

HONEY LAKE VALLEY  
RESOURCE CONSERVATION DISTRICT

**PUBLIC NOTICE**

Regular Meeting of the

**WATER MASTER ADVISORY COMMITTEE (WAC)**

**AGENDA**

Date: Thursday, May 11, 2017

Location: USDA Service Center, 170 Russell Avenue, Suite C, Susanville

Time: **5:30 PM**

NOTE: THE HONEY LAKE VALLEY RESOURCE CONSERVATION DISTRICT WAC MAY ADVISE ACTION ON ANY OF THE AGENDA ITEMS SHOWN BELOW.

NOTE: IF YOU NEED A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION, INCLUDING AUXILIARY AIDS OR SERVICES, TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE DISTRICT OFFICE AT THE TELEPHONE NUMBER AND ADDRESS LISTED BELOW PRIOR TO THE MEETING.

- I. **CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **PUBLIC COMMENT**

Per RCD Board Policy No. 5030.4.1, during this portion of the meeting any member of the public is permitted to make a brief statement, express his/her viewpoint, or ask a question regarding matters related to the District. **Five (5) minutes** may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter.

IV. **ITEMS FOR BOARD ACTION**

- A. Approval of 4/13/17 regular meeting minutes (attachment).

IV. **ITEMS FOR BOARD DISCUSSION AND/OR ACTION**

- A. Discussion of Wally Roney's inclusion into the Susan River Water Master Service Area (SRWMSA) (attachments) - Otto.
  - 1. Letter to Wally Roney regarding inclusion into SRWMSA.
  - 2. Letter from Wally Roney denying acceptance into SRWMSA.

- B. Discussion/approval to fill unscheduled Baxter Creek WAC representative vacancy due to Dave Schroeder's appointment to Honey Lake Valley RCD – Otto.
- C. Discussion of HLVRCD current status regarding SB 88 monitoring and reporting rules and regulations (attachment) – Otto.
  - 1. Senate Bill 88, Chapter 27, Article 3, "Monitoring and Reporting".

V. REPORTS

- A. Watermaster Report – Otto.
- B. RCD Report – Langston.

VI. COMMITTEE MEMBERS' COMMENTS

In accordance with Government Code Section 54954.2(a), committee members may make brief announcements or brief reports on their own activities. They may ask questions for clarification, make referral to staff or take action to have staff place a matter of business on a future agenda.

VII. ADJOURNMENT

The next regularly scheduled Honey Lake Valley RCD WAC meeting will be Thursday, June 8, 2017 at 5:30 pm at the USDA Service Center, 170 Russell Avenue, Suite C, Susanville.

I certify that on May 8, 2017 agendas were posted as required by Government Code Section 54956 and any other applicable law.

Respectfully submitted,



Mitch Otto  
Deputy Water Master

**HONEY LAKE VALLEY**  
**RESOURCE CONSERVATION DISTRICT**

**WATERMASTER ADVISORY COMMITTEE (WAC)**  
**Regular Meeting Minutes**

**Date:** Thursday, April 13, 2017

**Location:** USDA Service Center, 170 Russell Avenue, Suite C, Susanville

**Present:** Board: Daren Hagata Ramsey Wood Wayne Langston  
Todd Swickard Brad Hanson  
Staff: Ian Sims Mitch Otto  
Attendees: Dave Brazil

**I. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL**

Meeting called to order by Brad Hanson at 5:30 pm. The pledge of allegiance was recited and a quorum was noted. All board present with the exception of Board Chair Mike Bartley and Board Member Dave Schroeder.

**II. APPROVAL OF AGENDA**

Board Member Todd Swickard made a motion to approve the agenda, Board Member Daren Hagata seconded and the motion passed. All.

**III. PUBLIC COMMENT**

None.

**IV. ITEMS FOR BOARD ACTION**

**A. Approval of 3/7/17 regular meeting minutes.**

Board Member Wayne Langston made a motion to approve the 3/7/17 minutes, Board Member Daren Hagata seconded and the motion passed. All.

**V. ITEMS FOR BOARD DISCUSSION AND/OR ACTION**

**A. Lassen County Superior Court Case Number 58261 final update – Sims.**

District Manager Ian Sims gave the WAC the final update on Lassen County Superior Court Case Number 58261.

**VI. REPORTS**

**A. Watermaster Report – Otto.**

Water Master Mitch Otto provided the WAC with information he obtained from contacting Les Grade, a Senior Engineer at DWR, regarding water right holder access to owned diversions and ditch maintenance responsibilities. According to Mr. Grade there is nothing stated definitively in the California Water Code regarding these rights, so this concern falls under basic land laws regarding trespassing if permission has not been gained by the person requiring access to a property not owned by them. Basically it is the responsibility of the landowner to provide his or her own maintenance on the conduits flowing through his or her own property, unless an agreement has been reached between the two parties allowing one to perform maintenance on conduits not located on their own property.

**B. RCD Report – Langston.**

Board Member Langston updated the WAC on the third priority water right letter that was sent to the RCD's legal counsel. The RCD board directed staff to revise the letter generalizing the intent to not only include Baxter Creek third priority water right holders but rather to include all third priority water right holders in the service area.

There was also some discussion about creating a different budget for each creek/decree as well as having the Water Master use an hourly breakdown for Baxter Creek.

**VII. COMMITTEE MEMBERS' COMMENTS**

None.

**VIII. ADJOURNMENT**

Board Member Hanson made a motion to adjourn the meeting, Board Member Langston seconded and the meeting was adjourned at 6:02 pm. All. The next regularly scheduled WAC meeting will be held Thursday, May 11, 2017 at the USDA Service Center, 170 Russell Avenue, Suite C, Susanville at 5:30 p.m.

Respectfully submitted,



Ian Sims  
District Manager  
Honey Lake Valley RCD



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**Honey Lake Valley Resource Conservation District**  
170 Russell Ave., Suite C – Susanville, CA 96130 – Phone (530)257-7271

April 19, 2017

**Re: Inclusion into the Susan River Water Master Service Area (SRWMSA)**

Mr. Wally Roney,

The Honey Lake Valley RCD would like to determine if you are still interested in becoming a part of the Susan River Water Master Service Area (SRWMSA)? If so, the Honey Lake Valley RCD requests that you send a letter of your interest to the Water Advisory Committee (WAC) Board including the details necessary to determine the assessment total for your inclusion into the service area.

The letter of interest should include all relevant information included in the Susan River Decree (4573) pertaining to your water rights such as; decreed name(s) that the rights were originally assigned to, total cubic feet per second (cfs) allotted, number of diversion(s) and each diversion's number(s), irrigated acreage to be supplied as well as any other information that you feel is pertinent.

Also included in the letter of interest should be a brief statement of reasoning explaining the desire or need to become included into the SRWMSA.

If you could, please return the requested information by May 17, 2017 to:

Honey Lake Valley Resource Conservation District  
170 Russell Ave. Suite C.  
Susanville, CA 96130  
Attn: Water Advisory Committee

I will follow-up with a phone call after the sending of this email and if you have any questions prior to that, feel free to email me or call me at (530) 260-1690.

Sincerely,

Mitch Otto, Deputy Water Master, SRWMSA

RONEY LAND AND CATTLE COMPANY, INC.

515 Roney Trail  
Chico, CA 95973  
530-893-3608  
[bjr@billieweb.com](mailto:bjr@billieweb.com)

April 20, 2017

Water Advisory Committee Board  
Honey Lake Valley RCD  
170 Russel Ave. Suite C  
Susanville, CA 96130

Dear Board Members,

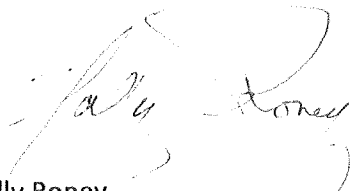
Since our last discussion about the possibility of our using the SRWMSA, we have hired an engineer to make sure that we conform to the standards not only delineated in the Susan River adjudication but also- to the extent practicable -with SB 88.

It became apparent that we could not move forward without an engineer because we were not covered by a water master service at the time these forms needed to be filed and meet the deadline.

For these reasons, we have decided not to use the SRWMSA, but appreciate your consideration.

We are looking forward to picking up our Parshall flume and head gate in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wally Roney', is written over a faint, circular stamp or watermark.

Wally Roney  
Roney Land and Cattle Co., Inc.

Cc: Mitch Otto, Deputy Water Master

Senate Bill No. 88

CHAPTER 27

**Article 3. Monitoring and Reporting**

1840. (a) (1) Except as provided in subdivision (b), a person who, on or after January 1, 2016, diverts 10 acre-feet of water per year or more under a permit or license shall install and maintain a device or employ a method capable of measuring the rate of direct diversion, rate of collection to storage, and rate of withdrawal or release from storage. The measurements shall be made using the best available technologies and best professional practices, as defined in Section 5100, using a device or methods satisfactory to the board, as follows:

(A) A device shall be capable of continuous monitoring of the rate and quantity of water diverted and shall be properly maintained. The permittee or licensee shall provide the board with evidence that the device has been installed with the first report submitted after installation of the device. The permittee or licensee shall provide the board with evidence demonstrating that the device is functioning properly as part of the reports submitted at five-year intervals after the report documenting installation of the device, or upon request of the board.

(B) In developing regulations pursuant to Section 1841, the board shall consider devices and methods that provide accurate measurement of the total amount diverted and the rate of diversion. The board shall consider devices and methods that provide accurate measurements within an acceptable range of error, including the following:

- (i) Electricity records dedicated to a pump and recent pump test.
- (ii) Staff gage calibrated with an acceptable streamflow rating curve.
- (iii) Staff gage calibrated for a flume or weir.
- (iv) Staff gage calibrated with an acceptable storage capacity curve.
- (v) Pressure transducer and acceptable storage capacity curve.

(2) The permittee or licensee shall maintain a record of all diversion monitoring that includes the date, time, and diversion rate at time intervals of one hour or less, and the total amount of water diverted. These records shall be included with reports submitted under the permit or license, as required under subdivision (c), or upon request of the board.

(b) (1) The board may modify the requirements of subdivision (a) upon finding either of the following:

(A) That strict compliance is infeasible, is unreasonably expensive, would unreasonably affect public trust uses, or would result in the waste or unreasonable use of water.

(B) That the need for monitoring and reporting is adequately addressed by other conditions of the permit or license.

(2) The board may increase the 10-acre-foot reporting threshold of subdivision (a) in a watershed or subwatershed, after considering the diversion reporting threshold in relation to quantity of water within the watershed or subwatershed. The board may increase the 10-acre-foot reporting threshold to 25 acre-feet or above if it finds that the benefits of the additional information within the watershed or subwatershed are substantially outweighed by the cost of installing measuring devices or employing methods for measurement for diversions at the 10-acre-foot threshold.

(c) At least annually, a person who diverts water under a registration, permit, or license shall report to the board the following information:

(1) The quantity of water diverted by month.

(2) The maximum rate of diversion by months in the preceding calendar year.

(3) The information required by subdivision (a), if applicable.

(d) Compliance with the applicable requirements of this section is a condition of every registration, permit, or license.

1841. (a) The board may adopt regulations requiring measurement and



reporting of water diversion and use by either of the following:

(1) Persons authorized to appropriate water under a permit, license, registration for small domestic, small irrigation, or livestock stockpond use, or certification for livestock stockpond use.

(2) Persons required to comply with measurement and reporting regulations pursuant to subparagraph (B) of paragraph (1) of subdivision (e) of Section 5103.

(b) The initial regulations that the board adopts pursuant to this section shall be adopted as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of the initial regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, any emergency regulations adopted under this section shall remain in effect until revised by the board.

(c) The adoption of the initial regulations pursuant to this article is exempt from Division 13 (commencing with Section 21000) of the Public Resources Code.

SEC. 16. Section 1846 of the Water Code is amended to read:

1846. (a) A person or entity may be liable for a violation of any of the following in an amount not to exceed five hundred dollars (\$500) for each day in which the violation occurs:

(1) A term or condition of a permit, license, certificate, or registration issued under this division.

(2) A regulation or order adopted by the board.

(b) Civil liability may be imposed by the superior court. The Attorney General, upon the request of the board, shall petition the superior court to impose, assess, and recover those sums.

(c) Civil liability may be imposed administratively by the board pursuant to Section 1055.

(d) In determining the appropriate amount of civil liability, the court, pursuant to subdivision (b), or the board, pursuant to subdivision (c), may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the corrective action, if any, taken by the violator.

(e) No liability shall be recoverable under this section for any violation for which liability is recovered under Section 1052.

(f) All funds recovered pursuant to this section shall be deposited in the Water Rights Fund established pursuant to Section 1550.

SEC. 17. Section 5103 of the Water Code is amended to read:

5103. Each statement shall be prepared on a form provided by the board. The statement shall include all of the following information:

(a) The name and address of the person who diverted water and of the person filing the statement.

(b) The name of the stream or other source from which water was diverted, and the name of the next major stream or other body of water to which the source is tributary.

(c) The place of diversion. The location of the diversion works shall be depicted on a specific United States Geological Survey topographic map, or shall be identified using the California Coordinate System, or latitude and longitude measurements. If assigned, the public land description to the nearest 40-acre subdivision and the assessor's parcel number shall also be provided.

(d) The capacity of the diversion works and of the storage reservoir, if any, and the months in which water was used during the preceding calendar year.

(e) (1) (A) At least monthly records of water diversions. The

measurements of the diversion shall be made in accordance with Section 1840.

(B) (i) On and after July 1, 2016, the measurement of a diversion of 10 acre-feet or more per year shall comply with regulations adopted by the board pursuant to Article 3 (commencing with Section 1840) of Chapter 12 of Part 2.

(ii) The requirement of clause (i) is extended to January 1, 2017, for any statement filer that enters into a voluntary agreement that is acceptable to the board to reduce the statement filer's diversions during the 2015 irrigation season.

(2) (A) The terms of, and eligibility for, any grant or loan awarded or administered by the department, the board, or the California Bay-Delta Authority on behalf of a person that is subject to paragraph (1) shall be conditioned on compliance with that paragraph.

(B) Notwithstanding subparagraph (A), the board may determine that a person is eligible for a grant or loan even though the person is not complying with paragraph (1), if both of the following apply:

(i) The board determines that the grant or loan will assist the grantee or loan recipient in complying with paragraph (1).

(ii) The person has submitted to the board a one-year schedule for complying with paragraph (1).

(C) It is the intent of the Legislature that the requirements of this subdivision shall complement and not affect the scope of authority granted to the board by provisions of law other than this article.

(f) The purpose of use.

(g) A general description of the area in which the water was used. The location of the place of use shall be depicted on a specific United States Geological Survey topographic map and on any other maps with identifiable landmarks. If assigned, the public land description to the nearest 40-acre subdivision and the assessor's parcel number shall also be provided.

(h) The year in which the diversion was commenced as near as is known.

SEC. 18. Section 5104 of the Water Code is amended to read:

5104. (a) Supplemental statements shall be filed annually, before July 1 of each year. They shall contain the quantity of water diverted and the rate of diversion by months in the preceding calendar year and any change in the other information contained in the preceding statement.

(b) If there is a change in the name or address of the person diverting the water, a supplemental statement shall be filed with the board that includes the change in name or address.

(c) A supplemental statement filed prior to July 1, 2016, shall include data satisfying the requirements of subdivision (a) for any diversion of water in the 2012, 2013, and 2014 calendar years, that was not reported in a supplemental statement submitted prior to July 1, 2015.

(d) This section does not limit the authority of the board to require additional information or more frequent reporting under any other law.

SEC. 19. Section 79708.5 is added to the Water Code, to read:

79708.5. In addition to the information required pursuant to Section 79708, in order to facilitate oversight of funding and projects, the secretary shall post on the Natural Resources Agency's Internet Web site information on changes to project timelines and project spending.

SEC. 20. Section 79716.5 is added to the Water Code, to read:

79716.5. Each state agency that receives an appropriation of funding made available by this division shall do the following:

(a) Evaluate the outcomes of projects funded by this division.

(b) Include in the agency's reporting pursuant to Section 79716 the evaluation described in subdivision (a).

(c) Hold a grantee of funds accountable for completing projects funded by this division on time and within scope.

SEC. 21. The sum of ten million dollars (\$10,000,000) available in the CalConserve Water Use Efficiency Revolving Fund from the proceeds of

bonds issued pursuant to Division 26.7 (commencing with Section 79700) of the Water Code, is hereby appropriated for the purpose of Section 81023 of the Water Code.

SEC. 22. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 23. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately