

# **Alternative Compliance Plan**

**Supplemental Statement of Water Diversion and  
Use Nos. 21663, 21664, 21665, 21666, 21667,  
21668, 21669, and 21675**

**Gordon and Suzanne DePaoli Family Trust and  
Seeliger Family Limited Partnership**

**June 26, 2018**

## **Alternative Compliance Plan – Statement Nos. 21663, 21664, 21665, 21666, 21667, 21668, 21669, and 21675**

### **Introduction:**

Gordon and Suzanne DePaoli Family Trust and Seeliger Family Limited Partnership hold riparian and pre-1914 claims of right identified in Statements of Water Diversion and Use (Statements) 21663, 21664, 21665, 21666, 21667, 21668, 21669, and 21675. The Statements document diversion and use of water from a total of eight points of diversion (POD) for irrigation, stockwatering, and domestic uses at their ranch located in Plumas County (the claimants and property are referred to as “Ranch” herein). A summary of the water rights is included as Attachment 1.

The Ranch is located in Mohawk Valley, approximately 3 miles southeast of Graeagle, California. Water is diverted by gravity from Wash Creek and two unnamed streams at eight PODs. The water is used to irrigate approximately 340 acres of pasture and provide water for cattle. Water is also used for domestic and landscape purposes at two houses. From each POD the diverted water flows through the Ranch to flood irrigate pasture. Water that is not required for stockwatering and for evapotranspiration by the pasture returns to the local streams; therefore, a portion of the water diverted is not consumptively used. Flood irrigation using unlined ditches and the natural contours of the land is a common method of irrigation in this and other areas. The eight PODs are located in remote, forested areas without available power supply. In addition, three of the PODs are located on neighboring properties not owned by the Ranch, including one located on U.S. Forest Service (USFS) property. The Ranch experiences snow and freezing temperatures in the winter. These factors make installation of measuring equipment exceedingly difficult.

Under this Alternative Compliance Plan (Plan), the Ranch is proposing to estimate water use based on crop data and the Cal Poly Irrigation Training and Research Center Method (ITRC Method) for estimating crop evapotranspiration and adjusted for actual effective precipitation, cultural practices, and system irrigation efficiencies. The crop coefficient used for this Plan is from calculations by ITRC modeled on a daily basis for zones established by the Department of Water Resources. The Ranch will rely on crop evapotranspiration data for Zone 13 – Northern Sierra Nevada. Precipitation and reference evapotranspiration data will be collected from the nearby Western Regional Climate Center (WRCC) Remote Automated Weather Station (RAWS) for Mohawk California. The Ranch property is located within a 1.5-mile radius of the RAWS; therefore, this station provides very applicable data. The consumptive use will be adjusted according to the timing of the application of water. Typically, there is enough soil moisture and sub-irrigation to maintain the pasture during the spring until about mid-April when the Ranch begins irrigating. The typical irrigation season is from about mid-April to mid-September. At the tail end of the irrigation, the available surface water may fall below the consumptive use of pasture. When diversions are greater than the consumptive use of the pasture, the excess water returns to Sulphur Creek as either surface or sub-surface flow or percolates to the groundwater aquifer. We believe estimating diversions based on consumptive use using the ITRC Method is an appropriate approach for estimating water diversions and use within the Ranch.

The basis for the submittal of this Plan is “not feasible” and “unreasonably expensive”. Strict compliance with the requirements for measuring and monitoring at each of the eight PODs is not feasible due to the difficulty and expense of installing measurement equipment to accurately measure diversions. The Ranch obtained a cost estimate to purchase and install measurement equipment at each POD in order to comply with the Measurement Regulation. The estimate was \$45,800 for the first year, \$8,000 for the second year and every even year thereafter, and \$16,000 for the third year and every odd year thereafter (Attachment 3). The estimate does not include time for Ranch staff to inspect the measurement

equipment for debris and to perform regular maintenance. However, the estimate does include time to download and process the data from the eight devices. Summer grazing on the Ranch is leased to a Sierra Valley cattle producer. The annual rent for the grazing lease does not cover all Ranch expenses, including but not limited to ditch and fence maintenance and real property taxes. It is not possible to raise the annual grazing fees to a level which would cover the cost to purchase and install measurement equipment, much less the maintenance and other unknown costs for that equipment.

The cost to prepare this Plan is approximately \$2,500. The annual cost to download and review RAWS data, perform the water use calculations, and submit the annual water right reports is approximately \$1,000. Therefore, over the anticipated five-year use of this Plan, the total cost will be \$4,500. It is estimated that the installation, data retrieval, and processing associated with strict compliance for the same period is \$93,800. This cost difference does not justify the installation of measurement devices for a relatively small amount of water use. In addition, the measurement devices may provide diversion information; however, substantial amounts of water return to the surface water system after flowing through the Ranch. The measurement devices would not provide an accurate measurement of water use, which the proposed Plan should be able to provide more accurately.

For the above reasons, the Ranch owners (Gordon and Suzanne DePaoli Family Trust and Seeliger Family Limited Partnership) have determined that the cost to install and maintain measurement equipment in order to comply is excessive and unreasonable and, therefore, is submitting this Plan pursuant to Section 935 of the California Code of Regulations.

## Section A – Water Right Owner Information

Contact information is provided for the currently listed “Primary Owner”; however, each of the water right holders are equal owners.

<b>(1) Owner Name(s)</b>	Gordon DePaoli
<b>(2) Email Address</b>	<a href="mailto:GDePaoli@woodburnandwedge.com">GDePaoli@woodburnandwedge.com</a>
<b>(3) Phone Number</b>	(775) 688-3000
<b>(4) Mailing Address Line 1</b>	6100 Neil Road, Suite 500
<b>(5) Mailing Address Line 2</b>	
<b>(3) City</b>	Reno
<b>(4) State</b>	Nevada
<b>(5) Zip Code</b>	89511
<b>(6) Is the Water Right Owner also the Primary Contact?</b>	No
<b>(7) Installation Deadline</b>	July 1, 2017
<b>(8) Measurement Accuracy</b>	10%
<b>(9) Required Monitoring Frequency</b>	Daily
<b>(10) Qualifications of the Individual Installing/Certifying</b>	California Licensed Professional Engineer (PE)

## Section B – Information on Primary Contact

<b>(1) Name(s)</b>	MBK Engineers c/o Angela Bezzone
<b>(2) Phone Number</b>	(916) 456-4400
<b>(3) Email Address</b>	<a href="mailto:bezzone@mbkengineers.com">bezzone@mbkengineers.com</a>
<b>(4) Mailing Address Line 1</b>	455 University Avenue
<b>(5) Mailing Address Line 2</b>	Suite 100

(6) City	Sacramento
(7) State	California
(8) Zip Code	95825
(9) The Alternative Compliance Plan Primary Contact is a(n)	Authorized Representative

### Section C – Information on Qualified Individual

(1) Name(s)	Angela Bezzone
(2) Phone Number	(916) 456-4400
(3) Email Address	<a href="mailto:bezzone@mbkengineers.com">bezzone@mbkengineers.com</a>
(4) Mailing Address Line 1	455 University Avenue
(5) Mailing Address Line 2	Suite 100
(6) City	Sacramento
(7) State	California
(8) Zip Code	95825
(9) The qualifications of the individual certifying the Alternative Compliance Plan are	California Licensed Professional Engineer (PE)
(10) Qualifying Individual's PE or Contractor License number, if applicable	83636

### Section D – Request for Alternative Compliance

(1a) Diverter is seeking alternative compliance from the requirement(s)	Measuring Device Location, Installation and Maintenance, Monitoring Frequency
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(1b) Provide additional information for each of the reasons selected in question 1a: As described on Page 2 of this Plan it is “not feasible” and “unreasonably expensive”. Strict compliance with the requirements for measuring and monitoring at each of the points of diversion (PODs) is not feasible due to the difficulty and expense of installing measurement equipment to accurately estimate water use.

(2a) Alternative Compliance is being pursued because strict compliance with one of more of the requirements for measuring and monitoring (check all that apply)	Is not feasible; Is unreasonably expensive
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(2b) Provide additional information for each justification selected in 2a:	See pages 2 and 3, and Attachment 3
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(3a) Alternative compliance is requested under the following categories (check all that apply)	There is an existing measurement device or measurement method in use. Other – See 3b.
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**(3b) Provide additional information for each of the categories selected in question 3a:**

There is an existing measurement device or measurement method in use – The Ranch currently estimates diversions based upon the proposed methodology. Under this Plan, the Ranch is proposing to estimate water diversions and use based upon crop data and the ITRC Method adjusted for effective precipitation, cultural practices, and system irrigation efficiencies. Precipitation and reference evapotranspiration data will be collected from the Mohawk California RAWS. See pages 2 and 3 for more detailed description of site conditions.

**(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:**

Under this Plan, the Ranch is proposing to estimate water diversions and use based upon crop data and the ITRC Method adjusted for effective precipitation, cultural practices, and system irrigation efficiencies. Precipitation and reference evapotranspiration data will be collected from the Mohawk California RAWS.

## Section E – Area Covered by the Alternative Compliance Plan

**(1) Provide a general description of the area covered by the Alternative Compliance Plan:**

The Ranch is located adjacent to Sulphur Creek near the confluence with the Middle Fork of the Feather River in Plumas County. For additional detail, see Attachment 2.

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

See Attachment 2 for an overview of the Ranch and the POD locations. In addition, the Plan covers the earthen ditches that convey water to the irrigated pasture within the Ranch. As shown on the attached map, all of the POD's are integrated and there are no intervening water users in between them.

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

Irrigation, Domestic, Stockwatering

**(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 under Section I of this form)** Yes

## Section F – Measurement and Monitoring

**(1) For each point of diversion listed in the Alternative Compliance Plan, describe how the water is measured:**

Under this Plan, the Ranch is proposing to estimate water use based upon actual crop data and acreage, and measured precipitation and reference evapotranspiration data collected from the Mohawk California RAWS. Using a method developed by Cal Poly San Luis Obispo, ITRC, the measured precipitation and evapotranspiration, together with known

cultural practices and estimates of system irrigation efficiencies, will be used to calculate the diversion quantity for each month. This approach also has the benefit of providing the consumptive use of the crops within the POU; which, due to the proximity to the water supply source, is believed to be a better representation of the reduction of available flow to downstream water users.

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

The measurement device proposed for use in this Plan is used to measure precipitation and evapotranspiration. It is maintained and calibrated by the Desert Research Institute (DRI) and data are published to the WRCC website. DRI generally observes weather station data on a weekly basis to determine if the station is operational, performs maintenance on the stations twice each year, and calibrates the sensors annually. Based on my experience and observations as a qualified individual, the use of this accurate data, in conjunction with the method developed by Cal Poly, ITRC, provides the most practical estimate of diversions and use by the Ranch.

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

The accuracy of the Plan has not been calculated; however, based on use of accurate Et and precipitation data it is my opinion this Plan represents the best available approach for measuring diversions and the net reduction to the water source. This approach has been used by many within the industry and has not been objected to by the Division.

## Section G – Implementation Schedule

- (1) If applicable, describe the implementation schedule for the Alternative Compliance Plan, including objective milestones from date of filing through final implementation. Milestone's 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 Ranch plans to use the method identified in this Plan for its 2017 annual water right reporting and each year thereafter.

## 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.

## Section I – Attachments

- (1) Attach documents that support the Alternative Compliance Plan.**  
**(2) Provide a brief description of the attached documents:**

Attachment 1 – Water Rights Covered Under this Alternative Compliance Plan  
Attachment 2 – Place of Use Map on file with the Division of Water Rights  
Attachment 3 – Cost Estimate to Install Measurement Equipment  
Attachment 4 – APNs and Landowner Information for Each Parcel Covered Under the Plan

## Section J – Important information and signatures

Yes

Angela Bezzone

### Certification:

I, Angela Bezzone, 455 University Avenue, Suite 100, Sacramento, California, hereby certify that this Alternative Compliance Plan is in compliance with Chapter 2.8, Section 935 of the California Code of Regulations. The compliance is based on the use of crop data and the ITRC Method adjusted for effective precipitation, cultural practices, and system irrigation efficiencies which is an industry standard and the most feasible approach to comply with Chapter 2.8, Section 933 of the California Code of Regulations to determine the diversion and use under each Statement. This Alternative Compliance Plan is reasonable and practical (based on my September 8, 2016 site visit and knowledge of the water rights and operations of the Ranch), and facilitates the Ranch's water right reporting and the Division's overall water right management and regulation pursuant to Title 23, California Code of Regulations.

  
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Angela Bezzone  
CA PE # 83636

## Attachment 1:

### Water Rights Covered Under Alternative Compliance Plan



**Statement No. 21663**  
**Riparian & Pre-1914 Claims**

Filed	June 30, 2010
Year of First Use	1874 or earlier
Source	Wash Creek tributary to Sulphur Creek
Purpose	Irrigation, Stockwatering, Domestic Use
Season	January 1 – December 31
Place of Use	340 acres pasture, 350 head cattle, 4 persons
Point of Diversion (POD)	POD #1

**Statement No. 21664**  
**Riparian & Pre-1914 Claims**

Filed	June 30, 2010
Year of First Use	1874 or earlier
Source	Wash Creek tributary to Sulphur Creek
Purpose	Irrigation, Stockwatering, Domestic Use
Season	January 1 – December 31
Place of Use	340 acres pasture, 350 head cattle, 4 persons
Point of Diversion (POD)	POD #2

**Statement No. 21665**  
**Riparian & Pre-1914 Claims**

Filed	June 30, 2010
Year of First Use	1874 or earlier
Source	Unknown Streams tributary to Sulphur Creek
Purpose	Irrigation, Stockwatering, Domestic Use
Season	January 1 – December 31
Place of Use	340 acres pasture, 350 head cattle, 4 persons
Point of Diversion (POD)	POD #3

**Statement No. 21666**  
**Riparian & Pre-1914 Claims**

Filed	June 30, 2010
Year of First Use	1874 or earlier
Source	Unnamed Streams tributary to Sulphur Creek
Purpose	Irrigation, Stockwatering, Domestic Use
Season	January 1 – December 31
Place of Use	340 acres pasture, 350 head cattle, 4 persons
Point of Diversion (POD)	POD #4

**Statement No. 21667****Riparian & Pre-1914 Claims**

Filed	June 30, 2010
Year of First Use	1874 or earlier
Source	Unknown Streams tributary to Sulphur Creek
Purpose	Irrigation, Stockwatering, Domestic Use
Season	January 1 – December 31
Place of Use	340 acres pasture, 350 head cattle, 4 persons
Point of Diversion (POD)	POD #5

**Statement No. 21668****Riparian & Pre-1914 Claims**

Filed	June 30, 2010
Year of First Use	1874 or earlier
Source	Unknown Streams tributary to Sulphur Creek
Purpose	Irrigation, Stockwatering, Domestic Use
Season	January 1 – December 31
Place of Use	340 acres pasture, 350 head cattle, 4 persons
Point of Diversion (POD)	POD #6

**Statement No. 21669****Riparian & Pre-1914 Claims**

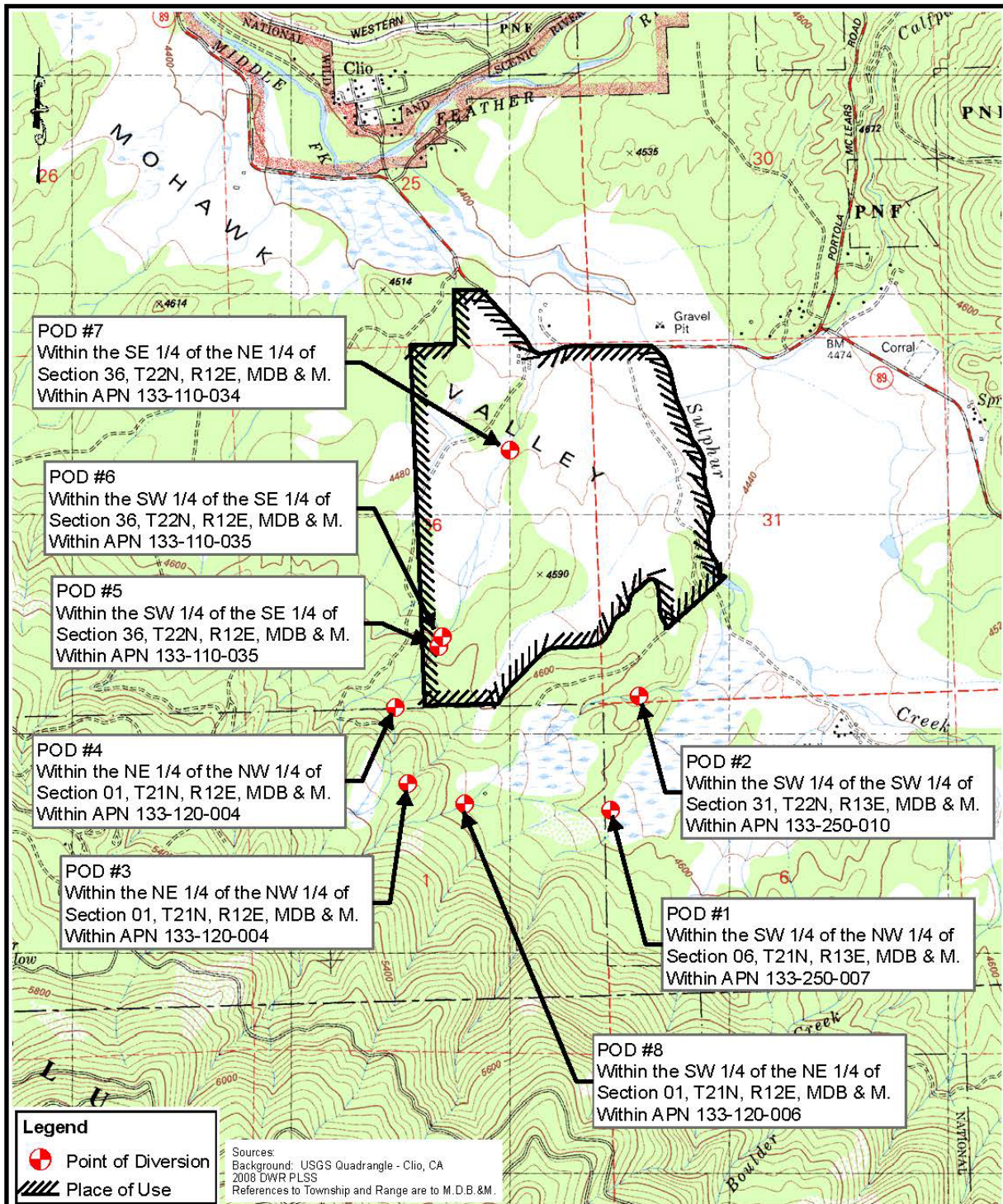
Filed	June 30, 2010
Year of First Use	1874 or earlier
Source	Unknown Streams tributary to Sulphur Creek
Purpose	Irrigation, Stockwatering, Domestic Use
Season	January 1 – December 31
Place of Use	340 acres pasture, 350 head cattle, 4 persons
Point of Diversion (POD)	POD #7

**Statement No. 21675****Riparian & Pre-1914 Claims**

Filed	June 30, 2010
Year of First Use	1874 or earlier
Source	Unknown Streams tributary to Sulphur Creek
Purpose	Irrigation, Stockwatering, Domestic Use
Season	January 1 – December 31
Place of Use	340 acres pasture, 350 head cattle, 4 persons
Point of Diversion (POD)	POD #8

Attachment 2:

Place of Use Map



**MBK**  
ENGINEERS

1771 Tribute Road, Suite A  
Sacramento, CA 95815

Phone: 916-456-4400 - Fax: 916-456-0253

Gordon and Suzanne DePaoli; Seeliger Family  
Limited Partnership and High Valley Ranch, LLC

## STATEMENT OF WATER DIVERSION AND USE

SCALE:	1" = 2,000'
JOB NUMBER:	8888.5
DRAWN BY:	MB
DATE:	06/25/2010
SHEET:	1 of 1

## Attachment 3:

### Cost Estimate to Install Measurement Equipment

## Cost Estimate

Point of Diversion and Item	Device Cost <sup>1</sup>	Structure Cost <sup>2</sup>	Engineering Cost <sup>3</sup>	Quantity	Total
POD #1 and & #2 (Weir with Pressure Transducer)	\$1,800	\$2,000	\$2,400	1 EA	\$6,200
POD #3 (Weir with Pressure Transducer above and below diversions)	\$1,800	\$2,000	\$1,200	2 EA	\$10,000
POD #4 (Area Velocity Meter)	\$12,000	N/A	\$1,200	1 EA	\$13,200
POD #5 and #6 (Existing Weir with Pressure Transducer)	\$1,800	\$1,000	\$2,400	1 EA	\$5,200
POD #7 (Existing Weir Boxes with Pressure Transducers)	\$1,800	\$2,000	\$1,200	2 EA	\$10,000
POD #8 (Existing Device with Accuracy Verification)	N/A	N/A	\$1,200	1 EA	\$1,200
Total Cost for First Year					\$45,800
Total Cost for 2 <sup>nd</sup> Year (and every other year thereafter)					\$8,000 <sup>4</sup>
Total Cost for 3 <sup>rd</sup> Year (and every other year thereafter)					\$16,000 <sup>5</sup>

<sup>1</sup> Cost includes estimate for tax, shipping, and installation.

<sup>2</sup> Cost includes design, supplies, and installation of weir or other structure.

<sup>3</sup> Cost includes engineer effort including travel, inspection, and certification of installed device.

<sup>4</sup> This is the annual cost to download, process, and perform quality control and assurance of the data from each meter. This cost is estimated to be an average of \$1,000 per year per meter.

<sup>5</sup> This includes the annual cost described above plus the biennial cost to inspect and repair the measurement equipment, as necessary. This cost is estimated to be an additional \$1,000 per meter.

## Attachment 4:

APNs and Landowner Information for Each Parcel  
Covered Under the Plan

<b>Owner's Name</b>	<b>Plumas County Parcel Number</b>
Gordon and Suzanne DePaoli Family Trust and Seeliger Family Limited Partnership	133-110-026
Seeliger Family Limited Partnership	133-110-031
Seeliger Family Limited Partnership	133-110-032
Seeliger Family Limited Partnership	133-110-033
Seeliger Family Limited Partnership	133-110-034
Seeliger Family Limited Partnership	133-110-035
Gordon & Suzanne DePaoli	133-110-036
Gordon & Suzanne DePaoli	133-110-037