

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections: 1066.5

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2016-1221-01


OAL Matter Type: Emergency (E)

In this emergency rulemaking action, the State Water Resources Control Board (SWRCB), pursuant to Water Code section 1530, corrects an error discovered in the per-acre-foot charge formula for approximately 12,437 water rights holders for the 2016-17 Fiscal Year billing cycle. New section 1066.5 of Title 23 of the California Code of Regulations will authorize the SWRCB to apply a credit in the amount of any overage billed in Fiscal Year 2016-17 to the annual billing invoice amount for Fiscal Year 2017-18 for each fee payor who received an incorrectly calculated bill.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 1/3/2017 and will expire on 7/4/2017. The Certificate of Compliance for this action is due no later than 7/3/2017.

Date: January 3, 2017



Dale P. Mentink
Senior Attorney

For: Debra M. Cornez
Director

Original: Thomas Howard

Copy: Ryan Wilson

NOTICE PUBLICATION/REGULATIONS SUBMISSION

EMERGENCY

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2016-1221-01E
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JAN 03 2017

1:38 p.m.

2016 DEC 21 P 1:34
OFFICE OF ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
State Water Resources Control Board

AGENCY FILE NUMBER (if any)
Resolution No. 2016-0053

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Emergency Regulation Amending FY 2016-17 Water Rights Billing	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 16-1028-01E, 16-0107-01E, 15-1021-01E, 14-1021-01E
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 1066.5
	AMEND Division 3, Chapter 5, Section 1066.5
TITLE(S) Title 23	REPEAL

on
per agency request
12/29/16

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify) _____			

7. CONTACT PERSON Ryan Wilson	TELEPHONE NUMBER 916-341-5135	FAX NUMBER (Optional) 916-341-5248	E-MAIL ADDRESS (Optional) Ryan.Wilson@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Thomas Howard</i>	DATE 12/21/16
TYPED NAME AND TITLE OF SIGNATORY Thomas Howard, Executive Director	

For use by Office of Administrative Law (OAL) only
ENDORSED APPROVED
JAN 03 2017
Office of Administrative Law

Add section 1066.5 to California Code of Regulations, Title 23, Division 3, Chapter 5

§ 1066.5 Water Rights Fee Adjustment to Correct Fiscal Year 2016-2017 Billing Error

- (a) To correct for the billing error that occurred in calculating the per-acre-foot charge for many water rights fee payors for Fiscal Year 2016-17, the State Water Board will apply a credit in the amount of any overage billed in Fiscal Year 2016-17 to the annual billing invoice amount for Fiscal Year 2017-18 for each fee payor who received an incorrectly calculated bill.
- (b) No fee payor shall be required to petition for reconsideration in order to receive a credit on their annual billing invoice amount for Fiscal Year 2017-18 for the amount of any overage billed in Fiscal Year 2016-17 due to the per-acre-foot calculation error.

Note: Authority cited: Sections 1058 and 1530, Water Code. Reference: Sections 386, 1228.5, 1425, 1426, 1525, 1535, 1536 and 1537.