

Summary

Alternative Compliance Plan for Water Right (A029977)

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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) *

Sugar Pine Spring Wate

(2) Email Address *

[REDACTED]

(3) Phone Number *

[REDACTED]

(4) Mailing Address Line 1 *

[REDACTED]

(5) Mailing Address Line 2:

(6) City *

Boise

(7) State *

Idaho

(8) Zip Code *

83706

(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): *

G. Scott Fahey

(2) Phone Number: *

[REDACTED]

(3) Email Address: *

[REDACTED]

(4) Mailing Address Line 1: *

[REDACTED]

(5) Mailing Address Line 2:

(6) City: *

Boise

(7) State: *

Idaho

(8) Zip Code: *

83706

(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="G. Scott Fahey"/>
(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="Boise"/>
(7) State: *	<input type="text" value="Idaho"/>
(8) Zip Code: *	<input type="text" value="83706"/>
(9) The qualifications of the individual certifying the Alternative Compliance Plan are: *	<div><div><input 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 checked="" 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="Idaho Reg. PE #5763 (R"/>

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. *	<div><input type="checkbox"/> Measuring Device Location</div> <div><input type="checkbox"/> Required Accuracy</div> <div><input type="checkbox"/> Certification of Accuracy</div> <div><input type="checkbox"/> Installation and Maintenance</div> <div><input type="checkbox"/> Monitoring Frequency</div> <div><input type="checkbox"/> Telemetry</div> <div><input checked="" type="checkbox"/> Other (describe in Section 1b)</div>
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(1b) Provide additional information for each of the reasons selected in question 1a: *

Recorded on a daily basis is the number of tanker-trucks, which transfer spring water from the last point-of-re-diversion (POR), i.e. the Tanker-Fill-Station (TFS), to multiple points-of-use (POU), i.e. State Certified Water Bottlers. Invoiced Customers - The sole transporter, Vito Trucking, which provides water to each POU that is invoiced monthly provides me a monthly-rooster with the number of truckloads that were pulled from the TFS each day that respective month. The average gallons per load is 6,750-gallons; 2.5% of that amount is considered spillage during loading, transport, and unloading. Therefore, the amount of water used daily at each POU can be determine with an accuracy far <10%, because the volume of the tanker-trucks are fixed. Contract Customer - The sole contract customer, Nestle, transports spring water using their own tanker-trucks or tanker-trucks under contract to them. Each tanker-truck whether owned or under contract by or to Nestle is metered during the off-loading process. The respective volume and date each truck is off-loaded is recorded. On a monthly basis Nestle is contractually obligated to report to me the amount of water pulled from the TFS. The date and gallon per load pulled is shown in the report. A029977/A031491 Allocation - Currently a meter records the amount of water diverted from the A029977 points-of-diversion (PODs). This meter permanently records the water flowing past its sensor in gallon/10, i.e. each increment represents 10-gallons. At the TFS the same type of meter records the comingled spring water from the A029977/A031491 PODs. On a monthly basis the proportion of water flowing from the Permits' PODs can be determined. The coupling the monthly invoice/contract rosters with the respective proportions of A029977 & A031491 spring water shall provide the amount diverted from each Permits' PODs on a daily basis.

(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: *

There is no power or telephone service at the TFS. It is located in the Stanislaus National Forest seven (7) miles from the nearest power or telephone infrastructure. This information can be determined on a daily basis, which in turn can be reported to the SWRCB each month for each respective day the previous month. Consider the small amount of water associated with these Permits, that seem reasonable.

(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: *

PODs are located at 5,200' MSL. During the winter, typically Dec., Jan., Feb., & March the PODs are inaccessible due to snow. However, the first spring meter reading can be used to proportion how much water has been supplied by each Permit since the last prior meter reading. Thereafter a daily proportionality can be applied to that winter's daily tallies. On a monthly basis, for twenty (20) years the measurement method explained in 1(b) above has been used to report the amount of

water diverted annually for each respective Permit. See "Contract Customer" in 1(b) above.

(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. *

With the 1(b) method described above a daily determination of each Permit's diversions can be obtained far below the 10% limit of required accuracy, it's reporting that information on a continual daily basis that is the problem. The required information can be provided monthly for each respective day the previous month, so long as snow does not block access to the A029977 meter. When access is available to that meter the timeframe in which access was blocked can be reported on a daily basis soon after access is available.

(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. *

A029977/A031491 PODs and the pipeline conveyance system to the TFS are spread out over 70,000 acres on the Stanislaus Nation Forest, ranging in elevations from 5,350' to 3,200' MSL. The points-of-use are located between 65 to 135 miles from the TFS

(5000 character max.)

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

A029977 - Two (2) developed spring sites connected to the TFS via five (5) miles of 2" diameter pipeline. A031491 - Two (2) developed spring sites connected to the A029977 pipeline via five (5) miles of 4" diameter pipeline. Tanker-Fill-Station - Two (2) 32,000-gallon storage tanks, connected to a tanker-truck loading arm, a gravel covered 200' diameter tanker-truck turnaround adjacent to the loading arm, and a locked gate to control access to this USDA/FDA approved food-grade spring water site Zero Carbon Footprint - Gravity drives the entire operation, no power is required for it to operate.

(5000 character max.)

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

Beneficial Use: Bulk Wholesale of Federally Certified Spring Water to State Licensed Water Bottlers

(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. *

A029977 - PODs are measured using +GF+Signet 51530-PO power generating paddle wheel sensors connected to +GF+Signet 3-5100 Meter/Recorder/Monitor, with specified repeatability of 1/4% accuracy. A031491 - No meters at PODs, diversions determined as described in 1(b), above.

TFS - A029977/A031491 comingled flow measured using +GF+Signet 51530-PO power generating paddle wheel sensors connected to +GF+Signet 3-5100 Meter/Recorder/Monitor, with specified repeatability of 1/4% accuracy.

(5000 character max.)

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

The accuracy of a +GF+Signet 51530-PO power generating paddle wheel sensors connected to +GF+Signet 3-5100 Meter/Recorder/Monitor has a specified repeatability of + or - 1/4%.

(5000 character max.)

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

See 1(b) above

(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 system being requested for approval is currently in place and has been in use for over (20) years.

(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.

(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 *

G. Scott Fahey

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.