

## Summary

# Alternative Compliance Plan for Water Right (A030067)

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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) \*

Roy Kaufman, C/O Carn

(2) Email Address \*

[REDACTED]

(3) Phone Number \*

[REDACTED]

(4) Mailing Address Line 1 \*

[REDACTED]

(5) Mailing Address Line 2:

(6) City \*

Carmel

(7) State \*

CA

(8) Zip Code \*

93921



(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): \***

Jacqueline M. Zischke, E

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

[REDACTED]

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

[REDACTED]

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

[REDACTED]

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

**(6) City: \***

Salinas

**(7) State: \***

CA

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

93902

**(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="Brian Garneau, Operatic"/>
(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="Carmel"/>
(7) State: *	<input type="text" value="CA"/>
(8) Zip Code: *	<input type="text" value="93922"/>
(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: \***

This alternative compliance plan is submitted for water right Applications A030067 (Permit No. 020831) and A030068 (Permit No. 20832). Water right Applications A030067 (Permit No. 020831) and A030068 (Permit No. 20832) authorize diversions from the Carmel River (Subterranean Stream) at multiple points of diversion. The proposed alternative compliance plan meets the goals and purposes of the SWRCB's new regulations, and avoids the need to install costly flow measurement devices (and associated retrofitting of equipment) and daily monitoring at each of these four points of diversion. The devices employed by Permittee include meters on each well, which are read on a monthly basis. Devices also include smaller sized pumps, which ensure that the total diversions from these wells will not exceed the maximum authorized rates of diversion under Permit Nos. 20831 and 20832.

(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: \***

Diversions under water right (A030067)/Permit 020831 and (A030068)/Permit 20832 include multiple authorized points of diversion (these points of diversion are commonly referred to as the Field Well, the West Well, River 1 Well and River 2 Well. These four wells and several other non-jurisdictional wells are parts of the water distribution system for the Canada Woods Water Company, LLC, a privately held public utility regulated by the California Public Utilities Commission. The installation of new flow measuring devices for multiple points of diversion would not be appropriate because the alternative compliance plan will achieve the same result at a fraction of the cost. The Canada Woods Water Company LLC would need to obtain approval from the California Public Utilities Commission to recover costs for new flow measuring devices, and the California Public Utilities Commission would likely find that such costs are not necessary. The installation of new measuring devices on each of the multiple points of diversion would entail not only costly new measuring devices, but also expensive retrofitting of equipment. As explained in the Measurement Method concurrently filed herewith, in April 2016, the Canada Woods Water Company obtained approval of a water conservation and rationing plan from the California Public Utilities Commission to address water supply shortages. This Water Conservation and Rationing Plan also furthers the goals of the emergency regulations to provide for efficient management and use of water during times of shortage. As shown in prior reporting years, the Permittee has been successful in reducing domestic and irrigation water use through its conservation efforts in response to drought conditions. The Permittee has become aware of UC Extension courses offered by the SWRCB to provide updated information on alternative measurement methods under a variety of scenarios, to allow water diverters to employ measurement methods suitable for the particular circumstances faced by diverters. Permittee looks forward to attending these UC Extension courses to learn about various measurement methods that the State may consider will successfully address the purposes and goals of the emergency regulations. Although all jurisdictional wells under Water Right Applications A030067 and A030068 are not operated concurrently, the permittee will be replacing the pump on one of the irrigation wells, the Field Well. The installation of a smaller pump on the Field Well will reduce the capacity of the Field Well,

which will provide a capacity limit on the rate of diversion, which Permittee has implemented in the past by alternating use of its multiple points of diversion. The downsized pump to be installed on the Field Well will make it impossible for all jurisdictional wells running concurrently to pump at a total rate that would exceed the maximum total authorized instantaneous rate of diversion under Water Right Applications A030067 and A030068, (even though as explained above Permittee does not operate all of its wells concurrently anyway.).

(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: \***

As stated above, the current operations plan ensures that the rate of diversion from the multiple authorized points of diversion authorized under Water Right Applications A030067 (Permit 020831) and A030068 (Permit 020832) does not exceed maximum allowable rates of diversion. Under current operations, wells are used on an alternating basis. Under the proposed operations plan, a new smaller pump will be installed in the Field Well. With the smaller pump in the Field Well, the maximum pumping rate that could potentially occur even if all jurisdictional wells were pumped concurrently (which, as explained above, operationally does not occur), would be a maximum of 0.936 cfs, which still would be below the authorized maximum total instantaneous rate of diversion under Water Right Applications A030067 and A030068. The Canada Woods Water Company, LLC has adopted a conservation and rationing plan, which has been approved by the California Public Utilities Commission. No additional benefits would be derived from expending additional funds to install new flow meters for the multiple points of diversion under Water Right Applications A030067 (Permit 020831) and A030068 (Permit 020832).

(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. \***

The alternative compliance plan includes the continuation of the measurement method long employed by the Canada Woods Water Company. The Canada Woods Water Company will continue to monitor and read meters from each of the multiple points of diversion on a monthly basis (which measurement data is routinely transferred onto a spreadsheet to show the date and time of measurements) and will continue to use smaller-sized pumps on its wells (in addition to the reduced size pump on the Field Well to be installed by Permittee), which provides for adequate monitoring and measuring of rates of diversion, and ensures that total pumping by all jurisdictional wells will not exceed maximum allowable rates of diversion (even if all wells were run concurrently, which, as explained above, does not occur under CWWC's operations management anyway). The smaller pump to be installed on the Field Well will restrict its maximum pumping rate to 105 gpm. Hypothetically, if all jurisdictional wells were operated concurrently at maximum capacity, the maximum total instantaneous rate of diversion would be 0.936 cfs.

(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 water diverted under Water Right Applications A030067 (Permit 020831) and A030068 (Permit 020832) is used within the authorized place of use shown on the map on file with the State Water Resources Control Board that was received on March 2, 2001. This place of use is a portion of the Canada Woods Water Company's service area.

(5000 character max.)

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

The Alternative Compliance Plan encompasses four (4) jurisdictional points of diversion under Water Right Applications A030067 (Permit 020831) and A030068 (Permit 020832). Other wells that supply water to the Canada Woods Water Company Water Distribution System are not subject to the SWRCB's water-right jurisdiction, and are not parts of the Alternative Compliance Plan or the Measurement Method Plan filed concurrently herewith.

(5000 character max.)

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

Water is used for municipal, domestic, and irrigation purposes.

(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. \***

Diversion under each point of diversion is measured by a meter, which is routinely read on a monthly basis. The total diversions under Permits 20831 (150 AFY) and 20832 (10 AFY) do not exceed 160 AFY. Wells are operated on an alternate basis, which provides for accurate measurements that ensure that the authorized rates of diversion are not exceeded.

(5000 character max.)

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

Each well is equipped with a meter that measures the volume of water diverted to estimated 97% accuracy, and the measurement method provides for 100% accuracy in measuring rates of diversion. According to manufacturer specifications, the maximum pump capacity associated with each well is as follows, and alternate use of these wells ensures accuracy in measuring the rate of diversion does not exceed maximum allowed instantaneous rate of diversion. Field Well (with new downsized pump): 105 gpm West Well: 195 gpm River 1 Well and River 2 Well (alternating use): 120 gpm

(5000 character max.)

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

Based on manufacturer specifications, the maximum total pump capacity for all wells was calculated (0.936 cfs) to show that the maximum total pumping rate will not exceed 1 cfs. Water meters will remain on each of the four jurisdictional wells, and monitoring and reading of the meters will continue to occur on a monthly basis, providing for an estimated 97% accuracy, based on manufacturer information. Moreover, the Canada Woods Water Company Water Conservation and Rationing plan includes a staged conservation and rationing plan providing tiered conservation rates and other water use restrictions to address water supply shortages. The Canada Woods Water Company also works with the local water management district to review individual consumption data for the purpose of testing, administering, evaluating or enforcing water rationing and water waste during times of water supply shortages.

(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 potable wells will continue to be operated on an alternating schedule. The reduced sized pump for the Field Well will be installed within the next month. Permittee plans to attend the SWRCB-offered UC Extension courses and obtain SWRCB approvals in advance of proceeding on any other course of action. If the SWRCB approves the proposed alternative compliance plan, regulatory approvals would not be required. Regulatory approvals from the California Public Utilities Commission will be required for any new infrastructure and devices.

(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.**

Approval of costs for implementation of this Alternative Compliance Plan (or other regulatory directive) will be required from the California Public Utilities Commission.

(5000 character max.)

## SECTION I - ATTACHMENTS



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

Choose File

No file selected

Upload

(Uploaded files:)

0%

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

This Alternative Compliance Plan is submitted for water right Applications A030067 (Permit No. 020831) and A030068 (Permit No. 20832). These permits combined authorize a maximum instantaneous rate of diversion from the Carmel River underflow from January 1 to December 31 not to exceed 1 cfs, with total maximum diversions not to exceed 160 acre-feet annually (AFA) ( 150 AFY under Permit No. 20831 and 10 AFY under Permit No. 20832). These permits are ready for licensing for the full amount of 160 AFY. However, due to the SWRCB's backlog in processing such requests, the SWRCB has not yet issued licenses to replace these two permits. The SWRCB database also has not been updated to show the increase in total authorized annual diversions allowed these permits from 118 AFY to 160 AFY.

(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 \***

Brian Garneau, Carmel I

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.