

Summary

Alternative Compliance Plan for Water Right (A016306)

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[Return to Dashboard](#)

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) *

Showcase Ranches CSI

(2) Email Address *

[REDACTED]

(3) Phone Number *

[REDACTED]

(4) Mailing Address Line 1 *

[REDACTED]

(5) Mailing Address Line 2:

(6) City *

Mount Aukum

(7) State *

CA

(8) Zip Code *

95656

(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): *

(2) Phone Number: *

(3) Email Address: *

(4) Mailing Address Line 1: *

(5) Mailing Address Line 2:

(6) City: *

(7) State: *

(8) Zip Code: *

(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="Lee Hodge"/>
(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="Mount Aukum"/>
(7) State: *	<input type="text" value="CA"/>
(8) Zip Code: *	<input type="text" value="95656"/>
(9) The qualifications of the individual certifying the Alternative Compliance Plan are: *	<div><p><input 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 checked="" 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"/>

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: *

First, the water right for this license needs to be corrected. The license states that there is a direct diversion rate of 0.050 cubic feet per second. Consumptive diversion from this reservoir has been prohibited since the 1970s when the license was transferred from a private ranch to an HOA. This has been a purely recreational pond used for fishing for the last 40+ years. There is no consumptive use; the only loss of water from this pond is evaporation. Secondly, I believe that this water right should be exempt from diversion measurement. The method for measuring diversion in the past has been the change in height measured on a staff gauge times the nominal area of the pond, 2.2 acres. This is a 2.2 acre pond with a holding capacity of 14.3 ac-ft. The staff gauge water level measurement has never shown more than a two foot drop in the level during the dry season. This means that the total diversion has certainly never reached anywhere close to 10 ac-ft. There would be practically no pond left if it did. Thirdly, this pond was originally a stock pond on a private ranch. There is no documentation of construction parameters. There is no record of a capacity curve ever being produced. If accurate diversion measurement is required, it would be extremely expensive and the result would be to only slightly improve accuracy. Given the small amount of water diverted, this expense is exorbitant for minimal effect on the goal of accurate measurement of California's water resources.

(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: *

First, alternative compliance is being pursued because diversion measurement for this 14.3 acre-ft pond should not even be required. Second, if compliance is required, the error in the existing measurement using the nominal area of the pond instead of a capacity curve is inconsequential given the size of this pond. The cost of the present measurement is zero. The staff gauge is in place and is presently read by volunteer (local resident) labor. No permits were required and installation cost was zero. Thirdly, the annual Special Tax income for Showcase Ranches CSD is \$17,750. This sum is already inadequate for maintenance of roads and payment of DSOD fees for the larger lake in the District (>\$6000 and increasing annually). Verbal estimates for a capacity curve determination exceed \$10,000, which is untenable.

(5000 character max.)

(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: *

Presently, diversion is approximated by the depth change on a staff gauge multiplied by the nominal area of the pond. The error in the existing measurement using the nominal area of the pond instead of a capacity curve is inconsequential given the size of this pond (14.3 ac-ft).

(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 used at each point of diversion in the plan to achieve closest attainable compliance. *

The diversion measurement is located near the entry of Spanish Creek into the pond. It consists of a staff gauge with two inch intervals. Measurement accuracy is no worse than 1 inch. Presently the nominal area of the pond times the change in depth is used to calculate the diversion instead of a capacity curve. The error in the existing measurement using the nominal area of the pond instead of a capacity curve is inconsequential given the size of this pond (14.3 ac-ft).

(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. *

Spanish Creek Lake is located in Showcase Ranches Community Services District in Somerset, CA 95684. A satellite image of the lake and surroundings is attached. A satellite image of the lake with adjacent parcel numbers overlayed is also attached. The parcel numbers bordering the lake are: 09418032: John Charles and Connie Lee Kingsbury 09418016: George Walter Yount 09418015: Pricilla J Cortez

(5000 character max.)

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

Water enters Spanish Lake during the fall/winter season when Spanish Creek runs. Water is diverted by a small riprap dam at the east end of the lake. When the water level reaches the top of the dam it overflows and runs downstream until the dry season.

(5000 character max.)

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

Spanish Creek Lake has no consumptive diversions. The lake fills in the fall/winter when Spanish Creek runs and loses water by evaporation during the dry season. The lake is used solely for recreation, fishing, in particular. Although the lake is situated on private property owned by several parcels, the water rights are owned by the Showcase Ranches Community Services District and all residents of the District have access to the lake by easement.

(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. *

There is only one point of entry from Spanish Creek at the east side of the lake. There is only one point of diversion, the riprap dam at the west end of the lake. A staff gauge is located near the entry point of Spanish Creek because the flow at the dam during overflow is too fast for stability. Monthly the depth of the lake is read from the staff gauge and recorded. The nominal area of the lake is 2.2 acres. The monthly diversion is calculated by multiplying the change in depth in feet by 2.2 acres to give the monthly diversion in acre-feet.

(5000 character max.)

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

The staff gauge has increments every two inches. The monthly change in depth can be easily estimated within an inch. Using the nominal area instead of a capacity curve results in a loss of accuracy. Although this alternative method has a larger error, it is reproducible from month to month and year to year. Also, since the annual diversion for Spanish Lake is much less than 10 acre-feet, the error is a very small quantity of water.

(5000 character max.)

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

The change in the depth of Spanish Lake is typically about two feet. If the error in the staff gauge measurement is less than one inch then the error in the depth measurement is less than about 4%. The error due to the use of the nominal area is difficult to estimate, but we do have data from Aukum View Lake which can be analyzed by both the capacity curve and the nominal area methods. The 2017 measurements for Aukum View for the total year are compared below: Capacity curve: 2.7" change in depth corresponds to a 36 ac-ft diversion measured using the capacity curve. Alternate Method: 2.7" change in depth times 12.6 acres (nominal area) = 33 ac-ft. The difference is about 9%. Of course this is a different lake, but it shows that the error between the two methods may be acceptable. In any case the 14% error would be very small for the 14.3 ac-ft Spanish lake.

(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:

The Alternative Compliance Plan is already implemented. The staff gauge has been in place since early 2016 and monthly measurements were taken in 2017. The monthly diversion quantities have been calculated using the nominal area method.

(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.

No permits were required for the installation of the staff gauge in the lake with water rights owned by Showcase Ranches CSD.

(5000 character max.)

SECTION I - ATTACHMENTS



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

Choose File

No file selected

Upload

(Uploaded files:)

[Spanish Lake Aerial View.jpg](#)

[Spanish Lake Parcels.jpg](#)

0%

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

The Spanish Lake Aerial View shows the location of Spanish Lake in Showcase Ranches in Somerset Ca, 95684. The Spanish Lake Parcels aerial view shows Spanish Lake with the parcel numbers bordering the lake and the names of the present owners: 09418032: John Charles and Connie Lee Kinsbury 09418016: Gerorge Walter Yount 09418015: Pricilla J. Cortez

(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 *

Lee Hodge

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.