

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS
SEPTEMBER 24, 2013**

ITEM 4

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE CONTRACTS WITH THE UNITED STATES BUREAU OF RECLAMATION (USBR) UNDER WHICH THE STATE WATER BOARD WILL BE REIMBURSED FOR ADMINISTERING THE WATER RIGHTS OF THE USBR

DISCUSSION

The State Water Resources Control Board (State Water Board) exercises adjudicatory and regulatory functions of the State in the field of water resources, including water rights administration, under California Water Code Sections, 174, 175, and 179. This includes administration of water rights held or applied for by United States Bureau of Reclamation (USBR). Because federal sovereign immunity generally exempts USBR from fees, water right program costs involving USBR facilities are covered by a combination of fees charged to the USBR contractors and reimbursements through a contract with the USBR, in accordance with the California Water Code Section 1560.

For costs involving petitions or applications, the State Water Board charges the time spent for actual services rendered in handling the petition or application against the USBR contract up to the amount of the one-time filing fee. To the extent that time spent on handling the matter exceeds the one-time fee, and the petitions involve permits or licenses for which the permit and license fees are being passed through to the USBR contractors, the State Water Board does not charge Reclamation for this work. For petitions involving permits and licenses for which expenses cannot be passed through to the USBR contractors, the State Water Board charges the USBR for all time spent on handling the petition, without regard to what the petition fee would be under the State Water Board's fee regulations.

State Water Board authorization is required for the Executive Director to authorize contracts with the USBR up to the Water Rights Program 20's federal fund budget authority for up to \$1,500,000 through fiscal year 2017-18.

POLICY ISSUE

Should the State Water Board authorize the Executive Director to authorize contracts with the USBR for up to \$1,500,000 through fiscal year 2017-2018?

FISCAL IMPACT

Sufficient federal funding budgetary authority to accept these funds is available and has been identified for contracts.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

The State Water Board should adopt the Resolution.

State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: 2008-2012: Comprehensively address water quality protection and restoration and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California's water planning processes.

D R A F T

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2013-

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE CONTRACTS WITH THE UNITED STATES BUREAU OF RECLAMATION (USBR) UNDER WHICH THE STATE WATER BOARD WILL BE REIMBURSED FOR ADMINISTERING THE WATER RIGHTS OF THE USBR

WHEREAS:

1. The United States Bureau of Reclamation (USBR) holds extensive water rights in California.
2. As a federal agency, the USBR has declined to pay water right fees to the state.
3. For many years, the USBR has negotiated a separate agreement to reimburse the State Water Board for costs to administer water rights held by the USBR.
4. Approval of agreements will ensure continued reimbursement by the USBR to the State Water Boards for a portion of the administration of water rights for USBR projects.

THEREFORE BE IT RESOLVED THAT:

The State Water Board authorizes the Executive Director to execute agreements not to exceed the amount budgeted for the Water Rights Program for the Federal Trust Fund up to \$1,500,000 to contract with the USBR for reimbursement of State Water Board staff costs for administration of the USBR's water rights through fiscal year 2017-18.

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 September 24, 2013.

Jeanine Townsend
Clerk to the Board