

Summary

Alternative Compliance Plan for Water Right (S022608)

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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) *

Pino Vitti

(2) Email Address *

[REDACTED]

(3) Phone Number *

[REDACTED]

(4) Mailing Address Line 1 *

[REDACTED]

(5) Mailing Address Line 2:

(6) City *

San Marcos

(7) State *

CA

(8) Zip Code *

92078



(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): *

Dan Hayden

(2) Phone Number: *

[REDACTED]

(3) Email Address: *

[REDACTED]

(4) Mailing Address Line 1: *

[REDACTED]

(5) Mailing Address Line 2:

(6) City: *

Rancho Santa Fe

(7) State: *

California

(8) Zip Code: *

92091

(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="Dan Hayden"/>
(2) Phone Number: *	<input type="text" value="8587550216"/>
(3) Email Address: *	<input type="text" value="dhayden@pacificacent.cc"/>
(4) Mailing Address Line 1: *	<input type="text" value="5505 Cancha de Golf"/>
(5) Mailing Address Line 2:	<input type="text"/>
(6) City: *	<input type="text" value="Rancho Santa Fe"/>
(7) State: *	<input type="text" value="California"/>
(8) Zip Code: *	<input type="text" value="92091"/>
(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="C66598"/>

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: *

As part of the effort to restore Lake San Marcos and San Marcos Creek, per Investigative Order R9-2011-0033, Citizens Development Corporation has been working in coordination with watershed parties, the San Diego Regional Water Quality Control Board (RWQCB) and local stakeholders to develop a comprehensive remedial plan that will involve implementation of remedial options in the Lake and upstream watershed, development of a Lake Management Plan, and installation of various monitoring devices. The testing for remedial efforts is scheduled for 2017-2018 in the Lake, but full-scale implementation will not begin until 2020. In the interim, CDC has sought to comply with measurement and monitoring requirements to the extent practicable with existing monitoring equipment. To adjust the location and nature of this equipment prior to determining the details of the remedial actions would be inefficient and wasteful both of time and materials. It would also require some level of concurrence from multiple parties outside of CDC's control to ensure a coordinated and cooperative effort. Required Accuracy--The current accuracy requirement for Lake San Marcos is 10%. San Marcos Creek has a quasi-predictable flow during the dry season that CDC's technical consultant, Great Ecology, has monitored for several years in support of license compliance. However, wet weather flows are highly variable and the current device only records water levels in the main Creek channel, missing flows in a nearby side channel. Even with the installation of a second device in the side channel, the variability of high-flows in the Creek makes this an infeasible accuracy goal when one takes into account potential storm-driven changes in the channel dimensions in the vicinity of the diversion point. Certification of Accuracy--At this time, a review of the technology used to monitor the diversion may be sufficient for low flow condition certification, but clearly not for high flow conditions.

(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: *

As stated above, storm flows are highly variable at the point of diversion and the current device only records water levels in the main Creek channel, missing flows in a nearby side channel. Even with the installation of a second device in the side channel, the variability of high-flows in the Creek makes compliance infeasible with currently implemented technology.

(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: *

As stated above, wet weather flows are highly variable at the point of diversion and there is a HOBO logger device already installed in the main channel of the Creek. CDC's agent, Great Ecology, has a model to estimate flow volume based on existing measurements of the Creek main stem and side channel. These measurements have been used in previous years to complete License compliance documentation.

(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 only one point of diversion for Lake San Marcos: the San Marcos Creek inlet. Current measurements are taken approximately 600 feet north of the inlet due to lake level interference for devices placed any closer. A HOBO logger device tracks water level every 10 minutes and is complemented by a barometric pressure logger nearby on the Lake to adjust for an accurate water level. These data are collected on a monthly basis and reported to the State annually. In addition, hand measurements of Creek main channel flow and depth are taken on a monthly basis to supplement the HOBO logger record and fine tune the accuracy of flow rates. During the dry season, these measurements are sufficient to meet the 10% accuracy goal. Outside that period, the high flow variability makes this unattainable and accuracy will necessarily vary widely. It is anticipated that in the long term, a monitoring technique will be employed to monitor compliance with a 40% nutrient reduction goal. By nature, CDC anticipates that the monitoring system used for that purpose may also be used for the required diversion monitoring. However, although the watershed remedies have been selected, the design of those systems has not yet begun.

(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 area covered by the Alternative Compliance Plan is the entirety of Lake San Marcos. The Lake is a 56-acre impoundment located in San Marcos, California, along the southern boundary of the Richland Hydrologic Subarea. The Lake holds approximately 487 acre-feet of water at bankfull stage. It is privately owned by the Citizens Development Corporation.

(5000 character max.)

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

The only diversion covered by the Alternative Compliance Plan is San Marcos Creek, which feeds Lake San Marcos. The Creek is the principal surface water stream entering the Lake from the north. The Creek originates upstream east-northeast in the city of Escondido, with additional flow contribution from the Twin Oaks Branch and the Las Posas Branch to the north. Lesser flow originates in the unnamed creek downstream of Jack's Pond and in the unnamed creek between and downstream of South Lake and Discovery Lake. The Watershed covers approximately 18,540 acres.

(5000 character max.)

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

The Water Quality Control Plan for the San Diego Basin (Basin Plan) designates beneficial uses for the inland surface waters of the Creek. Beneficial uses for the Lake are not specifically designated in the Basin Plan; however, the RWQCB has stated that the Lake impounds Creek waters, and therefore possesses the same beneficial uses as designated for the Creek, as follows: 1. Agricultural Supply (AGR) 2. Human Health (Contact Water Recreation [REC-1]) 3. Non-Contact Water Recreation (REC-2) 4. Aquatic Dependent Wildlife (Support Warm Water Ecosystems [WARM]) 5. Wildlife Habitat (WLD)

(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 one point of diversion. CDC has, at this time, deployed a HOBO logger device within the main Creek channel, approximately 600 feet north from the point that the Creek enters into Lake San Marcos. The current device logs water levels every 10 minutes and is complemented by two similar devices located on the Lake, which measure Lake water level and barometric pressure. In addition, hand measurements of Creek main channel flow and depth are taken on a monthly basis to supplement the HOBO logger record and fine tune the accuracy of flow rates.

(5000 character max.)

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

The measurement accuracy has not been assessed by an engineer at this time.

(5000 character max.)

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

The measurement accuracy has not been assessed by an engineer at this time.

(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 alternative compliance methodology is in use currently and reported to the State on an annual basis.

(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.

This is not applicable.

(5000 character max.)

SECTION I - ATTACHMENTS

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

Choose File No file selected

Upload

(Uploaded files:)

[APN table.pdf](#)

[FigureX_LSM and Creek Parcels-compressed.jpg](#)

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

APN Map and APN table

(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 *

Paige Sims

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.