

## Summary

# Alternative Compliance Plan for Water Right (A018195)

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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) \*

Country Sunshine Cattle

(2) Email Address \*

[REDACTED]

(3) Phone Number \*

[REDACTED]

(4) Mailing Address Line 1 \*

[REDACTED]

(5) Mailing Address Line 2:

(6) City \*

Redding

(7) State \*

CA

(8) Zip Code \*

96001



(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 less than 100 acre-feet per year)

## 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
- ☐ Designated Contact

## 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="Arnold Sargent"/>
(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="Redding"/>
(7) State: *	<input type="text" value="CA"/>
(8) Zip Code: *	<input type="text" value="96001"/>
(9) The qualifications of the individual certifying the Alternative Compliance Plan are: *	<div><div><input type="radio"/> California Licensed Professional Engineer (PE)</div><div><input type="radio"/> Person working under the supervision of a California Professional Engineer</div><div><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</div><div><input type="radio"/> Hydrologist or Engineer employed by a Federal Agency</div><div><input checked="" type="radio"/> Person trained and experienced in water measurement (for diversions of less than 100 acre-feet per year)</div></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: \*

The proposed alternative compliance for the water diversion from Olney Creek is to seal the diversion portals to the diversion ditch for an indefinite period until such time that compliance is cost-effectively achievable or undertaken by new ownership.

(5000 character max.)

2

**(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: \***

Feasibility is adversely impacted by the remoteness of the location which cannot be accessed by road. The only legal access is by the diversion ditch, which crosses through rough terrain that is overgrown with vegetation, including patches of blackberry bushes. Compliance will require far more than just a meter. Since the location is remote, but accessible to the public the risk of vandalism or theft is a major concern and would require construction of a sealed containment system for a flow meter. Construction materials would include a 7-foot section of PVC pipe, several hundred pounds of redi-mix concrete, concrete cinder blocks and two 6-foot lengths of 1/4 inch steel plates, each approximately 24 inches wide. Debris screens and shut-off valves would also be needed to protect the flow meter, if installed. Even if an easement were purchased to shorten the access distance, materials would still have to be hand-carried several hundred yards down steep terrain through dense vegetation to the site of the diversion dam. The point is that the project would be labor-intensive. Purchasing an easement is, just by itself, cost-prohibitive. The other component, is the cost-benefit element. Historically, we have conducted diversions only to maintain the water right to do so. Most years, including those during the recent drought, have not necessitated diversions. Reese Reservoir (Application No: A018195) is replenished to maximum capacity by just sheet flow. Accordingly, there is no cost-benefit to installing a meter along with a containment structure to measure zero flow every day of almost every year. As to estimated costs, for compliance at the reservoir itself, we have paid out \$7,500, most of that cost consisting of labor for the installation of the meters and containment system. In this particular case, the work site was directly accessible by road. To come into strict regulatory compliance at the Olney Creek Diversion site will likely cost between 2 to 3 times as much and most of that cost will be labor-related and such cost will easily be at least between \$15,000 to \$20,000.

(5000 character max.)

3

**(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: \***

In short, the proposed alternative work plan is provide seals on the diversion portals to prevent water from entering into the diversion ditch. In fact, last month I personally closed the ditch and opened a by-pass route for water coming through the portals back into Olney Creek. But since there are indications of mining activity in the area and evidence of tampering with the water diversion by unknown third parties, this proposal includes that of sealing both the upgradient and

downgradient exterior of each of the two diversion portals. I have obtained 4 14" x 22", 1-inch thick steel plates to seal the portals. The actual space in the portals between the steel plates will be filled with adhesive foam.

(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. \***

Since the proposal detailed in the narrative for (3b), is to achieve zero flow from the diversion dam, this proposal would eliminate the necessity of installing a meter ... at least until such time as it becomes either cost-effective to do so or as may be pursued by a future owner.

(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 the Alternative Compliance Plan is specific to the Olney Creek point of diversion, consisting of the diversion dam portals. It is located approximately 1/4 mile upstream and west of Swasey Drive in the Community of Centerville in Shasta County. Swasey Drive historically was known as the Old Stagecoach Road.

(5000 character max.)

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

The Alternative Compliance Plan only addresses the Olney Creek diversion dam. The water right and property impacted by this plan is owned by Country Sunshine Cattle, LLC and consists primarily of the land within APN: 208-120-001. I do not know the APN for the land surrounding the diversion dam.

(5000 character max.)

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

No water gets diverted from the public domain.

(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. \***

Not applicable.

(5000 character max.)

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

Not applicable.

(5000 character max.)

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

Not applicable.

(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:**

Installation of the steel plates would be completed by October 1, 2017. Since Olney Creek is a seasonal stream, installation is more readily achievable in dry weather, when there is no stream flow.

(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 are necessary to implement this proposed Alternative Compliance Plan.

(5000 character max.)

## SECTION I - ATTACHMENTS



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

Choose File

No file selected

Upload

(Uploaded files:)

[Reese\(002\)5-10-17.pdf.pdf](#)

[Olney Creek Diversion Dam.jpg](#)

[Olney Creek Diversion Looking Upstream.jpg](#)

[yCatCo\\_OlneyDivMeasDevAndScreen\\_ProjectProposal\\_20170712.pdf](#)

0%

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

1, Reese(002) is a blueprint schematic of Reese Reservoir. In the upper right corner of the schematic is a location map showing the relative location of the reservoir and the diversion dam on Olney Creek. 2. Digital photo of the diversion dam on Olney Creek. 3. Digital photo (facing west and upstream) shows the diversion portals in the dam. 4. Preliminary cost estimate for Olney Creek Diversion compliance.

(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 \***

Arnold Sargent

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.