

## Summary

# Alternative Compliance Plan for Water Right (A021231B)

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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) \*

Jim Noble

(2) Email Address \*

[REDACTED]

(3) Phone Number \*

[REDACTED]

(4) Mailing Address Line 1 \*

[REDACTED]

(5) Mailing Address Line 2:

(6) City \*

Kentfield

(7) State \*

California

(8) Zip Code \*

94904



(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="Jim Noble"/>
(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="Kentfield"/>
(7) State: *	<input type="text" value="California"/>
(8) Zip Code: *	<input type="text" value="94904"/>
(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"/>

## 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: \***

These stock pond water rights are part of the Noble family cattle ranch. The total water right for the ranch is less than 60 Acre-Ft (AF), divided between 7 ponds. No pond has the ability to store more than its water right. The Application and Certifications numbers are A021231B, 2 ponds, collection to storage amount equals 17.0 AC-FT, A021382B, 3 ponds, collection to storage amount 35.3 AC-FT, and A021381 2 ponds, collection to storage amount 3.0 AC-FT. The storage capacities above appear to be high as per RWQCB's web site eVRIMS GIS. These ponds have storage capacity of less than 10 acre feet, as such do not appear to fall under the monthly Gage monitoring requirements. The ranch is used for winter pasture only in late fall to early spring. There is no facilities for irrigation. Ponds fill by sheet flow, have no gated outlets, and water spills thru earthen ditches. No effort is needed to fill, manage or empty these ponds. All these ponds are 60 plus years old and have been providing drinking water for cattle, wildlife and fire protection since. The ponds are difficult to access during the wet season and hazardous in the dry season due to extreme fire danger.

(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: \***

Monitoring these ponds would include disturbing wildlife, it would result in a waste and unreasonable use of water if a fire developed during monitoring procedures. Equipment needed to monitor and gauge these ponds, would be unreasonable expensive for the small amount of storage capacity. No power line are within at least 1.5 miles of any of these ponds. The expense of installation of solar panels/batteries would be needed in order to power, flow gauges, transducers and data loggers would be unreasonable for such small storage capacities. These ponds not only provide water for cattle, wildlife and fire protection but provide the capacity to slow down runoff into nearby streams, create a sediment trap, holding sediment that would run into nearby streams, lessening their capacities, making them more prone to flooding while diminishing the ponds storage capacity.

(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: \***

The total storage capacity for the Noble ranch in 7 pond is less than 60 acre feet. All the ponds are difficult to access in the wet season and are accessed across land with high fire danger in summer and fall months. Highly variable flow rates due occur, during high rain fall events, and seepage around the embankments would make monitoring accuracy in doubt. As stated above the expense of equipment needed, installation, maintenance and monitoring could run into the thousands of dollars per each pond. For less than 10 AC-FT each this is not reasonable or feasible.

(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. \***

It appears that all ponds on the Noble ranch have capacities that are less than 10 AC-FT as per CRWCB's web site eVRIMS GIS, thus making them fall out of requirement for monthly gauging. The closest attainable compliance would be what has occurred reported since 2009. Equipment purchase, installation, monitoring and maintenance would be un reasonable for the amount of water storage of less than 10 AC-FT per pond.

(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 storage capacity for the ponds on the Noble ranch is less than 60 AC-ft total, less than 10 AC-FT per pond, as can be viewed on CWRCB's eVRIMS GIS web site. The Application Id's are A021231B, 2 ponds 17.0 AC-FT Collection to storage amount, (vague term, not sure what it's definition is), A021382B, 3 ponds, 35.3 AC-FT collection to storage amount and A021381 2 ponds with a value of 3.0 AC-FT collection to storage amount.

(5000 character max.)

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

There are no diversions and conveyance planned. Ponds are filled by sheet flow after the ground is saturated enough for this to occur. There are no existing gated out lets from any of these ponds, After the ponds fill, water spills thru earthen ditches, that have been excavated thru the embankments or other suitable areas and conveyed back into the stream or gully. This is the case for all A02123B, A021382B and A021381. These ponds currently provide the majority of stock water for cattle from late fall thru early spring, provide habitat for wildlife thru out the year. Access to these ponds is problematical during fire and rainy seasons.

(5000 character max.)

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

1) Fire protection 2) sediment basins 3) wildlife habitat 4) groundwater infiltration 5) stock water

(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 are no diversions, run off that fills the pond is estimated/measured when it is safe and reasonable to do so.

(5000 character max.)

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

The accuracy is not known, just a reasonable estimate of volume stored. Water volume that runs off or spills is unknown.

(5000 character max.)

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

The accuracy is unknown.

(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:

No milestones are anticipated.

(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:)

0%

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

ANP #'s 003-070-005-000, 003-110-002-000, 003-110-003-000, 003-110-013-000, 003-110-016-000, 003-110-030-000, 003-110-032-000,, 003-120-008-000, 003-150-002-000, 003-150-003-000, 003-150-005-000, 003-150-007-000, 003-150-009-000, 003-160-022-000, 003-160-024-000, Tehama County.

(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 \***

Jim Noble

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.