

## Summary

# Alternative Compliance Plan for Water Right (S021204)

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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) \*

Red River Forests LLC,

(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 \*

95099-0898



(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="Shawn Pike"/>
(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="Los Molinos"/>
(7) State: *	<input type="text" value="California"/>
(8) Zip Code: *	<input type="text" value="96055"/>
(9) The qualifications of the individual certifying the Alternative Compliance Plan are: *	<div><p><input checked="" 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 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="49577"/>

## 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 text to describe Widow Valley Creek Diversions exceeds the 5,000 character limit of this box. Please refer to the attached file

"AlternativeCompliancePlan\_DescriptionOfWidowValleyCreekAndDiversions\_20171212.pdf" for the text that applies to this answer. Summary: Modoc County Superior Court Decree Number 6395, for Pit River in Big Valley, issued in 1959, describes water rights, points of diversion, places of use, purposes of use, season of use, and other aspects of water rights, including for Widow Valley Creek. Six decreed points of diversion are listed for the land along the upper creek that originally belonged to Richard & Karl Hemsted, and W. Lee Jr: Diversions 30 through 35. Diversion 30 diverts water at the west, upstream end of the valley, and Diversion 31 through 35 divert water at valley-wide dams, called the Hemstead Dams. Beneficial uses include irrigation, stockwatering, and domestic use. Widow Valley Creek has been under watermaster service, mostly from the State of California Department of Water Resources, since 1934. Since 2006, and in a few earlier years, the Big Valley Water Users Association has been the Watermaster. The Watermaster is critical to the equitable regulation and distribution of water in Big Valley because water rights are interrelated, as described in the decree. When a Watermaster has the time to adequately cover all diversions, plus answer diverters' questions, quell disagreements, assist in installing or replacing measurement devices, and other duties, then the accuracy of service can be +/- 5% to +/- 10%. Because most of the water rights are dependent on supply, and rights share priorities throughout Big Valley, water rights cannot be determined or measured independently of the other water rights. The Watermaster has to consider all diversions in determining the percentage of water rights available in a priority, then adjust individual diversions to reflect the water supply. Widow Valley Creek's diversion amount is further complicated by the inability to measure the flow in the creek before it gets to the place of use. Therefore, no point-by-point measurement methods can accurately determine the amount of water diverted, and alternative compliance is necessary. Widow Valley Creek Diversions 30 through 35 are about 7.5 miles northwest of Bieber, and about 5.5 miles west of Lookout, California, in Modoc County. Diversions 30 through 35 may divert water rights totaling up to 5.78 cubic feet per second of water in the first priority to 404.5 acres. Diversions may be combined and rotated, per explicit provision in the decree, meaning some or all of the flow may be diverted from one diversion as the landowner / lessee finds convenient. The only condition is that the Watermaster has to agree that no harm is done to other water right holders. The water rights downstream of Diversion 35 on Widow Valley Creek are in the second and third priorities. This simplifies the regulation of water somewhat; Diversions 30 through 35 will still have water rights when there is no longer second or third priority water available downstream of Diversion 35. Widow Valley Creek goes subsurface upstream of Widow Valley Creek, and gradually resurfaces as it flows into Widow Valley. See the attached maps. Diversion 30 supplies water to the greatest area, with downstream dams serving smaller areas of the valley. Since the creek is partly subsurface at Diversion 30, water becomes unavailable to divert at this point early in the season, in May or June. It is possible that flows in Widow Valley Creek could be measured in some way, perhaps driving deep sheet-pilings to force groundwater flow to the surface. Given the porous gravels in the soil upstream of Diversion 30, pilings might have to be driven for a width of 200 feet or more. Alternatively, groundwater wells could be drilled, and the surface water flow through each well measured to determine the total inflow of the creek. Both of these methods would be prohibitively expensive, and could interfere with wildlife in the area.

(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: \***

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(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: \***

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(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. \***

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## 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. \***

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

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

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can accurately determine the amount of water diverted, and alternative compliance is necessary. Widow Valley Creek Diversions 30 through 35 are about 7.5 miles northwest of Bieber, and about 5.5 miles west of Lookout, California, in Modoc County. Diversions 30 through 35 may divert water rights totaling up to 5.78 cubic feet per second of water in the first priority to 404.5 acres. Diversions may be combined and rotated, per explicit provision in the decree, meaning some or all of the flow may be diverted from one diversion as the landowner / lessee finds convenient. The only condition is that the Watermaster has to agree that no harm is done to other water right holders. The water rights downstream of Diversion 35 on Widow Valley Creek are in the second and third priorities. This simplifies the regulation of water somewhat; Diversions 30 through 35 will still have water rights when there is no longer second or third priority water available downstream of Diversion 35. Widow Valley Creek goes subsurface upstream of Widow Valley Creek, and gradually resurfaces as it flows into Widow Valley. See the attached maps. Diversion 30 supplies water to the greatest area, with downstream dams serving smaller areas of the valley. Since the creek is partly subsurface at Diversion 30, water becomes unavailable to divert at this point early in the season, in May or June. It is possible that flows in Widow Valley Creek could be measured in some way, perhaps driving deep sheet-pilings to force groundwater flow to the surface. Given the porous gravels in the soil upstream of Diversion 30, pilings might have to be driven for a width of 200 feet or more. Alternatively, groundwater wells could be drilled, and the surface water flow through each well measured to determine the total inflow of the creek. Both of these methods would be prohibitively expensive, and could interfere with wildlife in the area.

(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. \***

The text to describe Widow Valley Creek Diversions exceeds the 5,000 character limit of this box. Please refer to the attached file

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surface. Given the porous gravels in the soil upstream of Diversion 30, pilings might have to be driven for a width of 200 feet or more. Alternatively, groundwater wells could be drilled, and the surface water flow through each well measured to determine the total inflow of the creek. Both of these methods would be prohibitively expensive, and could interfere with wildlife in the area.

(5000 character max.)

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

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

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(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 text to describe Widow Valley Creek Diversions exceeds the 5,000 character limit of this box. Please refer to the attached file

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(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:)

[Big\\_Valley\\_Diversions\\_And\\_Irrigated\\_Lands\\_1955\\_rubbersheeted.pdf](#)  
[DWR Flow Measurement Procedures 20100101.pdf](#)  
[EXCERPTS\\_PitRiverDecree\\_6395\\_AndAmendmentToDecree\\_1959\\_WidowValleyCreek.pdf](#)  
[Google\\_Earth\\_Maps\\_Widow\\_Valley\\_Creek\\_20171212.pdf](#)  
[Intermountain\\_Irrigated\\_Pastures\\_and\\_Mountain\\_Meadows\\_1993\\_117593.pdf](#)  
[Photos\\_of\\_Widow\\_Valley\\_Creek\\_Features\\_20171102.pdf](#)  
[PitRiverDecree\\_6395\\_AndAmendmentToDecree\\_1959.pdf](#)  
[PQ\\_Own\\_Aerial\\_List\\_Widow\\_Valley\\_Creek.pdf](#)  
[S021204\\_Div-No-35\\_Hemstead-Dam-No-5\\_resized.pdf](#)  
[S021207\\_Div-No-30\\_Hemstead-Ditch-west-end-valley\\_resized.pdf](#)  
[S021208\\_Div-No-31\\_Hemstead-Dam-No-1\\_resized.pdf](#)  
[S021209\\_Div-No-32\\_Hemstead-Dam-No-2\\_resized.pdf](#)  
[S021210\\_Div-No-33\\_Hemstead-Dam-No-3\\_resized.pdf](#)  
[S021211\\_Div-No-34\\_Hemstead-Dam-No-4\\_resized.pdf](#)  
[Sample\\_Costs\\_To\\_Establish\\_And\\_Produce\\_Pasture\\_2008\\_pasture-ir2-008-im\\_rev2013.pdf](#)  
[AlternativeCompliancePlan\\_DescriptionOfWidowValleyCreekAndDiversions\\_20171212.pdf](#)

0%

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

AlternativeCompliancePlan\_DescriptionOfWidowValleyCreekAndDiversions\_20171212.pdf - The text to describe Widow Valley Creek Diversions exceeds the 5,000 character limit of the answer boxes. This file provides the full text.

Big\_Valley\_Diversions\_And\_Irrigated\_Lands\_1955\_rubbersheeted.pdf – State Water Rights Board Map prepared from surveys done in 1955, amended in 1956 and 1958, incorporated by reference into the Pit River Decree for Big Valley, 1959 – see Paragraph 7 of the attached scan of the decree – “decree map” for the purposes of this survey form

EXCERPTS\_PitRiverDecree\_6395\_AndAmendmentToDecree\_1959\_WidowValleyCreek.pdf – Excerpts from the Pit River Decree for Big Valley, 1959, relevant to Widow Valley Creek

Google\_Earth\_Maps\_Widow\_Valley\_Creek\_20171205.pdf – Google Earth maps of Widow Valley Creek, overlaid on the Big Valley Decree map, and WMBeaty maps; showing the locations of Statement Numbers, decreed points of diversion, and Hemstead dams

Photos\_of\_Widow\_Valley\_Creek\_Features\_20171102.pdf – Photos of important features of Widow Valley Creek diversions, weirs, groundwater pump, and dams

PitRiverDecree\_6395\_AndAmendmentToDecree\_1959.pdf – Pit River Decree 6395 for Big Valley, 1959, not including the State Water Rights Board Map

PQ\_Own\_Aerial\_List\_Widow\_Valley\_Creek.pdf – ParcelQuest ownership aerial map and list of owners of parcels in Widow Valley S021204\_Div-No-35\_Hemstead-Dam-No-5\_resized.pdf – Statement Number S021204, resized to fit within upload file size limits S021207\_Div-No-30\_Hemstead-Ditch-west-end-valley\_resized.pdf – Statement Number S021207, resized to fit within upload file size limits S021208\_Div-No-31\_Hemstead-Dam-No-1\_resized.pdf – Statement Number S021208, resized to fit within upload file size limits S021209\_Div-No-32\_Hemstead-Dam-No-2\_resized.pdf – Statement Number S021209, resized to fit within upload file size limits S021210\_Div-No-33\_Hemstead-Dam-No-3\_resized.pdf – Statement Number S021210, resized to fit within upload file size limits S021211\_Div-No-34\_Hemstead-Dam-No-4\_resized.pdf – Statement Number S021211, resized to fit within upload file size limits Intermountain\_Irrigated\_Pastures\_and\_Mountain\_Meadows\_1993\_117593.pdf – University of California Cooperative Extension, Series of Independent Articles Sample\_Costs\_To\_Establish\_And\_Produce\_Pasture\_2008\_pasture-ir2-008-im\_rev2013.pdf - University of California Cooperative Extension, sample costs to establish and produce pasture, including duty of water for pasture

(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 \***

Shawn Pike

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.