

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2006-0094-EXEC**

REVISING AND RE-ADOPTING EMERGENCY REGULATIONS AMENDING
WATER RIGHT AND WATER QUALITY CERTIFICATION FEE SCHEDULES IN
TITLE 23, DIVISION 3, OF THE CALIFORNIA CODE OF REGULATIONS

WHEREAS:

1. Pursuant to Water Code section 1058, the State Water Resources Control Board (State Water Board) has the authority to adopt regulations to carry out its powers and duties under the Water Code.
2. Pursuant to Water Code section 7, the State Water Board is authorized to delegate authority to the Executive Director. By Resolution 2002-0104, the State Water Board delegated authority to the Executive Director to conduct and supervise the activities of the State Water Board. The delegated authority includes the authority to revise or re-adopt emergency regulations, once adopted by the State Water Board.
3. Chapter 5 of the Water Code (commencing with section 1525) and Water Code section 13160.1 require the State Water Board to adopt emergency regulations establishing and revising fees to be deposited in the Water Rights Fund in the State Treasury, including fees for water quality certification. The emergency regulations must be adopted to implement the fee revenue requirement in the Budget Act. The emergency regulations may include provisions concerning the administration and collection of the fees. The fee regulations are contained in division 3 of title 23 of the California Code of Regulations.
4. At a meeting of the State Water Board held on September 21, 2006, by Resolution 2006-0065, the State Water Board adopted emergency regulations revising the water right and water quality certification fee regulations to implement the Water Code and the requirements of the Water Code and the Budget Act.
5. By Resolution 2006-0065, the State Water Board amended the fee regulations to increase annual permit and license fees and water quality certification fees, reduce application fees for temporary permits filed under Water Code section 1425, and increase the upper limit on filing fees for applications, petitions, and transfers. These fee increases and other revisions will not be implemented this fiscal year. Therefore, the fee regulations adopted in Resolution 2006-0065 should be amended to eliminate these revisions. The fee regulations as amended should be revised and re-adopted to reinstate and allow collection of annual permit and license fees, annual water quality certification fees, and filing fees in fiscal year 2006-2007

at the same rates and subject to the same upper limits that were in effect during fiscal year 2005-2006.

6. The other amendment to the emergency regulations adopted by the State Water Board pursuant to Resolution 2006-0065 is appropriate and should take effect.
7. These re-adopted emergency regulations will take effect upon filing with the Secretary of State.

THEREFORE BE IT RESOLVED THAT:

1. Pursuant to his or her delegated authority, the Executive Director re-adopts the emergency regulations revising the water right fee and water quality certification fee regulations that State Water Board adopted on September 21, 2006, pursuant to Resolution 2006-0065, in their entirety, with the following revisions (see attachment):

a. The permit and license fees set forth in section 1066, subdivision (a), shall be calculated at a rate of \$0.03, instead of \$0.036, per acre-foot for each acre-foot in excess of 10 acre-feet;

b. The annual water quality certification fee set forth in section 3833.1, subdivision (b)(4) shall be calculated at a rate of \$0.13, instead of \$0.20, per kilowatt; and

c. The annual water quality certification fee set forth in section 3833.1, subdivision (c)(1) shall be calculated in the amount of \$100 plus \$0.01 per kilowatt, instead of \$200 plus \$0.04 per kilowatt.

d. The upper limits on filing fees for applications, transfers, and petitions set forth in sections 1062 and 1064 shall be the same as the limits in effect during FY 2005-2006.

e. The reduction in the fees for applications for temporary permits filed under Water Code section 1425 shall be eliminated.

ORIGINAL SIGNED BY TOM HOWARD for
Celeste Cantú
Executive Director

Date: November 30, 2006

Attachment