

**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME State Water Resources Control Board	CONTACT PERSON Daniel Schultz	EMAIL ADDRESS daniel.schultz@waterboards.ca.gov	TELEPHONE NUMBER 916-323-9392
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Article 24 Curtailment of Diversion Based on Insufficient Flow to Meet All Needs			NOTICE FILE NUMBER Z

**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- |  |   |
|--|---|
| <input type="checkbox"/> a. Impacts business and/or employees  | <input type="checkbox"/> e. Imposes reporting requirements              |
| <input type="checkbox"/> b. Impacts small businesses           | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations        | <input type="checkbox"/> g. Impacts individuals                         |
| <input type="checkbox"/> d. Impacts California competitiveness | <input type="checkbox"/> h. None of the above (Explain below):          |

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.  
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

2. The \_\_\_\_\_ estimates that the economic impact of this regulation (which includes the fiscal impact) is:  
(Agency/Department)

- ☐ Below \$10 million
- ☐ Between \$10 and \$25 million
- ☐ Between \$25 and \$50 million
- ☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: \_\_\_\_\_

Describe the types of businesses (Include nonprofits): \_\_\_\_\_

Enter the number or percentage of total  
businesses impacted that are small businesses: \_\_\_\_\_

4. Enter the number of businesses that will be created: \_\_\_\_\_ eliminated: \_\_\_\_\_

Explain: \_\_\_\_\_

5. Indicate the geographic extent of impacts: ☐ Statewide  
☐ Local or regional (List areas): \_\_\_\_\_

6. Enter the number of jobs created: \_\_\_\_\_ and eliminated: \_\_\_\_\_

Describe the types of jobs or occupations impacted: \_\_\_\_\_

7. Will the regulation affect the ability of California businesses to compete with  
other states by making it more costly to produce goods or services here? ☐ YES ☐ NO

If YES, explain briefly: \_\_\_\_\_

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**ECONOMIC IMPACT STATEMENT (CONTINUED)****B. ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ \_\_\_\_\_
- a. Initial costs for a small business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_
- b. Initial costs for a typical business: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_
- c. Initial costs for an individual: \$ \_\_\_\_\_ Annual ongoing costs: \$ \_\_\_\_\_ Years: \_\_\_\_\_
- d. Describe other economic costs that may occur: \_\_\_\_\_
2. If multiple industries are impacted, enter the share of total costs for each industry: \_\_\_\_\_
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements.  
*Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* \$ \_\_\_\_\_
4. Will this regulation directly impact housing costs? ☐ YES ☐ NO  
If YES, enter the annual dollar cost per housing unit: \$ \_\_\_\_\_  
Number of units: \_\_\_\_\_
5. Are there comparable Federal regulations? ☐ YES ☐ NO  
Explain the need for State regulation given the existence or absence of Federal regulations: \_\_\_\_\_
- Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ \_\_\_\_\_

**C. ESTIMATED BENEFITS** *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: \_\_\_\_\_
2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?  
Explain: \_\_\_\_\_
3. What are the total statewide benefits from this regulation over its lifetime? \$ \_\_\_\_\_
4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: \_\_\_\_\_

**D. ALTERNATIVES TO THE REGULATION** *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: \_\_\_\_\_

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**ECONOMIC IMPACT STATEMENT (CONTINUED)**

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Alternative 1: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

Alternative 2: Benefit: \$ \_\_\_\_\_ Cost: \$ \_\_\_\_\_

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: \_\_\_\_\_

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☐ NO

Explain: \_\_\_\_\_

**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.**California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.*1. Will the estimated costs of this regulation to California business enterprises **exceed \$10 million**? ☐ YES ☐ NO*If YES, complete E2. and E3**If NO, skip to E4*

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: \_\_\_\_\_

Alternative 2: \_\_\_\_\_

*(Attach additional pages for other alternatives)*

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 1: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

Alternative 2: Total Cost \$ \_\_\_\_\_ Cost-effectiveness ratio: \$ \_\_\_\_\_

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES ☐ NO*If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.*

5. Briefly describe the following:

The increase or decrease of investment in the State: \_\_\_\_\_

The incentive for innovation in products, materials or processes: \_\_\_\_\_

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: \_\_\_\_\_

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**FISCAL IMPACT STATEMENT****A. FISCAL EFFECT ON LOCAL GOVERNMENT** *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

- ☐ a. Funding provided in \_\_\_\_\_  
Budget Act of \_\_\_\_\_ or Chapter \_\_\_\_\_, Statutes of \_\_\_\_\_

- ☐ b. Funding will be requested in the Governor's Budget Act of \_\_\_\_\_  
Fiscal Year: \_\_\_\_\_

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)  
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ \_\_\_\_\_

*Check reason(s) this regulation is not reimbursable and provide the appropriate information:*

- ☐ a. Implements the Federal mandate contained in \_\_\_\_\_
- ☐ b. Implements the court mandate set forth by the \_\_\_\_\_ Court.

Case of: \_\_\_\_\_ vs. \_\_\_\_\_

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. \_\_\_\_\_  
Date of Election: \_\_\_\_\_

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: \_\_\_\_\_  
\_\_\_\_\_

- ☐ e. Will be fully financed from the fees, revenue, etc. from: \_\_\_\_\_  
Authorized by Section: \_\_\_\_\_ of the \_\_\_\_\_ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in \_\_\_\_\_

- ☐ 3. Annual Savings. (approximate)

\$ \_\_\_\_\_

- ☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☐ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☒ 6. Other. Explain Not a State mandate; generally applicable regulation. No fiscal impacts to State agencies.  
Local agencies may incur cost of up to \$1,854,988. See attachment for details

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**FISCAL IMPACT STATEMENT (CONTINUED)****B. FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

*It is anticipated that State agencies will:*☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the \_\_\_\_\_ Fiscal Year☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☐ 4. Other. Explain \_\_\_\_\_**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ \_\_\_\_\_

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain \_\_\_\_\_

FISCAL OFFICER SIGNATURE



DATE

3/18/15

*The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

AGENCY SECRETARY



DATE

3/19/15

*Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.*

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE



## **Attachment 1. Fiscal Impact Statement**

### **Fiscal Impact Statement**

#### **B. Fiscal Effect on Local and State Government**

##### **Assumptions**

Cost assumptions and replacement percentages were taken from the “Estimating Fiscal Impacts of Implanting Water Diversion Curtailments in the Sacramento-San Joaquin Delta Watershed” report prepared for the State Water Resources Control Board (State Water Board) by Josué Medellín-Azuara, Richard E. Howitt, and Jay R. Lund of the University of California, Davis (UCD; Medellín-Azuara et al., 2014a; Medellín-Azuara et al., 2014b). Specific assumptions and percentages are detailed below. Sources for costs include peer reviewed models for agricultural production and water use such as Statewide Agricultural Production Model (SWAP) V6 (<http://swap.ucdavis.edu>), mainstream impact analysis software such as Impact Analysis for Planning (IMPLAN) Model 2002 and secondary sources in the public domain that provide information required to undertake this fiscal impact analysis. The 60% agricultural groundwater replacement with 20% from district wells and 40% from private wells was based on expert judgment by UCD. Reduction in water use was estimated at 35% for agricultural use, based on expert judgment by UCD. An average groundwater replacement cost of \$83.65 per acre-foot from the SWAP model was used to calculate water replacement costs from groundwater pumping. The maximum water sales values as well as maximum costs of conservation and enforcement for both urban and agriculture were used to conservatively estimate the fiscal impact to state and local government. An agricultural water sales value of \$100 per acre-foot was determined by an informal review of publicly available information by UCD and was used to calculate lost water sales revenue. Conservation and enforcement costs were assumed to be \$350 per acre-foot (urban) and \$50 per acre-foot (agriculture), based on expert judgment by UCD. State and local tax revenue from agriculture is assumed to be 10% of revenue from the IMPLAN Model.

A 90% exceedance scenario was used to conservatively estimate the fiscal impact to state and local governments. The State Water Board calculated the monthly supply exceedance scenarios based on supply forecasts from the California Nevada River Forecast Center using United States Geological Survey (USGS) and the California Department of Water Resources (DWR) gauges (<http://www.cnrfc.noaa.gov/>). Water demand was determined using the Division of Water Rights 2010-2013 average demand dataset (Division demand dataset) updated February 20, 2015 ([http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/analysis/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/analysis/)).



## **Lassen Mutual Water Company**

Lassen Mutual Water Company (LMWC) holds a post-1914 appropriative water right (Application Number: A014396) and serves 25 individuals year-round and 118 cabins used seasonally during the summer (Minasian, Meith, Soares, Sexton & Cooper, LLP, 2014). The average reported demand for 2010-2013 is 17.09 acre-feet per year. LMWC was issued an order from the State Water Board's Division of Drinking Water, dated October 17, 2014, requiring it to, among other things: secure adequate alternate water supplies; install water meters and adopt and implement a water rate structure based on metered water usage; and comply with California Code of Regulations, title 23, section 865. Under Section 878.1 of the proposed regulation, LMWC would be authorized to continue to divert water within the limits specified in that section for basic municipal and domestic health and safety needs and would incur costs due to conservation and enforcement. LMWC's ability to divert water from Mill Creek would potentially be affected by the proposed regulation in May, June, October and November. During this time period LMWC has an annual reported demand of 7.96 acre-feet for a total estimated conservation and enforcement cost of \$2,787.

## **Deer Creek Irrigation District**

The Deer Creek Irrigation District (DCID) holds an adjudicated water right (Statement Number: S000731) for 33% of Deer Creek's flow (Tehama County Superior Court Decree No. 4189). From 2010 to 2013, DCID reported an average annual water demand of 16,648 acre-feet of water directly diverted and beneficially used. The water was beneficially used to irrigate 1,900 acres. Under the water right associated with Statement S000731, DCID may divert water for domestic uses as well as irrigation and stockwatering uses. No domestic use was reported on the 2010 through 2013 DCID statements and domestic use was not analyzed in this fiscal impact report. The February 20, 2015 Division demand dataset was used to estimate the fiscal impact of the proposed emergency regulation.

The proposed emergency regulation would be in effect for 270 days. It is estimated that DCID would sustain an estimated impact of 6,749 acre-feet of water no longer available due to the emergency regulation. It is assumed that 20% of this water would be replaced by district groundwater pumping and no water purchases would be available. In addition, it is assumed that DCID will reduce its demand by 35%. The enforcement and conservation costs associated with the emergency regulation is estimated to be \$100 per acre-foot of water. The remaining water loss would lead to lost revenue from water sales for DCID. The maximum agricultural water sales price (\$100 per acre-foot) was used to conservatively estimate the fiscal impact to DCID. The estimated total potential fiscal impact to DCID from the proposed emergency regulation is \$524,957 (Table 1).

## **Tehama County**

The Tehama County 2013 Crop Report states that in 2013 the total revenue from agriculture was \$254,034,900 (TCRCD, 2013) generating an estimated \$25,403,490 in state and local tax revenue (10%). In Tehama County, three watersheds will be affected by the emergency



regulation: Antelope, Mill and Deer Creeks. Within the Mill Creek, Deer Creek and Antelope Creek watersheds 15,276 acres are reported as irrigated lands. Based on the February 20, 2015 Division demand dataset 99% of the water used in the watersheds is used for irrigation, therefore the State Water Board assumed all proposed water reductions would affect irrigated lands. For purposes of this fiscal impacts analysis, the State Water Board conservatively assumed walnut (high value) crop water use (3 acre-feet per acre per month).

### **Summary of Tehama County Estimated Tax Loss**

The proposed emergency regulation would be in effect for 270 days. Based on calculated demand (division demand dataset) and 90 percent exceedance supply scenarios from the California Nevada River Forecast Center (<http://www.cnrfc.noaa.gov/>), the proposed emergency regulation would affect appropriative and pre-1914 water users in May-June and October 15 - November in Mill and Deer Creeks. Antelope Creek appropriative and pre-1914 water users are likely to be affected in April, May and November. Riparian water users were found to likely be affected in November and December in Antelope Creek, and for the month of November in Deer Creek (Attachments 8, 9, and 10). The State Water Board estimated total supply using the 90% exceedance water supply scenario in each watershed. The total amount of water required per the emergency regulation was subtracted from the 90% exceedance supply leaving the total supply available to water users. Water demand was subtracted from the water supply available to water users giving the total water reduction under the proposed regulation. It was assumed that 60% of the water reduction would be replaced by groundwater and 40% of the water reduction would not be replaced. The affected acreage was based on the projected supply to water users and an assumed crop use of 3 acre-foot per acre per month (Table 2).

Potential Tehama County tax losses were based on the affected acreage provided in Table 2, total revenue of crops in 2013, total irrigated acres in Tehama County and the assumption of a 10% tax on agriculture (Table 3). Total tax dollars potentially lost due to the proposed emergency regulation were calculated by multiplying tax dollars generated per acre in 2013 by the affected acreage. This analysis resulted in an estimated \$1,327,244 in lost tax revenue due to the emergency regulation (Table 3).

Month	April	May	June 1-15*	June 16-30*	October 15-31*	November	December	Total
Reported amount used	1836.36	1897.27	918.18	918.18	948.64	1836.36	0.00	8355.00
acre-feet used per acre of irrigation	0.97	1.00	0.48	0.48	0.50	0.97	0.00	4.40
Supply	6400	4700	1700.00	1700.00	1000.00	2100.00	3100.00	20700.00
Emergency Regulations in stream flow requirements	3271.95	3668.55	1784.70	555.24	1586.40	2974.50	3073.65	16914.99
Supply available	3128.05	1031.45	0.00	1144.76	0.00	0.00	26.35	5330.61
Riparian use	337.00	337.00	337.00	338.00	338.14	337.23	337.14	2361.51
Supply available to Pre-1914	2791.05	694.45	0.00	806.76	0.00	0.00	0.00	4292.26
DCID allocation	921.05	229.17	0.00	266.23	0.00	0.00	0.00	1416.45
DCID Replacement due to Public Trust flows	915.32	1668.10	918.18	651.95	948.64	1836.36	0.00	6938.55
20% Groundwater replacement	183.06	333.62	183.64	130.39	189.73	367.27	0.00	1387.71
Cost of Ground Water Replacement (dollars)	\$15,313.26	\$27,907.38	\$15,361.18	\$10,907.14	\$15,870.69	\$30,722.36	\$0.00	116082.01
Reduced applied water (35%)	642.73	664.05	321.36	321.36	332.02	642.73	0.00	2924.25
Conservation and enforcement costs	\$32,136.36	\$33,202.27	\$16,068.18	\$16,068.18	\$16,601.14	\$32,136.36	\$ -	\$146,212.50
Water Sales Loss (acre-feet)	89.53	670.44	413.18	200.20	426.89	826.36	0.00	2626.59
Lost Water Sales Revenue	\$8,952.64	\$67,043.79	\$41,318.18	\$20,019.72	\$42,688.64	\$82,636.36	\$ -	\$262,659.34
Total Cost to district	\$56,402.26	\$128,153.45	\$72,747.55	\$46,995.04	\$75,160.46	\$145,495.09	\$ -	<b>\$524,953.85</b>

\*Monthly demand and monthly supply where divided by 2 to represent the demand and supply for the half-month periods

**Table 1.** Cost estimate for groundwater replacement, conservation and enforcement, and water sales losses for DCID in a 90% exceedance scenario. Instream flows are not required under the regulation July 1 through October 15 This time period is not shown because the regulation does not have a fiscal impact. Volumes in acre-feet.

	Affected Acreage		
	Deer	Mill	Antelope
<b>Total Projected Supply</b>	21700.00	29400.00	11536.56
<b>Total Emergency Regulation Requirements</b>	16914.99	16914.99	8249.28
<b>Total Supply to Riparian</b>	5659.51	12559.51	5127.35
<b>Riparian Demand</b>	2022.40	2064.39	14.72
<b>Total Supply to Pre-1914 and Appropriative</b>	4284.76	10496.57	5113.61
<b>Total Pre-1914 and Appropriative Demand</b>	16055.28	23831.09	9438.51
<b>Total Water Replacement due to Emergency Regulation Flow Requirements</b>	12746.93	17755.56	4325.89
<b>Total Groundwater Replacement</b>	7648.16	10653.34	2595.54
<b>Total Water Lost</b>	5098.77	7102.22	1730.36
<b>Affected Acreage</b>	1699.59	2367.41	366.22

Table 2. Affected acreage for Deer, Mill and Antelope Creeks. Volumes in acre-feet.

<b>Tehama County Tax Losses</b>	
<b>2013 Irrigated acres in Tehama County</b>	84,852
<b>2013 Fruit and Nut Crops</b>	\$215,608,600.00
<b>2013 Nursery Crops</b>	\$11,332,700.00
<b>2013 Vegetable crops</b>	\$350,000.00
<b>2013 Pasture &amp; Range</b>	\$7,824,800.00
<b>2013 Seed Crops</b>	\$4,891,000.00
<b>2013 Field Crops</b>	\$14,027,800.00
<b>Total 2013 Revenue</b>	\$254,034,900.00
<b>Total 2013 Tax Revenue (10%)</b>	\$25,403,490.00
<b>Dollars generated per acre</b>	\$299.39
<b>Deer Affected Acres</b>	1699.59
<b>Mill Affected Acres</b>	2367.41
<b>Antelope Affected Acres</b>	366.22
<b>Total Affected Acres</b>	4433.22
<b>Percent Acres Affected</b>	5.22
<b>Estimated Agricultural Tax Revenue lost due to Emergency Regulations</b>	<b>\$1,327,244.12</b>

Table 3. Tehama County Tax losses. For affected acres calculations see Table 2.

