

Summary

Alternative Compliance Plan for Water Right (A031025)

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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) *

Milano Land & Cattle Co

(2) Email Address *

[REDACTED]

(3) Phone Number *

[REDACTED]

(4) Mailing Address Line 1 *

[REDACTED]

(5) Mailing Address Line 2:

(6) City *

Tehachapi

(7) State *

CA

(8) Zip Code *

93561-8311



(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: *

This reservoir storage water right is part of the Milano Land & Cattle Co. ranch in Glenn County. There are 14 ponds on this ranch. No reservoir has the ability to store more than its water right. The place of use is at each reservoir; there is no irrigation from these reservoirs. Beneficial uses in these licenses include stockwatering, fish culture at some ponds, recreational uses. The ponds also supply the only stored water for wildlife and waterfowl, and may provide fire protection. This Alternative Compliance Plan is one of six, covering 10 reservoirs that store more than 10 AF. The total volume of these ponds is 203.3 acre-feet (AF), for 6,160 acres. This equates to storage of 0.033 AF per acre, a negligible amount compared to farming that typically uses 2 to 6 AF per acre. All of the ponds on the ranch are listed for clarity. The Application Numbers and storage rights of all the ponds are: ** Milano Land & Cattle Co. in Glenn County** Application ID Description Volume (AF) A019733 3 Reservoirs 45.2, 28.0, and 16.5 AF 89.5 A020285 1 Reservoir 6.7 A020503 2 Reservoirs 4.0 and 3.6 AF 7.6 A020504 2 Reservoirs 17.0 and 12.0 AF 29.0 A021057 1 Reservoir 12.0 A022467 1 Reservoir 14.5 A022994 2 Reservoirs 20 A022995 1 Reservoir 9.0 A031025 1 Reservoir 15.0 ----- TOTAL 14 Reservoirs 203.3 No human action is taken to fill or drain any of the reservoirs. The ponds fill by various unnamed tributaries to Stony Creek, or sheet flow, and flow can only leave these ponds over spillways. The ponds have no gated inlets or outlets, and are now part of the landscape of the area. These 19 ponds provide all of the fish and shore habitat on the ranch, and provide nearly all of the drinking water for the cattle on the ranch, as well as elk, other terrestrial wildlife, and waterfowl. Some ponds dry up early in the summer, so the cattle have less and less available water in the summer and fall. The ranch has dryland pasture in the late fall, winter, and early spring. No land is irrigated on the ranch. Most of the Milano Land & Cattle Co. reservoirs are inaccessible by vehicles in the winter, and fire danger may prevent access during the summer and fall. All of the dirt roads turn to mud and cannot be navigated with a four-wheel drive or ATV when wet. Even those reservoir that are accessible by highways only have vehicle access over dirt roads. Checking these reservoirs would chase away wildlife and reduce the reservoirs' use by birds and walking animals. It would result in the waste and unreasonable use of water, if a fire were started in the process of attempting to access a pond in the summer or fall. Any installation of measurement equipment would have to be protected by steel just to survive, since many would be exposed as reservoirs dry up, and can be walked on by cattle and elk. Water level loggers would have to be installed in galvanized pipe from the top of each dam down to the bottom, and the pipe would have to be secured to the dams and pond bottoms; or else loggers would have to be installed in short lengths of galvanized pipe on a rope and buoy. The least expensive equipment to monitor levels at reservoirs of 10 AF or greater capacity would have to be electronic, and would cost between \$4,000 and \$14,000 in capital; \$8,000 in labor for installation and filing forms, plus \$7,000 per year to check, download, and maintain pressure transducers. \$19,000 to \$29,000 in the first year to electronically measure 203.3 AF, which is not controlled or able to be controlled, is not reasonable or feasible. In fact, it would be less expensive for the landowner to reduce the dam heights for the licensed ponds, to a level at which each stores less than 10 AF.

(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: *

This reservoir storage water right is part of the Milano Land & Cattle Co. ranch in Glenn County. There are 14 ponds on this ranch. No reservoir has the ability to store more than its water right. The place of use is at each reservoir; there is no irrigation from these reservoirs. Beneficial uses in these licenses include stockwatering, fish culture at some ponds, recreational uses. The ponds also supply the only stored water for wildlife and waterfowl, and may provide fire protection. This Alternative Compliance Plan is one of six, covering 10 reservoirs that store more than 10 AF. The total volume of these ponds is 203.3 acre-feet (AF), for 6,160 acres. This equates to storage of 0.033 AF per acre, a negligible amount compared to farming that typically uses 2 to 6 AF per acre. All of the ponds on the ranch are listed for clarity. The Application Numbers and storage rights of all the ponds are: ** Milano Land & Cattle Co. in Glenn County** Application ID Description Volume (AF) A019733 3 Reservoirs 45.2, 28.0, and 16.5 AF 89.5 A020285 1 Reservoir 6.7 A020503 2 Reservoirs 4.0 and 3.6 AF 7.6 A020504 2 Reservoirs 17.0 and 12.0 AF 29.0 A021057 1 Reservoir 12.0 A022467 1 Reservoir 14.5 A022994 2 Reservoirs 20 A022995 1 Reservoir 9.0 A031025 1 Reservoir 15.0 ----- TOTAL 14 Reservoirs 203.3 No human action is taken to fill or drain any of the reservoirs. The ponds fill by various unnamed tributaries to Stony Creek, or sheet flow, and flow can only leave these ponds over spillways. The ponds have no gated inlets or outlets, and are now part of the landscape of the area. These 19 ponds provide all of the fish and shore habitat on the ranch, and provide nearly all of the drinking water for the cattle on the ranch, as well as elk, other terrestrial wildlife, and waterfowl. Some ponds dry up early in the summer, so the cattle have less and less available water in the summer and fall. The ranch has dryland pasture in the late fall, winter, and early spring. No land is irrigated on the ranch. Most of the Milano Land & Cattle Co. reservoirs are inaccessible by vehicles in the winter, and fire danger may prevent access during the summer and fall. All of the dirt roads turn to mud and cannot be navigated with a four-wheel drive or ATV when wet. Even those reservoir that are accessible by highways only have vehicle access over dirt roads. Checking these reservoirs would chase away wildlife and reduce the reservoirs' use by birds and walking animals. It would result in the waste and unreasonable use of water, if a fire were started in the process of attempting to access a pond in the summer or fall. Any installation of measurement equipment would have to be protected by steel just to survive, since many would be exposed as reservoirs dry up, and can be walked on by cattle and elk. Water level loggers would have to be installed in galvanized pipe from the top of each dam down to the bottom, and the pipe would have to be secured to the dams and pond bottoms; or else loggers would have to be installed in short lengths of galvanized pipe on a rope and buoy. The least expensive equipment to monitor levels at reservoirs of 10 AF or greater capacity would have to be electronic, and would cost between \$4,000 and \$14,000 in capital; \$8,000 in labor for installation and filing forms, plus \$7,000 per year to check, download, and maintain pressure transducers. \$19,000 to \$29,000 in the first year to electronically measure 203.3 AF, which is not controlled or able to be controlled, is not reasonable or feasible. In fact, it would be less expensive for the landowner to reduce the dam heights for the licensed ponds, to a level at which each stores less than 10 AF.

(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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(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. *

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

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(5000 character max.)

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

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(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 from active streams. Reservoir levels are visually measured when it is safe, and when weather, low fire danger, and time allows to visit the remote locations.

(5000 character max.)

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

The accuracy is unknown. If the estimate were made by the volume of each water right, the real volume could be significantly lower, but not higher because the ponds spill in wet years.

(5000 character max.)

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

The accuracy was not calculated.

(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:

There are no milestones.

(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.

Not Applicable

(5000 character max.)

SECTION I - ATTACHMENTS



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

Choose File No file selected

Upload

(Uploaded files:)

A019733__3_Reservoirs_GlennCo_89.5-AF-Total__45.2-28.0-16.5-AF.pdf
A020285_GlennCo_6.7-AF.pdf
A020503__2_Reservoirs_GlennCo_7.6-AF_Total__4.0-3.6-AF.pdf
A020504__2_Reservoirs_GlennCo_29.0-AF_Total__17.0-12.0-AF.pdf
A021057_GlennCo_12.0-AF.pdf
A022467_GlennCo_14.5-AF.pdf
A022994__2_Reservoirs_GlennCo_20.0-AF.pdf
A022995_GlennCo_9.0-AF.pdf
A031025_GlennCo_15.0-AF.pdf
eWRIMS_on_Aerial_A019733.pdf
eWRIMS_on_Aerial_A020285.pdf
eWRIMS_on_Aerial_A020503.pdf
eWRIMS_on_Aerial_A020504.pdf
eWRIMS_on_Aerial_A021057.pdf
eWRIMS_on_Aerial_A022467.pdf
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Google Earth Map A019733 on PLSS.pdf
Google Earth Map A020285 on PLSS.pdf
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Google Earth Map A022994 on PLSS.pdf
Google Earth Map A022995 on PLSS.pdf
Google Earth Map A031025 on PLSS.pdf
Google Earth Milano Land & Cattle Co. - Glenn Co. App Nos on PLSS.pdf
Google Earth Milano Land & Cattle Co. - Glenn Co. App Nos.pdf
PQ_Own_Aerial_Photo_and_List_Milano_Land_and_Callte_Co_Glenn-Co.pdf
PQ_Own_Map_and_List_Milano_Land_and_Callte_Co_Glenn-Co.pdf

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

A020285_GlennCo_6.7-AF.pdf – Application Number A020285
A020503__2_Reservoirs_GlennCo_7.6-AF_Total__4.0-3.6-AF.pdf – Application Number A020503
A020504__2_Reservoirs_GlennCo_29.0-AF_Total__17.0-12.0-AF.pdf – Application Number
A020504 A021057_GlennCo_12.0-AF.pdf – Application Number A021057
A022467_GlennCo_14.5-AF.pdf – Application Number A022467
A022994__2_Reservoirs_GlennCo_20.0-AF.pdf – Application Number A022994
A022995_GlennCo_9.0-AF.pdf – Application Number A022995 A031025_GlennCo_15.0-AF.pdf –
Application Number A031025 eWRIMS_on_Aerial_A019733.pdf – eWRIMS aerial photo map of
Application Number A019733 eWRIMS_on_Aerial_A020285.pdf – eWRIMS aerial photo map of
Application Number A020285 eWRIMS_on_Aerial_A020503.pdf – eWRIMS aerial photo map of
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Application Number A022995 eWRIMS_on_Aerial_A031025.pdf – eWRIMS aerial photo map of
Application Number A031025 Google Earth Map A019733 on PLSS.pdf – Google Earth map of
Application Number A019733 on Public Lands Survey System layer Google Earth Map A020285 on
PLSS.pdf – Google Earth map of Application Number A020285 on Public Lands Survey System
layer Google Earth Map A020503 on PLSS.pdf – Google Earth map of Application Number
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Cattle Co. - Glenn Co. App Nos on PLSS.pdf – Google Earth of Milano Land & Cattle Co.
Application Numbers in Glenn County on the Public Lands Survey System layer Google Earth
Milano Land & Cattle Co. - Glenn Co. App Nos.pdf - Glenn Co. App Nos on PLSS.pdf – Google
Earth of Milano Land & Cattle Co. Application Numbers in Glenn County
PQ_Own_Aerial_Photo_and_List_Milano_Land_and_Cattle_Co_Glenn-Co.pdf –
ParcelQuest.com aerial photo and listing of Milano Land & Cattle Co. parcels in Glenn County
PQ_Own_Map_and_List_Milano_Land_and_Cattle_Co_Glenn-Co.pdf – ParcelQuest.com map
and listing of Milano Land & Cattle Co. parcels in Glenn 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 *

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.

