

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2024-0011**

ADOPTING AN EMERGENCY REGULATION AMENDING SUSTAINABLE  
GROUNDWATER MANAGEMENT ACT FEE SCHEDULES IN TITLE 23, DIVISION 3,  
CHAPTER 4.5, SECTION 1040 OF THE CALIFORNIA CODE OF REGULATIONS

WHEREAS:

1. Pursuant to Water Code section 1058, the State Water Resources Control Board (State Water Board or Board) has the authority to adopt regulations to carry out its powers and duties under the Water Code.
2. The Water Code further provides authority for the State Water Board to adopt, by emergency regulation, a schedule of fees for certain work regarding the Sustainable Groundwater Management Act (SGMA), to be deposited in the Water Rights Fund in the State Treasury. (Wat. Code, § 1529.5)
3. The State Water Board must set a fee schedule that will generate revenues necessary to conform to the amounts appropriated by the Legislature for specified regulatory activities. (Wat. Code, § 1529.5.)
4. The State Water Board finds that in accordance with section 1552 of the Water Code, the funds collected from SGMA fees and deposited in the Water Rights Fund will be used for appropriate administration activities of the SGMA program. These administrative costs, including the Board's costs of administering relevant SGMA program activities, constitute costs of state operations, plus costs of purchasing and leasing supplies, equipment and material, and maintaining financial reserves. Because the fees are used for these purposes, they are exempt from the California Environmental Quality Act as provided in Public Resources Code section 21080, subdivision (b)(8).
5. State Water Board staff prepared recommended revisions to the Board's SGMA fee regulations in accordance with the Water Code and the fee revenue requirements as appropriated by the Legislature.
6. The SGMA fee schedule being amended by this rulemaking will be contained in title 23, division 3, chapter 4.5, article 3 of the California Code of Regulations.
7. The emergency regulations will take effect upon filing with the Secretary of State.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts as an emergency regulation revisions to section 1040 of title 23 of the California Code of Regulations as recommended by staff.

2. The State Water Board determines that adoption of the California Code of Regulations, title 23, section 1040 is statutorily exempt from CEQA, and directs Board staff to prepare and submit to the State Clearinghouse a Notice of Exemption reflecting this determination.
3. State Water Board staff will submit the regulations to the Office of Administrative Law (OAL) for filing with the Secretary of State.
4. If, prior to OAL filing the regulations with the Secretary of State, the State Water Board or Board staff determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or the Executive Director's designee may make such changes.

### **CERTIFICATION**

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 19, 2024.

AYE: Chair E. Joaquin Esquivel  
Vice Chair Dorene D'Adamo  
Board Member Sean Maguire  
Board Member Laurel Firestone  
Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None

  
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Courtney Tyler  
Clerk to the Board