

## Summary

# Alternative Compliance Plan for Water Right (A008986)

You completed the survey on 11/26/2018 13:23:16

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## INTRODUCTION

See [Information and Instruction Sheet](#) for assistance in completing this form. The form shall be completed by the water right owner, their agent, or for an Alternative Compliance Plan filed for a group, the designated contact. The vast majority of water right owners should be able to meet the measurement requirements. Participation in an Alternative Compliance Plan does not relieve the participant of the independent obligation to file an online annual Report of Water Diversion and Use.

All sections of the form below must be completed. An incomplete form does not excuse non-compliance with the regulation or release you from the obligation to measure. The Alternative Compliance Plan may not be used to avoid measurement and monitoring, but should be used to describe an alternative method of measurement and monitoring which will provide the information required by the Regulation. Estimated diversion records may not meet the Regulation's accuracy requirements without supporting documentation.

Note: The large text boxes in the form have a character limit of 2,000 characters. Responses requiring more than 2,000 characters for a particular text box should be submitted as an attachment in Section I of this form. Additional information should be attached in Section I.

## SECTION A - WATER RIGHT OWNER INFORMATION

This section of the form describes the information that is required for each water right or claimed right covered under the Alternative Compliance Plan.

In Section I, attach a table (in Microsoft Excel .xlsx, comma-separated .csv, or tab-separated .txt format) containing the Application or Statement Number for each water right covered under the Alternative Compliance Plan. For your water right, answer the questions below.

(1) Owner Name(s) \*

Browns Valley Irrigation

(2) Email Address \*

[REDACTED]

(3) Phone Number \*

[REDACTED]

(4) Mailing Address Line 1 \*

[REDACTED]

(5) Mailing Address Line 2:

[REDACTED]

(6) City \*

Browns Valley

(7) State \*

CA

(8) Zip Code \*

95918



(9) Is the Water Right Owner also the Primary Contact? \*

☐ Yes

☒ No



On questions 10 through 13, please tell us what you understand the requirements of the regulation to be for this water right to be.

(9) Installation Deadline \*

☒ January 1, 2017

- ☐ July 1, 2017
- ☐ January 1, 2018

**(10) Measurement Accuracy \***

- ☒ 10%
- ☐ 15%
- ☐ Other, as specified in the Alternative Compliance Plan (if submitted)

**(11) Required Monitoring Frequency \***

- ☒ Hourly
- ☐ Daily
- ☐ Weekly
- ☐ Monthly

**(12) Qualifications of the Individual Installing/Certifying \***

- ☒ A California Licensed Professional Engineer (PE), a person working under the supervision of a California PE, a California-licensed contractor authorized by the State License Board for C- 57 well drilling or C- 61 Limited Specialty/D-21 Machinery and Pumps, or a Hydrologist or Engineer employed by a Federal Agency
- ☐ A person trained and experienced in water measurement (for diversions of less than 100 acre-feet per year - no specific training is required; the person using any equipment and reporting the information must know how to use the equipment and submit correct information)

## SECTION B - INFORMATION ON PRIMARY CONTACT

This section of the form includes the contact information for the primary contact associated with the Alternative Compliance Plan.

**(1) Name(s): \***

MBK Engineers

**(2) Phone Number: \***

[REDACTED]

**(3) Email Address: \***

[REDACTED]

**(4) Mailing Address Line 1: \***

[REDACTED]

**(5) Mailing Address Line 2:**

**(6) City: \***

Sacramento

**(7) State: \***

California

**(8) Zip Code: \***

95825

**(8) The Alternative Compliance Plan Primary Contact is a(n): \***

- ☐ Water Right Owner
- ☐ Agent

## SECTION C - INFORMATION ON QUALIFIED INDIVIDUAL

This section of the form includes the contact information for the Qualified Individual certifying the Alternative Compliance Plan.

(1) Name(s): *	<input type="text" value="Anne Williams"/>
(2) Phone Number: *	<input type="text" value="REDACTED"/>
(3) Email Address: *	<input type="text" value="REDACTED"/>
(4) Mailing Address Line 1: *	<input type="text" value="REDACTED"/>
(5) Mailing Address Line 2:	<input type="text"/>
(6) City: *	<input type="text" value="Sacramento"/>
(7) State: *	<input type="text" value="California"/>
(8) Zip Code: *	<input type="text" value="95825"/>
(9) The qualifications of the individual certifying the Alternative Compliance Plan are: *	<div><p><input checked="" type="radio"/> California Licensed Professional Engineer (PE)</p><p><input type="radio"/> Person working under the supervision of a California Professional Engineer</p><p><input type="radio"/> California-licensed contractor authorized by the State License Board for C- 57 well drilling or C-61 Limited Specialty/D-21 Machinery and Pumps</p><p><input type="radio"/> Hydrologist or Engineer employed by a Federal Agency</p><p><input type="radio"/> Person trained and experienced in water measurement (for diversions of less than 100 acre-feet per year - no specific training is required; the person using any equipment and reporting the information must know how to use the equipment and submit correct information)</p></div>
(10) Qualifying Individual's PE or Contractor license number, if applicable:	<input type="text" value="86905"/>

## SECTION D - REQUEST FOR ALTERNATIVE COMPLIANCE

Water right holders who divert more than 10 acre-feet of water per year are 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. The measurement requirements are summarized on the [Reporting and Measurement Webpage](#).

**For each box checked in questions 1a through 3 below, submit a detailed explanation and attach substantiating documentation.**

**(1a) Diverter is seeking alternative compliance from the requirement(s) checked below. \***

- ☒ Measuring Device Location
- ☒ Required Accuracy
- ☒ Certification of Accuracy
- ☐ Installation and Maintenance
- ☒ Monitoring Frequency
- ☐ Telemetry
- ☐ Other (describe in Section 1b)

**(1b) Provide additional information for each of the reasons selected in question 1a: \***

Due to the comingled sources of water at the point of diversion direct measurement of the water diverted under License 2182 is not possible. Therefore, strict compliance with these requirements is not possible. During the authorized season of diversion, Tennessee Creek typically conveys little natural flow except during the spring and early summer months. The majority of the water at the point of diversion originates from deliveries by BVD from Dry Creek and Collins Lake. Water diverted from Dry Creek and stored water deliveries from Collins Lake are measured by the District just downstream of Virginia Ranch Dam at its Main Canal weir. Downstream of the Main Canal weir are the delivery points to multiple conveyance systems within BVD, including the Tennessee Ditch/Tennessee Creek conveyance system. The District measures the quantities of water delivered to the Tennessee Ditch from its Main Canal using rated weirs, Parshall flumes, and staff gages. The District measures quantities of water diverted at the point of diversion using Parshall Flumes and staff gages. Readings of the staff gages and associated flows are typically made and recorded daily and/or when changes in deliveries are made. The District monitors natural flow in Tennessee Creek upstream of the confluence with the Tennessee Ditch on a weekly basis. The quantities diverted under License 2182 from Tennessee Creek are determined as the lesser of; 1) the difference between the amount delivered to Tennessee Ditch at its head and the amount diverted at the point of diversion (including adjustments for customer deliveries from the system in between these two locations); and 2) estimates of natural flow in Tennessee Creek upstream of its confluence with Tennessee Ditch. The face value of License 2182 represents less than 2% of the combined face value of all of the District's water rights for consumptive uses. During 2017, one of the wettest years on record, the District estimates that 99.8% of surface water deliveries originated from its Dry Creek and Yuba River sources. Only 0.2% (approximately 155 acre feet) was determined to originate from Tennessee Creek. Therefore, the District has determined that strict compliance with the requirements of the Measurement Regulation is not feasible.

(5000 character max.)

?

**(2a) Alternative compliance is being pursued because strict compliance with one or more of the requirements for measuring and monitoring (check all that apply): \***

- ☒ Is not feasible.
- ☐ Would unreasonably affect public trust resources.\*
- ☐ Is unreasonably expensive.\*\*
- ☐ Would result in the waste or unreasonable use of water.

\* Including fish, wildlife, recreation, navigation, and aesthetic values.

\*\* Plans claiming that strict compliance is unreasonably expensive shall be accompanied by an attached supporting cost analysis. The cost analysis should compare the cost of the proposed alternate measuring devices to the cost of the measurement devices required by the Regulation. All Plans shall include a budget and shall identify sources of financing. The budget should provide sufficient detail to show the cost of the proposed alternate measuring devices, the cost of obtaining any necessary permits, and the cost of installation.

**(2b) Provide additional information for each justification selected in question 2a: \***

See Section D (1B) above.

(5000 character max.)

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**(3a) Alternative compliance is requested under the following categories (check all that apply): \***

- ☐ Highly variable flow rate at point of diversion.
- ☐ Point of diversion is inaccessible a portion of the year due to weather or other on-site conditions.
- ☐ Point of diversion is under tidal influence
- ☒ There is an existing measuring device or measurement method in use.

- ☐ Water is corrosive to measurement equipment.
- ☐ The diversion is measured by another entity (identify entity and method of measurement used).
- ☐ Other (provide complete description in section 3b)

**(3b) Provide additional information for each of the categories selected in question 3a: \***

The District is currently utilizing this alternative measurement methodology. See Section D (1b) above.

(5000 character max.)



**(4) Alternative Compliance Plans shall include alternative, objective measurement and performance standards that achieve the closest attainable compliance. Describe the measurement or alternative to measurement that will be used at each point of diversion in the plan to achieve closest attainable compliance. \***

See Section D (1b) above.

(5000 character max.)

## SECTION E - AREA COVERED BY THE ALTERNATIVE COMPLIANCE PLAN

Summarize the following for each water right covered by the Alternative Compliance Plan. In Section I, attach maps, aerial photographs, or other renderings showing the area covered by the Alternative Compliance Plan and delineating the acreage of each place of use served. For the area covered by the Alternative Compliance Plan, include a list of assessor's parcel numbers and the current owner of each parcel.

**(1) Provide a general description of the area covered by the Alternative Compliance Plan. \***

The area covered by this Plan is the place of use under License 2182. See Attachment 1.

(5000 character max.)

**(2) Describe all diversion and conveyance works covered by the Alternative Compliance Plan. \***

See "Introduction" above and Attachment 2 identifying BMD conveyance facilities. The point of diversion under License 2182 is identified in Attachment 1.

(5000 character max.)

**(3) Describe the type(s) of Beneficial Use(s). \***

The license authorizes irrigation and domestic purposes. At this time, BMD is diverting water under License 2182 for irrigation purposes only.

(5000 character max.)

**(4) Have you attached a list of assessor's parcel numbers and the current owner of each parcel covered by the Alternative Compliance Plan? (Attachments may be made under Section I of this form.) \***

☒ Yes | ☐ No

## SECTION F - MEASUREMENT AND MONITORING

**(1) For each Point of Diversion listed in the Alternative Compliance Plan, describe how the water is measured. \***

See D (1b) above.

(5000 character max.)

**(2) Identify the measurement accuracy associated with the measurement devices. \***

The Parshall flumes and rectangular weirs used to implement this Plan are capable of having an accuracy of about  $\pm 5\%$ . The accuracy of the measurement associated with this ACP will be estimated once discharge measurements are made to check the ratings of the structures.

(5000 character max.)

**(3) Describe how the accuracy of the Alternative Compliance Plan was calculated. \***

Properly constructed and maintained rated Parshall Flumes under free flow conditions can achieve an accuracy of 3-5% and are expected to be accurate to within  $\pm 5\%$ . (USBR Water Measurement Manual Chapter 8 Section 10) Properly rated and maintained rectangular weirs are also known to provide accurate measurement of discharge, capable of achieving an accuracy of 1% and expected to be accurate within  $\pm 5\%$ . (USBR Water Management Planner Chapter 10 Section 4) Discharge measurements will be made to check the ratings of the weirs and Parshall Flumes used for this ACP. Based on these discharge measurements, the accuracy of the weirs, Parshall flumes, and overall ACP will be updated. Although the ACP proposes to record measurements on a daily basis and when changes are made to the structures controlling the flows, it is the District's experience that there is little fluctuation in the flow except when changes to diversions or deliveries are made. Therefore, we do not expect additional inaccuracies due to the recording frequency to the overall accuracy associated with this ACP.

(5000 character max.)

## SECTION G - IMPLEMENTATION SCHEDULE (IF NECESSARY)

**(1) If applicable, describe the implementation schedule for the Alternative Compliance Plan, including objective milestones from date of filing through final implementation. Milestones should include date of completion for construction and testing, expected dates of issuance of required permits, and expected date for compliance with the California Environmental Quality Act:**

See Section D (1b) above. The District is currently utilizing this approach. The District annually includes in their budget monies for MBK plan implementation, and water use data review and reporting. Plan implementation will include conducting discharge measurements to verify ratings and periodic checks of the weirs and Parshall Flumes used in this ACP.

(5000 character max.)

**An Alternative Compliance Plan shall be submitted and implemented by the established regulatory deadlines (see form instructions for additional information) unless a Request for Additional Time has been granted.**

## SECTION H - OTHER PERMITS

**(1) Describe any other permits required to implement the Alternative Compliance Plan. Include information on the agency that will issue the permit, and the expected date of issuance.**

Not applicable.

(5000 character max.)

## SECTION I - ATTACHMENTS



**(1) Attach documents that support the Alternative Compliance Plan.**

Choose File No file selected

Upload

(Uploaded files:)

[POU Map for App 8986.pdf](#)  
[BVID Conveyance System Map.pdf](#)  
[Attachment 3.pdf](#)  
[FINAL SIGNED BVID A008986 ACP 2018-11-26.pdf](#)

0%

**(2) Provide a brief description of the attached documents.**

Attachment 1 – License 2182 Place of Use Map Attachment 2 – BVD Conveyance System Map  
Attachment 3 – Assessor's Parcel Numbers (APNs) and Landowner Information for Each Parcel  
Covered Under the Plan

(5000 character max.)

## SECTION J - IMPORTANT INFORMATION AND SIGNATURES

Each participant in an Alternative Compliance Plan (Plan) must sign this form or an "opt-in" form that must be retained by the Plan manager. Attach a listing of participants, as needed, in Microsoft Excel .xlsx, comma-separated .csv, or tab-separated .txt format. By signing this form or the Plan's "opt-in" form, each Plan participant acknowledges that the Plan will be timely implemented and that the measurement of diversions will substantially comply with the Measurement Regulation. Further, each Plan participant acknowledges that the water rights covered by the Plan will not be exercised outside the scope of the Plan. Each Plan participant is responsible for promptly informing the Division of Water Rights or Delta Watermaster, as appropriate, if the participant withdraws from the Plan. The Plan manager is responsible for promptly informing the Division of Water Rights or the Delta Watermaster, as appropriate, if the Plan is modified or abandoned or if the Implementation Schedule is adjusted.

**I hereby certify that the information in  
this Alternative Compliance Plan is true  
to the best of my knowledge and belief  
and that the Alternative Compliance Plan  
is in compliance with the requirements of  
Title 23, Division 3, Chapter 2.8, Section  
931 through 938 of the California Code of  
Regulations. \***

☒ Yes | ☐ No

**Printed Name \***

Anne Williams

Division of Water Rights and Delta Watermaster staff may or may not evaluate the contents of an Alternative Compliance Plan at the time of receipt. Staff will initially determine if all the information has been filled out, and accept the Alternative Compliance Plan as complete or return it as incomplete. An Alternative Compliance Plan may be reviewed for compliance purposes at any time or as part of a systematic audit.