

Summary

Alternative Compliance Plan for Water Right (A024483)

You completed the survey on 10/25/2018 15:55:03

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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) *

US SAN BERNARDINO N

(2) Email Address *

[REDACTED]

(3) Phone Number *

[REDACTED]

(4) Mailing Address Line 1 *

[REDACTED]

(5) Mailing Address Line 2:

(6) City *

San Bernardino

(7) State *

CA

(8) Zip Code *

92373



(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="Bill Wells"/>
(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="San Bernardino"/>
(7) State: *	<input type="text" value="CA"/>
(8) Zip Code: *	<input type="text" value="92373"/>
(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 checked="" 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"/>

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 existing diversion consists of a small, one inch diameter galvanized pipe exiting from the spring approximately 100 feet into a small, naturally formed ephemeral channel. Due to below freezing temperatures and low to non-existent flow, the outlet freezes during the winter making installation and maintenance of a measurement device inefficient and unreliable. Current methodology for measuring flow (when the site is accessible) is using the volumetric method. Using a graduated Nalgene bottle or similar and stop watch provides a volume in milliliters per second. Determining the volume within 15% accuracy is difficult and cannot be readily verified. As previously mentioned, this site is not accessible during the winter season and when accessible, it requires the use of a high-clearance four wheel drive vehicle on National Forest roads that are not regularly maintained. The use of telemetry is not practical due to a lack of power at the site and because the area does appear to get some public use, the use of a solar panel is most likely not appropriate due to the possibility of theft or damage.

(5000 character max.)

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(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: *

Access to the site requires the use of a high-clearance four wheel drive vehicle on National Forest roads that are not regularly maintained. Between May 2017 and July 2018, the spring has not produced more than 0.66 acre-feet per year and the storage (stock pond) has not held any water in many years (20+). There is no access to the site during winter due to road and snow conditions. In addition, due to the low or non-existent flow from the pipe the outlet is frozen over. Each weekly measuring and monitoring trip costs approximately \$315 in labor (5 hours) and vehicle (130 miles) costs totaling \$16,380 per year.

(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: *

Access to the site requires the use of a high clearance, four wheel drive vehicle travelling over National Forest roads that are not regularly maintained. In addition, due to the location (and elevation) of the spring in the San Bernardino Mountains the only measuring and monitoring site is inaccessible during the winter due to poor weather and an inaccessible route.

(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. *

There is no recent evidence of any surface expression of the spring at its source. At the outlet of the galvanized pipe protruding from the spring, the water if flowing simply flows or drips into an existing, small natural channel and may run down the channel for approximately 15 to 25 feet before infiltrating into the soil. The implementation and maintenance of measuring devices and telemetry were considered, but not pursued due to cost of ownership (initial purchase, installation, maintenance, replacement, theft, and damage) and inaccessible conditions (weather and travel route).

(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 spring and unnamed stock pond or unnamed reservoir are located in the San Bernardino National Forest at an elevation of approximately 6,800 feet with a north aspect and are north of the community of Big Bear City. The spring (and reservoir) are located in the Big Bear City quadrangle map (T 3N, R 1E, Section 22 and 23).

(5000 character max.)

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

A single, one-inch galvanized pipe protruding approximately 100 feet from the source of the spring. A stock pond or unnamed reservoir that is no longer connected to the spring and has not held water for several years (20+). In addition, there is no cattle grazing allowed in this area.

(5000 character max.)

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

Wildlife enhancement, domestic, irrigation, and mining. Due to the low to non-existent flow and lack of maintenance, the only possible beneficial use that the water right may currently provide is wildlife enhancement as the wildlife may drink directly from the outlet of the pipe or on the ground, if flowing for only a short distance.

(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 a single point of diversion and current measurement method is volumetric. To date, a Nalgene bottle with milliliter markings every 100 mL and a stop watch. The estimated volume and time are then converted.

(5000 character max.)

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

Because several volumetric measurements are taken during each measuring and monitoring visit, the values are reported as an average. Interpretation of the volume collected is visual using 100 mL markings on the side of a Nalgene bottle.

(5000 character max.)

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

Accuracy is undetermined, but an estimate would +/- 10% assuming you fill a Nalgene bottle to 1,000 mL and the recorder can confirm the volume lies somewhere within the 100 mL markings on the side of the bottle.

(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:

Not applicable

(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:)

P1020287.JPG

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

This website would not allow me to upload *.jpg files even though that's what I was attempting to upload. I have several photos of the measuring and monitoring site, point of diversion, and surrounding area between May 2017 and July 2018 that I'd be happy to share with you. If you are

interested in reviewing these documents, please let me know when you have this section fixed or have another way to receive documents.

(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 *

William E Wells

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.