



## HUMBOLDT BAY MUNICIPAL WATER DISTRICT

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JOHN FRIEDENBACH

May 21, 2021

Board of Supervisors

### RE: Temporary Change of Use Permit State Water Board

As you may be aware, the beneficial use of water rights in California are limited to a defined geographic beneficial use area of the water right holder. In our case, that would be within our District's division boundaries. See attached copy of our division boundary map. The following information is from the State Water Board, Division of Water Rights, Petition & Licensing Unit regarding the permitting process to sell water outside Humboldt Bay Municipal Water District's boundaries. We are providing this to supplement the information for your discussion on May 25<sup>th</sup> regarding the drought declaration.

*The processing time for a Temporary Urgency Change Petition (TUCP) would take about 30 days from the time the petition is received and accepted depending on the complexity of the change(s) requested. If granted, we[Water Board] would issue a temporary change urgency order, which would be valid for up to 180 days upon approval. This may be renewed if necessary. Public noticing of the petition can occur after the Order is issued. If objections are filed during the public noticing period, the Order may be amended or revoked. Normally, TUCP's would require the project to go through the California Environmental Quality Act (CEQA) process, but because of the Governor's Drought Proclamation, CEQA is temporarily suspended. The comment period for the public notice is also reduced from 30 days to 15 days pursuant to the Drought Proclamation to expedite and streamline the petition process.*

*The TUCP fees may be found here.[see attached] The TUCP would fall under §1064(a)(1)(A), "\$1,000 plus \$0.40 per each acre-foot greater than 10 acre-feet based on the total annual amount of diversion covered by Permit or License, or \$20,000 whichever is less." There is also an \$850.00 Department of Fish and Wildlife fee (Pub. Resources Code, § 10005) that must accompany the petition.*

*Based on the preliminary information you provided, you may pursue a short-term temporary transfer petition via reservoir release pursuant to Water Code section 1725. You may get more information here.*

*[[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_transfers/docs/watertransferguide.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_transfers/docs/watertransferguide.pdf)] Typically, a water transfer involves a willing buyer and seller or an exchange. The temporary changes may be valid for up to 1 year and are statutorily exempt from CEQA. The timeline would normally take between 45-65 days (up to 10 days to prepare public notice, 30 days for public notice period, and 5-25 days to issue a decision order*

*depending on if comments are received) after receiving and accepting the petition. With the Governor's Drought Proclamation, the timeframe would be 15 days sooner (30-50 days) after receiving the petition. The fees for a temporary transfer would be \$2,000 plus \$0.50 per each acre-foot greater than 10 acre-feet based on the total annual amount of water sought to be transferred annually or \$570,426, whichever is less. There is also an \$850.00 Department of Fish and Wildlife fee that must accompany the petition. Temporary transfers are generally more cost effective and common among buyers and sellers of water. [one acre foot equals 325,851 gallons]*

If a water sale by one of our wholesale Municipal water customers is transported outside HBMWD's division boundaries, then HBMWD would be required to file a TCUP. This will require coordination between our wholesale Municipal customer, the hauler, end user, and HBMWD.

Regrettably, I will not be able to attend your meeting on the 25<sup>th</sup> due to a schedule conflict. However, our business manager, Chris Harris will be representing our District during your discussions.

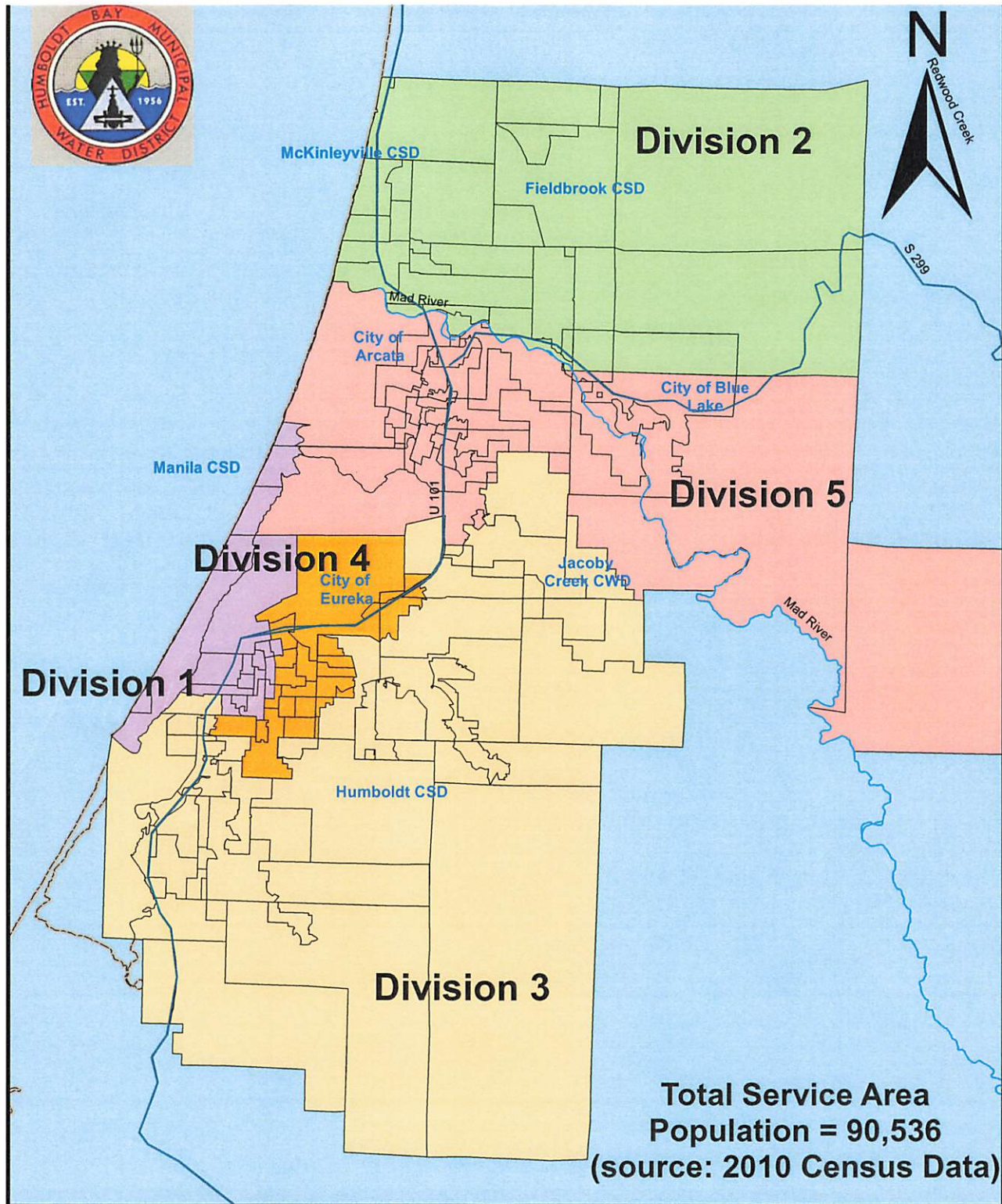
Regards,



John Friedenbach  
General Manager

Encl.





## HBMWD Divisions Map

### Legend

#### Divisions

- Division 1- Neal Latt
- Division 2- Sheri Woo
- Division 3- David Lindberg
- Division 4- J. Bruce Rupp
- Division 5- Michelle Fuller



1 inch = 15,113 feet

Division areas are made up from contiguous election precincts. Any questions about specific residential locations within / without a Division Boundary should be directed to the Humboldt County Elections Department: 3033 H Street, Room 20, Eureka, 707-445-7481.

Date Approved: May 1, 2013

## SWRCB Water Rights Fiscal Year 2020-2021 Fee Schedule Summary

<b>Annual Fee Categories (Payable to California Department of Tax and Fee Administration)</b>		
<b>Fee Category</b>	<b>Citation</b>	<b>Fiscal Year 2020-21 Fee</b>
Permit and License Annual Fees <sup>[1][2][3]</sup>	§1066(a)	\$300 plus \$0.090 per each acre-foot greater than 10 acre-feet
Pending Application Annual Fee <sup>[4][5]</sup>	§1063	\$750 plus \$0.090 per each acre-foot greater than 10 acre-feet
Petition Annual Fee <sup>[6]</sup>	§1065(a)	\$1,000 + \$0.40 per each acre-foot up to \$10,000
Water Lease Annual Fee (for leases under Water Code §1025 et seq.) <sup>[1]</sup>	§1067(b)(1)	Same as Application Filing Fee except the fee shall be based on the amount of water proposed to be leased each year the lease is in effect
Projects under review for 401 Certification for Federal Energy Regulatory Commission (FERC) licensing	§3833.1(b)(4)	\$1,000 plus \$0.61 per kilowatt
Projects issued FERC licenses pursuant to 401 Certification	§3833.1(c)(1)	\$100 plus \$0.30 per kilowatt
Small Domestic or Livestock Stockpond Annual Fee <sup>[7]</sup>	§1068(b)	\$75 for FY 2019-20 and \$100 for FY 2020-21 and annually thereafter
Small Irrigation Use Registration (SIUR) Annual Fee	§1068(d)	\$100
SIUR filed with Cannabis SIUR with same water right Annual Fee <sup>[8]</sup>	§1068(h)	\$50
Cannabis SIUR Annual Fee	§1068(e)	\$750
Cannabis SIUR with Onstream Reservoir Annual Fee	§1068(g)	\$1,000

<b>One-Time Fee Categories (Payable to State Water Board)</b>		
<b>Fee Category</b>	<b>Citation</b>	<b>Fiscal Year 2020-21 Fee</b>
Application Fee <sup>[1][9][10]</sup>	§1062(a)(1)(A)	\$1,000 plus \$15 per each acre-foot greater than 10 acre-feet based on the total annual amount of diversion sought by the application or \$570,426, whichever is less
Application for Small Hydroelectric <sup>[9]</sup>	§1062(a)(1)(B)	\$1,000
Application for 180-day Temporary Permit filed pursuant to Water Code §1425 other than for diversion to underground storage during high flow events <sup>[9]</sup>	§1062(a)(1)(C)	\$2,000 or 50% of the fee calculated under §1062(a)(1)(A), whichever is greater
Application for 180-day Temporary Permit for Small Hydroelectric that meets criteria established in CCR, title 14, §15328 <sup>[9]</sup>	§1062(a)(1)(D)	\$1,000
Application for 180-day Temporary Permit filed pursuant to Water Code §1425 to Divert to Underground Storage During High Flow Events <sup>[9]</sup>	§1062(a)(1)(E)	The lesser of the standard Temporary Permit fee or \$5,000 plus \$0.10 for every acre-foot of diversion sought by the application

Application for Renewal of 180-day Temporary Permit filed pursuant to Water Code §1425 to Divert to Underground Storage During High Flow Events	§1062(a)(1)(E)	\$1,500 plus \$0.20 for every acre-foot of actual flows diverted under the renewed temporary permit
Application for 5-year Temporary Permit filed pursuant to Water Code §1433 to Divert to Underground Storage		At time of filing: 1. State Board fee: \$6,000 plus [The lesser of the standard 180-day Temporary Permit fee or \$5,000 plus \$0.10 for every acre-foot of diversion sought by the application] 2. CDFW fee: (i) For an application to divert less than 10,000 acre-feet of water per year, \$3,000 plus \$0.10 per acre-foot of water applied for; or (ii) For an application to divert 10,000 acre-feet of water per year or more, \$5,000 plus \$0.10 per acre-foot of water applied for. As an annual fee component of the filing fee for each Year 2 to 5: State Board fee: \$0.20 for every acre-foot of actual flows diverted under the renewed temporary permit, due within 30 days after the end of the diversion season
Petition to Revise Declaration of Fully Appropriated Streams filed with water right application	§1062(a)(2)	\$10,000 in addition to Application Fee
Petition for Assignment of a State Filed Application filed with water right application	§1062(a)(3)	\$5,000 in addition to Application Fee
Change Petition including petitions for Temporary Urgency Changes and Five-Year Temporary Changes <sup>[11][12]</sup>	§1064(a)(1)(A)	\$1,000 plus \$0.40 per each acre-foot greater than 10 acre-feet based on the total annual amount of diversion covered by Permit or License, or \$20,000 whichever is less
Change Petition Pursuant to Water Code §1707 <sup>[11]</sup>	§1064(a)(1)(A)(i)	\$850
Change Petition involving a transfer of water <sup>[11]</sup>	§1064(a)(1)(A)(i) i)	\$2,000 plus \$0.50 per each acre-foot greater than 10 acre-feet based on the total annual amount of water sought to be transferred annually or \$570,426, whichever is less
Time Extension Petition <sup>[11]</sup>	§1064(a)(1)(A)(ii) i)	\$1,000 + \$0.40 per each acre-foot greater than 10 acre-feet, max fee of \$20,000. Time Extension Petitions filed in conjunction with another type of change petition for the same right shall receive a 50% reduction in filing fees
Change Petition Fee involving a Split per CCR Section 836 <sup>[11]</sup>	§1064(a)(1)(A)(i) v)	\$850
Wastewater Petitions <sup>[11]</sup>	§1064(a)(2)	\$5,000 + \$3.00 per acre-foot or \$75,000, whichever is less
Request for Release from Priority of a State-filed application <sup>[11]</sup>	§1064(a)(3)	\$5,000

Change Petition to change the point of diversion or place of use pursuant to Water Code section 1228.7 for Small Domestic or Livestock Stockpond	§1064(a)(4)	\$500
Change Petition to change the point of diversion or place of use pursuant to Water Code section 1228.7 for Small Irrigation Use	§1064(a)(5)	\$750
401 Certification for Water Development Projects not subject to FERC Licensing	§3833(b)(2) §3855(b)(1)(B)(1)	Fee Based on Project Specific Costs
Water Lease Application (for leases under Water Code § 1025.5 et seq. not involving water districts) <sup>[1]</sup>	§1067(a)	Same as Application Fee except the fee shall be based on the amount of water proposed to be leased over the entire term the lease is in effect
Small Domestic or Livestock Stockpond Registration	§1068(a)	\$250
Small Irrigation Use Registration (SIUR)	§1068(c)	\$750
SIUR filed with Cannabis SIUR with same water right <sup>[2]</sup>	§1068(h)	\$375
Cannabis SIUR	§1068(e)	\$750
Cannabis SIUR with Onstream Reservoir	§1068(f)	\$4,750
Statement of Diversion and Use for Cannabis Cultivation Filing Fee (including supplemental Statements)	§1070.5	\$200
Proof of Claim under Water Code §2575 et seq.	§1069	\$1,000 for one or more proof of claims that total less than 1,000 acre-feet per annum (AFA) or 1,000 acres of riparian land, or \$10,000 if equal to or greater than 1,000 AFA or 1,000 acres of riparian land.
Groundwater Recordation under Water Code §4999 et seq.	§1070	\$50

<sup>[1]</sup> Total Acre-Foot per Annum will be considered equal to the diversion rate multiplied by the length of the direct diversion season, and the total collection amount for storage, unless otherwise specified. If the Permit, License or Application includes both direct diversion and storage, the two amounts will be additive, unless a total annual amount is specified. For water rights that are primarily for a hydropower purpose, the fee shall be the greater of either 30 percent of the applicable fee or \$100 for facilities licensed by the Federal Energy Regulatory Commission and the greater of either 50 percent of the applicable fee or \$100 for all other hydropower facilities.

<sup>[2]</sup> Pursuant to §1066(a)(3), the Annual Fee shall be 75 percent of the standard Permit and License Annual Fee based on the face value of the Permit or License, or a minimum fee of \$300 plus \$0.090 for every acre-foot in excess of 10 acre-feet actually diverted, whichever is greater, for Permits or Licenses issued on or after January 1, 2020 that meet the following criteria: (a) The Permit or License meets the criteria for the reduced application fee under footnote [8]; (b) The right holder has installed and is maintaining a stream gage with telemetry capabilities to provide publicly available real-time streamflow conditions via the California Data Exchange Center Website, and when available, a future website developed by the board; (c) The right holder timely submits the progress report by permittee required by section 925 or the report of licensee required by section 929.



The Annual Fee available pursuant to §1066(a)(3) shall be calculated based on timely reported diversions for the preceding reporting year, provided that the Annual Fee for the year in which a permit is issued shall be 75 percent of the standard Permit and License Annual Fee calculated based on the face value of the Permit or License.

[3] Annual Fee is inclusive of requests for minor change of a permit or license, per Water Code section 1700.6.

[4] Due under specific circumstances such as: project is initiated prior to the State Water Board issuing a Permit authorizing the diversion; applicant requests a delay in processing application; applicant is lead agency under California Environmental Quality Act (CEQA) and has not adopted or certified a final environmental document for the project within two years after the water right application is noticed; applicant fails to provide requested supplemental information; or Division has determined that a Permit may be issued but the applicant has failed to pay filing fees.

[5] Annual Fee is inclusive of requests for minor change of an application, per Water Code section 1700.4.

[6] Due under specific circumstances such as: petitioner diverts water prior to the State Water Board approving the requested change; petitioner requests a delay in processing petition; petitioner is lead agency under CEQA and has not adopted or certified a final environmental document for the project within two years after the petition is noticed; or petitioner fails to provide requested supplemental information.

Pursuant to §1065(b), this fee may be reduced to \$500 for any given year where the Division finds both of the following: (1) The petitioner has timely provided all information required to continue processing the petition; and (2) The Division has been unable to expend significant resources towards completion of processing the petition.

[7] For Small Domestic use registrations held by a low-income resident for purposes of providing water for human consumption, cooking and sanitary purposes, the Annual Fee shall be reduced by 20%. Stockpond maximum Annual Fee for a single primary owner holding 5' or more registrations at \$375 in FY 2019-20; \$500 in FY 2020-21 pursuant to §1068(b)(8). The portion of the application fee based on the amount diverted shall be due within 30 days of permit expiration and shall be accompanied by a report of the amount actually diverted. Fee includes a non-refundable initial review fee equal to \$500 plus 10% of the applicable application filing fee for an initial review. No portion of the application fee shall be refundable once the application is either (1) accepted for filing, or (2) the board communicates to the applicant that the applicant made a bona fide attempt to conform to the rules and regulations, but that the application is defective in some manner pursuant to §1062(c).

[8] An SIUR filed for non-cannabis irrigation use receives a 50% discount for both the initial filing fee and the Annual Fee if the SIUR is filed with a Cannabis SIUR for the same diversion.

[9] Fee includes a non-refundable initial review fee equal to \$500 plus 10% of the applicable application filing fee for an initial review. No portion of the application fee shall be refundable once the application is either (1) accepted for filing, or (2) the board communicates to the applicant that the applicant made a bona fide attempt to conform to the rules and regulations, but that the application is defective in some manner pursuant to §1062(c).

[10] The fee for an application for an appropriative right to divert water to underground storage shall be 75 percent of the fee calculated for the standard Application Fee provided the following criteria are met: (a) The application must be for diversion of water only between December 1 and March 31; (b) The application must be primarily for diversion to underground storage in a groundwater basin identified in Bulletin 118; (c) The applicant must be a Groundwater Sustainability Agency or local agency as defined in Water Code section 10721; (d) The applicant has completed all environmental documents required under the California Environmental Quality Act (CEQA); (e) The application proposes diversions only when either the streamflow at the point(s) of diversion is above the 90th percentile calculated from gage data during the

period-of-record and the diversion rate is limited to 20 percent of the total streamflow, or when flows in the source waterbody at or near the point of diversion exceed thresholds that trigger flood control actions necessary to mitigate threats to human health and safety according to established written flood management protocols adopted by a flood control agency. See §1062(a)(1)(F).

[<sup>11</sup>] Filing fee is inclusive of a non-refundable \$250 fee for an initial review. A petition for a temporary urgency change filed under Water Code section 1443.1 that is solely for purposes of diverting water to underground storage for later beneficial use shall be accompanied by, in addition to the fee required by subdivision (a) of this section, a fee for the California Department of Fish and Wildlife review of the petition as follows: (i) For a petition to divert less than 10,000 acre-feet of water per year, \$3,000 plus \$0.10 per acre-foot of water applied for; or (ii) For a petition to divert 10,000 acre-feet of water per year or more, \$5,000 plus \$0.10 per acre-foot of water applied for.

[<sup>12</sup>] Five-year temporary change petitions are limited to projects seeking to amend a permit or license to add underground storage and must meet all eligibility requirements contained in Water Code sections 1443.1 and 1443.2.