

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**ORDER WRO 2004 -0008- EXEC**

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In the Matter of the Petition for Reconsideration  
of the City of Sacramento Regarding Water Right Fee Determinations

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**Order Granting Reconsideration**

**BY THE EXECUTIVE DIRECTOR<sup>1</sup>**

The City of Sacramento (City) petitioned for reconsideration of a Notice of Determination assessing annual water right fees against City. City holds a water right settlement contract with the United States Bureau of Reclamation (USBR) for 90,000 acre-feet of water. The Board of Equalization (BOE) account number for the fee assessed on this contract is WR MT 94-000152 8. The fee assessed to City is \$33,689 for this account.

All of the water available under the settlement contract between the City and the USBR is a base supply, and none of the water is a supplemental supply. Under California Code of Regulations, title 23, section 1073(b)(2), no fee is due for a base supply provided under a CVP contract. Accordingly, the SWRCB will notify the Board of Equalization to cancel this fee assessment.

City also received five other Water Right Fee Notices of Determination for fees on water rights held by the City. These are under Account Numbers WR MT 94-003120 7, WR MT 94-003191 7, WR MT 94-003299 4, WR MT 94-004844 4, and WR MT 94-000535 7, for SWRCB Application ID Nos. A012140, A012321, A012622, A016060, and A001743, respectively. I understand that the petition for reconsideration of the fees on these water right permits seeks reconsideration only to the extent that the fees assessed on these permits are in part duplicative of the fee assessed under Account Number WR MT 94-000152 8. Because the fee assessment under Account Number WR MT 94-000152 8 will be cancelled, these fees will not be duplicative, and to the extent that this is the basis for any intention of the City to request

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<sup>1</sup> State Water Resources Control Board (SWRCB) Resolution No. 2002 - 0104 delegates to the Executive Director the authority to supervise the activities of the SWRCB. Unless a petition for reconsideration raises matters that the SWRCB wishes to address or requires an evidentiary hearing before the SWRCB, the Executive Director's consideration of petitions for reconsideration of water right fees falls within the scope of the authority delegated under Resolution No. 2002-0104. Accordingly, the Executive Director has the authority to deny a petition for reconsideration or set aside or modify the water right fee assessment.

reconsideration of these fees, the request for reconsideration is denied. To the extent that City is seeking reconsideration of such fees on another basis, I am denying reconsideration.

**ORDER**

**IT IS HEREBY ORDERED THAT** the petition for reconsideration relating to Account Number WR MT 94-000152 8 is granted. The fee assessment against City of Sacramento under Account Number WR MT 94-000152 8 shall be cancelled.

To the extent that the City of Sacramento is seeking reconsideration of any other Notice of Determination assessing annual water right fees against the City, such reconsideration is denied.

Dated: March 31, 2004

*ORIGINAL SIGNED BY*  
Celeste Cantú  
Executive Director