

# Water Rights Fees Stakeholder Meeting

Thursday, June 13, 2024, at 1:00 pm – 3:00 pm

Webcast and Zoom Meeting Only

***NO PHYSICAL MEETING LOCATION***

Live Webcast [Here](#)

[Water Rights Email](#)



## **AGENDA**

1. Welcome and Introductions
2. Water Rights Program Budget FY 2024-25 (Attachment 1)
3. WRF Fund Condition (Attachment 2)
4. WRF Budget Cost Drivers (Attachment 3)
5. WRF Budget Change Proposals:
  - a. [Establishment and Implementation of Instream Flow Objectives in the Scott and Shasta River Watersheds](#)
  - b. [Information Security and Privacy Office Staffing](#)
  - c. [New Groundwater Recharge Permitting Staff](#)
  - d. [Administrative Hearings Office - Special Projects Package \(May Revise\)](#)
6. Fee Change Proposals:
  - a. Application Fees (Attachment 4)
  - b. Late Reporting Fee (Attachment 5)
  - c. Registration Program Fees (Attachment 6)
  - d. Water Rights Water Quality Certification Fees (Attachment 7)
7. Sustainable Groundwater Management Act (SGMA)
8. Open Discussion
9. Next Steps
  - a. August 1, Stakeholder Meeting

## Water Rights Program Budget Fiscal Year 2024-25

General Fund	\$43,058
Water Rights Fund	\$38,811
Federal Trust Fund	\$232
Cannabis Tax Fund	\$3,718
Public Resources Account, Cigarette and Tobacco Products Surtax Fund	\$275
<b>Total</b>	<b>\$86,094</b>

**Water Rights Fund  
Fund Condition (\$000)**

	Prior Year FY 22-23	Current Year Projected FY 23-24	BY No Fee Increase FY 24-25	BY Fee Increase FY 24-25
<b>BEGINNING BALANCE</b>	\$5,040	\$5,860	\$3,117	\$3,117
Prior year adjustments	\$360	\$0	\$0	\$0
Adjusted Beginning Balance	<b>\$5,400</b>	<b>\$5,860</b>	<b>\$3,117</b>	<b>\$3,117</b>
<b>Revenue</b>				
Regulatory Fees <sup>1</sup>	\$30,307	\$30,813	\$32,850	\$36,792
Cannabis Cultivation Regulation	\$0	\$0	\$0	\$0
Cost Recovery <sup>2</sup>	\$29	\$1,000	\$1,000	\$1,000
SGMA Fees	\$0	\$750	\$750	\$750
Other Revenue <sup>3</sup>	\$369	\$441	\$203	\$203
Adjustments:	\$0	\$0	\$0	\$0
<b>Total Revenue</b>	<b>\$30,705</b>	<b>\$33,004</b>	<b>\$34,803</b>	<b>\$38,745</b>
<b>Expenditures</b>				
Water Board State Operations <sup>4</sup>	\$27,235	\$30,717	\$33,871	\$33,871
Cost Recovery Expenditures <sup>2</sup>	\$29	\$1,000	\$1,000	\$1,000
SGMA	\$0	\$750	\$750	\$750
Other State Operations <sup>5</sup>	\$2,981	\$3,280	\$3,190	\$3,190
<b>Total Expenditures</b>	<b>\$30,245</b>	<b>\$35,747</b>	<b>\$38,811</b>	<b>\$38,811</b>
Surplus/(Deficit)	\$460	(\$2,743)	(\$4,008)	(\$66)
<b>ENDING BALANCE</b>	<b>\$5,860</b>	<b>\$3,117</b>	<b>(\$891)</b>	<b>\$3,051</b>
<b>Fund Reserve</b>	<b>19.4%</b>	<b>9.0%</b>	<b>-2.4%</b>	<b>8.1%</b>

<sup>1</sup> Forecasted revenue is based on estimated billing amounts for applications, annual fees for license/permit/pending applications and estimated revenue from petitions and one-time applications.

<sup>2</sup> Ongoing cost recovery for the California Environmental Quality Act (CEQA) Consultation.

<sup>3</sup> Includes miscellaneous services to the public, Surplus Money Investment Fund (SMIF) & Enforcement, and F&P revenue.

<sup>4</sup> \$30,717 is the FY23-24 projected Water Board state operation expenditures and the budgeted amount is \$32,497.

<sup>5</sup> Includes expenditures for CDTFA, CalEPA, Supplemental Pension and Pro Rata.

**Water Rights Fund  
Budget Cost Drivers  
FY 2024-25  
(\$000)**

Water Rights Fund (3058)	FY 2023-24 Fee-Setting Budget	FY 2024-25 Governor's May Revise Fee-Setting Budget	Net Difference	Percent Change
Budget Allocation	\$34,905	\$38,811	\$3,906	11.2%

FY 2024-25 Budget Cost Drivers	Increase Amount	Percent Change
State Operations <sup>1</sup>	\$840	2.4%
Pro Rata	(\$2)	0.0%
CDTFA	\$7	0.0%
24-25 Establishment and Implementation of Instream Flow Objectives in the Scott River and Shasta River Watersheds BCP	\$711	2.0%
24-25 Information Security and Privacy Office Staffing BCP	\$39	0.1%
24-25 New Groundwater Recharge Permitting Unit BCP	\$1,207	3.5%
24-25 Administrative Hearings Office Special Projects	\$1,104	3.2%
<b>Totals</b>	<b>\$3,906</b>	<b>11.2%</b>

<sup>1</sup> Control Section Item 9800 Employee Compensation, 3.60 Retirement, Healthcare Cost, and Cannabis Continuation BCP.

**Application Related Fee Proposal:**

Red **bold** text indicates proposed language.

Fee Category	Citation	Fee Existing/Proposed
Application Fee <sup>[1][9][10]</sup>	§1062(a)(1) (A)	<p>Existing: \$1,000 plus \$15 per each acre-foot greater than 10 acre-feet based on the total annual amount of diversion sought by the application or \$648,914, whichever is less</p> <p>Footnotes:</p> <p>[1] Total Acre-Foot per Annum will be considered equal to the diversion rate multiplied by the length of the direct diversion season, and the total collection amount for storage, unless otherwise specified. If the Permit, License or Application includes both direct diversion and storage, the two amounts will be additive, unless a total annual amount is specified. For water rights that are primarily for a hydropower purpose, the fee shall be the greater of either 30 percent of the applicable fee or \$100 for facilities licensed by the Federal Energy Regulatory Commission and the greater of either 50 percent of the applicable fee or \$100 for all other hydropower facilities.</p> <p>[9] Fee includes a non-refundable initial review fee equal to \$500 plus 10% of the applicable application filing fee for an initial review. No portion of the application fee shall be refundable once the application is either (1) accepted for filing, or (2) the board communicates to the applicant that the applicant made a bona fide attempt to conform to the rules and regulations, but that the application is defective in some manner pursuant to §1062(c).</p> <p>[10] The fee for an application for an appropriative right to divert water to underground storage shall be 75 percent of the fee calculated for the standard</p>

Application Fee provided the following criteria are met: (a) The application must be for diversion of water only between December 1 and March 31; (b) The application must be primarily for diversion to underground storage in a groundwater basin identified in Bulletin 118; (c) The applicant must be a Groundwater Sustainability Agency or local agency as defined in Water Code section 10721; (d) The applicant has completed all environmental documents required under the California Environmental Quality Act (CEQA); (e) The application proposes diversions only when either the streamflow at the point(s) of diversion is above the 90th percentile calculated from gage data during the period-of-record and the diversion rate is limited to 20 percent of the total streamflow, or when flows in the source waterbody at or near the point of diversion exceed thresholds that trigger flood control actions necessary to mitigate threats to human health and safety according to established written flood management protocols adopted by a flood control agency.

Proposed:

**The applicant shall pay the following fee based on the total annual amount of diversion sought by the application:**

<b>Acre-feet requested</b>	<b>Tier</b>	<b>Fee (\$)</b>
<b><i>Under 10 af</i></b>	<b>1</b>	<b>5,000</b>
<b><i>10 to &lt;200 af</i></b>	<b>2</b>	<b>40,000</b>
<b><i>200 to &lt;1K af</i></b>	<b>3</b>	<b>43,000</b>
<b><i>1K to &lt;5K</i></b>	<b>4</b>	<b>55,000</b>
<b><i>5K to &lt;10K</i></b>	<b>5</b>	<b>117,000</b>
<b><i>10K to &lt;15K</i></b>	<b>6</b>	<b>192,000</b>
<b><i>15K to &lt;20K</i></b>	<b>7</b>	<b>266,000</b>
<b><i>20K to &lt;25K</i></b>	<b>8</b>	<b>341,000</b>
<b><i>25K to &lt;30K</i></b>	<b>9</b>	<b>415,000</b>

<b>30K to &lt;35K</b>	<b>10</b>	<b>489,000</b>
<b>35K to &lt;40K</b>	<b>11</b>	<b>564,000</b>
<b>40K to &lt;200K</b>	<b>12</b>	<b>649,000</b>
<b>≥200K</b>	<b>13</b>	<b>811,000</b>

**Project Complexity Surcharge: A complexity surcharge of an additional 20% per application (120% of the tier amount shown above) shall be included for:**

- 1. Applications proposing to divert from a location(s) within the watershed of the Sacramento-San Joaquin Bay Delta;**
- 2. Applications proposing to divert by means of an onstream dam(s) located within the geographic area covered by the Policy for Maintaining Instream Flows in Northern California Coastal Streams.**

Footnotes:

[1] – Total Acre-Foot per Annum will be considered equal to the diversion rate multiplied by the length of the direct diversion season, and the total collection amount for storage, unless otherwise specified. If the Permit, License or Application includes both direct diversion and storage, the two amounts will be additive, unless a total annual amount is specified. For water rights that are primarily for a hydropower purpose, the fee shall be **1)** the greater of either 30 percent of the applicable fee or \$100 for facilities licensed by the Federal Energy Regulatory Commission **where the Federal Energy Regulatory Commission license includes a water quality certification; or 2)** the greater of either 50 percent of the applicable fee or \$100 for all other hydropower facilities.

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	<p>applicable application filing fee for an initial review. No portion of the application fee shall be refundable once the application is either (1) accepted for filing, or (2) the board communicates to the applicant that the applicant made a bona fide attempt to conform to the rules and regulations, but that the application is defective in some manner pursuant to §1062(c).</p> <p>[9] – maintain current language.</p> <p>[10] The fee for an application for an appropriative right to divert water to underground storage shall be 75 percent of the fee <del>calculated for the standard</del> <b>Application Fee that would otherwise apply</b>, Application Fee provided the following criteria are met: (a) The application must be for diversion of water only between December 1 and March 31 <b>except no restriction on season for diversion of flood flows per part (e)</b>; (b) The application must be primarily for diversion to underground storage in a groundwater basin identified in Bulletin 118; (c) The applicant must be a Groundwater Sustainability Agency or local agency as defined in Water Code section 10721; (d) The applicant has completed all environmental documents required under the California Environmental Quality Act (CEQA); (e) The application proposes diversions only when either the streamflow at the point(s) of diversion is above the 90th percentile calculated from gage data during the period-of-record and the diversion rate is limited to 20 percent of the total streamflow, or when flows in the source waterbody at or near the point of diversion exceed thresholds that trigger flood control actions necessary to mitigate threats to human health and safety according to established written flood</p>
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		<p>management protocols adopted by a flood control agency.</p> <p><b>[New Footnote] For applications of equal to or greater than 40,000 acre-feet: When, after date of initial filing, the applicant requests splitting of an initial filing into separate applications for reasons other than identified in CCR Section 836: the request shall be accompanied by the fee calculated under §1062(a)(1)(A) for the additional application(s) generated paid by the applicant(s) of the split application(s).</b></p>												
<p>Application for Small Hydroelectric<sup>[9]</sup></p>	<p>§1062(a)(1) (B)</p>	<p>Existing: \$1,000 Footnote: [9] – see text under standard application above. Proposed: <b>Under 10 af: fee equal to Tier 1 of fee calculated under §1062(a)(1)(A), including the Project Complexity Surcharge.</b> <b>10 af or more: fee equal to Tier 2 of the fee calculated under §1062(a)(1)(A), including the Project Complexity Surcharge.</b></p> <p>Footnote:[9] – maintain current language.</p> <p>Examples (Does not include project complexity surcharge)</p> <table border="1" data-bbox="818 1325 1422 1499"> <thead> <tr> <th>Diversion</th> <th>Current</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>1 af</td> <td>\$1,000</td> <td>\$5,000</td> </tr> <tr> <td>100 af</td> <td>\$1,000</td> <td>\$40,000</td> </tr> <tr> <td>1,000 af</td> <td>\$1,000</td> <td>\$40,000</td> </tr> </tbody> </table>	Diversion	Current	Proposed	1 af	\$1,000	\$5,000	100 af	\$1,000	\$40,000	1,000 af	\$1,000	\$40,000
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<p>Application for 180-day Temporary Permit filed pursuant to Water Code §1425 other than for diversion to underground storage during high flow events<sup>[9]</sup></p>	<p>§1062(a)(1) (C)</p>	<p>Existing: \$2,000 or 50% of the fee calculated under §1062(a)(1)(A), whichever is greater Footnote: [9] – see text under standard application above.</p> <p>Proposed: <b>50% of the fee calculated under §1062(a)(1)(A)</b> Footnote: [9] – maintain current language.</p>												

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<p>Application for 180-day Temporary Permit for Small Hydroelectric that meets criteria established in CCR, title 14, §15328<sup>[9]</sup></p>	<p>§1062(a)(1) (D)</p>	<p>Existing: \$1,000 Footnote: [9] – see text under standard application above.</p> <p>Proposed: <b>Under 10 af: 50% of fee for Tier 1 of fee calculated under §1062(a)(1)(A), including the Project Complexity Surcharge.</b> <b>10 af or more: 50% of the fee equal to Tier 2 of the fee calculated under §1062(a)(1)(A), including the Project Complexity Surcharge.</b> Footnote: [9] – maintain current language.</p> <p>Examples (Does not include project complexity surcharge)</p> <table border="1"> <thead> <tr> <th>Diversion</th> <th>Current</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>1 af</td> <td>\$1K</td> <td>\$2.5K</td> </tr> <tr> <td>100 af</td> <td>\$1K</td> <td>\$20K</td> </tr> <tr> <td>1,000 af</td> <td>\$1K</td> <td>\$20K</td> </tr> </tbody> </table>	Diversion	Current	Proposed	1 af	\$1K	\$2.5K	100 af	\$1K	\$20K	1,000 af	\$1K	\$20K									
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		<p><b>commencement of diversion</b></p> <p><b>When submitted less than 120 days prior to requested commencement of diversion</b></p> <p><b>50% of the fee calculated under §1062(a)(1)(A)</b></p>																	
		<p>Footnote:[9] – maintain current language. <b>Add Footnote [10]</b></p> <p>Examples (<u>Does not include project complexity surcharge</u>):</p> <table border="1"> <thead> <tr> <th>Amount</th> <th>Current</th> <th>120+ day ahead</th> <th>Less 120 day</th> </tr> </thead> <tbody> <tr> <td>1,000 af</td> <td>\$5,100</td> <td>\$19,250</td> <td>\$27,500</td> </tr> <tr> <td>10,000 af</td> <td>\$6,000</td> <td>\$66,500</td> <td>\$95,000</td> </tr> <tr> <td>100,000 af</td> <td>\$15,000</td> <td>\$227,120</td> <td>\$324,457</td> </tr> </tbody> </table>	Amount	Current	120+ day ahead	Less 120 day	1,000 af	\$5,100	\$19,250	\$27,500	10,000 af	\$6,000	\$66,500	\$95,000	100,000 af	\$15,000	\$227,120	\$324,457	
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Application for Renewal of 180-day Temporary Permit filed pursuant to Water Code §1425 to Divert to Underground Storage During High Flow Events	§1062(a)(1) (E)	<p>\$1,500 plus \$0.20 for every acre-foot of actual flows diverted under the renewed temporary permit</p> <p>Footnote: None</p> <p>Proposed: Eliminate category. Renewals pay same as initial (same approach as non-recharge 180-day)</p> <p>Examples (Does not include project complexity surcharge):</p> <table border="1"> <thead> <tr> <th>Amount</th> <th>Current</th> <th>120+ day ahead</th> <th>Less 120 day</th> </tr> </thead> <tbody> <tr> <td>1,000 af</td> <td>\$1,500-1,700</td> <td>\$19,250</td> <td>\$27,500</td> </tr> <tr> <td>10,000 af</td> <td>\$1,500-3,500</td> <td>\$66,500</td> <td>\$95,000</td> </tr> <tr> <td>100,000 af</td> <td>\$1,500-21,500</td> <td>\$227,120</td> <td>\$324,457</td> </tr> </tbody> </table>	Amount	Current	120+ day ahead	Less 120 day	1,000 af	\$1,500-1,700	\$19,250	\$27,500	10,000 af	\$1,500-3,500	\$66,500	\$95,000	100,000 af	\$1,500-21,500	\$227,120	\$324,457	
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Application for 5-year Temporary Permit filed		<p>At time of filing:</p> <p>1. State Board fee:</p>																	

pursuant to Water Code §1433 to Divert to Underground Storage

Existing: \$6,000 plus [The lesser of the standard 180-day Temporary Permit fee or \$5,000 plus \$0.10 for every acre-foot of diversion sought by the application]

- i. As an annual fee component of the filing fee for each Year 2 to 5: State Board fee: \$0.20 for every acre-foot of actual flows diverted under the renewed temporary permit, due within 30 days after the end of the diversion season
- ii. Footnote: – None.

Proposed:

<b>When submitted a minimum of 120 days prior to requested commencement of diversion</b>	<b>35% of the fee calculated under §1062(a)(1)(A)</b>
<b>When submitted less than 120 days prior to requested commencement of diversion</b>	<b>50% of the fee calculated under §1062(a)(1)(A)</b>

Footnote:

Add Footnote [9]

Add Footnote [10]

Examples of State Board fee (Does not include project complexity surcharge):

Amount	Current	120+ day ahead	Less 120 day
1,000 af	\$11,100-11,900	\$19,250	\$27,500
10,000 af	\$12,000-20,000	\$66,500	\$95,000

		100,000 af	\$21,000-101,000	\$227,120	\$324,457
Change Petition Fee involving a Split per CCR Section 836 [11]	§1064(a)(1)(A)(iv)	<p>Existing: \$850</p> <p>Footnote: [11] Filing fee is inclusive of a non-refundable \$250 fee for an initial review. A petition for a temporary urgency change filed under Water Code section 1443.1 that is solely for purposes of diverting water to underground storage for later beneficial use shall be accompanied by, in addition to the fee required by subdivision (a) of this section, a fee for the California Department of Fish and Wildlife review of the petition as follows: (i) For a petition to divert less than 10,000 acre-feet of water per year, \$3,000 plus \$0.10 per acre-foot of water applied for; or (ii) For a petition to divert 10,000 acre-feet of water per year or more, \$5,000 plus \$0.10 per acre-foot of water applied for.</p> <p>Proposed: <b>\$850 except for pending applications.</b>  <b>For pending application: \$850 paid by the initial applicant, plus where the application initially requested 40,000 acre-feet or greater, the fee calculated under §1062(a)(1)(A) for the additional application(s) generated paid by the applicant(s) of the split application(s).</b></p> <p>Footnote:[11] – maintain current language.</p>			

Petition to Revise Declaration of Fully Appropriated Streams filed with water right application	§1062(a)(2)	Existing: \$10,000 in addition to Application Fee No footnote Proposed: <b>\$100,000</b> in addition to Application Fee No footnote		
Petition for Assignment of a State Filed Application filed with water right application	§1062(a)(3)	Existing: \$5,000 in addition to Application Fee No footnote Proposed: <b>\$20,000</b> in addition to Application Fee No footnote		
Request for Release from Priority of a State-filed application <sup>[11]</sup>	§1064(a)(3)	Existing: \$5,000 Footnote: [11] see language above for petition to split. Proposed: Footnote:		
		<table border="1"> <tr> <td data-bbox="808 863 1125 1199"><b>Accompanying the filing of an application to appropriate water, an unnoticed application or pending application with active protests:</b></td> <td data-bbox="1125 863 1435 1199"><b>\$20,000</b></td> </tr> </table>	<b>Accompanying the filing of an application to appropriate water, an unnoticed application or pending application with active protests:</b>	<b>\$20,000</b>
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		Footnote:[11] – maintain current language.		

## Late Reporting Fee

Concept for Late Reporting Fee				
Size (acre-feet)	30-60 days late	61-90 days late	>90 days late	Annual Fee*
0-100	25% of annual fee	40% of annual fee	50% of annual fee	\$300 - \$310.90
>100-1,000	30% of annual fee	45% of annual fee	55% of annual fee	\$310.90 to \$409
>1,000-5,000	40% of annual fee	50% of annual fee	60% of annual fee	\$409 to \$845
>5,000-25,000	50% of annual fee	60% of annual fee	75% of annual fee	\$845 to \$2,725
>25,000	60% of annual fee	75% of annual fee	85% of annual fee	>\$2,725
<p>Note: Size categories and fee amounts are initial proposals and subject to change; we are seeking Board member input on whether the fee is reasonable and the categories appropriate.</p> <p>*Current Annual Fee: Base fee (\$300 per year) plus \$0.109 for every acre-foot greater than 10. Diversions less than 10 acre-feet only pay the base fee.</p> <p><a href="https://waterboards.ca.gov/resources/fees/stakeholder/docs/2023/fy2324-wr-fees-summary.pdf">waterboards.ca.gov/resources/fees/stakeholder/docs/2023/fy2324-wr-fees-summary.pdf</a></p>				

## Registration Program Fees

### Item 1 – Registration Amendment Filing Fee

**Current Regulation:** CCR, Section 1064(a)(4), states “The fee for a petition filed pursuant to Water Code section 1228.7 to change the point of diversion or place of use under a registration of an appropriation for small domestic or livestock stockpond use shall be \$500.”

**Proposed Regulation Change:** The fee for ~~a petition filed~~ filing an amendment pursuant to Water Code section 1228.7 to change the point of diversion or place of use under a registration of an appropriation for small domestic or livestock stockpond use shall be ~~\$500~~ the same as the fee required by section 1068(a) for an initial filing of a registration.

### Item 2 – Small Irrigation Appropriation Registration Fee

**Current Regulation:** CCR, Section 1068(e) states, “A person who registers an appropriation of water for small irrigation use pursuant to Water Code section 1228.3, for which cannabis cultivation is an intended use and for which no onstream reservoir will be constructed or used, shall pay to the board a non-refundable annual fee of \$750.”

**Proposed Regulation Change:** A person who registers an appropriation of water for small irrigation use pursuant to Water Code section 1228.3, for which cannabis cultivation is an intended use and for which no onstream reservoir will be constructed or used, shall pay to the board a non-refundable annual fee of \$750. If a registrant no longer uses the registration for cannabis cultivation but wants to keep the diversion for another purpose of use, the registrant shall continue paying this annual fee until a request for a replacement water right has been filed and a revocation has been requested by the registrant.



### **Proposed Change to Water Rights Water Quality Certification Fees:**

Proposal to simplify water right-related water quality certification fees – remove or modify subdivision (b)(2) from California Code of Regulations, title 23, section 3833. This would simplify the application fee structure such that applicants could more easily predict applicable fees using either section 3833.1 or section 2200, depending on the type of certification sought. This change would not be expected to significantly change fees for any other type of certification application, but may reduce overall Division costs of processing certifications slightly.