



**DRAFT - MEASUREMENT AND MONITORING  
ALTERNATIVE COMPLIANCE PLAN**  
Information Sheet

**BACKGROUND**

A water right holder who diverts more than 10 acre-feet of water per year is required to measure the water they divert. A diverter may choose any measuring device, or combination of devices, that meet the measurement and monitoring requirements of the regulation. A few of the measurement requirements are summarized below:

Type of Diversion (af = acre-feet)	Installation Deadline	Required Accuracy	Required Monitoring Frequency	Qualifications For Installation And Certification
Direct Diversion ≥ 1,000 af/year Storage ≥ 1000 af	January 1, 2017	10%	Hourly	Engineer/Contractor/Professional
Direct Diversion ≥ 100 af/year Storage ≥ 200 af	July 1, 2017	10%	Daily	Engineer/Contractor/Professional
Direct Diversion > 10 af/year Storage ≥ 50 af	January 1, 2018	15%	Weekly	Individual experienced with measurement and monitoring
Storage > 10 af	January 1, 2018	15%	Monthly	Individual experienced with measurement and monitoring

Additional information on the measurement requirements, including telemetry requirements for large diverters starting in 2020, may be found on the following webpage:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/water\\_use.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_use.shtml)

**DRAFT FOR PUBLIC REVIEW AND COMMENT**

The State Water Board has released this draft for public review and comment. Comments on the draft information sheet should be emailed to: [dwr-measurement@waterboards.ca.gov](mailto:dwr-measurement@waterboards.ca.gov) by September 2, 2016.

**ALTERNATIVE COMPLIANCE PLANS**

The majority of diverters should be able to comply with the measurement and reporting requirements. However, a diverter, or group of diverters, may propose and implement an alternative compliance plan for one or more of the measurement or monitoring requirements of sections 933 or 934 of the California Code of Regulations. The diverter or group shall provide a detailed explanation and substantiating documentation demonstrating that strict compliance with one or more requirement is not feasible, would be unreasonably expensive, would unreasonably affect public trust resources, or would result in the waste or unreasonable use of water.

Where strict compliance is not feasible, the diverter shall propose an alternative standard that achieves the closest attainable compliance practical. A claim that strict compliance is unreasonably expensive shall be accompanied by a supporting cost analysis.

Plans lacking the required information do not release a diverter from the obligation to measure in accordance with the table above.

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### **WHAT TYPES OF REQUIREMENTS MAY ALTERNATIVE COMPLIANCE BE REQUESTED FOR?**

A diverter may request alternative compliance from the measurement or monitoring requirements of sections 933 or 934 of the California Code of Regulations, including:

- Monitoring frequency
- Required accuracy
- Installation and maintenance standards
- Measuring device location
- Telemetry

**An Alternative Compliance Plan should not be filed to request additional time.** If a diverter needs additional time to comply with the measurement and monitoring requirements, they should submit a Request for Additional Time Form to the State Water Board for review.

### **REQUESTING ALTERNATIVE COMPLIANCE FOR A MEASUREMENT METHOD**

An Alternative Compliance Plan should only be filed for a measurement method if the proposed method will not comply with one or more of the measurement or monitoring requirements of the regulation.

Examples of measurement methods include:

- Multiple water right holders on a single surface supply.
- A single water right holder with multiple points of diversion can propose a measurement method that may preclude the need to install a measurement device at each point of diversion.

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### **WHAT TYPES OF DIVERSIONS WILL ALTERNATIVE COMPLIANCE BE CONSIDERED FOR?**

There are a variety of situations where alternative compliance may be considered, including:

- Points of diversion and reservoirs located in inaccessible areas a portion of the year due to snow
- Points of diversion under tidal influence. Some diversion locations experience reverse flow during periods of low tide.
- Points of diversion with an existing measuring device or measurement method in use.
- The water being measured is too corrosive for the measurement equipment.
- The diversion is measured by another entity. The diverter should identify the entity and method of measurement used.

### **SUBMITTING AN ALTERNATIVE COMPLIANCE PLAN**

A diverter shall electronically submit a completed Alternative Compliance Plan to the State Water Board with all required attachments. No paper forms will be accepted for filing. The plan shall substantiate the basis for the determination that strict compliance with one or more of the requirements is not feasible and include complete descriptions of how the diverter will attain the closest reasonable compliance with the measurement and monitoring requirements. For additional information, please review the section by section instructions.

Submittal of the plan does not relieve the participant of the independent obligation to file an online annual Report of Water Diversion and Use.



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### **WHAT HAPPENS AFTER AN ALTERNATIVE COMPLIANCE PLAN IS FILED?**

Alternative Compliance Plans shall be filed with the associated water right file number. Plans will be posted on the Board's website, providing the opportunity for public comment. Plans are subject to audit by the Deputy Director and the Delta Watermaster.

An alternative compliance plan may remain in effect for a period not to exceed five years. A diverter may renew an alternative compliance plan by resubmitting it, with or without amendment, before the plan expires. After a plan expires, the diverter shall measure and monitor in accordance with the table above.

Due to improvements to measuring and monitoring equipment, previously acceptable reasons for requesting alternative compliance may be deemed unacceptable in the future.

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### **CONTACT INFORMATION - REPORTING AND MEASUREMENT**

Please contact the Division of Water Rights of the Delta Watermaster if you have any comments or questions

Phone Number: (916) 341-5300

Email Addresses: Reporting: [ewrims@waterboards.ca.gov](mailto:ewrims@waterboards.ca.gov)

Measurement: [dwr-measurement@waterboards.ca.gov](mailto:dwr-measurement@waterboards.ca.gov)

(Add Delta Watermaster contact info)