

Summary

Alternative Compliance Plan for Water Right (A021382B)

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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) *

Jim Noble

(2) Email Address *

[REDACTED]

(3) Phone Number *

[REDACTED]

(4) Mailing Address Line 1 *

[REDACTED]

(5) Mailing Address Line 2:

(6) City *

Kentfield

(7) State *

California

(8) Zip Code *

94904

(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="Jim Noble"/>
(2) Phone Number: *	<input type="text" value=""/>
(3) Email Address: *	<input type="text" value=""/>
(4) Mailing Address Line 1: *	<input type="text" value=""/>
(5) Mailing Address Line 2:	<input type="text" value=""/>
(6) City: *	<input type="text" value="Kentfield"/>
(7) State: *	<input type="text" value="California"/>
(8) Zip Code: *	<input type="text" value="94904"/>
(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" value=""/>

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: *

These stock pond water rights are part of the Noble cattle ranch. The total water right for the ranch is less than 60 acre-feet (AF) divided between 7 licensed ponds. No pond has the ability to store more than its water right. The Application and certificate numbers are A021381- 3.0 AC-FT (2 ponds); A021231B-17.0 AC-FT (2 Ponds);A021382B-35.3 AC-FT (3 ponds). These volumes above are from the state and appear to be high, especially A021382B, based on visual and GIS mapping. The ranch is winter dry-land pasture in the late fall, winter and early spring. The ponds all fill by sheet flow only, have no gated outlets, and water spills only by earthen ditches (spillways). No human action is required to fill, manage or empty these ponds. The ponds have been constructed over 60 years ago and provide water for cattle and wildlife, fire protection. These ponds are all difficult to access in the rainy season when they fill, roads are not all weather, over dry grass in summer and fall, which is high fire season.

(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: *

Monitoring these ponds will not only disturb wild and fish life, it would result waste and unreasonable use of water if a fire where to break out in the attempt to monitor these ponds during the summer and fall. Accessing these ponds in the wet season would also cause undue erosion and siltation. Equipment to monitor ponds would be prohibitive, solar panels, flow meters, water level meters and all electronic equipment (loggers). This equipment would be at risk to the elements, fire, theft and vandalism. Installation of such equipment could easily cost in the thousands of dollars, not including labor to monitor and maintain for ponds that have less than 10 acre feet storage capacity.

(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: *

This Alternative Compliance Statement is for 3 water rights on the Noble ranch. These rights are for 7 small stock ponds of less than 1.3 acres each. The total storage capacity combined is less than 70 AC-FT and less 10 AC-FT for each pond. Ponds are difficult to access across land that has high fire danger in summer and fall and would create un-due erosion and siltation during the wet season. No pond has storage more than its water right. Flows into and out these ponds is highly variable, due to high short duration rainfall events, low rainfall and seepage, making required monthly monitoring problematic and of doubtful use. These ponds are over 60 years old. Monitoring these ponds would reduce these ponds use by wildlife, result in wasted water in the event of wildfire and cause un-due erosion during installation of equipment (spillway excavation) and during access for monitoring and maintenance. Equipment costs are prohibitive, thousands of dollars in order to measure less than 70 AC_FT of storage thus making it un-reasonable and non-feasible.

(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. *

Since these ponds (7) appear to store less than 70 AC-FT of water, less than 10 AC-ft apiece and are less than 1.3 acres in area, they should fall out of the compliance regulations. These water rights are for small stock ponds and no irrigation acreage. The ponds are difficult to access in wet season and problematic in fire season. They provide wildlife habitat, siltation traps and slow down run-off into near by creeks.

(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. *

These stock pond water rights are part of the Noble family ranch. The total storage of the 7 ponds is less than 70 acre ft, largest pond surface area is approx 1.3 acres. thus falling out of compliance regulation. In any case no pond has more storage than its water right. The application identification numbers are (1) A021382B License No. 009024B for 3 ponds, total storage (state) 35.3 AC_FT ; (2) A021231B, license No. 009023B for 2 ponds, total storage (state) 17.0 AC_FT; A021381, license No. 009013 for 2 ponds, total storage (state) 3.0 AC_FT. The ponds are filled by sheet flow fun off, spillways have no gated outlets, water spills thru earthen ditches(spillways). No human action is needed to fill, manage or empty these ponds. Based on approx. volume calculations monitoring does not appear to be required. See California State Water resources Control Board's website eWRIMS GIS for Application ID info.

(5000 character max.)

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

Currently there are no diversions besides the existing levees and associated spillways, ponds are filled with sheet flow, there are no gated outlets. Total water storage for all seven ponds is less than 70 AC-FT, as stated earlier no ponds surface area is greater than 1.3 acres, based on GIS mapping from approx bottom of spill way elevations around each pond in contour. As stated above it is believed that all these ponds fall out of compliance regulations (beside yearly) due to having a capacities of less than 10 AC-FT. See California Water Resources Control Board's website, eWRIMS GIS for the above Application ID's info.

(5000 character max.)

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

1) Fire protection 2) Wildlife habitat and protection 3) act as silt catchment basins 4) slow runoff into near by creeks 5) act as groundwater infiltration basins 6) Stock water

(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. *

Stock pond levels are measured by visually estimating capacity when accessible and safe, per yearly recording requirements.

(5000 character max.)

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

The accuracy is not known,

(5000 character max.)

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

Unknown. AS stated, according to CSWRCB web site (eWRIMS GIS), the stock pond capacities under these licences are not greater than 10 AC-FT.

(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:

No milestones or implementation schedule

(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.

None

(5000 character max.)

SECTION I - ATTACHMENTS



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

Choose File

No file selected

Upload

(Uploaded files:)

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

Assessor's Parcel Numbers. 003-070-005-000, 003-110-002-000, 003-110-003-000, 003-110-013-000, 003-110-016-000 003-110-030-000, 003-110-032-000, 003-120-008-000, 003-150-002-000, 003-150-003-000 003-150-005-000, 003-150-007-000, 003-150-009-000, 003-160-022-000, 003-160-024-000

(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 *

Jim Noble

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.