

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING – DIVISION OF WATER RIGHTS
APRIL 5, 2006**

ITEM: 9

SUBJECT:

DELEGATION TO THE CHIEF OF THE DIVISION OF WATER RIGHTS THE AUTHORITY TO DESIGNATE LOCAL AGENCIES TO ADMINISTER THE GROUNDWATER EXTRACTION RECORDATION PROGRAM

DISCUSSION:

The groundwater extraction recordation program (recordation program), which is set forth in Water Code sections 4999 to 5009, applies to certain extractions of groundwater in Riverside, San Bernardino, Los Angeles, and Ventura Counties. Any person who extracts groundwater within these counties is required to submit a “Notice of Extraction and Diversion of Water” (Notice) to the State Water Resources Control Board (State Water Board) Division of Water Rights (Division). The requirements for the contents of a Notice are specified in Water Code section 5002.

Water Code section 5009, which took effect on January 1, 2005, authorizes the State Water Board to designate a local agency to administer the recordation program within its jurisdiction. Water Code section 5009 also specifies the requirements that must be met before the State Water Board can designate a local agency to administer the program. The Division has received inquiries from several entities interested in becoming a designated local agency for the recordation program.

Water Code section 5009 was added after the State Water Board adopted Resolution 2002-0106, in which the State Water Board delegated specific authorities regarding the administration of water rights to the Division Chief and to individual Board members. Because Resolution 2002-0106 does not address the delegation to implement Water Code section 5009, a separate resolution is necessary.

By adoption of this resolution, the State Water Board would delegate to the Chief of the Division of Water Rights authority to designate local agencies to administer the recordation program. If the Division Chief determines that an entity meets the requirements under Water Code section 5009, the Division Chief may designate the entity as a local agency for purposes of administration of the the recordation program within the local agency’s jurisdiction. The delegation to the Division Chief would facilitate administration of the recordation program by appropriate local agencies.

POLICY:

Should the State Water Board adopt the proposed resolution?

FISCAL IMPACT:

Without the delegation under this resolution, the total cost of Board-level consideration of proposed local agency designation, including Division staff time necessary to prepare the Board agenda package and Board Member time necessary for review and approval, is estimated to be a minimum of \$900 for each such agenda item. Adoption of the resolution will result in savings in this amount for each local agency designation processed by the Division Chief.

RWQCB IMPACT

None

STAFF RECOMMENDATION:

Staff recommends the State Water Board approve the proposed resolution.

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2006 - ____**

AUTHORIZING THE DELEGATION TO THE CHIEF OF THE DIVISION OF WATER RIGHTS AUTHORITY TO DESIGNATE LOCAL AGENCIES TO ADMINISTER THE GROUNDWATER EXTRACTION RECORDATION PROGRAM

WHEREAS:

1. The groundwater extraction recordation program (recordation program) set forth in California Water Code sections 4999 to 5009 applies to certain extractions of groundwater in Riverside, San Bernardino, Los Angeles, and Ventura Counties.
2. Each person within these four counties who extracts more than 25 acre-feet of groundwater in any year is required to file a “Notice of Extraction and Diversion of Water” (Notice) with the State Water Resources Control Board (State Water Board) by March 1 of the succeeding year.
3. As of January 1, 2005, Water Code section 5009 authorizes the State Water Board to designate a local agency to administer the recordation program within the local agency’s jurisdiction. A person subject to the recordation program then must file the Notice with the designated local agency instead of the State Water Board.
4. Pursuant to Water Code section 7, the State Water Board is authorized to delegate authority to the Chief of the Division of Water Rights.
5. To facilitate administration of the recordation program by appropriate local agencies, the State Water Board should delegate to the Chief of the Division of Water Rights authority to designate local agencies, in accordance with the requirements of Water Code section 5009, to administer the recordation program.

THEREFORE BE IT RESOLVED:

That the State Water Board delegates to the Chief of the Division of Water Rights authority to designate local agencies, in accordance with the requirements of Water Code section 5009, to administer the recordation program.

D R A F T

March 20, 2006

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of the resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 5, 2006.

Song Her
Clerk to the Board