APPLICATION:	Groundwater Exportation Permit

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LASSEN COUNTY PLANNING COMMISSION
GROUNDWATER EXPORTATION PERMIT
STAFF REPORT
February 2, 2021

FILE NUMBER:	2020-001
PROPERTY OWNER:	Estill Ranches, LLC
TYPE OF APPLICATION:	Groundwater Exportation
GENERAL LOCATION:	Far northeastern Lassen County near the border of Modoc County, CA and Washoe County, NV
ASSESSOR'S PARCEL NUMBER(S):	011-040-03, 011-080-02
PROJECT SITE ZONING:	U-C-2-A-P (Upland Conservation/Resource Management District, Agricultural Preserve Combining District)
GENERAL PLAN:	Extensive Agriculture, *Lassen County General Plan, 2000*
ENVIRONMENTAL DOCUMENT:	Exempt (See Discussion)
ASSIGNED STAFF:	Cortney Flather, Natural Resources Technician

AUTHORITY FOR APPLICATION: Lassen County Code Chapter 17.01 et seq (Exportation and Extraction).

REGULATING AGENCIES: Regulatory authority for the proposed use includes, but is not limited to the following agencies:

Agency	Required Permits / Approvals
Lassen County Planning Commission	Recommendation to the Board of Supervisors regarding the application
Lassen County Board of Supervisors	Groundwater exportation permit (Lassen County Code Chapter 17.01 et seq)
Nevada State Engineer	Approving body for the proposed place of use (in Washoe County Nevada).

PROJECT DESCRIPTION: Proposal to export an annual maximum of 504.4 acre-feet of groundwater (at a rate of 3.0 CFS) from the Lassen County portion of the Surprise Valley groundwater basin to the Washoe County, Nevada portion of the same basin, for irrigation of 129 acres of land in Nevada. The applicant owns land at the proposed point of diversion and the proposed point of use. As specified at Section 17.01.037 of Lassen County Code, the Board may approve the permit for no more than three water years. After expiration of the permit, the applicant must apply for and obtain a new permit to allow the use to continue.

If the permit is approved, any interested party or public entity may challenge the continuation of an approved permit during the term of the permit (in accordance with Lassen County Section 17.01.036) when information exists that the conditions of approval have been violated or that an

adverse situation exists. The person or entity filing challenge of an approved permit has the burden of proof, and the standard for review is substantial evidence.

Points of diversion:

There are two proposed points of diversion serving the export, a well at Latitude 41°09'43"**N** Longitude 120°00'56"**W** and a well at Latitude 41°09'59"**N** Longitude 120°01'54"**W** (Sections 10 and 14, Township 38 N, Range 17 E, MDBM), which are located in Surprise Valley (DWR Bulletin 118 basin #6-001). This is approximately 1.5 miles southwest of the northeastern most corner of Lassen County (from the intersection of the border of Lassen County, Modoc County, and Nevada) at 748-925 Bare Ranch Road, California. The Lassen County Board of Supervisors has jurisdiction over the proposed exportation of groundwater from this site.

Point of Use:

The proposed point of use is a pivot located in Washoe County, Nevada at Latitude 41°09'07"**N** Longitude 119°59'32"**W** (Section 29, Township 38 N, Range 18 E, MDBM), which is also in Surprise Valley. The State of Nevada Engineers Office requires a permit for the use of groundwater at the proposed point of use. Said permit, #81108, has been submitted and approved in the State of Nevada.

PROJECT SITE CHARACTERISTICS (at point of diversion): The project site is located in the most northeasterly portion of Lassen County, near the border of Modoc County and Washoe County Nevada, within the Surprise Valley groundwater basin. Included in this packet is a map of the Surprise Valley groundwater basin, showing the proposed points of diversion and use, and an excerpt from the California Department of Water Resources Bulletin 118 that describes the basin.

Surprise Valley is characterized as a "high altitude" desert valley and is approximately 60 miles in length. The valley is approximately 4,500 feet in elevation and is bordered by the Warner Mountains to the west and the Hays Canyon Range to the east. Hydrographically, Surprise Valley is considered part of the Great Basin.

Numerous small streams drain the eastern slopes of the Warner Mountains, including Bare Creek, which runs northward through the project site, near the southern tip of the Surprise Valley groundwater basin. Bare Creek drains to Lower Lake, which is approximately three miles north of the proposed well location.

SURROUNDING PROPERTIES: Surrounding properties are utilized primarily for agriculture and are zoned U-C-2 (Upland Conservation/Resource Management District) and U-C-2-A-P (Upland Conservation/Resource Management District, Agricultural Preserve Combining District). Parcel sizes range from 120 to 398 acres.

GENERAL PLAN AND ZONING: The project site is zoned U-C-2-A-P (Upland Conservation/Resource Management District, Agricultural Preserve Combining District) and the General Plan designation is "Extensive Agriculture." The following are some of the pertinent Goals, Policies and Implementation Measures found in the Lassen County General Plan, 2000:

> NR17 POLICY: The County supports measures to protect and insure the integrity of water supplies and is opposed to proposals for the exportation of ground water and surface waters

from ground water basins and aquifers located in Lassen County (in whole or part) to areas outside those basins.
Implementation Measure NR-H: The County will maintain ground water ordinances and other forms of regulatory authority to protect the integrity of water supplies in Lassen County and regulate the exportation of water from ground water basins and aquifers in the county to areas outside those basins.

NR19 POLICY: The County supports control of water resources at the local level, including the formation of local ground water management districts to appropriately manage and protect the long-term viability of ground water resources in the interest of County residents and the County's resources.

ENVIRONMENTAL DOCUMENT: The project is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines. This section is applicable because groundwater would be utilized within the Surprise Valley basin. That is, groundwater would be exported to the Nevada portion of the basin, but would remain within the same basin. Additionally, this basin is designated as a "very low priority basin" by the Department of Water Resources, signifying that it is not currently at risk for overdraft.

HISTORY: Permits for the same groundwater exportation locations and amounts were applied for and granted in 2011 (Permit #2011-049), 2014 (Permit #2014-043) and 2017 (Permit #2017-001). Staff conducted inspections each spring and fall to measure groundwater levels and take pump meter readings, and provided annual updates to the Board of Supervisors. It should be noted that during the 2017 fall inspection, the pump at well #1 and the Nevada pivot were still in operation, despite proper notice of the inspection date. This prohibited staff from measuring the groundwater level and accurately reading the pump meter at said well, and also prohibited staff from reading the meter at the Nevada pivot. Subsequent years have seen the Estill Ranch operating within the parameters of the subject permit.

DISCUSSION: The project proponent owns land at the proposed points of diversion (Lassen County) and point of use (Washoe County, NV). The exported groundwater would be utilized for agricultural purposes. Specifically, the exported groundwater would be used for irrigation of 129 acres of land in Nevada.

Volume proposed for Exportation:
As stated, the applicant proposes the export of 504.4 acre-feet annually at a rate of 3.0 cubic feet per second (cfs). Staff has analyzed the proposed flow and has determined that it is consistent with the proposed volume.

Lassen County Code:
Groundwater is managed under Title 17 of the Lassen County Code. It is important to understand that approval of this application in no way guarantees that the groundwater is available for exportation. In fact, Lassen County Code Section 17.01.034 requires establishment of a condition of approval for the permit that prohibits overdraft or other adverse conditions. Furthermore, Section 17.01.038 states in part that the issuance of permit is not to be construed as a grant of

any right or entitlement, but rather as evidence that the health, safety, and welfare of residents of the County will not be harmed.

Pursuant to Lassen County Code Section 17.01.033, the applicant has the burden of proof to establish the facts necessary to make the required findings. Section 17.01.034 then requires the following finding to be made if the permit is to be granted:

> "The permit may only be granted if the board finds and determines that the extraction will not cause or increase an overdraft of the groundwater underlying the county, will not adversely affect the long term ability for storage or transmission of groundwaters within the aquifer, will not (together with other extractions) exceed the safe yield of the groundwater underlying the county and will not otherwise operate to the injury of the reasonable and beneficial uses of overlying groundwater users, or will not result in an injury to a water replenishment, storage, or restoration project operating in accordance with statutory authorization. If the permit is to be granted, the board shall impose appropriate conditions upon the permit so as to prohibit overdraft or other adverse conditions, and may impose other conditions that it deems necessary for the health, safety and welfare of the people of the county..."

In short, Section 17.01.34 of Lassen County Code requires the Board to determine that the project will not cause or increase an overdraft; will not adversely affect the long term storage and transmission; will not exceed the safe yield; will not adversely affect the beneficial use of overlying groundwater users; and will not adversely affect a water replenishment, storage or restoration project.

In order to facilitate these required determinations from 17.01.34, a portion of California's Bulletin 118, related to the Surprise Valley groundwater basin, has been incorporated into this packet. In summary, Bulletin 118 indicates that storage (to 400 feet) is estimated to be 4,000,000 acre-feet in the Surprise Valley groundwater basin. Estimates of use are based on a 1997 DWR survey, which indicates that approximately 41,000 acre-feet per year is being used for agriculture and approximately 29 acre-feet per year is being used for municipal/industrial uses.

The following statement from Lassen County Code Section 17.01.010(3) is pertinent to this report:

> "It is essential for the protection of the health, welfare, and safety of the residents of the county, and the public benefit of the state, that groundwater resources of Lassen County be protected from harm resulting from the extraction of groundwater for use outside the county."

It is through the protection of the resource from adverse impacts related to extraction and use outside the county that the public welfare is protected. The specific requirements to address public welfare are found in Section 17.01.034 of Lassen County Code. As previously discussed, Section 17.01.034 requires incorporation of appropriate conditions to "prohibit overdraft and other adverse conditions." Ultimately, the Board of Supervisors must determine if there is sufficient evidence to make this required public welfare finding.

It should be noted that Estill Ranches, LLC has been exporting groundwater for nearly nine years. Under section 17.01.30 of Lassen County Code, a permit "shall not apply for extraction of groundwater…(5) 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 Board of Supervisors will decide whether or not Estill Ranches, LLC's water exportation is considered a historical practice moving forward.

Nevada Regulation:
The Nevada State Engineer is the "lead agency" in Nevada and Nevada regulations require a permit in order to use this groundwater, even though it comes from Lassen County. That being said, Lassen County would exercise control over the use of the groundwater through the conditions of approval that are established for the project (see conditions of the draft resolution). Therefore, even if the applicant is able to perfect the Nevada permit, Lassen County will control the use.

If the Board of Supervisors approves this application, the applicant must secure a permit to use the water in Nevada. Said application number 81108 has been submitted and approved in the State of Nevada. The applicant was required to file "proof" of beneficial use with the Nevada State Engineer within the timeframe dictated on the permit (typically two years).

Staff has not analyzed the project for compliance with Nevada Planning Law. It is assumed that the state of Nevada will determine any requirements it may have through its own processes. As discussed during the authorization process of permit #2011-049, #2014-043, and #2017-001, the authority of Lassen County to approve a groundwater exportation permit is not contingent on Nevada issuing a permit to allow the water to be used in Nevada.

ACTION BY PLANNING COMMISSION: The Planning Commission will hold a public hearing on this proposal, pursuant to Lassen County Code Section 17.01.033, and will then forward their recommendation to the Board of Supervisors. The Board of Supervisors will then hold an additional public hearing.

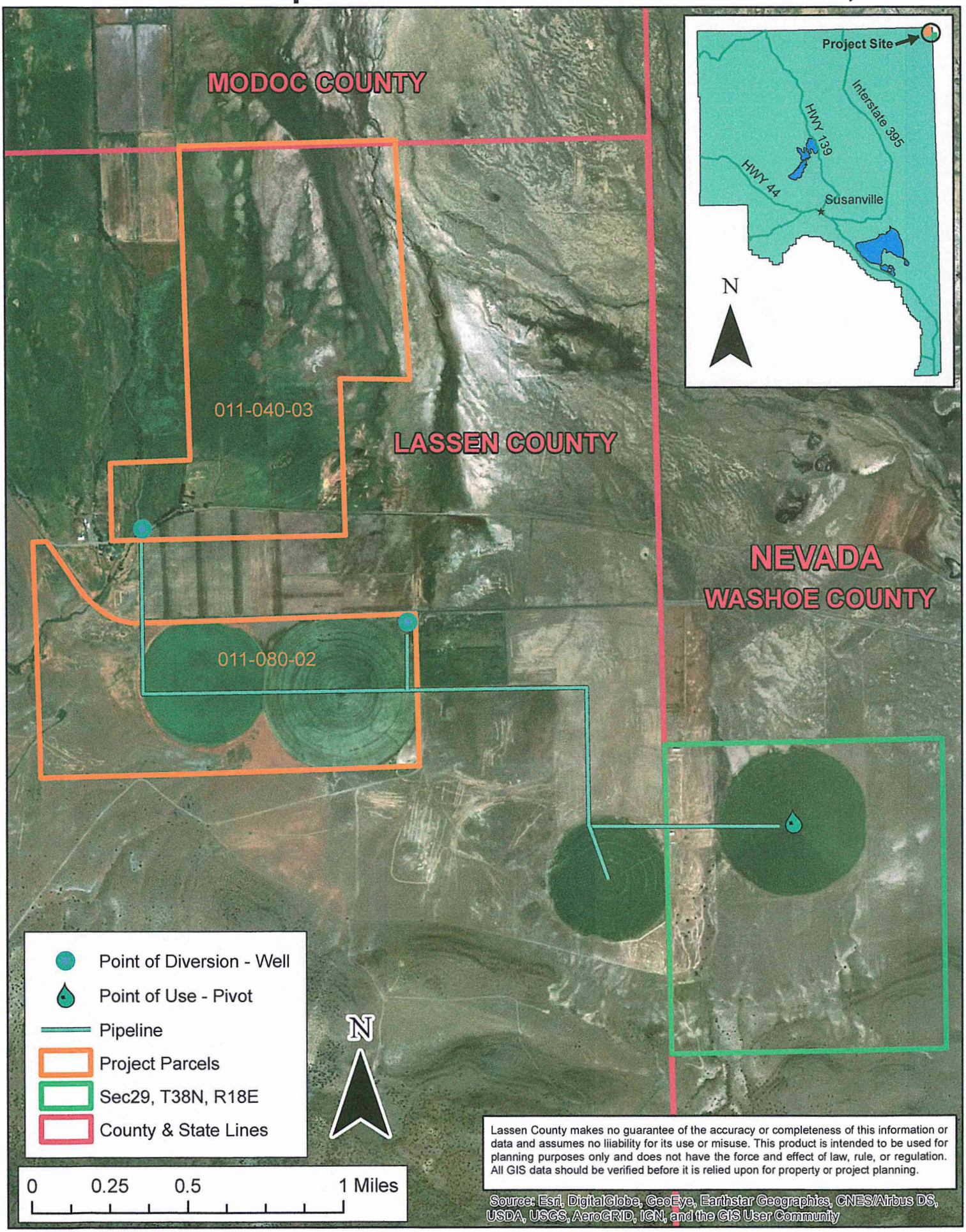
Staff provided notice of the application to the Modoc County Planning Department, Department of Water Resources (Redding and Sacramento), Lahontan Regional Water Quality Control Board, California Environmental Protection Agency, and the Department of Fish and Wildlife. As of January 15, 2021, no comment has been received.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission adopt the attached resolution, which recommends that the Board of Supervisors approve this project subject to conditions.

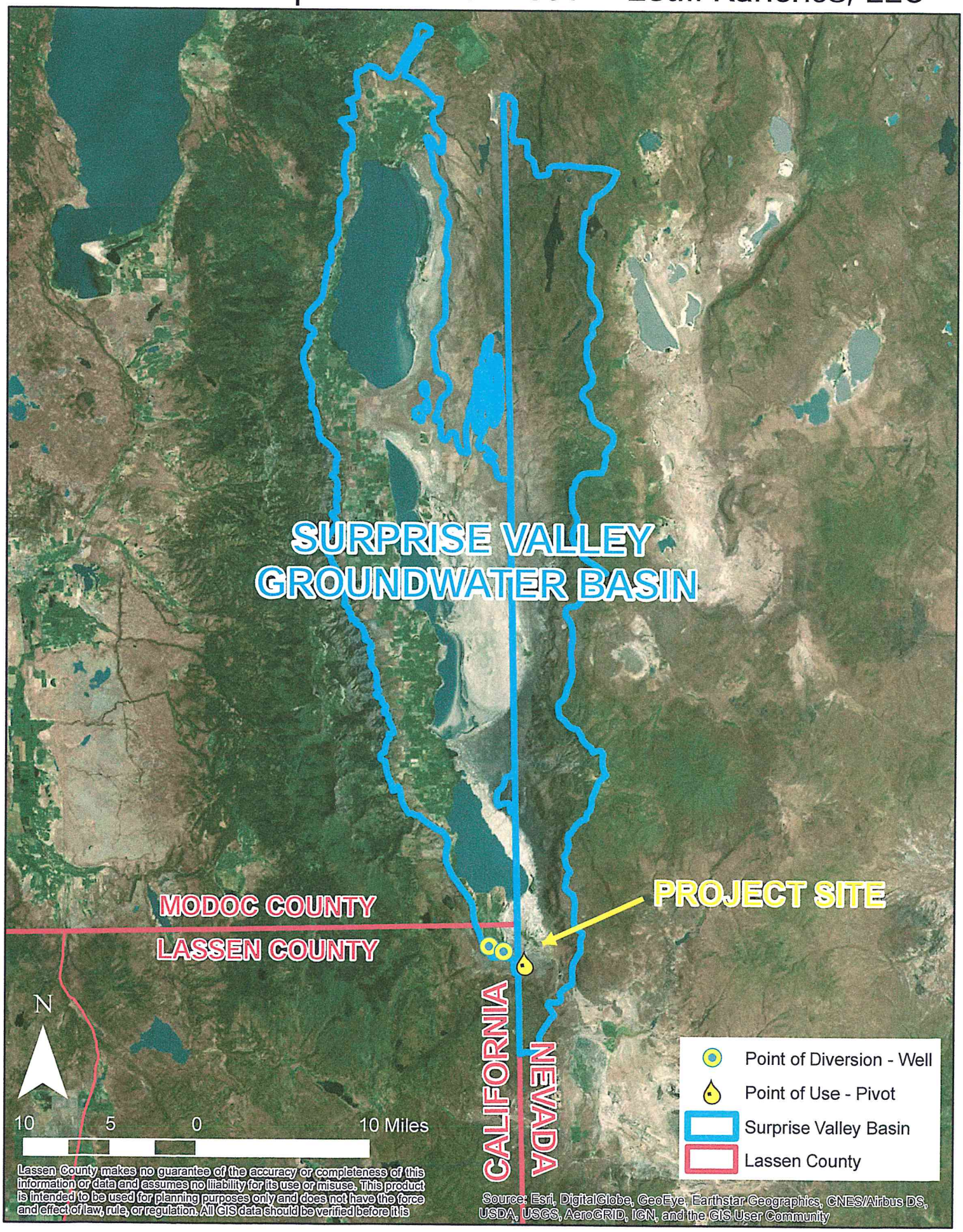
MLA:clf

S:\PLA\Planning\2020\GW #2020-001, Estill\Planning Commission

Groundwater Exportation 2017-001 Estill Ranches, LLC



Groundwater Exportation 2017-001 Estill Ranches, LLC



RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF GROUNDWATER EXPORTATION APPLICATION #2020-001 FOR THREE WATER YEARS.

WHEREAS, the Planning Commission of Lassen County, acting as an advisory commission to the Board of Supervisors, has, after due notice and a public hearing conducted February 2, 2021, considered groundwater exportation application #2020-001, filed by Estill Ranches LLC, proposing 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 land in Nevada; and

WHEREAS, the two proposed points of diversion are a portion of Sections 10 and 14, Township 38 North, Range 17 East, Mount Diablo Baseline and Meridian, which is located in the Surprise Valley groundwater basin (DWR Bulletin 118 basin #6-001). Both 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; and

WHEREAS, the proposed point of use is a portion of Section 29, Township 38 North, Range 18 East, Mount Diablo Baseline and Meridian, which is located in Washoe County Nevada and the Surprise Valley groundwater basin; and

WHEREAS, the applicant owns land at the points of diversion and the point of use; and

WHEREAS, Lassen County Code Section 17.01.037 (Duration of Permit) limits approval of an exportation permit to no more than three water years; and

WHEREAS, 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.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing is true and correct.

2. The Lassen County Planning Commission finds as follows:

    a. The project is consistent with the *Lassen County General Plan, 2000* and the "Extensive Agriculture" land use designation pursuant to the *Lassen County General Plan, 2000*, and is also consistent with the site's U-C-2-A-P zoning (Upland Conservation/Resource Management District, Agricultural Preserve Combining District)

b. The project is consistent with the Land Conservation Act (Williamson Act) as the use of the exported groundwater is limited to agricultural use.

c. The site is physically suitable for the proposed use, and that the proposed use is compatible with surrounding land uses.

d. The proposed project will not adversely affect the health, welfare or safety of the public.

e. The Planning Commission finds that it is not necessary to charge an "economic severance fee" as authorized in Lassen County Code Section 17.01.034, as Estill Ranches LLC employs an average of 18 people year-round, and that over half of these jobs are located in Lassen County (with more during the haying season), which serves as mitigation to any economic impacts induced through approval of the permit.

3. The Planning Commission hereby incorporates and adopts the evidence and findings introduced in Planning Commission Staff report for Groundwater Exportation Application #2020-001, dated February 2, 2021.

4. The Planning Commission hereby concurs with the Environmental Review Officer that the project qualifies for exemption, pursuant to § 15061(b)(3) of the California Environmental Quality Act Guidelines.

5. The Planning Commission concurs with staff analysis of the potential impacts of the project as they relate to known groundwater data from Bulletin 118.

6. The Planning Commission concurs with staff that the 504.4 AFA proposed for transfer is a small percentage of the amount of groundwater storage in the basin (approximately 0.01261% [504.40 /4,000,000]).

7. The Planning Commission concurs with staff that the proposed flow rate (3cfs) is consistent with the proposed volume (504.4AFA).

8. The Planning Commission hereby recommends that the Board of Supervisors makes the following finding, as required by Lassen County Code Section 17.01.034:

> "The permit may only be granted if the board finds and determines that the extraction will not cause or increase an overdraft of the groundwater underlying the county, will not adversely affect the long term ability for storage or transmission of groundwaters within the aquifer, will not (together with other extractions) exceed the safe yield of the groundwater underlying the county and will not otherwise operate to the injury of the reasonable and beneficial uses of overlying groundwater users, or will not result in an injury to a water replenishment, storage, or restoration project operating in accordance with statutory authorization..."

9. The Planning Commission hereby recommends to the Board of Supervisors that groundwater exportation application #2020-001, Estill Ranches LLC, be approved subject to the conditions attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 2nd day of February, 2021, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

_____
Chairman
Lassen County Planning Commission

ATTEST:

_____
Maurice L. Anderson, Secretary
Lassen County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL
Groundwater Exportation Application 2020-001, Estill Ranches LLC

1. This permit is valid for three water years (defined by Lassen County Code Section 17.01.020 as beginning March 1 and ending the last day of the following February) and will therefore expire on February 28, 2024. An additional permit is required prior to the export of any groundwater beyond this date, pursuant to Lassen County Code Chapter 17.01.

2. The applicant acknowledges and agrees with Section 17.01.038 of Lassen County Code, which stipulates the following:

   > "The permit process of this chapter is not to be construed as a grant of any right or entitlement but rather the permit evidences that the health, welfare, and safety of the residents of the county will not be harmed by the extraction and exportation of groundwater outside the county boundaries. The permit in no way exempts, supersedes, or replaces any other provisions of federal, state, and district or local laws and regulations including but not limited to Water Code Section 1220, the Groundwater Management Act, the Honey Lake Valley Groundwater Basin Act, the Long Valley Groundwater Basin Act, the Willow Creek Valley Groundwater Basin Act and any actions provided for in California groundwater law, well drilling and maintenance or building permit requirements."

3. This permit 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. Prior to the exportation, a test shall be performed to the satisfaction of the Lassen County Department of Planning and Building Services, showing that the system is configured to restrict water export to a maximum of 3.0 CFS. Once tested, no changes may be made to the system without prior approval of the Lassen County Department of Planning and Building Services.

4. Prior to exportation, the applicant shall demonstrate that the pivot meter at the point of use will exclusively measure water exported from the points of diversion identified in application #2020-001, thus serving as an accurate tool for measuring said exported groundwater.

5. Prior to extraction and export of groundwater from the identified points of diversion, the Lassen County Department of Planning and Building Services will obtain static groundwater levels at each well. During the export period authorized by this permit, the wells (points of diversion) will be monitored by Lassen County staff twice annually, once before seasonal extraction has begun and again no less than 72 hours after pumping has concluded for the season. Results of the data collected during the bi-annual monitoring shall be forwarded to the Board annually for their review.

6. The exported groundwater may only be used at the point of use identified herein

7. The exported groundwater may only be used for agricultural purposes as identified in application #2020-001.

8. The permit 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 permit is not transferable in any way to any party, individual or entity.

9. If additional infrastructure is required, the applicant shall obtain and comply with all building permit requirements for all structures (e.g. well, pipeline) associated with the exportation or shall obtain a letter from the Lassen County Planning and Building Services indicating that a building permit is not required.

10. The applicant shall submit suitable evidence to the Lassen County Department of Planning and Building Services to demonstrate that the pipeline is located on land owned by the applicant or on land for which suitable authority (e.g. an easement) has been obtained.

11. Prior to issuance of a building permit and/or operation of this permit (#2020-001), the applicant shall submit suitable evidence to the Lassen County Planning and Building Services Department that an encroachment permit has been secured from the appropriate agency(ies) for any portion of the pipeline described in the application that crosses a public road.

12. The applicant shall obtain all permits (if any) required by other agencies prior to the commencement of any exportation.

13. Prior to operation of this permit, the applicant must obtain an “Authorization to Operate” documenting that all of the conditions of approval have been met.

14. If it is determined that one or more of the findings required by Lassen County Code Section 17.01.034 can no longer be made or if the conditions of approval are not being complied with, the Board may hold a hearing to consider revocation of the permit.

GROUNDWATER EXPORTATION APPLICATION

FILING FEE: $500 Ag. Use or Domestic service with one connection
$1,350 Domestic service with two or more connections
(Pursuant to Chapter 17.01 of Lassen County Code)
DEPARTMENT OF PLANNING AND BUILDING SERVICES
707 Nevada Street, Suite 5 · Susanville, CA 96130-3912
(530) 251-8269 · (530) 251-8373 (fax)
www.co.lassen.ca.us

RECEIVED
DEC 31 2020
LASSEN COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES

Form must be typed or printed clearly in black or blue ink. All sections must be completed in full.
This application consists of one page; only attach additional sheets if necessary. FILE NO. GW-2020-001

Property Owner/s	**Property Owner/s**
Name: Estill Ranches, LLC	Name:
Mailing Address: P.O. Box 320	Mailing Address:
City, ST, Zip: Gerlach, NV 89412	City, ST, Zip:
Telephone: 775-333-0882 Fax: 775-348-9037	Telephone: Fax:
Email: estillranch@att.net	Email:

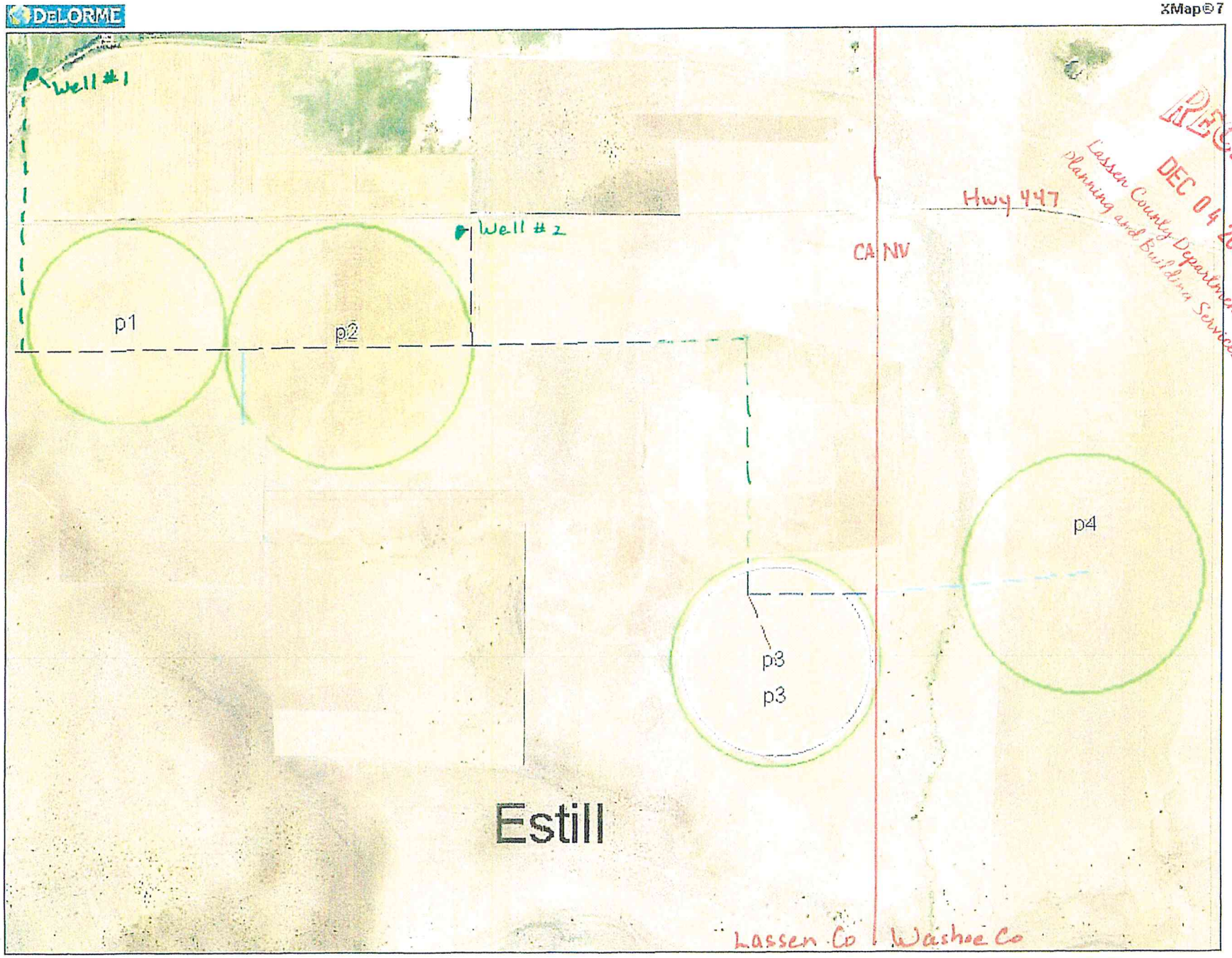
Applicant/Authorized Representative*	**Agent (Land Surveyor/Engineer/Consultant)**
Same as above: [X]	Correspondence also sent to: [x]
Name: John Estill	Name: Turnipseed Engineering, LTD. David G. Hillis Jr., P.E., W.R.S.
Mailing Address:	Mailing Address: 777 East William Street, Suite 107
City, ST, Zip:	City, ST, Zip: Carson City, NV 89701
Telephone: Fax:	Telephone: 775-885-2101 Fax:
Email:	Email: david@turnipseedengineering.com License #: 021825

Project Address or Specific Location: Bare Ranch 748-425 Bare Ranch Road, Eagleville			
Deed Reference: Book:	Page:	Year:	Doc#:
Zoning:		**General Plan Designation:**	
Parcel Size (acreage):		Section: 29 Township: 38 W.	Range: 18 E.

Assessor's Parcel Number(s):	011 - 040 - 03	011 - 080 - 02	- -
- -	- -	- -	- -

Project Description (attach maps and other information showing the source of the groundwater and the location it will be exported to): Please refer to attachment
Groundwater amount: 3.0 CFS or 504.4 acre feet
Proposed use: Irrigate 129 acres of cropland in Nevada and an adjacent 80 acre pivot field Located in Lassen County, CA.

SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT: I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application.	***SIGNATURE OF AGENT/AUTHORIZED REPRESENTATIVE** (Representative may sign application if Letter of Authorization from the owner/s is provided).
Date: 12/20/2020	Date:
Date:	Date:



RECEIVED
DEC 04 2017
Lassen County Department of
Planning and Building Services

Data use subject to license.

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www.delorme.com

MN (14.2° E)

0 1000 2000 ft

Data Zoom 13-6

WASHOE COUNTY ASSESSOR PROPERTY DATA 1/4/2021

Owner Information

APN	**066-130-22**	Card 1 of 1
Situs 1	0 UNSPECIFIED WASHOE COUNTY NV 89412	Bld #
Owner 1	ESTILL RANCHES LLC	OWNER
Mail Address	PO BOX 320 GERLACH NV 89412	

Parcel Information

Keyline Desc	SW4 NE4; NE4 NW4; S2 NW4; N2 SW4 SEC 28; SE4 NE4; NE4 SE4 SEC 29 TWP 38 RGE 18		
Subdivision	_UNSPECIFIED		
	Section 29 **Township** 38 **Range** 18		
Record of Survey Map : **Parcel Map#** 0 : **Sub Map#**			
		Special Property Code	
2021 Tax District	9000	**Prior APN**	
2020 Tax District	9000	**Tax Cap Status**	Use does not qualify for Low Cap, High Cap Applied

Building Information

XFOB SUBAREA

Bld #1 Situs	0 UNSPECIFIED	**Property Name**	
Quality		**Building Type**	
Stories		**2nd Occupancy**	
Year Built	0	**WAY**	0
Bedrooms	0	**Square Feet**	
Full Baths	0	**Finished Bsmt**	0
Half Baths	0	**Unfin Bsmt**	0
Fixtures		**Basement Type**	
Fireplaces	0	**Gar Conv Sq Feet**	0
Heat Type		**Total Garage Area**	0
2nd Heat Type		**Garage Type**	
Exterior Walls		**Detached Garage**	0
2nd Ext Walls		**Basement Gar Door**	0
Roof Cover		**Sub Floor**	
% Complete	0	**Frame**	
Obso/Bldg Adj	0	**Units/Bldg**	0
Construction Modifier		**Units/Parcel**	0

Land Information

LAND DETAILS

Land Use	120	**DOR Code**	120	**Sewer**	None	**Neighborhood**	KBBZ	KB Neighborhood Map
Size	13,939,200 SqFt	**Size**	320 Acres	**Street**	Unpaved	**Zoning Code**	GR	
				Water	None			

Sales and Transfer Records

RECORDER SEARCH

Grantor	Grantee	Doc #	Doc Type	Doc Date	DOR Code	Value/Sale Price	Sale Code	Note
ESTILL RANCHES LLC,	ESTILL RANCHES LLC	3343837	CORR	02-01-2006	120	0	3BGG	CORRECTS PREVIOUS LEGAL DESCRIPTION RF DOCUMENT #3310639.
MEREDITH, THOMAS K	ESTILL RANCHES LLC	3310639	DEED	11-21-2005	120	300,000	1MGA	SVL-VERIFIED. INCL 066-130,11, 18, 22; 066-250-02. 840 TOTAL ACRES AGRICULTURAL LAND.RED FILED - LEGAL DESCRIPTION ON DOCUMENT #3310639 INCORRECT
	MEREDITH,THOMAS K	2059938		12-30-1996		0		

Valuation Information The 2021/2022 values are preliminary values and subject to change.

	Taxable Land	New Value	Taxable Imps	OBSO	Tax Cap Value	Taxable Total	Land Assessed	Imps Assessed	Total Assessed	Exemption Value
2021/22 NR	47,600	0	0	0		47,600	16,660	0	16,660	0
2021/22 VN	47,600	0	0	0		47,600	16,660	0	16,660	0
2020/21 FV	47,600	0	0	0	28,897	47,600	16,660	0	16,660	0

If the property sketch is not available on-line you can obtain a copy by calling (775) 328-2277 or send an email to exemptions@washoecounty.us with 'Sketch Request' in the subject line. Please include the APN.

Photos are not available for this Parcel.

All parcel data on this page is for use by the Washoe County Assessor for assessment purposes only. The summary data on this page may not be a complete representation of the parcel or of the improvements thereon. Building information, including unit counts and number of permitted units, should be verified with the appropriate building and planning agencies. Zoning information should be verified with the appropriate planning agency. All parcels are reappraised each year. This is a true and accurate copy of the records of the Washoe County Assessor's Office as of 01-03-2021

If you have questions or corrections about our property data you can call us at 775-328-2277 or email us at exemptions@washoecounty.us

County of Lassen
Department of Planning and Building Services
• Planning • Building Permits • Code Enforcement • Surveyor • Surface Mining

Maurice L. Anderson, *Director*
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

Zoning & Building
Inspection Requests
Phone: 530 257-5263

January 8, 2020

NOTICE OF PUBLIC HEARING
LASSEN COUNTY PLANNING COMMISSION

The Lassen County Planning Commission solicits the aid of public agencies and the general public in consideration of the following item:

Applicant: Estill Ranches, LLC (John and Lani Estill)

File: GW2020-001, Groundwater Exportation Application

Project: Proposal to export an annual maximum of 504.4 acre-feet of groundwater (at a rate of 3.0 CFS) from the Lassen County portion of the Surprise Valley groundwater basin (Bulletin 118 basin #6-001) to the Washoe County, Nevada portion of the same basin, for irrigation of 129 acres of land in Nevada. Pursuant to Lassen County Code Chapter 17.01, a permit is required for this proposal. The two proposed points of diversion serving the export are located at Latitude 41°09'43" N Longitude 120°00'56" W and Latitude 41°09'59" N Longitude 120°01'54" W, with the point of use at Latitude 41°09'07" N and Longitude 119°59'32" W. The Environmental Review Officer has determined that this project is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Project Site (Point of diversion): The proposed points of diversion are in portions of Section 10 and Section 14, Township 38 North, Range 17 East, M.D.B. and M, which are located in Surprise Valley (Bulletin 118 basin #6-001). This is 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.

Point of Use: The proposed point of use is a portion of Section 29, Township 38 North, Range 18 East, M.D.B. and M., which is located in Washoe County, Nevada.

Zoning: The project site (point of diversion) is zoned U-C-2-A-P (Upland Conservation/Resource Management District, Agricultural Preserve Combining District) and is designated Extensive Agriculture by the *Lassen County General Plan, 2000.*

A.P.N.: 011-040-03, 011-080-02.

Staff Contact: Cortney Flather, Natural Resources Technician

As the advisory body to the Board of Supervisors, the Planning Commission will hold a public hearing and then make a recommendation to the Board of Supervisors regarding the proposed Groundwater Exportation Application 1:15 p.m. on Tuesday, February 2, 2020, at the Veterans Memorial Hall, 1205 Main St., Susanville, CA. A public hearing will be held by the Board of Supervisors at a future date. All interested persons are invited to attend the meeting and be heard, or to submit comments to the Department of Planning and Building Services, 707 Nevada Street, Susanville, CA 96130.

For the County of Lassen,

Maurice L. Anderson, Secretary Lassen
County Planning Commission

MLA:clf
S:\PLA \Planning\2020\GW #2020-00 1, Estill

Distribution: Supervisor Hammond; John and Lani Estill, Applicant; Estill Ranches LLC; Co. Ag Commissioner; Co. Assessor's Office; Co. Building Official; Coop. Extension/farm Advisor; Co. Counsel; CalFire; Co. Environmental Health; Lassen County Farm Bureau; Public Works; Public Works/Road Div.; CA Dept. of Fish and Wildlife (Redding/Wendel); CA EPA; Lahontan RWQCB; Dept. of Water Resources (Redding/Sacramento); Bureau of Land Mgmt-Applegate; Pit River Tribe of California; Greenville Rancheria of Maidu Indians; Susanville Indian Rancheria; Honey Lake Maidu; Washoe Tribe of Nevada and California; Modoc County Planning Dept.; Nevada Division of Water Resources; Washoe County Planning and Building Division; property overs within 300 feet.

Surprise Valley Groundwater Basin

- Groundwater Basin Number: 6-1
- County: Modoc and Lassen, CA, and Washoe, NV
- Surface Area: 228,460 acres (CA) (357 square miles)

Basin Boundaries and Hydrology

Surprise Valley is a complexly faulted graben filled with alluvial and lacustrine sediments. The valley is bounded on all sides by block-faulted structures. The Surprise Valley fault is on the west side, and Hays Canyon fault is on the east side. To the south the valley is bounded topographically by a block-faulted horst. The northern half of the eastern side of the valley is bounded by an irregularly block faulted region. The basin is approximately 50 miles long and 12 miles wide.

The margins of the valley are covered with coalesced alluvial fan and near-shore deposits. The central portion of the valley floor consists of basin and lake deposits. The basin is closed and has no hydrologic outlet. Most of the streams draining into Surprise Valley originate along the eastern slopes of the Warner Mountains and empty into the Upper, Middle, and Lower Alkali lakes. These lakes are shallow and alkaline and usually become dry in summer months. The surface water flows are adjudicated in most streams. Annual precipitation in the basin ranges from 13- to 17 inches, increasing to the north.

Hydrogeologic Information

Water-Bearing Formations

The water-bearing formations consist of Holocene alluvium and alluvial fan deposits, Pleistocene near-shore deposits, and Pliocene to Pleistocene lake deposits. The following summary of the water-bearing formations is from DWR (1965).

Holocene Alluvial Fans. The alluvial fan deposits consist of unconsolidated to partly consolidated, poorly stratified gravel, sand, and silt with clay lenses. They are found near the surface with thicknesses ranging to 1,000 feet and are important recharge areas for the valley. The alluvial fans slope toward the valley floor and coalesce to form a continuous alluvial apron around much of the valley. These deposits form the principal aquifers in the basin and are capable of yielding large quantities of confined and semi-confined groundwater to wells. The fans are generally coarser at the mountain front and finer toward the basin center.

Holocene Alluvium Deposits. Intermediate alluvial deposits are found along stream channels on the eastern side of the valley and along the flatter distal portions of alluvial fan deposits in the northern, western, and southern portions of the basin. The alluvium consists of poorly sorted sand and silt with some lenses of gravel and clay. Sand, gravel, and cobbles are predominant along stream channels. The thickness of the deposits range up to 50 feet. The alluvium is moderately permeable and is capable of providing good quantities of water to shallow wells.

Pleistocene Near-shore Deposits. The near-shore deposits are highly permeable terraces, beaches, spits and deltas formed in ancient Lake Surprise. They consist of poorly consolidated gravel, sand, and silt deposited as deltas and terraces. They are coarser-grained along the margins of the valley and become finer-grained toward the center ranging up to 5,000 feet in thickness. These deposits have moderate to high permeability and are capable of yielding large amounts of water to wells.

Pleistocene to Holocene Lake Deposits. The lake deposits consist of unconsolidated to semi-consolidated fine sand, silt, and clay. The thickness of the deposits range up to 5,000 feet in the central portion of Middle Alkali Lake. The permeability is low but may be sufficient for limited development of water for stock purposes.

Recharge Areas

Recharge to groundwater on the west side of the valley is from infiltration of surface water into the apexes of the alluvial fans located below the mouths of canyons along the base of the Warner Mountains. In the extreme northern portion of the valley, surface water from the north infiltrates coarse stream deposits and recharges underlying groundwater bodies. As these recharge areas are all within the valley floor area, no true upland recharge areas exist along the western and northern sides of the valley (DWR 1963).

Groundwater Level Trends

Section incomplete.

Groundwater Storage

Groundwater Storage Capacity. Groundwater storage capacity to a depth of 400 feet is estimated to be approximately 4,000,000 acre-feet (DWR 1963).

Groundwater Budget (Type B)

Estimates of groundwater extraction for the basin are based on a survey conducted by the California Department of Water Resources during 1997. The survey included land use and sources of water. Estimates of groundwater extraction for agricultural and municipal/industrial uses are 41,000 and 290 acre-feet, respectively. Deep percolation from applied water is estimated to be 6,600 acre-feet.

Groundwater Quality

Characterization. Calcium bicarbonate type waters occur on the western edge of the basin and sodium bicarbonate type waters occur easterly. Calcium to sodium bicarbonate water occurs west of Lower and Middle Alkali Lakes. Total dissolved solids range from 87- to 1,800-mg/L, averaging 224 mg/L.

Impairments. Poor quality water of sodium sulfate to sodium sulfate chloride character is present east of Middle Alkali Lake and along the southern and western edges of Upper Alkali Lake. Some thermal waters along the Surprise Valley and Lake City fault zones have high ASAR, high

concentrations of sulfate, sodium, boron, fluoride, and arsenic and total dissolved solids concentrations greater than 1,000 mg/L.

Water Quality in Public Supply Wells

Constituent Group[1]	Number of wells sampled[2]	Number of wells with a concentration above an MCL[3]
Inorganics – Primary	2	0
Radiological	1	0
Nitrates	4	0
Pesticides	0	0
VOCs and SOCs	1	0
Inorganics – Secondary	2	0

[1] A description of each member in the constituent groups and a generalized discussion of the relevance of these groups are included in *California's Groundwater – Bulletin 118* by DWR (2003).
[2] Represents distinct number of wells sampled as required under DHS Title 22 program from 1994 through 2000.
[3] Each well reported with a concentration above an MCL was confirmed with a second detection above an MCL. This information is intended as an indicator of the types of activities that cause contamination in a given basin. It represents the water quality at the sample location. It does not indicate the water quality delivered to the consumer. More detailed drinking water quality information can be obtained from the local water purveyor and its annual Consumer Confidence Report.

Well Production Characteristics

	Well yields (gal/min)	
Irrigation	Range: 350 – 2,500	Average: 1,383 (154 Well Completion Reports)
	Total depths (ft)	
Domestic	Range: 60 – 580	Average: 199 (161 Well Completion Reports)
Irrigation	Range: 100 – 812	Average: 347 (154 Well Completion Reports)

Active Monitoring Data

Agency	Parameter	Number of wells /measurement frequency
DWR	Groundwater levels	16 wells /semi-annually
Soil Conservation Service		26 wells/ semi-annually
DWR	Miscellaneous water quality	11 wells
Department of Health Services		4 wells

Basin Management

Groundwater Management	Modoc County adopted a groundwater management ordinance in 2000
Water Agencies	
Public	Surprise Valley Management District, enacted 1995
Private	

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Additional References

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Errata

Changes made to the basin description will be noted here.

Permit No. 81108

THE STATE OF NEVADA

PERMIT TO APPROPRIATE WATER

Name of Permittee:	**ESTILL RANCHES, LLC**
Source:	**UNDERGROUND**
Basin:	**SURPRISE VALLEY**
Manner of Use:	**IRRIGATION**
Period of Use:	**MARCH 1ST THROUGH OCTOBER 31ST**
Priority Date:	**08/25/2011**

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins or before the Proof of Completion of Work is filed. The State retains the right to regulate the use of the water granted herein at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permit 6319, Certificate 1377, Permits 80688 and 81108 shall not exceed 511.84 acre-feet seasonally, for the irrigation of 127.96 acres.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 3.0 cubic feet per second or 504.4 acre-feet seasonally, but not to exceed 4.0 acre-feet per acre from all sources.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:	**August 13 2013**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:	**August 13 2014**
Map in support of proof of beneficial use shall be filed on or before:	**August 13 2014**

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 13th day of **August, 2012**

P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

Application No. 81108

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

THIS SPACE FOR OFFICE USE ONLY

Date of Filing in State Engineer's Office AUG 25 2011

Returned to applicant for correction _____

Corrected Application filed _____ Map filed AUG 25 2011

The applicant ESTILL RANCHES, LLC

P.O. BOX 320 (Street Address or P.O. Box) of GERLACH (City or Town)

NV 89412 (State and ZIP Code) hereby make(s) application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

ORGANIZED IN NEVADA 12/07/2010 DOCUMENT NUMBER 20100915844-24, IN THE OFFICE OF THE NEVADA SECRETARY OF STATE.

1. The source of water is UNDER GROUND WATER, LASSEN COUNTY, CALIFORNIA
   (Name of the stream, lake, underground, spring or other sources.)
2. The amount of water applied for is 3.0 CFS
   (One second foot equals 448.83 gallons per minute.)
   (a) If stored in a reservoir give the number of acre-feet _____
3. The water is to be used for IRRIGATION
   (Irrigation, power, mining, commercial, domestic or other use. Must be limited to one major use.)
4. If use is for:
   (a) Irrigation, state number of acres to be irrigated 126.10 ACRES
   (b) Stockwater, state number and kind of animals _____
   (c) Other use (describe fully in No. 12) _____
   (d) Power:
      (1) Horsepower developed _____
      (2) Point of return of water to stream _____

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Revised 07/09

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5. The water is to be diverted from its source at the following point: (Describe as being within a 40-acre subdivision of public survey, and by course and distance to a found section corner. If on unsurveyed land, it should be so stated.)

WITHIN THE SE1/4SW1/4 OF SECTION 10, T.38N., R.17E., M.D.B.&M., LASSEN COUNTY, CALIFORNIA AT A POINT FROM WHICH THE SW CORNER OF SAID SECTION 10 BEARS S83°49'18"W A DISTANCE OF 1964.09'.

6. Place of use: (Describe by legal subdivision. If on unsurveyed land, it should be so stated)

WITHIN THE NW1/4NE1/4, THE SW1/4NE1/4, THE SE1/4NE1/4, THE NE1/4NW1/4, THE SE1/4NW1/4, THE NE1/4SW1/4, AND THE NW1/4SE1/4 OF SECTION 29, T.38N., R.18E., M.D.B.&M., WASHOE COUNTY, NEVADA.

7. Use will begin about MARCH 1 (Month and Day) and end about OCTOBER 31 (Month and Day) of each year.

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with a pump and motor, etc.)

A NEW WELL WILL BE DRILLED IN SECTION 10, T.38N., R.17E., IN LASSEN COUNTY, CALIFORNIA. WATER WILL BE DELIVERED TO A PIVOT IN SECTION 29, T.38N., R.18E., IN WASHOE COUNTY, NV.

9. Estimated cost of works: $30,000

10. Estimated time required to construct works: ONE YEAR
(If the well is complete, describe works.)

11. Estimated time required to complete the application of water to beneficial use: TWO YEARS

12. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

WATER FROM THE NEW WELL WILL BE CONNECTED TO THE EXISTING PIPELINE FROM BARE CREEK, (WHICH IS CURRENTLY USED TO IRRIGATE BARE RANCH FIELDS IN CALIFORNIA). ADDITIONAL PIPELINE WILL BE REQUIRED TO DELIVER WATER FROM THE EXISTING PIPELINE TO THE PROPOSED PIVOT IN SECTION 29, WHICH IS IN NEVADA.

13. Miscellaneous remarks:

IT IS BELIEVED THAT A WELL DRILLED IN SECTION 29 WOULD NOT HAVE ENOUGH WATER TO IRRIGATE THE PIVOT IN SECTION 29. A TEST WELL DRILLED IN SECTION 10 WHICH IS CLOSER TO THE EXISTING DRY LAKE HAS ADEQUATE WATER TO IRRIGATE THE PIVOT IN SECTION 29.

estill5@huges.net, bareranch@huges.net
E-mail Address

775-333-0882
Phone No. Ext.

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

ESTILL RANCHES, LLC; by: John B. Estill, Manager
Type or print name clearly

Signature, applicant or agent

ESTILL RANCHES, LLC
Company Name

P.O. BOX 320
Street Address or PO Box

GERLACH, NV 89412
City, State, ZIP Code

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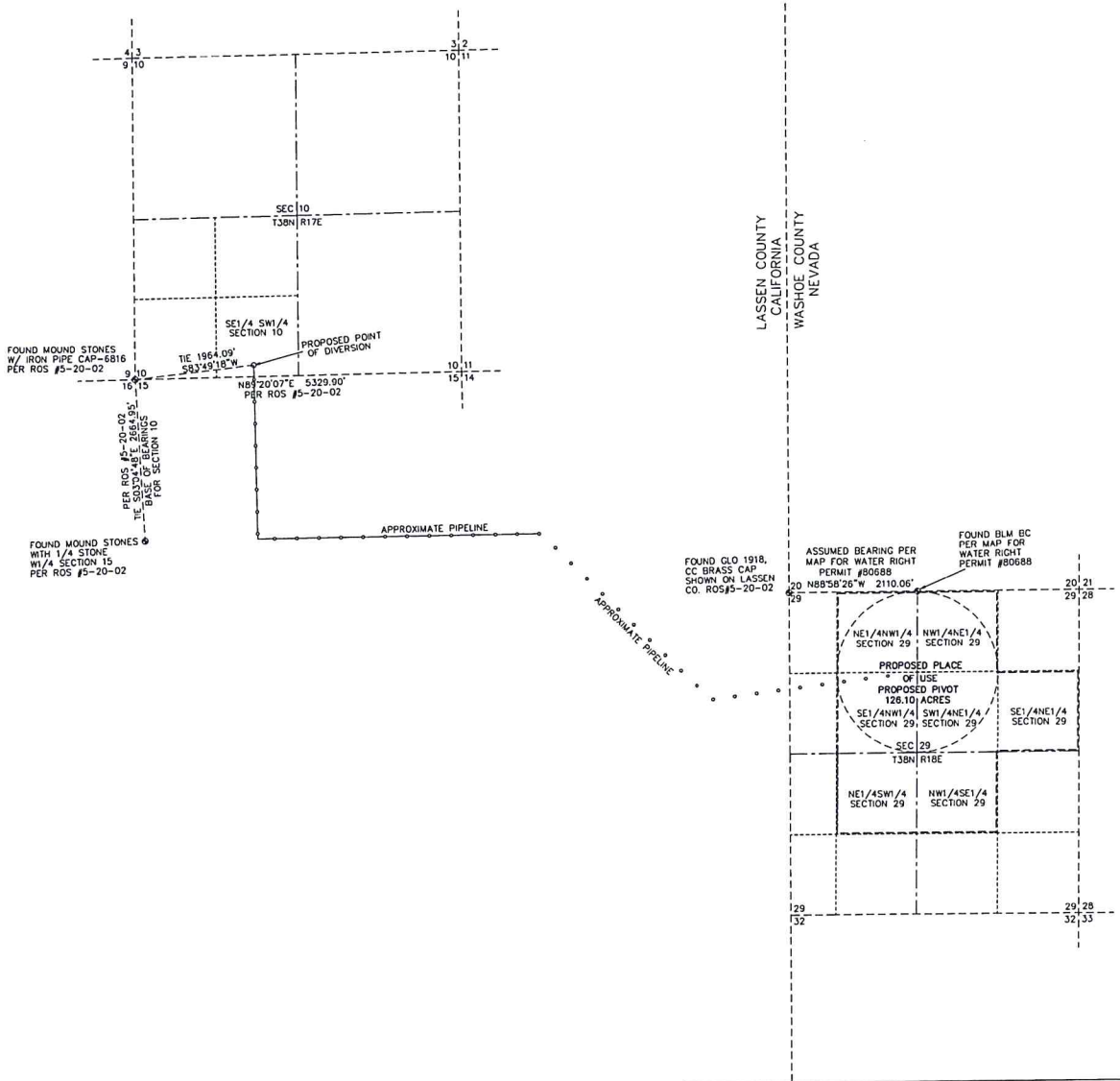
Revised 07/09 $300 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

Protested: October 16, 2011, by Lassen County, California Pro.w/D 5/25/12



STATE OF NEVADA
COUNTY OF WASHOE

I CONN DAVIS BEING FIRST DULY SWORN DO DEPOSE AND SAY THAT THIS MAP CONSISTING OF ONE SHEET _ HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE FROM FIELD NOTES OF A SURVEY MADE UNDER MY SUPERVISION AND WAS COMPLETED ON 08-08-2011 AND THAT IT CORRECTLY REPRESENTS THE LOCATION AND THE EXISTING EXTENT OF THE WORKS TO BE USED TO DIVERT WATER FROM AN UNDER GROUND SOURCE, COUNTY OF LASSEN, STATE OF CALIFORNIA, BY ESTILL RANCHES, LLC

FOR IRRIGATION PURPOSES
THAT THE POINTS OF DIVERSION AND LOCATIONS OF USE ARE FULLY AND CORRECTLEY SHOWN.

Conn Davis
CONN DAVIS (NEVADA STATE WATER RIGHTS SURVEYOR # 835)
(NV PLS-7880, CA PLS-6508)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12TH DAY OF AUGUST 2011,
BY CONN DAVIS, NV PLS-7880, CA PLS-6508.

Heather Behmer
NOTARY PUBLIC IN AND FOR THE COUNTY OF WASHOE
STATE OF NEVADA

MY COMMISSION EXPIRES ON July 28, 2015

HEATHER BEHMER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No. 11-5306-2 - Expires July 28, 2015

PROFESSIONAL LAND SURVEYOR CONN DAVIS No. 7880 Exp. 6/30/11 STATE OF NEVADA

PROFESSIONAL LAND SURVEYOR CONN DAVIS No. 6508 Exp. 6/30/13 STATE OF CALIFORNIA

1108WCBR.DWG

CLD SURVEYING
WATER RIGHTS & LAND

P. O. BOX 3876
INCLINE VILLAGE, NEVADA 89450
CONN DAVIS, Surveyor Phone 1-775-831-7539

LEGEND
- BLM BRASS CAP OR STONE W/MOUND
- DIVERSION POINT

STATE ENGINEER'S USE

81108

2011

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MAP TO ACCOMPANY APPLICATION TO APPROPRIATE WATER FROM GROUND WATER IN SECTION 10, T.38N., R.17E., M.D.B.&M., LASSEN COUNTY, CALIFORNIA

BY
ESTILL RANCHES, LLC
P.O. Box 320
GERLACH, NEVADA 89412

FOR IRRIGATION PURPOSES
IN PORTIONS OF SECTION 29, T.38N., R.18E., M.D.B.&M.
WASHOE COUNTY, NEVADA

DRAWN BY CONN | DATE 8-11-2011

81108

Chapter 17.01 EXTRACTION AND EXPORTATION

Article I. Declaration of Findings and Purpose

17.01.010 Regulation of the extraction for exportation of groundwater from Lassen County.

The board finds and declares:

(1) The groundwater underlying Lassen County has historically provided the people and lands of Lassen County with water for agricultural, domestic, municipal and other purposes.

(2) The board recognizes the principle developed in the case law of California that water may be appropriated from a groundwater basin if the groundwater supply is surplus and exceeds the reasonable and beneficial needs of overlying users.

(3) It is essential for the protection of the health, welfare, and safety of the residents of the county, and the public benefit of the state, that groundwater resources of Lassen County be protected from harm resulting from the extraction of groundwater for use outside the county.

(4) Much of the farm production of the county depends upon the use of groundwater to produce field and vegetable crops which significantly contribute to the gross value of all agricultural crops produced in the county.

(5) Much of the water supply for residential needs in the county is provided by groundwater.

(6) The groundwater of Lassen County is and will be a vital part of future water use in the county.

(7) The county seeks to foster prudent water management practices to avoid significant adverse overdraft-related environmental, social, and economic impacts. It is therefore essential for the protection of the county's important groundwater resources that the county require a permit to extract groundwater for use outside the county. This chapter requires a permit for the export of groundwater outside the county and is not intended to regulate groundwater in any other way.

(8) In adopting the ordinance codified in this chapter, the county in no way intends to limit either the county or other public entities, including the Modoc-Lassen flood control district, in managing groundwater under the Groundwater Management Act, the Honey Lake Valley Groundwater Basin Act, the Long Valley Groundwater Basin Act, the Willow Creek Valley Groundwater Basin Act, the Surprise Valley Groundwater Basin Act, and any other applicable laws in a manner consistent with any groundwater management plan adopted by the county or the districts. (Ord. 539 § 1, 1999).

Article II. Definitions

17.01.020 Definitions.

"Aquifer" means a geologic formation that stores, transmits and yields any quantity of water to wells and springs.

"Board" means the board of supervisors of Lassen County.

"Commission" means the planning commission of the county of Lassen.

"County" means the county of Lassen.

"Director" means the director of community development or his designee.

"District" means an entity wholly or in part located within the boundaries of the county, which is a purveyor of waters for agricultural; domestic, or municipal use.

"Export" means exportation via a pipeline, and/or natural or artificial water channel.

"Groundwater" means all water beneath the surface of the earth which is capable of being extracted, and includes, but is not limited to, water occurring in a defined pool or aquifer.

"Groundwater Management Act" means Water Code §§ 10750 et. seq.

"Hydraulic gradient" means the slope of the water table.

"Hydrology" means the origin, distribution, and circulation of water through precipitation, stream flow, infiltration, groundwater storage, and evaporation.

"Overdraft" means the condition of a groundwater supply in which the amount of water withdrawn by pumping exceeds the amount of water replenishing the supply over a period of time and also the point at which extractions from the supply exceed its safe yield plus any temporary surplus.

"Percolation" means the movement of water through the soil to the groundwater table.

"Permeability" means the capability of the soil or another geologic formation to transmit water.

"Piezometric surface" means the surface to which the water in a confined aquifer will rise.

"Porosity" means voids or open spaces in alluvium, other soils and/or rocks that can be filled with water.

"Recharge" means flow to groundwater storage from precipitation, irrigation, infiltration from streams, spreading basins and other sources of water.

"Safe yield" means the maximum quantity of water which can be withdrawn annually from a groundwater supply under a given set of conditions without causing overdraft or adverse water quality conditions or an undesirable result. The phrase "undesirable result" is intended to refer to a lowering of the groundwater levels resulting in, or tending to result in, the eventual depletion of or the substantial diminution of the supply of water. Specifically, "safe yield" is the amount of water which can be withdrawn without:

(1) Exceeding in any calendar year the long-term mean annual water supply of the basin (considering all sources of recharge and withdrawal);

(2) Lowering water levels so as to make further drilling of water wells uneconomical;

(3) Causing water pumped from the basin to deteriorate below drinking water standards;

(4) Violating water rights or restrictions in pumpage in the groundwater basin as established by court adjudication or application of state or federal law;

(5) Other observable environmental damage.

"Specific capacity" means the volume of water pumped from a well in gallons per minute per foot of drawdown.

"Spreading water" means discharging native or imported water to a permeable area for the purpose of allowing it to percolate to the zone of saturation. Spreading, artificial recharge and replenishment all refer to operations used to place water in a groundwater table.

"Transmissivity" means the rate of flow of water through an aquifer.

"Usable storage capacity" means the quantity of groundwater of acceptable quality that can be economically withdrawn from storage.

"Water table" means the surface or level where groundwater is encountered in a well in an unconfined aquifer.

"Water year" means the year beginning March 1st and ending the last day of the following February.

"Zone of saturation" means the area below the earth surface in which the soil is completely saturated with groundwater. (Ord. 539 § 1, 1999).

Article III. Permit Process

17.01.030 Permit required for export for use outside county.

It is unlawful to extract groundwater underlying county, directly or indirectly, for use of that groundwater so extracted, outside county boundaries, without first obtaining a permit as provided in this chapter. The extraction of groundwater to replace a surface water supply to be transferred for use outside county boundaries shall be considered an indirect extraction of groundwater for purposes of this section, which shall require a permit. This chapter shall not apply for the extraction of groundwater (1) to prevent the flood of lands or (2) prevent the saturation of the root zone of farm land, or (3) for use within the district boundaries of a district which is in part located within county and in part in another county(s) where such extraction quantities and use are consistent with historical practices of the district, or (4) for extractions to boost heads for portions of district facilities, consistent with historical practices of the district, or (5) 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. (Ord. 539 § 1, 1999).

17.01.031 Application for a permit—Fees.

An application for a permit shall be filed with the director and shall contain all information required by the director. Concurrently, a request for environmental review shall be filed as required by applicable county guidelines. The application for a permit and request for environmental review shall be accompanied by the fees which shall be established from time to time by board resolution. The applicant shall bear the burden of proof in this process. (Ord. 539 § 1, 1999).

17.01.032 Procedures for processing.

(a) The director shall review the application to determine whether it is complete for purposes of proceeding under the county guidelines adopted pursuant to the California Environmental Quality Act requirements. Within ten calendar days of filing of the permit application, the director shall post a notice on the county's public bulletin boards that an application has been filed, shall send a copy of the notice to the districts and cities within the county which have lands overlying or adjacent to the location of the extraction and to any interested party who has made a written request to the director for such notice within the last twelve calendar months.

(b) The director may review the matter of the application with the affected county departments, with the staff of the State Department of Water Resources, with the staff of the respective Regional Water Quality Board—Lahontan Region or Central Valley Region, and with any interested local water agency within whose boundary the proposed activity will occur. If the applicant is applying to pump groundwater from a district, city, or the unincorporated territory in which a groundwater management plan has been adopted pursuant to the Groundwater Management Act, the director shall consider a groundwater management plan or any other relevant information provided by the district, city, or other local agency. Any interested person or agency may provide comments relevant to the matter of the extraction of groundwater. Comments shall be submitted within thirty days of the date of mailing the notice of filing the permit application.

(c) The environmental review shall be undertaken in accordance with the California Environmental Quality Act and county guidelines. All costs of the environmental review shall be the responsibility of applicant.

(d) Upon completion of the environmental review, the director shall forward the application together with any written comments received, environmental documentations and the director's recommendations, to the commission. Upon receipt of the director's recommendation, the commission shall conduct a public review on the issuance of the permit which shall be noticed pursuant to Government Code Section 6061 and may not be held within fifteen (15) days of the time that the commission receives the recommendation from the director.

(e) The commission shall hear the application in accordance with the provisions for public review and shall make recommendations to the board. The scope of the recommendations extends to any relevant matter that may be considered by the board, including but not limited to, the effects that granting the permit application would have on the affected aquifer, each of the findings required of the board, any appropriate conditions to be imposed, and any mitigation offsetting any adverse effect.

(f) Upon receipt of the commission's recommendation, the clerk of the board shall conduct a public review on issuance of the permit which shall be noticed pursuant to Government Code Section 6061. The board shall hear the application in accordance with the provisions for public review and shall consider matters required to be considered during public review, including but not limited to the effects that granting the permit application would have on the affected aquifer, make each of the findings on matters required for granting a permit, any appropriate conditions to be imposed, and any mitigation offsetting any adverse effect. (Ord. 539 § 1, 1999).

17.01.033 Review concerning issuance of permit.

The hearing bodies, whether commission or board, shall conduct the public review in accordance with this section.

Formal rules of evidence shall not apply to the public review of the application, but the hearing body may establish such rules as will enable the expeditious presentation of the matter and relevant information thereto. At the public review, the applicant shall be entitled to present any oral or documentary evidence relevant to the application, and the applicant shall have the burden of proof of establishing the facts necessary for the required findings. The hearing body may request any additional information it deems necessary for its decision, the cost of which, if any, shall be borne by the applicant. The hearing body shall also hear relevant evidence presented by other interested persons and entities, the director, other county staff, and the public. The hearing body shall consider all effects that the granting of the permit application would have on the affected aquifer including, but not limited to, the hydraulic gradient, hydrology, percolation, permeability, piezometric surface, porosity, recharge, safe yield, specific capacity, spreading water, transmissivity, usable storage capacity, water table and zone of saturation. (Ord. 539 § 1, 1999).

17.01.034 Granting of permit.

The permit may only be granted if the board finds and determines that the extraction will not cause or increase an overdraft of the groundwater underlying the county, will not adversely affect the long term ability for storage or transmission of groundwaters within the aquifer, will not (together with other extractions) exceed the safe yield of the groundwater underlying the county and will not otherwise operate to the injury of the reasonable and beneficial uses of overlying groundwater users, or will not result in an injury to a water replenishment, storage, or restoration project operating in accordance with statutory authorization. If the permit is to be granted, the board shall impose appropriate conditions upon the permit so as to prohibit overdraft or other adverse conditions, and may impose other conditions that it deems necessary for the health, safety and welfare of the people of the county. Upon granting of a permit an economic severance fee shall be

imposed, the purpose of which is to replace the economic loss to the citizens of Lassen County of the revenue lost from all activities which are discontinued or precluded by water export. Other conditions in the permit shall include, but are not limited to, requirements for observation and/or monitoring wells. Notwithstanding the foregoing, the board may issue the permit if the board finds that the applicant has provided for mitigation which will offset any adverse effect that is determined to exist. (Ord. 539 § 1, 1999).

17.01.035 Reapplication after denial.

Reapplication for a permit which has been denied by the board may not be filed with the director until the following water year and must be accompanied with information that demonstrates a significant change in conditions in the groundwater and/or change in the proposed extraction. (Ord. 539 § 1, 1999).

17.01.036 Challenge to approved permit.

(a) Any interested party or public entity may challenge the continuation of an approved permit during the term of the permit when information exists that:

(1) There is a violation of the conditions of the permit; or

(2) The permit was not issued in accordance with the procedural requirements of this chapter; or

(3) Extraction of groundwater pursuant to the permit:

(A) Causes or increases an overdraft in the basin, or

(B) Brings about or increases salt water intrusion, or

(C) Adversely affects the long-term ability for, storage or transmission of groundwaters, or

(D) Exceeds the safe yield of the groundwaters,

or

(E) Operates to the injury of the reasonable beneficial uses of overlying groundwater users, or

(F) Results in an injury to a water replenishment, storage, or restoration project operating in accordance with statutory authorization.

(b) A challenge pursuant to this section is commenced by filing a written request with the director which alleges any of the above situations and generally describes the supporting facts for such allegation. In such event, the director shall within ten days of receipt of such challenge, give notice of the challenge to the commission, the permittee, appellant, to any interested party who filed a written request for such notice within the past twelve months, and the districts and cities, within the county, which have boundaries overlying or immediately adjacent to the location of the permitted extraction. Commission and board reviews shall be held on the matter following the procedures set out in Sections 17.01.033 and 17.01.034. The recommendations and decision may be to deny the challenge, grant the challenge and terminate the permit, or to establish modified conditions to the permit.

(c) The standard for review shall be substantial evidence. The burden of proof is upon the person or entity filing the challenge. (Ord. 539 § 1, 1999).

17.01.037 Duration of permit.

All permits shall be valid for a term set by the board, not to exceed three water years from the date of the issuance of the permit. For purpose of calculation, the water year in which the permit is granted shall not be counted in determining the three year time period if less than four months remain in the then water year. Provided, however, nothing contained in this chapter nor in the conditions of the permit shall be construed as

to give exclusive right to groundwater to permittee nor establish a compensable right in the event that the permit is subsequently discontinued or modified by the board after a hearing on a challenge to the permit. (Ord. 539 § 1, 1999).

17.01.038 Limitation of permit.

The permit process of this chapter is not to be construed as a grant of any right or entitlement but rather the permit evidences that the health, welfare, and safety of the residents of the county will not be harmed by the extraction and exportation of groundwater outside the county boundaries. The permit in no way exempts, supersedes, or replaces any other provisions of federal, state, and district or local laws and regulations including but not limited to Water Code Section 1220, the Groundwater Management Act, the Honey Lake Valley Groundwater Basin Act, the Long Valley Groundwater Basin Act, the Willow Creek Valley Groundwater Basin Act and any actions provided for in California groundwater law, well drilling and maintenance or building permit requirements. (Ord. 539 § 1, 1999).

Article IV. Inspection

17.01.040 Inspection.

The director, with good cause, may at any and all reasonable times enter any and all places, property, enclosures and structures, for the purposes of making examinations and investigations to determine whether any provision of this chapter is violated. (Ord. 539 § 1, 1999).

Article V. Effective Date

17.01.050 Effective date.

These provisions of the ordinance codified in this chapter shall be effective as to the unincorporated portions of the county within thirty days of its passage. The provisions of said ordinance shall become effective in the incorporated portions of the cities within Lassen County upon adoption by each city of an ordinance which makes the provisions of this chapter applicable to the incorporated area or which independently establishes an ordinance incorporating compatible provisions. (Ord. 539 § 1, 1999).

Article VI. Violations

17.01.060 Civil penalty.

The county may elect to proceed with a civil action against a violator, including injunctive relief. Any person or entity who violates this chapter shall be subject to fines of up to five thousand dollars per separate violation. A person shall be deemed to have committed separate violations for each and every day or portion thereof during which any such violation is committed, continued, or permitted as well as for and each and every separate groundwater well with which any such violation is committed, continued, or permitted. (Ord. 539 § 1, 1999).

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