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## State Water Resources Control Board

In Reply Refer to:  
CB: A026619

### CERTIFIED MAIL

Mark Henwood  
[REDACTED]

CERTIFIED MAIL NO: 9589 0710 5270 0211 8903 43

Dear Mr. Henwood,

### **APPROVAL OF ALTERNATIVE COMPLIANCE PLAN FOR WATER RIGHT APPLICATION 26619**

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) relies on accurate and timely water use data from you and other diverters to help manage California's water. In January 2016, the State Water Board adopted new water use measurement regulations. The regulations require the installation of measuring devices and set standards for monitoring and reporting diversions of water.

The regulations can be found in Title 23 of the California Code of Regulations (CCR), §931-938. Section 935 of the regulations allows alternative compliance for a measuring device or measurement method requirement "in circumstances where strict compliance with sections 933 or 934 of CCR Title 23 is not feasible, would be unreasonably expensive, would unreasonably affect public trust uses, or would result in the waste or unreasonable use of water."

The Division received your Alternative Compliance Plan (ACP) for Application 26619 on August 29, 2023. After review, Division staff have found that the ACP meets the requirements set forth in CCR §931-938.

Per regulations, the ACP will be posted on the State Water Board's website. Posting will provide an opportunity for comment from any interested parties. Any comments received will be reviewed by the Deputy Director who may subsequently request additional information or modifications to the ACP.

### **Alternative Compliance Plan – Request and Conditional Approval Overview**

Review of the conditions specific to this ACP and its associated water right found there is no value in requiring hourly reporting or transmitting telemetered data of diversions under Application 26619.

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

This conclusion was reached since the use is non-consumptive, the lack of data will not injure other water right holders, and the data is not expected to prove useful in SWRCB's efforts.

You are required to provide updates on the implementation of your ACP with your annual water right report. These updates should include documentation of compliance with any proposed timelines and/or other elements identified in the ACP.

### **Renewing an Alternative Compliance Plan**

Pursuant to CCR § 935(k), an ACP cannot remain in effect for more than five years, commencing from the effective date applicable to diversions under your water right. You may renew your ACP by resubmitting it, with or without amendment, during this five-year period. Prior approval of an ACP is not a guarantee of the resubmitted ACP also being approved. Resubmitted ACPs will be subject to the same level of review as any other submitted ACPs.

If the timeline and/or other elements identified in your ACP could not be implemented within the five-year time period, the resubmitted ACP must include documentation of why implementation could not occur. The resubmitted ACP is also required to provide the timeline for meeting the objectives of the original ACP.

**Failure to follow your Alternative Compliance Plan and the requirements in this letter may subject you to enforcement actions and penalties as high as \$500 per day beginning from the first day of noncompliance (CCR §920 and §925).**

If you have any questions regarding compliance with the measurement regulations, you can visit our website:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/water\\_measurement.html](https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_measurement.html)

Contact knowledgeable Division staff directly at (916) 341-5314 or by email at [connor.bovee@waterboards.ca.gov](mailto:connor.bovee@waterboards.ca.gov). As a final note, the State Water Board is in the process of updating our water measurement and reporting regulations. If you are interested in learning more, or with how to follow the process, please use the above link for more information.

Sincerely,

ORIGINAL SIGNED BY:

Erik Ekdahl  
Deputy Director  
Division of Water Rights