

# WATER CODE

## SECTION 85230

85230. (a) The board, in consultation with the council, shall appoint, for a term of four years, a special master for the Delta, whose title shall be “the Delta Watermaster.”

(b) The board shall adopt internal procedures delegating authority to the Delta Watermaster. The Delta Watermaster shall exercise the board's authority to provide timely monitoring and enforcement of board orders and license and permit terms and conditions. The Delta Watermaster's delegated authority shall include authority to require monitoring and reporting, authority for approvals delegated to an officer or employee of the board by the terms of a water right permit or license, authority to approve temporary urgency changes pursuant to Chapter 6.6 (commencing with Section 1435) of Part 2 of Division 2, and authority to issue a notice of proposed cease and desist order or administrative civil liability complaint. The Delta Watermaster's authority shall be limited to diversions in the Delta, and for the monitoring and enforcement of the board's orders and license and permit terms and conditions that apply to conditions in the Delta.

(c) The internal procedures adopted by the board shall provide for due process in adjudicative proceedings, and may establish procedures for the issuance of a stay of any order or decision of the procedures for the issuance of a stay of any order or decision of the Delta Watermaster for which a petition for reconsideration is filed or reconsideration is ordered under Section 1122. The board may provide any additional duties or needs of the Delta Watermaster that the board deems necessary for effective day-to-day enforcement of its decisions.

(d) The Delta Watermaster shall submit regular reports to the board and the council including, but not limited to, reports on water rights administration, water quality issues, and conveyance operations.

# DELTA WATERMASTER AUTHORITY

- A. Authority delegated by Board (no new authority)
  - 1) Day-to-day water rights administration
  - 2) Enforcement
  - 3) Other duties may be delegated
  
- B. Additional authority (not delegated)
  - 1) Regular reports to the Board & the Stewardship Council
  
- C. Geographical limitations

# WATER RIGHTS ADMINISTRATION

- 1) Require monitoring & reporting (redelegation)
- 2) Issue approvals required by water rights terms (redelegation)
- 3) Temporary Urgency Changes

# ENFORCEMENT

## A. Required delegation

- 1) Issue Notices of Proposed Cease & Desist Orders (CDO)
- 2) Issue Proposed Administrative Civil Liability (ACL) Complaints

## B. Additional delegation

- 1) Adopt CDO & ACL Orders if no hearing requested
- 2) Conduct informal fact-finding or informal investigatory hearings
  - Unlawful diversions
  - Water right permit/license violations
  - Waste & unreasonable use
- 3) Convene settlement conferences
- 4) Decision by settlement
- 5) Attorney General Referrals

## C. Other options: prosecutor or hearing officer

# OTHER PROVISIONS

- 1) Watermaster Orders subject to Board reconsideration
- 2) Other Delegation Resolutions not revoked except as specified
- 3) Review of Delegation by Board within 2 years