

## Summary

# Alternative Compliance Plan for Water Right (A030574)

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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) \*

Isabel Valley Ranch Ten

(2) Email Address \*

[REDACTED]

(3) Phone Number \*

[REDACTED]

(4) Mailing Address Line 1 \*

[REDACTED]

(5) Mailing Address Line 2:

[REDACTED]

(6) City \*

San Jose

(7) State \*

CA

(8) Zip Code \*

95112

(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): \***

Billy McDonald

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

[REDACTED]

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

[REDACTED]

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

[REDACTED]

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

**(6) City: \***

Galt

**(7) State: \***

CA

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

95632

**(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="Aileen McDonald"/>
(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="Galt"/>
(7) State: *	<input type="text" value="CA"/>
(8) Zip Code: *	<input type="text" value="95632"/>
(9) The qualifications of the individual certifying the Alternative Compliance Plan are: *	<div><div><input checked="" 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 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" value="52576"/>

## 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: \*

We want to designate the individual storage ponds as places of use and base monitoring frequency on individual pond size as opposed to the total water right per reg 23CCR 931(j)(3) and in accordance with information provided us by the water board per attached email from Kathy Mrowka. Under the current regulations, 4 of the ponds under the water right need to be monitored and reported via installed measuring device. Two are 45 ac ft storage and 2 are 100-130 ac ft storage. We are asking also to monitor all 4 monthly (as opposed to the 2 weekly) due to access, expense and actual variation in storage over time (minimal). The water stored is from rainfall and runoff and primarily used as livestock and wildlife watering. Monthly (and even every other month) readings will give accurate usage data.

(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: \***

Not feasible: It is a 2 1/2 hour drive each way from our home in Galt to the ranch where these ponds are located. (Nobody lives on the property) There is also the additional drive time to get to each of these storage ponds on the 11000 ac ranch on dirt roads. If we were to monitor the 2 lakes (101 and 130 ac ft) weekly, that would be an entire day a week devoted to this task (and not devoted to other necessary work). Some times of the year the dirt roads to these ponds are not accessible and this past winter we were unable to access them for months. The variation in the level of the storage ponds is not significant to warrant weekly monitoring. Unreasonably expensive: The expense mounts up for this case in what was just explained, mileage, wear and tear on vehicles and time/labor in monitoring. On top of the cost of measurement devices (x4) and a qualified individual to install them, the monitoring alone adds up to over \$600 per day spent on the task. (210 mi X .54/mi = \$113 + 10hrs X \$50/hr = \$500)

(5000 character max.)

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**(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 past winter even monthly monitoring on at least 3 of the 4 ponds/lakes required to be monitored could not have been done. It's ranch policy to stay off the roads as much as possible during rainy months, and inadvisable to drive on the lesser used roads to some of the ponds.

(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. \***

4 ponds/lakes: 130 ac ft, 101 ac ft, 45 ac ft and 45 ac ft plan: Install staff gauges in each and monitor monthly (when weather permits) and report annually.

(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. \***

Please see attached map showing ponds/lakes under the water right.

(5000 character max.)

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

None

(5000 character max.)

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

livestock and wildlife watering fire protection recreation/fishing

(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. \***

For 2016 we used rainfall data and pond size area to estimate storage. All ponds and lakes overflowed spillways so our storage numbers erred on the high side. We are doing the same for 2017. We were unable to get around the ranch much of the first part of the year and have been trying to catch up with cattle work and storm clean up. We are targeting January 1, 2018 to have staff gauges installed in the 4 ponds/lakes >10 ac ft.

(5000 character max.)

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

accuracy <15%

(5000 character max.)

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

Staff gauge will be read to the nearest 0.1 ft. Reservoir topo map prepared by licensed engineer has 5-foot contour interval. Assuming map accuracy within half a contour (2.5ft). Possible error in volume for staff gauge reading =  $0.1' \times 2.5' \times \text{surface area}$ . So for example when Lake 2 is full the surface area is about 23 acres. Possible error in volume =  $0.1' \times 2.5' \times 23 = 5.75 \text{ ac-ft}$ . Reservoir 2 holds 101 ac-ft when full so accuracy =  $5.75/101 = \text{about } 6\%$

(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:

1/1/2018 staff gauges installed in 4 storage ponds/lakes

(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:)

[wbregs.pdf](#)

[APN17.pdf](#)

[Scan 2017-6-15 0011.pdf](#)

[Scanned Image910142.pdf](#)

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

The first is a copy of an email from the water board explaining we need to file an alternative compliance plan to get the individual ponds and lakes under the water right designated as places of use. The second attachment is a list of the APN's. The last 2 attachments are maps showing the property and storage ponds included under the water right.

(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 \***

Aileen McDonald

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.