

## Summary

# Alternative Compliance Plan for Water Right (S021669)

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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) \*

Gordon DePaoli

(2) Email Address \*

[REDACTED]

(3) Phone Number \*

[REDACTED]

(4) Mailing Address Line 1 \*

[REDACTED]

(5) Mailing Address Line 2:

(6) City \*

Reno

(7) State \*

Nevada

(8) Zip Code \*

89511

(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): \***

MBK Engineers c/o Ang

**(2) Phone Number: \***

[REDACTED]

**(3) Email Address: \***

[REDACTED]

**(4) Mailing Address Line 1: \***

[REDACTED]

**(5) Mailing Address Line 2:**

[REDACTED]

**(6) City: \***

Sacramento

**(7) State: \***

California

**(8) Zip Code: \***

95825

**(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): *	Angela Bezzone
(2) Phone Number: *	
(3) Email Address: *	
(4) Mailing Address Line 1: *	
(5) Mailing Address Line 2:	
(6) City: *	Sacramento
(7) State: *	California
(8) Zip Code: *	95825
(9) The qualifications of the individual certifying the Alternative Compliance Plan are: *	<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>
(10) Qualifying Individual's PE or Contractor license number, if applicable:	83636

## 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 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.

(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: \***

See pages 2 and 3, and Attachment 3

(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: \***

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.

(5000 character max.)

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**(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.

(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 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.

(5000 character max.)

**(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.

(5000 character max.)

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

Irrigation, Domestic, Stockwatering

(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. \***

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

(5000 character max.)

**(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.

(5000 character max.)

**(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.

(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 Ranch plans to use the method identified in this Plan for its 2017 annual water right reporting and each year thereafter.

(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:)

[DePaoli-Seeliger Alternative Compliance Plan 06.26.2018.pdf](#)

0%

**(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

(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 \***

Angela Bezzone

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.