Sierra County
Board of Supervisors’
Agenda Transmittal &
Record of Proceedings

**MEETING DATE:**
December 17, 2019

**TYPE OF AGENDA ITEM:**
☒ Regular    ☐ Timed    ☐ Consent

**DEPARTMENT:**
Public Works and Transportation

**APPROVING PARTY:**
Tim H. Beals, Director

**PHONE NUMBER:**
530-289-3201

**AGENDA ITEM:** Discussion and direction on watermaster service fees and overview of options to the positions taken by Department of Water Resources on the proportionate cost sharing of administration costs of the service.

**SUPPORTIVE DOCUMENTS ATTACHED:**
☐ Memo    ☐ Resolution    ☐ Agreement    ☐ Other

**BACKGROUND INFORMATION:** See attached background information.

**FUNDING SOURCE:**

**GENERAL FUND IMPACT:** General Fund Impact

**OTHER FUND:**

**AMOUNT:** $ N/A

**ARE ADDITIONAL PERSONNEL REQUIRED?**

☐ Yes, -- --

☒ No

**IS THIS ITEM ALLOCATED IN THE BUDGET?**

☐ Yes    ☐ No

**IS A BUDGET TRANSFER REQUIRED?**

☐ Yes    ☐ No

**SPACE BELOW FOR CLERK’S USE**

**BOARD ACTION:**

☐ Approved    ☐ Approved as amended

classified

☐ Adopted    ☐ Adopted as amended

☐ Denied    ☐ Other

☐ No Action Taken

☐ Set public hearing

For: ______________________

☐ Direction to: ______________

☐ Referred to: ______________

☐ Continued to: ______________

☐ Authorization given to:

____________________________

Resolution 2019- ____________

Agreement 2019- ______________

Ordinance ___________________

Vote:

Ayes: ______________________

Noes: ______________________

Abstain: ____________________

Absent: _____________________

☐ By Consensus

**COMMENTS:**

__________________________________________________________________________

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CLERK TO THE BOARD          DATE
Agenda Item: Watermaster Service Fees

New Sierra Valley watermaster service fees have been issued which spread the costs of this service among ranchers/property owners who obtain this service. These new fees are to be enrolled by the County Treasurer on the next tax bill issuance. This agenda item is to discuss the new fees as issued by the Department of Water Resources; review historic correspondence when this same issue came up in 2010 and 2011 as to how Plumas and Sierra County may become involved in the provision of these services; and to determine if any Board of Supervisors action is desired accordingly.
Thank you for reaching out. I hope to get back to you soon on her availability.

Thanks
Janiene Friend

Hi again Janiene. I was able to locate a copy of my 2018 email that contains the supporting information pertaining to my email just sent to you which requests a meeting with Director Nemeth in January 2020. Hope this helps and thanks,

Tim Beals

Hello Janiene. I sent this email to you over a week ago and I fear that I may have had an error in your email address. The email did not bounce back to me but in checking my sent mail recently I see I spelled your name with no “I” in Janiene. So here is my second try. Please let me know if you receive this.

Thanks for talking with me earlier in the month regarding a meeting with Director Grant Davis. I am the County Public Work and Planning Director and the County Board of Supervisors has asked that I reach out to Director Grant Davis for a meeting as soon as possible to discuss two issues of paramount importance to the County. The subject matter is critical to the County and involves two distinct issues impacting water and agriculture in Sierra Valley-watermaster costs and groundwater management. Both issues involve the Sierra Valley which as you may know is a significant high elevation (5000 feet plus) basin that is split between Sierra County and Plumas County. There are significant issues that have progressed to a point where we feel that involvement of the Director is necessary to establish a clear line of communication and to establish proper guidance and policy interpretation for the future.

I expect that we will have eight (8) people in attendance representing interests from Sierra and Plumas County that will include a County Supervisor from each of the counties; one staff member from each of the counties; the Chairman of the Sierra Valley Groundwater Management District; the President of the Sierra Valley Water Company; the President of the Plumas-Sierra Cattlemen’s Association; and, the President of the Plumas-Sierra County Farm Bureau.
Very briefly, the watermaster service fee allocation has grown to be a significant issue for Sierra Valley. The program is critical to successful water management and agriculture in the adjudicated areas. The program provides for State (DWR) administration and oversight of surface water use to agricultural properties identified through the Sierra Valley Decree. The program provides benefits to the Sierra Valley and benefits to the general public of the State (a reliable water source, flood control, fish and wildlife benefits, recreation, power generation, economic incentives, etc.) as water from the Sierra Valley (headwaters to the “Wild and Scenic” Feather River) ultimately finds its way into Oroville Reservoir. All costs (100%) are allocated against only those properties within the watermaster service area and no discretion is exercised over public benefit allocations or the formulas for how costs are calculated and distributed by DWR. We are keenly aware of SB 1107 which amended the Water Code and this was a temporary, stop-gap measure in 2004 to resolve, in part, State budget issues. This temporary assignment of 100% of the costs has now become standard policy and the burden of the responsibility for these costs are excessive, including the State’s costs in administering litigation which are also passed on to the same properties. The State and the properties within the service area prior to 2004 split annual costs on a 50/50 basis. The County and impacted property owners have made numerous and considerable attempts to work with the staff at the Northern District. The staff has been very helpful and forthright, understanding our concerns. However, the staff consistently states that they cannot advocate for a change and do not have authority to make any accommodations as this is reserved to the Director. Therefore we need to discuss these very issues in greater detail with the Director to seek a fair and equitable solution.

Regarding groundwater management, Sierra and Plumas Counties have the distinct honor of having the first groundwater management district authorized under State law in California. This award winning and successful “grass roots” effort was embodied in SB 1391, a 1984 Senate Bill now found in the water code appendix. It was co-authored by Senators Nejedly, Johnson, Vuich, Ayala, and many others. Sierra and Plumas County made compelling arguments to the Legislature over the need for a local groundwater management authority. The district has been fully operational and has been successfully managing groundwater since 1985 and has a complete set of ordinances and policies; meets regularly and has a fully qualified staff; annually issues a report summarizing activities and findings; and has a very detailed management plan complete with computer modeling and numerous technical assistance appendices, many of which were developed in cooperation with DWR. We can provide greater explanations of the success of this District upon meeting but the fundamental concern we are wishing to discuss is the duplication and conflict that we seem to be experiencing between serving the interest of SB 1391 and the District’s management plan with the recent State Groundwater management legislation. Unfortunately the new legislation apparently did not envision that such a district, as in the case in Sierra Valley, would be in existence and there appears to be an unwillingness to exercise discretion that would find that the Sierra Valley Groundwater Management District provides the equivalent of what is expected and/or required from the State’s recent groundwater management statutes. The Northern District again suggests that this argument should be forwarded to the Director and continuing with the current interpretation issued by DWR places the local board of directors in a compromising position trying to serve the interests of both sets of management and regulatory oversight. The involvement, understanding, and support of the Director is needed in this case.

Therefore, and in summary, these two issues are of critical importance to Sierra County and to Plumas County. Agriculture is one of the primary economic engines for the regional economy and when issues such as this arise, we trust that a cooperative and successful solution can be attained through a meeting with the Director. We look forward to your response and hope to see you soon.

Tim Beals
Director-Public Works and Planning
County of Sierra
Hello Janiene and hope you are well and looking forward to some holiday time in a couple of weeks. As you may recall, you and I coordinated a meeting with Director Nemeth in June Of 2018 and when our group arrived for the meeting, she had been called out for a meeting with the Governor if I recall the circumstances correctly. We were unable to meet with her and were quite disappointed as you may imagine. Anyway, we would like to request a meeting with the Director in January 2020 at a date and time that is convenient to her. As you may also recall, we have a three hour drive to attend such a meeting so we need to work out the logistics and have as much notice as possible so our group can make appropriate plans. If you can locate my email to you back in 2018 (January 30, 2018) it describes the very reason that we are requesting a meeting with the Director at this time. I will try to locate a copy of the email from my archives and send it to you under separate cover assuming that I can locate a copy.

This meeting will involve a number of interests and as a result we expect to have approximately ten (10) people in attendance. Those attending will be representing Sierra County, Plumas County, the California Cattlemen’s Association (Sierra-Plumas Chapter), the California Farm Bureau (Sierra-Plumas Chapter), Sierra Valley and Last Chance Creek watermaster service areas, Sierra Valley Water Company, Sierra Valley Groundwater Management District, and we may request our legislative representatives to attend as well. The issues that brought us to the June 2018 meeting are the very same issues that bring us to this current request for a meeting and the subject matter is of critical interest to Sierra and Plumas County, including the agricultural users in the two counties as well as the downstream surface water interests of the Feather River system as it ultimately flows into Oroville Dam. The issues are watermaster administration, costs, and fees and the second issue is the administration of the groundwater management district and its relationship to current State regulations and/or expectations. Hopefully I can locate the 2018 email and it will explain in detail our concerns and the subject of our requested meeting.

We look forward to your favorable reply and trust we can discuss options that ultimately produce a successful solution to issues here that are considerably important to the future and sustainability of the agricultural economy as we know it. Thanks and please let us know as soon as possible with suggested dates. Happy holidays.

Tim Beals
County Director of Public Works and Transportation

(For Chairman Paul Roen, Sierra County Board of Supervisors)
Hello Janiene. I sent this email to you over a week ago and I fear that I may have had an error in your email address. The email did not bounce back to me but in checking my sent mail recently I see I spelled your name with no “i” in Janiene. So here is my second try. Please let me know if you receive this.

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Tim Beals
Director-Public Works and Planning
County of Sierra
Sierra County
Board of Supervisors’
Agenda Transmittal &
Record of Proceedings

MEETING DATE: September 3, 2013
TYPE OF AGENDA ITEM: ☒ Regular ☐ Timed ☐ Consent

DEPARTMENT: Board of Supervisors
APPROVING PARTY: Paul Roen, Supervisor, District 3
PHONE NUMBER: 289-3295

AGENDA ITEM: Review and response regarding proposed letter to State DWR with regard to watermaster fees.

SUPPORTIVE DOCUMENTS ATTACHED: ☐ Memo ☐ Resolution ☐ Agreement ☒ Other

Draft letter

BACKGROUND INFORMATION:

FUNDING SOURCE:
GENERAL FUND IMPACT: No Additional General Fund Impact
OTHER FUND:
AMOUNT: $ N/A

IS THIS ITEM ALLOCATED IN THE BUDGET? ☐ Yes ☐ No
IS A BUDGET TRANSFER REQUIRED? ☐ Yes ☐ No

ARE ADDITIONAL PERSONNEL REQUIRED?
☐ Yes, -- --
☐ No

SIGNATURE:

APPROVING PARTY OR AUTHORIZED AGENT

APPROVED AS TO FORM AND FUNDING SOURCES:

COUNTY COUNSEL

AUDITOR/RISK MANAGER

SPACE BELOW FOR CLERK’S USE

BOARD ACTION:
☐ Approved
☐ Approved as amended
☐ Adopted
☐ Adopted as amended
☐ Denied
☐ Other
☐ No Action Taken
☐ Set public hearing
For:
☐ Direction to:
☐ Referred to:
☐ Continued to:
☐ Authorization given to:

Resolution 2013-
Agreement 2013-
Ordinance

Vote:
Ayes:
Noes:
Abstain:
Absent:

COMMENTS:


CLERK TO THE BOARD

DATE
DRAFT LETTER TO DWR RE WATERMASTER SERVICE FEES

September ______

Department of Water Resources
Records Management Office
1416 Ninth Street, Room 354
Sacramento, CA 95814

Re: Request for Fee Information regarding Watermaster Services

Dear Sir or Madam:

Recently the auditors for Plumas and Sierra Counties received letters from the Department of Water Resources, requesting that fees established by DWR for watermaster services be collected by the two counties through county issued property tax bills. The fees are to be billed to property owners who are subject to the Plumas County Superior Court water rights decrees for the Middle Fork Feather River in Sierra Valley and the Indian Creek stream system, encompassing portions of Plumas and Sierra Counties. The increase in the fees is of concern to our respective counties and no doubt to the property owners being assessed the subject fee and has again prompted a discussion locally as to the options that are available to secure the delivery of these services.

In reviewing the provisions of the California Water Code, and specifically Water Code Section 4201, it is clear that the administrative cost of a service area and the distribution of water therein shall be paid by the owners of the rights to divert or store water within the service area. The Water Code establishes a process to be followed by DWR in annually preparing a budget together with a statement allocating the cost for the watermaster services to the property owners in each service area. The counties are required to collect those fees by including same on the counties’ property tax bill, a duty which is clearly ministerial on the part of the counties. However, Water Code Section 4275 provides that DWR “shall certify, to the auditor and the board of supervisors of each county having a watermaster service area, or part of a watermaster service area, the amount required, in order to pay the apportionments for the ensuing fiscal year, to be levied on the land used in the storage or diversion, conveyance or distribution of the water stored or diverted under the right and the land on which the water is, or is entitled to be, used”. In reviewing DWR’s letter of August 9, 2013, which transmitted the statements from DWR for the subject fees, we note that DWR did not provide a copy of the budget and statement to be adopted by Water Code Section 4201, nor did DWR certify the amounts required to pay for the watermaster services, as required by the Water Code.
Subsequently, following the August 9th letter and without explanation, DWR sent an email to the two counties with a revision to the “tax assessments” (which we understand DWR means as referring to the watermaster service fees) proposing a reduction of the subject fees and then asking if the counties would “accept a revision for the tax assessments”. Again, no supporting information as to how the fees were calculated, including the budget and statement required by the Water Code was provided, nor was the amount of the (reduced) fees certified by anyone on behalf of DWR.\textsuperscript{1} The fact that DWR has lowered the fees (which we understand is approximately 2/3\textsuperscript{rd} of the prior amount) is of course beneficial to the property owners being assessed for these services. However, the reduction certainly raises the question as to how both the original fees were apparently erroneously calculated and whether the revised fees are in fact appropriate and accurate. It also raises a question about the lack of any certification on the part of DWR in both transmitting the original fee amounts to the counties and the subsequent revisions sent by email.

As you are no doubt aware, under the provisions of Article XIII A of the California Constitution (added by Proposition 26), the State bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity, and that the manner in which those costs are allocated to a payor bears a fair or reasonable relationship to the payor’s burdens on, or benefits received from, the governmental activity.

In order to address the questions raised by increases to the DWR fees, request is hereby made pursuant to the California Public Records Act (the PRA), California Government Code Section 6250 et. seq., for the following documents:

All documents, of whatever nature and including without limitation, all background information, data and analysis, relating to the watermaster services and the cost allocation and fees charged for and/or with regard to said program and services provided by the Department of Water Resources, with regard to the Sierra Valley Watermaster Service Area and the Indian Creek Watermaster Service Area for the 2012-13 and 2013-14 fiscal years. (If fees are based on a calendar year then the request is for records for the 2012, 2013 and 2014 calendar years). Without limiting the foregoing, the request shall also expressly encompass all records of the time expended by Department of Water Resources employees or contractors to provide services in, administer, or perform any other activities related to the Sierra Valley Watermaster Service Area and Indian Creek Watermaster Service Area for the past three (3) years.

Pursuant to California Government Code Section 6253.9, subdivision (a)(2) we request that any of the subject information that is available in an electronic format be provided in the same electronic format in which you hold the information, or in the format that has been used by your agency to create copies for your own use or for provision to other agencies. If the original format

\textsuperscript{1} We will point out that “certified” is commonly defined and understood, in part, to be a statement or affirmation that the information provided is formally confirmed as being as true, accurate, or genuine or guaranteed as meeting a standard or other requirement, such as a legal requirement.
subject to manipulation, you may at your option provide the documents in a static format such as a "PDF" file - so long as any responsive text, formulas or other information contained in the original are also made available in the alternative.

Pursuant to Section 6253 of the PRA, if any fees are required to be paid to obtain the requested records, please contact prior to incurring those costs; provided however, if you estimate that the total direct costs of the requested records and shipping, if necessary, will not exceed two hundred dollars ($200.00), please accept this as authorization to copy and forward the documents to our attention at:

Thank you for your attention to this matter.

Sincerely,

Chair
Sierra County Board of Supervisors

Chair
Plumas County Board of Supervisors
INDEX TO SERVICE AREAS

1  Ash Creek
2  Big Valley
3  Burney Creek
4  Butte Creek
5  Cow Creek
6  Digger Creek
7  French Creek
8  Hat Creek
9  Indian Creek
10 Middle Fork Feather River
11 North Fork Cottonwood Creek
12 North Fork Pit River
13 Pine Creek (inactive)
14 Selad Creek (inactive)
15 Shackleford Creek
16 Shasta River
17 South Fork Pit River
18 Surprise Valley
19 Susan River
20 Willow Creek

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT
WATERMASTER SERVICE AREAS
IN NORTHERN CALIFORNIA
The Middle Fork Feather River service area is located in and around Sierra Valley, a plateau area on the west slope of the Sierra Nevada Mountains in the eastern portion of Sierra and Plumas Counties.

Major sources of supply for this service area are the Middle Fork Feather River and its tributaries in the Sierra Valley. The area is comprised of five major stream groups. These groups, starting in the northeast corner of the valley and proceeding in a clockwise direction, are Little Last Chance Creek, Smithneck Creek, Webber Creek and tributaries, West Side Canal, and Fletcher Creek and Springs Channels. The Middle Fork Feather River flows generally north for approximately 15 miles through Sierra Valley. It then flows out of the valley in a westerly direction near Beckworth. The major place of use is in Sierra Valley, which is about 15 miles long and 10 miles wide. The average elevation of the valley floor is 4,900 feet.

Maps of the Middle Fork Feather River service area are presented as Figures 11 through 11K, pages 64 through 75.

Basis of Service

The Middle Fork Feather River watermaster service area was created on March 29, 1940, to include, with the exception of certain tributaries and springs, all water rights set forth in Decree No. 3095 entered in the Middle Fork Feather River statutory adjudication proceeding on January 19, 1940, Superior Court, Plumas County.

The decree establishes the number of priority classes for each of the major stream systems within the Middle Fork Feather River service area as follows: Little Last Chance Creek - eight; Smithneck Creek - five; West Side Canal Group - five; Fletcher Creek and Spring Channels - three; Webber Creek and tributaries - six; and Sierra Valley Water Company - one.

The service area has been amended three times to include and exclude certain water rights. Watermaster service has been provided during each irrigation season since the service area was created and annual reports have been prepared to show the work accomplished.

There are, currently, 101 water right owners in the service area with total allotments amounting to 371,565 cubic feet per second.

Water Supply

The major water supply in the Middle Fork Feather River service area is derived from snowmelt runoff, with minor flow from springs and from supplemental stored and foreign water.

Natural flows of Little Last Chance Creek are supplemented by reservoir storage provided by Frenchman Dam which was constructed by the Department of Water Resources in 1961. Stored water is released and used as needed under the provisions of an annual contract.

Smithneck Creek flow is normally sufficient to supply all allotments until about the middle of May. It then decreases until about June 1 and only first and second priority allotments are then available for the remainder of the season.

The natural flow of Webber Creek is normally sufficient to supply all allotments until the middle of May. At that time up to 60 cubic feet per second is diverted from the Little Truckee River to supplement the flow. This imported water is diverted through the Little Truckee Ditch into Onion Creek and then
into Webber Creek, via Cold Stream, for use of shareholders in the Sierra Valley Water Company. This supplemental supply decreases rapidly during July, producing only a small quantity during the latter part of the season.

The West Side Canal streams normally supply all allotments until the first part of June. The flow then gradually declines throughout the season.

The flow of Fletcher Creek and Spring Channels normally supplies all allotments until July 1. The flow then gradually declines for the remainder of the season.

Records of the daily mean discharge of Little Truckee Ditch and the Middle Fork Feather River near Portola are presented in Tables 17 and 18, page 63.

**Method of Distribution**

Wild flooding is employed by the majority of the water users to irrigate their fields. Small diversion dams are placed in the stream channels to divert the water into individual distribution systems. Check dams are constructed in the swales to implement flooding once the water reaches the fields.

**1973 Distribution**

Watermaster service began April 1 in the Middle Fork Feather River service area and continued until September 30. Joe Nessler, Water Resources Engineering Associate, was Supervising Watermaster during this period. Conrad Lahr, Water Resources Technician II, assisted as Deputy Watermaster. A near-average water year prevailed in the service area although a lack of normal spring rain was a detrimental factor.

**Little Last Chance Creek.** Frenchman Dam and Reservoir began its twelfth season of operation. An annual contract concerning storage, distribution, and sale of water was again negotiated with the Last Chance Creek Water District.

Delivery and distribution of water was made in accordance with the provisions of the contract and the instructions of the District's Board of Directors.

**Smithneck Creek.** The available water supply was sufficient to satisfy all allotments (five priorities) until about May 20. The flow dropped to about 5 cubic feet per second by July 20. A 2-week rotation schedule was started May 29 and continued for 8 weeks until only stockwater was available.

**Webber Creek and Tributaries.** The natural flow of Webber Creek was sufficient to supply all allotments (six priorities) until about the first of June. It then decreased gradually until about 25 percent of second priority allotments were being served at the end of the season. Importation of water from the Little Truckee River began on May 29, supplementing the natural flow of Webber Creek to help satisfy all allotments of the Sierra Valley Water Company shareholders (one priority). A total of 3,824 acre-feet of water was diverted through the Little Truckee Ditch up to September 30. This diversion provided sufficient water until about July 10. A lighter than normal demand still exists in this stream system due to damaged diversion facilities.

**West Side Canal Group.** The available water supply in the West Side Canal Group, consisting of Hamlin, Miller, and Turner Creeks, was sufficient to satisfy all allotments (five priorities) until the latter part of July. A 3-week rotation schedule was started July 5 on Turner Creek for the users below Highway 49-89. Rotation continued for the remainder of the irrigation season.

**Fletcher Creek and Spring Channels.** Ample water was available to satisfy all allotments until mid-June. An 18-day rotation schedule was set up on Fletcher Creek and continued for the remainder of the season. Demand for water was very high in this system due to new owners and changing of crops.
### MIDDLE FORK FEATHER RIVER WATERMASTER SERVICE AREA

1973 Daily Mean Discharge in Cubic Feet Per Second

#### TABLE 17

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| Mean | 55.0  | 48.8  | 17.1 | 3.5  | 2.6  | Runoff In Acre-Feet 216 2192 1049 212 153 |

* Beginning of Flow

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| Mean | 540  | 248 | 161 | 78.8 | 18.2 | 15.9 | 15.7 | Runoff In Acre-Feet 33220 14840 9817 4657 1119 857 966 |

-63-
SCHEMATIC DIAGRAM OF MIDDLE FORK FEATHER RIVER WATERMASTER SERVICE AREA
ALLOCATIONS FROM LITTLE LAST CHANCE CREEK
ABOVE HIGHWAY 70

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* Both sides of Highway 70, and see Fig. 11b
** See Fig. 11d

SCHEMATIC DIAGRAM OF
LITTLE LAST CHANCE CREEK
ABOVE HIGHWAY 70

VINTON
SCHEMATIC DIAGRAM OF
LITTLE LAST CHANCE CREEK
BELOW HIGHWAY 70

ALLOCATIONS FROM LITTLE LAST CHANCE CREEK
BELOW HIGHWAY 70

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* See Fig. 11a for location of diversions 33-42, 48, 50, 51, 61-69, 71, 72, 73, 98
(Occidental Petroleum)
ALLOCATIONS FROM MIDDLE FORK FEATHER RIVER
SOUTH OF HIGHWAY 49

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* Both sides of Highway 49
** Other allocations north of Highway 49

Rights under Div. 134, formerly used in Sierraville

SCHEMATIC DIAGRAM OF MIDDLE FORK
FEATHER RIVER SOUTH OF HIGHWAY 49
### ALLOCATIONS FROM MIDDLE FORK FEATHER RIVER BETWEEN SIERRAVILLE & PASQUETTI RANCH

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<td>Hoaney, J.</td>
<td>2.00</td>
</tr>
</tbody>
</table>

* See Fig. 11a

### SCHEMATIC DIAGRAM OF MIDDLE FORK FEATHER RIVER BETWEEN SIERRAVILLE AND PASQUETTI RANCH

Springs
### Allocations from Middle Fork Feather River from Pasquetti Ranch to Dike 239

<table>
<thead>
<tr>
<th>Diversion No.</th>
<th>Present Owner</th>
<th>Total cfs</th>
</tr>
</thead>
<tbody>
<tr>
<td>221</td>
<td>Pasquetti, B.</td>
<td>2.00</td>
</tr>
<tr>
<td>222</td>
<td>Mello, J.</td>
<td>1.50</td>
</tr>
<tr>
<td>222, 223</td>
<td>Venetti, A.</td>
<td>2.25</td>
</tr>
<tr>
<td>224, 225, 226, 227, 228, 230, 231, 234</td>
<td>Russel, D.</td>
<td>18.05</td>
</tr>
<tr>
<td>226, 229</td>
<td>Genasci, A.</td>
<td>1.45</td>
</tr>
<tr>
<td>228, 232, 233</td>
<td>Filippini, G&amp;C.</td>
<td>5.65</td>
</tr>
<tr>
<td>228, 235, 236</td>
<td>Nichols, R.</td>
<td>9.20</td>
</tr>
<tr>
<td>228</td>
<td>Ramelli, A.</td>
<td>1.05</td>
</tr>
<tr>
<td>234</td>
<td>Visica, A.</td>
<td>0.40</td>
</tr>
<tr>
<td>119, 237, 238</td>
<td>Bradley, F.</td>
<td>2.05</td>
</tr>
</tbody>
</table>

---

**Schematic Diagram of M.F. Feather River from Pasquetti Ranch to Dike 239**
FIGURE 11h

ALLOCATIONS OF WEST SIDE CANAL GROUP FROM THE SIERRA VALLEY RANCH NORTH

<table>
<thead>
<tr>
<th>Diversion No.</th>
<th>Present Owner</th>
<th>Total afs</th>
</tr>
</thead>
<tbody>
<tr>
<td>205, 206, 207</td>
<td>Russel, D.</td>
<td>17.80</td>
</tr>
<tr>
<td>208, 209, 210</td>
<td></td>
<td></td>
</tr>
<tr>
<td>212, 214, 218</td>
<td></td>
<td></td>
</tr>
<tr>
<td>220, 224</td>
<td></td>
<td></td>
</tr>
<tr>
<td>211, 214</td>
<td>Mattley, C.</td>
<td>1.70</td>
</tr>
<tr>
<td>213, 214, 215</td>
<td>Euer, B.</td>
<td>2.90</td>
</tr>
<tr>
<td>213, 216, 217</td>
<td>Visica, A.</td>
<td>7.80</td>
</tr>
<tr>
<td>218</td>
<td></td>
<td></td>
</tr>
<tr>
<td>220</td>
<td>Wilson, C.</td>
<td>0.80</td>
</tr>
<tr>
<td>220, 239</td>
<td>Carmichael, F.</td>
<td>1.40</td>
</tr>
</tbody>
</table>

SCHEMATIC DIAGRAM OF WEST SIDE CANAL GROUP NORTH OF SIERRA VALLEY RANCH
ALLOCATIONS FROM MIDDLE FORK FEATHER RIVER FROM DIKE 239

<table>
<thead>
<tr>
<th>Diversion No.</th>
<th>Present Owner</th>
<th>Total cfs</th>
</tr>
</thead>
<tbody>
<tr>
<td>238, 239, 240, 241, 242</td>
<td>Carmichael, F.</td>
<td>10.50</td>
</tr>
<tr>
<td>238</td>
<td>Wiley, J.</td>
<td>0.14*</td>
</tr>
<tr>
<td>239</td>
<td>Wilson, C.</td>
<td>0.80</td>
</tr>
<tr>
<td>242</td>
<td>Meadlena, L.</td>
<td>0.35</td>
</tr>
<tr>
<td>54, 55, 243, 244, 245, 263</td>
<td>Noble, P.</td>
<td>4.50</td>
</tr>
<tr>
<td>248</td>
<td>Folch, E.</td>
<td>1.45</td>
</tr>
</tbody>
</table>

* Total diversion right = 50 Acre-Feet Per Year

SCHEMATIC DIAGRAM OF MIDDLE FORK FEATHER RIVER FROM DIKE 239
ALLOCATIONS FROM FLETCHER CREEK
AND SPRING CHANNELS

<table>
<thead>
<tr>
<th>Diversion No.</th>
<th>Present Owner</th>
<th>Total cfs</th>
</tr>
</thead>
<tbody>
<tr>
<td>188</td>
<td>Sierra Co. Water District</td>
<td>0.52</td>
</tr>
<tr>
<td>186</td>
<td>Blanchard, O.</td>
<td>0.04</td>
</tr>
<tr>
<td>177, 178, 182, 183, 184</td>
<td>Borelli, A.</td>
<td>1.744</td>
</tr>
<tr>
<td>192</td>
<td>Scott, F.</td>
<td>0.05</td>
</tr>
<tr>
<td>182, 183, 184</td>
<td>Jinettes, F&amp;W.</td>
<td>0.046</td>
</tr>
<tr>
<td>186, 199, 200</td>
<td>Paulson &amp; Cadenhead</td>
<td>1.428</td>
</tr>
<tr>
<td>199</td>
<td>Lukens &amp; Copples</td>
<td>0.302</td>
</tr>
<tr>
<td>199, 200</td>
<td>All Pro Guest Ranch</td>
<td>0.864</td>
</tr>
<tr>
<td>199, 200</td>
<td>Beruti, J.</td>
<td>0.458</td>
</tr>
</tbody>
</table>

SCHEMATIC DIAGRAM
FLETCHER CREEK
AND
SPRING CHANNELS
An act to amend Section 13220 of the Fish and Game Code, to amend Section 12841 of, and to repeal Section 12112 of, the Food and Agricultural Code, to amend Section 51283 of, and to add Section 12812.6 to, the Government Code, to amend Sections 42821, 44011, 44060, 44091, and 44091.1 of the Health and Safety Code, to amend Sections 5045, 5046, and 30940 of, and to add Article 8 (commencing with Section 5079.70) to Chapter 1.1.5 of Division 5 of, Chapter 3.8 (commencing with Section 5750) to Division 5 of, Chapter 7.5 (commencing with Section 5819) to Division 5 of, and Part 3.5 (commencing with Section 71120) to Division 34 of, the Public Resources Code, to amend Sections 4000.1, 5067, and 24007 of the Vehicle Code, and to amend Sections 4201, 4227, 4251, 4252, 4327, 4357, 12878, 12878.1, 12878.33, and 12878.44 of, to add Sections 12639.1 and 79509.6 to, and to repeal Sections 4250 and 4405 of, the Water Code, relating to resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

(Approved by Governor August 16, 2004. Filed with Secretary of State August 16, 2004.)

I am signing Senate Bill 1107 with the following reductions:

The Sierra Nevada's are a valuable natural asset for all Californians. There is a bipartisan proposal pending in the Legislature to create a Sierra Nevada Conservancy that balances statewide values and local interests. I am deleting $5 million of the $9.15 million appropriation for the Sierra Nevada Cascade and sustaining $4.15 million to assure that there are adequate resources to make the Sierra Nevada Conservancy a success when it is created. The remaining funding level more accurately reflects the actual amount that the Secretary will be able to expend in the 2004-05 fiscal year until the conservancy is fully implemented.

Additionally, I am deleting $28.35 million of the $38.35 million appropriations for the purpose of awarding grants related to River Parkways conservation programs. These reductions better reflect the actual amount that the Secretary will be able to expend in the 2004-05 fiscal year because the bill requires new program activities which will take time to implement.

ARNOLD

SCHWARZENEGGER, Governor
purpose of being legally wrecked or dismantled, or sold exclusively for off-highway use.

(2) Paragraph (1) does not apply to any vehicle sold by either (A) a dismantler after being reported for dismantling pursuant to Section 11520 or (B) a salvage pool after obtaining a salvage certificate pursuant to Section 11515 or a nonrepairable vehicle certificate issued pursuant to Section 11515.2.

(3) Notwithstanding paragraph (1), the equipment requirements of this division do not apply to the sale of a leased vehicle by a dealer to a lessee if the lessee is in possession of the vehicle immediately prior to the time of the sale and the vehicle is registered in this state.

(b) (1) Except as provided in Section 24007.5, no person shall sell, or offer or deliver for sale, to the ultimate purchaser, or to any subsequent purchaser a new or used motor vehicle, as those terms are defined in Chapter 2 (commencing with Section 39010) of Part 1 of Division 26 of the Health and Safety Code, subject to Part 5 (commencing with Section 43000) of that Division 26 which is not in compliance with that part and the rules and regulations of the State Air Resources Board, unless the vehicle is sold to a dealer or sold for the purpose of being legally wrecked or dismantled.

(2) Prior to or at the time of delivery for sale, the seller shall provide the purchaser a valid certificate of compliance or certificate of noncompliance, as appropriate, issued in accordance with Section 44015 of the Health and Safety Code.

(3) Paragraph (2) does not apply to any vehicle whose transfer of ownership and registration is described in subdivision (d) of Section 4000.1.

(4) Paragraphs (1) and (2) do not apply to any vehicle sold by either (A) a dismantler after being reported for dismantling pursuant to Section 11520 or (B) a salvage pool after obtaining a salvage certificate pursuant to Section 11515 or a nonrepairable vehicle certificate issued pursuant to Section 11515.2.

(c) (1) With each application for initial registration of a new motor vehicle or transfer of registration of a motor vehicle subject to Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, a dealer, the purchaser, or his or her authorized representative, shall transmit to the Department of Motor Vehicles a valid certificate of compliance or noncompliance, as appropriate, issued in accordance with Section 44015 of the Health and Safety Code.

(2) Notwithstanding paragraph (1) of this subdivision, with respect to new vehicles certified pursuant to Chapter 2 (commencing with Section 43100) of Part 5 of Division 26 of the Health and Safety Code, a dealer may transmit, in lieu of a certificate of compliance, a statement, in a form and containing information deemed necessary and appropriate by the Director of Motor Vehicles and the Executive Officer of the State Air Resources Board, to attest to the vehicle's compliance with that chapter. The statement shall be certified under penalty of perjury, and shall be signed by the dealer or the dealer's authorized representative.

(3) Paragraph (1) does not apply to a transfer of ownership and registration under any of the circumstances described in subdivision (d) of Section 4000.1.

SEC. 24. Section 4201 of the Water Code is amended to read:

4201. All of the cost of administration of a service area and the distribution of water therein shall be paid by the owners of the
rights to divert or store water within the service area as provided in this chapter.

SEC. 25. Section 4227 of the Water Code is amended to read:

4227. The statement shall also contain an apportionment of the amount of the budget among the owners of the various rights to store or divert within the service area.

SEC. 26. Section 4250 of the Water Code is repealed.

SEC. 27. Section 4251 of the Water Code is amended to read:

4251. One-tenth of the budget for the service area shall be apportioned equally among the respective ownerships of all water rights involved, and except as otherwise provided in this article the remaining nine-tenths shall be apportioned among the ownerships of the respective water rights in accordance with the quantities of water that the owners of the respective water rights are entitled to store or divert within the service area.

SEC. 28. Section 4252 of the Water Code is amended to read:

4252. In all cases of rights to divert the direct flow of a stream, without storage, for power development or other nonconsumptive use, where the entire flow so diverted, with the exception of reasonable transportation losses, is returned to the same stream system above the next lower diversion, the owners of these rights shall share on account of these rights only in the equal apportionment of one-tenth of the budget of the service area, and shall not share in so far as these rights are concerned in the apportionment of the remaining nine-tenths.

SEC. 29. Section 4327 of the Water Code is amended to read:

4327. The statement shall be submitted on or before the first day of September of the year preceding that for which it is made.

SEC. 30. Section 4357 of the Water Code is amended to read:

4357. The expenditures for the supervision of the distribution of water in any service area shall be paid from that portion or account of the Water Resources Revolving Fund credited on the department's books to that service area, upon claims approved by the department and otherwise audited and approved as may be required in the case of other claims against the state.

SEC. 31. Section 4405 of the Water Code is repealed.

SEC. 32. Section 12639.1 is added to the Water Code, to read:

12639.1. The department may investigate any project adopted and authorized by the state and approved by the Congress to determine whether the project is no longer justified and whether appropriate action should be taken to deauthorize the project. The department shall coordinate that investigation with the federal agency involved in the project.

SEC. 33. Section 12878 of the Water Code is amended to read:

12878. Unless the context otherwise requires, the following definitions apply throughout this chapter:

(a) "Department" means Department of Water Resources.
(b) "Director" means the Director of Water Resources.
(c) "Board" means the State Reclamation Board.
(d) Wherever the words "board or department" or "board or director" are used together in this chapter they shall mean board as to any project in the Sacramento or San Joaquin Valleys or on or near the Sacramento River or the San Joaquin River or any of their tributaries, and department or director as to any project in any other part of the state outside of the jurisdiction of the board.

(e) "Project" means any project that has been authorized pursuant to Chapter 2 (commencing with Section 12639) or Chapter 4 (commencing
State Watermaster Service is authorized by the California Water Code in Sections 4400 through 4407. The specific cost recovery authorization is contained in Sections 4275 through 4279.

Section 4225: The department shall, prior to June 15th of each year, prepare a statement for each service area. The statement shall contain a budget showing the amount of money estimated to be necessary to pay the costs of administration of the service area and the distribution of water therein for the ensuing fiscal year.

Section 4226: The budget shall include all of the following:
(a) Expenses theretofore incurred for the payment of which funds are not available.
(b) The cost of an annual watermaster report covering the current calendar year to be prepared at the end of said year.
(c) A reasonable estimate for contingencies.
(d) Other costs of administration of the service area or of distribution of water therein.

Section 4227: The statement shall also contain an apportionment of the amount of the budget among the owners of the various rights to store or divert within the service area.

Section 4228: In all cases where a water right is owned by two or more persons, they shall pay in proportion to their respective interests in the water right, and, when the extent of the several interests is known to the department, the statement prepared by the department shall contain an apportionment of the amount to be paid by the various owners of the water right.

California Water Code Section 4251 continues to direct the Department in the preparation of an annual budget as follows:

Section 4251: One-tenth of the budget for the service area shall be apportioned equally among the respective ownerships of all water rights involved, and except as otherwise provided in this article the remaining nine-tenths shall be apportioned among the ownerships of the respective water rights in accordance with the quantities of water that the owners of the respective water rights are entitled to store or divert within the service area.

California Water Code sections 4275 through 4228 directs the Department in the collection of cost associated with State Watermaster Service as follows:

Section 4275: Except as provided in Article 5 (commencing with Section 4300), the department, on or before the 15th day of August of each year, shall certify, to the auditor and the board of supervisors of each county having a watermaster service area, or part of a watermaster service area, the amount required, in order to pay the apportionments for the ensuing fiscal year, to be levied on the land used in the storage or diversion, conveyance or distribution of the water stored or diverted under the right and the land on which the water is, or is entitled to be, used.
Section 4276: The auditor shall enter the amounts of the respective apportionments against the respective parcels of land as they appear on the current assessment roll. If any parcel is part of a larger parcel, the auditor may enter the apportionment against the larger parcel.

Section 4277: The board of supervisors of each county in which there lies a watermaster service area or any portion thereof shall annually, and at the time of levying county taxes, levy on the land within the county and within the watermaster service area apportionments sufficient to raise the amounts certified by the department.

Section 4278: Apportionments levied pursuant to this article shall be collected at the same time and in the same manner as county taxes. So far as applicable, all provisions of law relating to the equalization, levy, payment, and collection of county taxes shall apply to such apportionments and all provisions of law relating to the duties of county officers in relation to county taxes shall apply to such apportionments, except as otherwise expressly provided by this chapter, so far as the same are or may be made applicable.

Section 4279: All money raised by such apportionments shall be accounted for separately as to each watermaster service area. All such money shall be transmitted by January 1 and July 1 of each year to the department for deposit in the Water Resources Revolving Fund.
THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known and may be cited as the Feather River Watermaster District Act. It is intended to supplement the Water Code and reads as follows:

FEATHER RIVER WATERMASTER DISTRICT ACT

Article 1. Creation

101. This act shall be known and may be cited as the Feather River Watermaster District Act.

102. (a) A watermaster district is hereby created in Plumas and Sierra Counties to be known as the Feather River Watermaster District.

(b) The district shall be governed by a board of directors as specified in Section 401, shall have boundaries as prescribed in Section 201, and shall exercise the powers granted by this act for purposes of acting as watermaster over those decreed water rights whose places of use are within Plumas and Sierra Counties and for which the Superior Court for the County of Plumas has appointed the district as the watermaster, together with other powers and duties that are granted by this act or reasonably implied and necessary and proper to carry out the purposes of the district, including, but not limited to, any power authorized by the court which appoints the district as watermaster.

(c) The Legislature hereby finds and declares that the cost-effective and responsible enforcement of existing decreed water rights within Plumas and Sierra Counties is in the public interest, and that the creation of a watermaster district that can serve in that capacity after proper appointment by the Superior Court for Plumas County is for the common benefit of the holders of those decreed water rights within Plumas and Sierra Counties and for the protection of agricultural and economic productivity.

Article 2. Boundaries

201. For the purposes of this act, all of the territory of Plumas and Sierra Counties is included in the Feather River Watermaster District.

202. The district is divided into the following service areas:
   (a) Indian Creek Service Area.
   (b) Sierra Valley Service Area.
   (c) Any other area within the boundaries of the district approved by the board of directors and for which there is an appointed decree.
Article 3. Definitions

301. Unless otherwise indicated by their context, the definitions set forth in this article govern the construction of this act.

302. "Appointed decree" means a decree for which the district is appointed the watermaster by the court.

303. "Appointed parcel" means a parcel of real property within the district that is a place of use for water rights under an appointed decree.

304. "Board of directors" or "board" means the board of directors of the district.

305. "Contracted parcel" means an eligible parcel whose owner has entered into a contract with the district to provide watermaster service for that parcel.

306. "County" means ________________.

307. "Court" means the Superior Court for the County of Plumas or the County of Sierra.

308. "Decree" or "decrees" means any water right decree, entered by the court, which adjudicates water rights within Plumas or Sierra County.

309. "Department" means the Department of Water Resources.

310. "District" means the Feather River Watermaster District.

311. "Eligible parcel" means a parcel of real property within the district that is a place of use for water rights under a decree that is not an appointed decree, and for which the department is not the watermaster.

312. "Fund" means the fund designated by the court, or by the district in the absence of a designation by the court, into which charges levied by the district shall be paid by the county upon collection.

313. "Owner" means a person who is an owner of a parcel of real property within the district that is a place of use for water rights under a decree.

314. "Person" means any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or, to the extent authorized by law, any native tribe or federal agency.

315. "Indian Creek System" means that portion of the district generally drained by Indian Creek.

316. "Sierra Valley" means that portion of the district generally drained by the Middle Fork Feather River above the confluence with Grizzly Creek.
317. "Voter" means a holder of water rights whose place of use under a decree is an appointed or contracted parcel.


401. (a) The board of directors shall govern the district and shall exercise the powers of the district as set forth in this act.

(b) Except as specified in subdivision (d), the board of directors of the district shall consist of ______ members, as follows:

(1) ______ members who shall be voters holding water rights whose places of use under a decree are appointed or contracted parcels within the Indian Creek Service Area. These members shall be elected at large from the Indian Creek Service Area.

(2) ______ members who shall be voters holding water rights whose places of use are appointed or contracted parcels within the Sierra Valley Area. These members shall be elected at large from the Sierra Valley Service Area.

(3) ______ members appointed by [each county board of supervisors] or [the concurrence of both county boards of supervisors]. These members shall be residents of either county and shall not be voters, or officers, directors, shareholders, or employees of a voter.

(4) An officer, director, manager, or shareholder designated by a voter that is not a natural person is eligible to be elected as a member pursuant to paragraphs (1) and (2).

(c) A quorum of the board of directors shall be ______ members. A majority of affirmative votes of the full membership of the board shall be required to take an action.

(d) (1) On or before February 1, 2012, the [some combination of the county boards of supervisors, depending on the composition of the board of directors] shall appoint the members of the board of directors with the qualifications required by subdivision (b), as if the court had appointed the district as the watermaster. The members of the board of directors appointed pursuant to this paragraph shall hold office until their successors are elected or appointed and qualified in accordance with subdivision (b).

(2) At the first opportunity to conduct an election, the voters shall elect the members of the board of directors identified in paragraphs (1) and (2) of subdivision (b). At the first meeting of the board of directors following that election, the members of the board of directors shall classify themselves by lot into two classes. One class shall have ______ members and the other class shall have ______ members. For the class that has ______ members, the term of office shall be four years. For the class that has ______ members, the term of office shall be two years. Thereafter, the terms of all members of the board of directors shall be four years.

(3) Except as provided in paragraphs (1) and (2), the term of office for a member of the board of directors shall be four years.

(4) Members of the board of directors may be reelected or reappointed.

(e) Except as otherwise provided in this act, the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code) shall apply to elections within the district.
(f) Any vacancy in the elective office of a member of the board of directors shall be filled pursuant to Section 1780 of the Government Code. Any vacancy in the appointive office of a member of the board of directors shall be filled pursuant to Section 1778 of the Government Code.

402. (a) For the purposes of the Uniform District Election Law, the district shall be deemed to be a landowner voting district, [except that each voter shall have one vote].

(b) In a manner that is consistent with Section 10525 of the Elections Code, for water rights that have multiple holders, the holders shall designate in writing to the district, in accordance with a timetable established by the district, a voter from among their number for voting purposes.

403. (a) The board of directors shall do all of the following:
   (1) Act only by ordinance, resolution, or motion.
   (2) Keep a record of all of its actions, including financial transactions.
   (3) Adopt rules or bylaws for its proceedings.
   (4) Adopt policies for the operation of the district.

(b) The board of directors may do all of the following:
   (1) Provide, by ordinance or resolution, that its members may receive their actual and necessary traveling and incidental expenses incurred while on official business. Reimbursement of these expenses is subject to Section 53232.3 of the Government Code. A member of the board of directors may waive any or all of the payments permitted by this paragraph.
   (2) Require any employee, officer, or member of the board of directors to be bonded. The district shall pay the cost of the bonds.

(c) Prior to taking office, each director shall take the official oath and execute any bond that may be set by the board.

404. At the first meeting of the board of directors, and at the first annual meeting each year thereafter, the board of directors shall elect a chairperson and vice chairperson from among its members. The board of directors shall appoint a secretary of the district. The secretary of the district may be a member of the board of directors or a district employee.

405. Meetings of the board shall be held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

406. The district shall have the following powers:
   (a) Adopt ordinances in accordance with Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code.

   (b) Adopt and enforce rules and regulations for the administration, operation, use, and maintenance of the district's facilities and property.

   (c) Sue and be sued in its own name.
(d) Acquire any real or personal property within the district, by contract or otherwise, to hold, manage, occupy, dispose of, convey and encumber the property, and to create a leasehold interest in the property for the benefit of the district. The district shall not have the power of eminent domain.

(e) Appoint employees, define their qualifications and duties, and provide a schedule of compensation for performance of their duties.

(f) Engage counsel and other professional services.

(g) Enter into and perform all contracts. The district shall follow the procedures that apply to the county, including, but not limited to, the requirements of Article 3.6 (commencing with Section 20150) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code.

(h) Adopt a seal and alter it.

(i) Take any and all actions necessary for, or incidental to, the powers expressed or implied by this act.

407. (a) The board of directors shall provide for the preparation of regular audits of the district's accounts and records pursuant to Section 26909 of the Government Code.

(b) The board of directors shall provide for the preparation of annual financial reports to the Controller pursuant to Article 9 (commencing with Section 53890) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

408. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code.

409. The district is not subject to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code).

410. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Article 5. Powers and Duties

501. The district shall serve as the watermaster for any appointed decree, including, but not limited to, taking specific actions ordered by the court in the administration of that decree or decrees.
502. (a) In carrying out its duties as watermaster, the district shall have the powers and duties that are set forth as powers and duties of the department in Part 4 (commencing with Section 4000) of Division 2 of the Water Code, except as modified by the court, and as follows:

(1) References to the department in that part shall be deemed to be references to the district.

(2) References to the Water Resources Revolving Fund in that part shall be deemed to be references to the fund.

(b) Charges levied by the district shall comply with Article XIII D of the California Constitution.

503. The district may enter into an agreement to provide watermaster service to the holders of water rights whose place of use is an eligible parcel if all the holders have executed the agreement. An agreement to provide watermaster services to an eligible parcel shall include a provision that the water right holders agree to pay in full for the service prior to the provision of service. The amount to be paid shall be determined to ensure that the provision of the watermaster service to contracted parcels does not increase the cost of the watermaster service to appointed parcels.

504. Amounts owed to the county for services provided to the district by the county shall be included in the district's budget for each watermaster service area. The watermaster service areas for which these amounts have been incurred shall be identified and accounted for in the budget.

SEC. 2. The Legislature finds and declares that this act, which is applicable only to the Feather River Watermaster District, is necessary because of the unique and special water problems in the area included in the district. It is, therefore, hereby declared that a general law within the meaning of Section 16 of Article IV of the California Constitution cannot be made applicable to the district and the enactment of this special law is necessary for the conservation, development, control, and use of that water for the public good.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.
BILL NUMBER: AB 1578       CHAPTERED
BILL TEXT

CHAPTER 345
FILED WITH SECRETARY OF STATE SEPTEMBER 17, 2012
APPROVED BY GOVERNOR SEPTEMBER 17, 2012
PASSED THE SENATE AUGUST 23, 2012
PASSED THE ASSEMBLY AUGUST 28, 2012
AMENDED IN SENATE JUNE 13, 2012
AMENDED IN ASSEMBLY APRIL 17, 2012
AMENDED IN ASSEMBLY MARCH 29, 2012

INTRODUCED BY Assembly Member Logue

FEBRUARY 2, 2012

An act to add the Indian Valley Watermaster District Act to supplement the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1578, Logue. Indian Valley Watermaster District.
Existing law provides for the establishment of watermaster service areas by the Department of Water Resources for the purposes of ensuring the most practical and economic supervision of the distribution of water. Existing law specifies that upon the submission of a specified petition to a court in which a relevant judicial decree has been entered, the court may appoint a public agency as a watermaster to replace the watermaster appointed by the department.
This bill would create a watermaster district to be known as the Indian Valley Watermaster District. The bill would generally specify the powers and purposes, as well as the boundaries, of the district. The bill would prescribe the composition of the board of directors of the district. The bill would require the district to provide watermaster service on behalf of water right holders whose place of use under an appointed decree, as defined, is a parcel of real property within the district. The bill would authorize the district to enter into an agreement to provide watermaster service to water right holders whose place of use is an eligible parcel, as defined. The bill would require the board of directors of the district to provide for the preparation of regular audits of the district's accounts and records and specified annual financial reports. By imposing duties on the district and Plumas County in connection with the operation of the district, the bill would impose a state-mandated local program.
The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.
This bill would provide that no reimbursement is required by this act for a specified reason.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known and may be cited as the Indian Valley Watermaster District Act. It is intended to supplement the
Water Code as follows:

Indian Valley Watermaster District Act
Article 1. Creation

101. This act shall be known and may be cited as the Indian Valley Watermaster District Act.

102. (a) A watermaster district is hereby created in Plumas County to be known as the Indian Valley Watermaster District.

(b) The district shall be governed by a board of directors as specified in Section 401, shall have boundaries as prescribed in Section 201, and shall exercise the powers granted by this act for purposes of acting as watermaster over those decreed water rights whose places of use are within the Indian Valley and for which the Superior Court for the County of Plumas has appointed the district as the watermaster, together with other powers and duties that are granted by this act or reasonably implied and necessary and proper to carry out the purposes of the district, including, but not limited to, any power authorized by the court which appoints the district as watermaster.

(c) The Legislature hereby finds and declares that the cost-effective and responsible enforcement of existing decreed water rights within the Indian Valley is in the public interest, and that the creation of a watermaster district that can serve in that capacity after proper appointment by the Superior Court for Plumas County is for the common benefit of the holders of those decreed water rights within the Indian Valley and for the protection of agricultural and economic productivity.

Article 2. Boundaries

201. For the purposes of this act, all of the following territory is included in the Indian Valley Watermaster District:

The following tracts that lie within the county:
(a) Tract No. 16-1.
   (1) Township 25 North, Range 10 East, Mount Diablo Base and Meridian.
       (A) Section 1: W1/2 of SW1/4.
       (B) Section 2: NE1/4 of SE1/4.
       (C) Section 12: NW1/4 of NW1/4.
       (b) Tract No. 16-4.
           (1) Township 25 North, Range 11 East, Mount Diablo Base and Meridian.
               (A) Section 1: Lot 3 and 4, NW1/4 of SW1/4.
               (B) Section 2: Lot 1, S1/2 of SW1/4, N1/2 of SE1/4, SW1/4 of SE1/4.
               (C) Section 10: NE1/4 of NE1/4 excepting southwesterly portion.
               (D) Section 11: W1/2 of NW1/4.
               (2) Township 26 North, Range 11 East, Mount Diablo Base and Meridian.
                   (A) Section 36: S1/2 of SW1/4, W1/2 of SE1/4.
                   (c) Tract No. 16-7.
                       (1) Township 26 North, Range 9 East, Mount Diablo Base and Meridian.
                           (A) Section 1: NE1/4, easterly portion of NE1/4 of NW1/4, easterly portion of SE1/4 of NW1/4, NE1/4 of SW1/4 excepting northwesterly portion and strip along southerly portion, NW1/4 of SW1/4 excepting northerly portion, narrow strip along north line of SW1/4 of SW1/4, N1/2 of SE1/4 excepting narrow strip along south line.

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(2) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.
   (A) Section 6: Narrow strip along west line of SW1/4 of NW1/4 and narrow strip along west line of NW1/4 of SW1/4.
   (d) Tract No. 16-8.
   (1) Township 26 North, Range 9 East, Mount Diablo Base and Meridian.
   (A) Section 1: Narrow strip along south line of NE1/4 of SW1/4, SE1/4 of SW1/4, narrow strip along south line of N1/2 of SE1/4, S1/2 of SE1/4.
   (B) Section 12: N1/2 of NE1/4.
   (2) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.
   (A) Section 6: Southwesterly portion of NW1/4 of SW1/4, westerly and southerly portion of SW1/4 of SW1/4.
   (B) Section 7: NW1/4 of NW1/4 excepting easterly strip, northerly portion of SW1/4 of NW1/4.
   (e) Tract No. 16-9.
   (1) Township 26 North, Range 9 East, Mount Diablo Base and Meridian.
   (A) Section 1: Westerly portion of NE1/4 of NW1/4, NW1/4 of NW1/4, SW1/4 of NW1/4 excepting westerly portion, westerly portion of SE1/4 of NW1/4, northwesterly portion of NE1/4 of SW1/4, northeasterly portion of NW1/4 of SW1/4.
   (f) Tract No. 16-10.
   (1) Township 26 North, Range 9 East, Mount Diablo Base and Meridian.
   (A) Section 1: Westerly portion of SW1/4 of NW1/4, northwesterly portion of NW1/4 of SW1/4.
   (B) Section 2: NE1/4 of NE1/4, easterly portion of NW1/4 of NE1/4, easterly portion of SW1/4 of NE1/4, SE1/4 of NE1/4, NE1/4 of SE1/4 excepting southeasterly portion.
   (2) Township 27 North, Range 9 East, Mount Diablo Base and Meridian.
   (A) Section 35: Southeasterly portion of SW1/4 of SE1/4, SE1/4 of SE1/4.
   (g) Tract No. 16-11.
   (1) Township 26 North, Range 9 East, Mount Diablo Base and Meridian.
   (A) Section 2: NW1/4 of NE1/4 excepting easterly portion, SW1/4 of NE1/4 excepting easterly portion, NE1/4 of NW1/4, S1/2 of NW1/4, northerly portion of NE1/4 of SW1/4, northwesterly portion of NW1/4 of SE1/4.
   (2) Township 27 North, Range 9 East, Mount Diablo Base and Meridian.
   (A) Section 35: Southerly portion of SE1/4 of SW1/4, southeasterly portion of SW1/4 of SE1/4.
   (h) Tract No. 16-12.
   (1) Township 26 North, Range 9 East, Mount Diablo Base and Meridian.
   (A) Section 2: Southerly portion of NW1/4 of SW1/4, SW1/4 of SW1/4.
   (B) Section 3: Easterly portion of SE1/4 of SE1/4.
   (i) Tract No. 16-13.
   (1) Township 26 North, Range 9 East, Mount Diablo Base and Meridian.
   (A) Section 3: Northeasterly portion of SW1/4 of SE1/4, and northwesterly portion of SE1/4 of SE1/4.
   (j) Tract No. 16-14.
   (1) Township 26 North, Range 9 East, Mount Diablo Base and
Meridian.

(A) Section 3: Southeasterly portion of SW1/4 of SE1/4, southwesterly portion of SE1/4 of SE1/4.

(k) Tract No. 16-15.

(1) Township 26 North, Range 9 East, Mount Diablo Base and Meridian.

(A) Section 3: Southwesterly portion SW1/4 of SE1/4.

(l) Tract No. 16-16.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 1: NE1/4 of NW1/4 excepting southeasterly portion, NW1/4 of NW1/4, northerly portion of SW1/4 of NW1/4, northwesterly portion of the SE1/4 of NW1/4.

(B) Section 2: NE1/4 of NE1/4, northeasterly portion of SE1/4 of NE1/4.

(2) Township 27 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 35: NE1/4, E1/2 of SE1/4.

(B) Section 36: W1/2 of SW1/4, SE1/4 of SW1/4.

(m) Tract No. 16-17.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 1: NE1/4 of NE1/4 excepting southeasterly portion, NW1/4 of NE1/4, SW1/4 of NE1/4 excepting southeasterly portion, northwesterly portion of SE1/4 of NE1/4, southeasterly portion of NE1/4 of NW1/4, northeasterly portion of the SE1/4 of NW1/4.

(2) Township 26 North, Range 11 East, Mount Diablo Base and Meridian.

(A) Section 6: Northeasterly portion of NW1/4 of NW1/4.

(3) Township 27 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 36: SE1/4 of SE1/4.

(4) Township 27 North, Range 11 East, Mount Diablo Base and Meridian.

(A) Section 31: SW1/4 of SW1/4 excepting southeasterly portion, northwesterly portion of SE1/4 of SW1/4.

(n) Tract No. 16-18.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 1: Southeasterly portion of SE1/4 of NE1/4, NE1/4 of SE1/4 excepting northwesterly, southwesterly, and southeasterly corners, easterly portion of NW1/4 of SE1/4, northerly portion of SE1/4 of SE1/4.

(2) Township 26 North, Range 11 East, Mount Diablo Base and Meridian.

(A) Section 6: SW1/4 of NW1/4 excepting the northerly portion, southwesterly portion of SE1/4 of NW1/4, northwesterly portion of NE1/4 of SE1/4, NW1/4 of SE1/4 excepting the southeasterly and southeasterly portions.

(o) Tract No. 16-19.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 1: Southwesterly portion of SW1/4 of NE1/4, SW1/4 of NW1/4 excepting the northerly portion, southerly portion of SE1/4 of NW1/4, NE1/4 of SW1/4 excepting southerly portion, northerly portion of NW1/4 of SW1/4, northwesterly portion of NE1/4 of SE1/4, NW1/4 of SE1/4 excepting the southeasterly and southeasterly portions.

(B) Section 2: SE1/4 of NE1/4 excepting the northeasterly portion.

(p) Tract No. 16-20.

(1) Township 26 North, Range 10 East, Mount Diablo Base and...
Meridian.

(A) Section 1: Southerly portion of NE1/4 of SW1/4, NW1/4 of SW1/4 excepting the northeasterly portion, northerly portion of SW1/4 of SW1/4, SE1/4 of SW1/4 excepting the southerly portion, southwesterly portion of NW1/4 of SE1/4, SW1/4 of SE1/4 excepting the easterly and southwesterly portions.

(B) Section 2: NE1/4 of SE1/4, northeasterly portion of SE1/4 of SE1/4.

(q) Tract No. 16-21.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 1: Southeasterly and southwesterly corners of NE1/4 of SE1/4, southeasterly portion of NW1/4 of SE1/4, easterly portion of SW1/4 of SE1/4, SE1/4 of SE1/4 excepting northerly portion.

(B) Section 12: NE1/4 of NE1/4, easterly portion of NW1/4 of NE1/4, northeasterly portion SW1/4 of NE1/4, northerly portion of SE1/4 of NE1/4.

(r) Tract No. 16-22.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 1: SW1/4 of SW1/4 excepting the northerly portion, southerly portion of SE1/4 of SW1/4, southwesterly portion of SW1/4 of SE1/4.

(B) Section 2: SE1/4 of SE1/4 excepting northeasterly portion.

(C) Section 11: NE1/4 of NE1/4.

(D) Section 12: NW1/4 of NE1/4 excepting easterly portion, northwesterly portion of SW1/4 of NE1/4, N1/2 of NW1/4, northerly portion of SW1/4 of NW1/4, SE1/4 of NW1/4 excepting southerly portion.

(s) Tract No. 16-23.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 5: SE1/4 of NW1/4 excepting westerly portion, NE1/4 of SW1/4 excepting westerly portion, SE1/4 of SW1/4 excepting westerly portion, W1/2 of SE1/4.

(B) Section 8: NW1/4 of NW1/4 excepting the southwesterly portion, northeasterly portion of NE1/4 of NW1/4.

(t) Tract No. 16-24.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 5: SW1/4 of NW1/4 excepting westerly portion, easterly portion of SE1/4 of NW1/4, westerly portion of NE1/4 of SW1/4, NW1/4 of SW1/4 excepting westerly portion, northeasterly portion of SW1/4 of SW1/4, westerly portion of SE1/4 of SW1/4.

(u) Tract No. 16-25.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 5: Southerly portion of SW1/4 of SW1/4, southwesterly portion of SE1/4 of SW1/4.

(B) Section 6: Southeasterly portion of SW1/4 of SW1/4, southerly portion of SE1/4 of SW1/4, SW1/4 of SE1/4 excepting strips along the north and the west lines, SE1/4 of SE1/4 excepting the northerly portion.

(C) Section 7: N1/2 of NE1/4, SE1/4 of NE1/4, NE1/4 of NW1/4, easterly portion of NW1/4 of NW1/4.

(D) Section 8: Southwesterly portion of NW1/4 of NE1/4, northwesterly portion of SW1/4 of NE1/4, NE1/4 of NW1/4 of NW1/4 excepting northeasterly portion, W1/2 of NW1/4, SE1/4 of NW1/4 excepting southerly portion, northwesterly portion of NE1/4 of SW1/4, northerly portion NW1/4 of SW1/4.
(v) Tract No. 16-26.
   (1) Township 26 North, Range 10 East, Mount Diablo Base and
   Meridian.
   (A) Section 5: Westerly portion of SW1/4 of NW1/4, westerly
   portion NW1/4 of SW1/4, northerly portion of SW1/4 of SW1/4.
   (B) Section 6: SW1/4 of NE1/4 excepting the westerly portion,
   SE1/4 of NE1/4, NE1/4 of SE1/4, NW1/4 of SE1/4 excepting the westerly
   portion, northeasterly portion of SW1/4 of SE1/4, northerly portion
   of SE1/4 of SE1/4.
   (w) Tract No. 16-27.
   (1) Township 26 North, Range 10 East, Mount Diablo Base and
   Meridian.
   (A) Section 6: SE1/4 of NW1/4 excepting westerly portion, NE1/4 of
   SW1/4 excepting westerly portion, northeasterly portion of SE1/4 of
   SW1/4, westerly portion of NW1/4 of SE1/4, westerly portion of SW1/4
   of SE1/4.
   (x) Tract No. 16-28.
   (1) Township 26 North, Range 10 East, Mount Diablo Base and
   Meridian.
   (A) Section 6: SW1/4 of NW1/4 excepting westerly portion, westerly
   portion of SE1/4 of NW1/4, westerly portion of NE1/4 of SW1/4, NW1/4
   of SW1/4 excepting westerly portion, northeasterly portion of SW1/4
   of SE1/4, northerly portion of NW1/4 of SE1/4.
   (y) Tract No. 16-29.
   (1) Township 26 North, Range 10 East, Mount Diablo Base and
   Meridian.
   (A) Section 11: SE1/4 of NE1/4, NE1/4 of SE1/4 excepting southerly
   portion.
   (B) Section 12: Southwesterly portion of SW1/4 of NE1/4, SW1/4 of
   NW1/4 excepting the northerly portion and southerly portion of SE1/4
   of NW1/4, NE1/4 of SW1/4 excepting the southeasterly portion, NW1/4
   of SW1/4 excepting the southwesterly portion, northeasterly portion
   of SW1/4 of SE1/4, northerly portion of SE1/4 of SW1/4.
   (z) Tract No. 16-30.
   (1) Township 26 North, Range 10 East, Mount Diablo Base and
   Meridian.
   (A) Section 12: SW1/4 of NE1/4 excepting westerly and
   northeasterly portion, southwesterly portion of SE1/4 of NE1/4,
   southeasterly portion of SE1/4 of SW1/4, easterly portion of SE1/4 of
   SW1/4, northerly portion of SE1/4 of SE1/4, NW1/4 of SE1/4
   excepting northeasterly portion and southeasterly portion, SW1/4 of SE1/4
   excepting northeasterly portion.
   (B) Section 13: W1/2 of NE1/4, NE1/4 of NW1/4 excepting westerly
   portion, southeasterly portion of SW1/4 of NW1/4, SE1/4 of NW1/4
   excepting the northwesterly portion, northerly portion of NW1/4 of SW
   1/4.
   (aa) Tract No. 16-31.
   (1) Township 26 North, Range 10 East, Mount Diablo Base and
   Meridian.
   (A) Section 12: Southeasterly portion of SE1/4 of NE1/4, NE1/4 of
   SE1/4 excepting northwesterly portion, southeasterly portion of NW1/4
   of SE1/4, easterly portion of SW1/4 of SE1/4, SE1/4 of SE1/4.
   (B) Section 13: NE1/4 of NE1/4.
   (2) Township 26 North, Range 11 East, Mount Diablo Base and
   Meridian.
   (A) Section 7: SW1/4 of NW1/4 excepting northwesterly portion,
   W1/2 of SW1/4, SE1/4 of SW1/4.
   (B) Section 18: NW1/4 of NW1/4.
   (ab) Tract No. 16-32.
(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.
   (A) Section 11: Southerly portion of NE1/4 of SE1/4, SW1/4 of SE1/4 excepting the southerly portion, SE1/4 of SE1/4 excepting southerly portion.
   (B) Section 12: Southwesterly portion of NW1/4 of SW1/4, SW1/4 of SW1/4 excepting the northeasterly portion and southwesterly portion, SE1/4 of SW1/4 excepting the northerly and easterly portions.
   (C) Section 13: Northwesterly portion of NE1/4 of NW1/4, northeasterly portion of NW1/4 of NW1/4.
   (ac) Tract No. 16-33.
(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.
   (A) Section 11: Southwesterly portion of SE1/4 of SE1/4.
   (B) Section 12: Southwesterly portion of SW1/4 of SW1/4.
   (C) Section 13: Southwesterly portion of NE1/4 of NW1/4, NW1/4 of NW1/4 excepting southerly portion, northwesterly portion of SE1/4 of NW1/4, northwesterly portion of NW1/4 of SW1/4.
   (D) Section 14: NE1/4, NE1/4 of SE1/4 excepting southerly portion, NW1/4 of SE1/4, SW1/4 of SE1/4 excepting southerly portion, northerly portion of NW1/4 of NW1/4.
   (ad) Tract No. 16-34.
(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.
   (A) Section 8: Southeasterly portion of SW1/4 of SE1/4, southerly portion of SE1/4 of SE1/4.
   (B) Southwesterly portion of SW1/4 of SW1/4.
   (C) Section 16: W1/2 of NE1/4, NE1/4 of NW1/4 excepting northeasterly portion, NW1/4 of NW1/4, northeasterly portion of SW1/4 of NW1/4, SE1/4 of NW1/4 excepting southerly portion.
   (D) Section 17: NE1/4 of NE1/4 excepting southerly portion, northerly portion of NW1/4 of NE1/4.
   (ae) Tract No. 16-35.
(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.
   (A) Section 16: SW1/4 of NW1/4 excepting northeasterly portion, southerly portion of SE1/4 of NW1/4, W1/2 of SW1/4, northerly portion of SW1/4 of SW1/4, SE1/4 of SW1/4 excepting southerly portion, W1/2 of SE1/4.
   (B) Section 17: Southwesterly portion of NE1/4 of NE1/4, southerly portion of NW1/4 of NE1/4, SW1/4 of NE1/4 excepting southerly portion, SE1/4 of SW1/4, NE1/4 of SW1/4, NW1/4 of SE1/4 excepting northerly portion, northerly portion of SW1/4 of SE1/4, northerly portion of SE1/4 of SE1/4.
   (af) Tract No. 16-36.
(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.
   (A) Section 16: Southeasterly portion of SW1/4 of SW1/4, southerly portion of SE1/4 of SW1/4.
   (B) Section 21: NE1/4 of NW1/4 excepting southeasterly portion, NW1/4 of NW1/4 excepting the westerly and southerly portion.
   (ag) Tract No. 16-37.
(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.
   (A) Section 16: Southwesterly portion of SW1/4 of SW1/4.
   (B) Section 17: Southerly portion of NW1/4 of SE1/4, SW1/4 of SE1/4 excepting westerly and northeasterly portions, SE1/4 of SE1/4 excepting northerly portions.
   (C) Section 20: NE1/4 of NE1/4 excepting southerly portion, NW1/4.

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of NE1/4 excepting westerly and southerly portions.

(D) Section 21: Northwesterly portion of NW1/4 of NW1/4.

(ah) Tract No. 16-38.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 17: Southwesterly portion of SW1/4 of NE1/4, NE1/4 of NW1/4 excepting northerly portion, southeasterly portion of the NW1/4 of SW1/4, SW1/4 of NW1/4 except the northwesterly portion, SE1/4 of NW1/4, NE1/4 of SW1/4, NW1/4 of SW1/4 excepting southerly portion, easterly portion of SW1/4 of SW1/4, SE1/4 of SW1/4, westerly portion of NW1/4 of SE1/4, westerly portion of SW1/4 of SE1/4.

(B) Section 18: Southeasterly portion of SE1/4 of NE1/4, northeasterly portion of NE1/4 of SE1/4.

(C) Section 20: Northwesterly portion of NW1/4 of NE1/4, northeasterly portion of NE1/4 of NW1/4.

(ai) Tract No. 16-42.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 17: Southerly portion of SW1/4 of SW1/4.

(B) Section 19: Southerly portion of NE1/4 of NE1/4, NW1/4 of NE1/4 excepting northerly portion, S1/2 of NE1/4, NE1/4 of NW1/4 excepting northerly portion, SE1/4 of NW1/4 excepting southeasterly portion, northwesterly portion of NE1/4 of SW1/4, NE1/4 of SE1/4 excepting southerly portion, northerly portion of NW1/4 of SE1/4, SE1/4 of SE1/4 excepting westerly portion.

(C) Section 20: Southwesterly portion of NW1/4 of NE1/4, westerly portion of SW1/4 of NE1/4, NE1/4 of NW1/4 excepting northeasterly portion, NW1/4 of NW1/4 excepting northwesterly portion, S1/2 of NW1/4, SW1/4, NW1/4 of SE1/4 excepting easterly portion, SW1/4 of SE1/4 excepting easterly portion.

(D) Section 29: NW1/4 of NE1/4 excepting easterly portion, SW1/4 of NE1/4 excepting northeasterly portion, S1/2 of NW1/4.

(E) Section 30: NE1/4 of NE1/4 excepting westerly portion.

(aj) Tract No. 16-44.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 20: Southerly portion of NE1/4 of NE1/4, southeasterly portion of NW1/4 of NE1/4, SW1/4 of NE1/4 excepting westerly portion, SW1/4 of NE1/4, NE1/4 of SE1/4 excepting southerly portion, northeasterly portion of NW1/4 of SE1/4.

(B) Section 21: Southerly portion of NE1/4 of NW1/4, southerly portion of NW1/4 of NW1/4, SW1/4 of NW1/4, SE1/4 of NW1/4 excepting easterly portion, NE1/4 of SW1/4 excepting southerly and easterly portions, NW1/4 of SW1/4 excepting southerly portion.

(ak) Tract No. 16-45.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 21: Southwesterly portion of NW1/4 of NW1/4.

(al) Tract No. 16-46.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 20: Southerly portion of NE1/4 of SE1/4, southeasterly portion of NW1/4 of SE1/4, easterly portion of SW1/4 of SE1/4, SE1/4 of SE1/4.

(B) Section 21: Southerly portion of NE1/4 of SW1/4, southerly portion of NW1/4 of SW1/4, SW1/4 of SW1/4, SE1/4 of SW1/4 excepting easterly portion.

(C) Section 28: NE1/4 of NW1/4 excepting easterly portion, W1/2 of NW1/4, SE1/4 of NW1/4 excepting easterly portion.

(D) Section 29: NE1/4 of NE1/4, easterly portion of NW1/4 of
NE1/4, easterly portion of SW1/4 of NE1/4, SE1/4 of NE1/4.

(a) Tract No. 16-47.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 21: Southerly portion of NE1/4 of NE1/4, southerly portion of NW1/4 of NE1/4, SW1/4 of NE1/4, SE1/4 of NE1/4 excepting northeasterly portion, southeasterly portion of NE1/4 of NW1/4, easterly portion of SE1/4 of NW1/4, northeasterly portion of NE1/4 of SW1/4, N1/2 of SE1/4 excepting the southerly portion.

(an) Tract No. 16-48.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 21: Southerly portion of NE1/4 of SW1/4, easterly portion of SE1/4 of SW1/4, southerly portion of NE1/4 of SE1/4, southerly portion of NW1/4 of SE1/4, S1/2 of SW1/4.

(B) Section 22: Southwesterly portion of SW1/4 of SW1/4.

(C) Section 27: NW1/4 of NW1/4 excepting southeasterly portion, westerly portion of SW1/4 of NW1/4, northwesterly portion of NW1/4 of SW1/4.

(D) Section 28: N1/2 of NE1/4, northerly portion of SW1/4 of NE1/4, SE1/4 of NE1/4, easterly portion of NE1/4 of NW1/4, easterly portion of SE1/4 of NW1/4, E1/2 of NE1/4 of SE1/4.

(aa) Tract No. 16-49.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 22: Southwesterly portion of NE1/4 of SW1/4, southerly portion of NW1/4 of SW1/4, SW1/4 of SW1/4 excepting southwesterly portion, SE1/4 of SW1/4 excepting northeasterly portion.

(B) Section 27: Southwesterly portion of NW1/4 of NE1/4, northeasterly portion of SW1/4 of NE1/4, southwesterly portion of SE1/4 of NE1/4, northeasterly portion of NE1/4 of NW1/4, northwesterly portion of NE1/4 of SE1/4, northeasterly portion of NW1/4 of SE1/4.

(ap) Tract No. 16-50.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Southerly portion of SW1/4 of NW1/4, southerly portion of SE1/4 of NW1/4, NE1/4 of SW1/4 excepting southwesterly portion, NW1/4 of SW1/4 excepting southerly portion, northeasterly portion of SE1/4 of SW1/4, westerly portion of NW1/4 of SE1/4, SW1/4 of SE1/4 excepting northeasterly portion, southwesterly portion of SE1/4 of SE1/4.

(B) Section 27: NE1/4 of NE1/4 excepting northeasterly portion, NW1/4 of NE1/4 excepting southwesterly portion, northeasterly portion of SW1/4 of NE1/4, northwesterly portion of SE1/4 of NE1/4, NE1/4 of SE1/4 excepting the westerly portion, northerly portion of SE1/4 of SE1/4.

(aq) Tract No. 16-51.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 22: NW1/4 of NE1/4, northerly portion of SW1/4 of NE1/4, NE1/4 of NW1/4, northerly portion of SE1/4 of NW1/4.

(ar) Tract No. 16-52.

(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.

(A) Section 22: SW1/4 of NE1/4 excepting northerly portion, SE1/4 of NE1/4, southeasterly portion of SE1/4 of NW1/4, NE1/4 of SE1/4, NW1/4 of SE1/4 excepting westerly portion, northeasterly portion of SW1/4 of SE1/4, SE1/4 of SE1/4 excepting southwesterly portion.

(B) Section 23: NE1/4 of NW1/4, SW1/4 of NW1/4, SE1/4 of NW1/4,
SW1/4.
(C) Section 26: NW1/4 of NW1/4.
(D) Section 27: Northeasterly portion of NE1/4 of NE1/4.
(as) Tract No. 16-53.
(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.
(A) Southwesterly portion of NW1/4 of NE1/4, southwesterly portion of SW1/4 of NE1/4, NE1/4 of NW1/4 excepting the northeasterly portion, southeasterly portion of NW1/4 of NW1/4, easterly portion of SW1/4 of NW1/4, SE1/4 of NW1/4, northerly portion of NE1/4 of SW1/4, northeasterly portion of NW1/4 of SW1/4, westerly portion of NE1/4 of SW1/4, northerly portion of SE1/4, NW1/4 of SE1/4 excepting northeasterly and southwesterly portion, northeasterly portion of SW1/4 of SE1/4, northwesterly portion of SE1/4 of SW1/4.
(at) Tract No. 16-54.
(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.
(A) Section 27: Southerly portion of SW1/4 of NW1/4, NE1/4 of SW1/4 excepting northerly portion, NW1/4 of SW1/4 excepting northeasterly, northerly, and southwesterly portions, northeasterly portion of SW1/4 of SW1/4, SE1/4 of SW1/4 excepting southerly and northeasterly portion, southeasterly portion of NW1/4 of SE1/4, SW1/4 of SE1/4 excepting northeasterly portion, westerly portion of SE1/4 of SE1/4.
(B) Section 34: Northwesterly portion of NW1/4 of NE1/4, northeasterly portion of NE1/4 of NW1/4.
(au) Tract No. 16-55.
(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.
(A) Section 27: Southerly portion of SE1/4 of SE1/4.
(B) Section 34: Northerly portion of NE1/4 of NE1/4.
(ay) Tract No. 16-56.
(1) Township 26 North, Range 10 East, Mount Diablo Base and Meridian.
(A) Section 35: Southerly portion of NW1/4 of NW1/4, S1/2 of NW1/4, SW1/4.
(aw) Tract No. 16-57.
(1) Township 26 North, Range 11 East, Mount Diablo Base and Meridian.
(A) Section 36: NE1/4 of SE1/4.
(ax) Tract No. 16-59.
(1) Township 27 North, Range 9 East, Mount Diablo Base and Meridian.
(A) Section 28: SE1/4 of NE1/4, NE1/4 of SE1/4.
(ay) Tract No. 16-60.
(1) Township 27 North, Range 9 East, Mount Diablo Base and Meridian.
(A) Section 34: N1/2 of NW1/4.
(az) Tract No. 16-61.
(1) Township 26 North, Range 9 East, Mount Diablo Base and Meridian.
(A) Section 3: NE1/4 of NW1/4.
(2) Township 27 North, Range 9 East, Mount Diablo Base and Meridian.
(A) Section 34: SW1/4 of SE1/4.
(ba) Tract No. 16-62.
(1) Township 27 North, Range 11 East, Mount Diablo Base and Meridian.
(A) Section 31: NE1/4 of NW1/4.
Article 3. Definitions
301. Unless otherwise indicated by their context, the definitions set forth in this article govern the construction of this act.
302. "Appointed decree" means a decree for which the district is appointed the watermaster by the court.
303. "Appointed parcel" means a parcel of real property within the district that is a place of use for water rights under an appointed decree.
304. "Board of directors" or "board" means the board of directors of the district.
305. "Contracted parcel" means an eligible parcel whose owner has entered into a contract with the district to provide watermaster service for that parcel.
306. "County" means Plumas County.
307. "Court" means the Superior Court for the County of Plumas.
308. "Decree" or "decrees" means any water right decree, entered by the court, which adjudicates water rights within the county in which the decreed points of diversion are within the Indian Valley in the county.
309. "Department" means the Department of Water Resources.
310. "District" means the Indian Valley Watermaster District.
311. "Eligible parcel" means a parcel of real property within the district that is a place of use for water rights under a decree that is not an appointed decree, and for which the department is not the watermaster.
312. "Fund" means the fund designated by the court, or by the district in the absence of a designation by the court, into which charges levied by the district shall be paid by the county upon collection.
313. "Owner" means a person who is an owner of a parcel of real property within the district that is a place of use for water rights under a decree.
314. "Person" means any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or, to the extent authorized by law, any native tribe or federal agency.
315. "Indian Valley" means that portion of the district generally drained by Indian Creek.
316. "Indian Valley Service Area" means the territory included in the Indian Valley Water District as specified in Section 201.
317. "Voter" means a holder of water rights whose place of use under a decree is an appointed or contracted parcel.


401. (a) The board of directors shall govern the district and shall exercise the powers of the district as set forth in this act.
        (b) Except as specified in subdivision (d), the board of directors of the district shall consist of five members, as follows:
            (1) Three members who shall be voters holding water rights whose places of use under a decree are appointed or contracted parcels within the Indian Valley Service Area. These members shall be elected at large from the Indian Valley Service Area.
            (2) Two members appointed by the county board of supervisors. These members shall be residents of the county and shall not be voters.
            (c) A quorum of the board of directors shall be three members. A majority of affirmative votes of the full membership of the board
shall be required to take an action.

(d) (1) On or before February 1, 2013, the county board of supervisors shall appoint the members of the board of directors with the qualifications required by subdivision (b), as if the court had appointed the district as the watermaster. The members of the board of directors appointed pursuant to this paragraph shall hold office until their successors are elected or appointed and qualified in accordance with subdivision (b).

(2) At the first opportunity to conduct an election, the voters shall elect the members of the board of directors identified in paragraph (1) of subdivision (b). At the first meeting of the board of directors following that election, the members of the board of directors shall classify themselves by lot into two classes. One class shall have three members and the other class shall have two members. For the class that has three members, the term of office shall be four years. For the class that has two members, the term of office shall be two years. Thereafter, the terms of all members of the board of directors shall be four years.

(3) Except as provided in paragraphs (1) and (2), the term of office for a member of the board of directors shall be four years.

(4) Members of the board of directors may be reelected or reappointed.

(e) Except as otherwise provided in this act, the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code) shall apply to elections within the district.

(f) Any vacancy in the elective office of a member of the board of directors shall be filled pursuant to Section 1780 of the Government Code. Any vacancy in the appointive office of a member of the board of directors shall be filled pursuant to Section 1778 of the Government Code.

402. (a) For the purposes of the Uniform District Election Law, the district shall be deemed to be a landowner voting district, except that each voter shall have one vote.

(b) In a manner that is consistent with Section 10525 of the Elections Code, for water rights that have multiple holders, the holders shall designate in writing to the district, in accordance with a timetable established by the district, a voter from among their number for voting purposes.

403. (a) The board of directors shall do all of the following:

(1) Act only by ordinance, resolution, or motion.

(2) Keep a record of all of its actions, including financial transactions.

(3) Adopt rules or bylaws for its proceedings.

(4) Adopt policies for the operation of the district.

(b) The board of directors may do all of the following:

(1) Provide, by ordinance or resolution, that its members may receive their actual and necessary traveling and incidental expenses incurred while on official business. Reimbursement of these expenses is subject to Section 53232.3 of the Government Code. A member of the board of directors may waive any or all of the payments permitted by this paragraph.

(2) Require any employee, officer, or member of the board of directors to be bonded. The district shall pay the cost of the bonds.

(c) Prior to taking office, each director shall take the official oath and execute any bond that may be set by the board.

404. At the first meeting of the board of directors, and at the first annual meeting each year thereafter, the board of directors shall elect a chairperson and vice chairperson from among its members. The board of directors shall appoint a secretary of the
district. The secretary of the district may be a member of the board of directors or a district employee.

405. Meetings of the board shall be held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

406. The district shall have the following powers:
(a) Adopt ordinances in accordance with Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code.
(b) Adopt and enforce rules and regulations for the administration, operation, use, and maintenance of the district's facilities and property.
(c) Sue and be sued in its own name.
(d) Acquire any real or personal property within the district, by contract or otherwise, to hold, manage, occupy, dispose of, convey, and encumber the property, and to create a leasehold interest in the property for the benefit of the district. The district shall not have the power of eminent domain.
(e) Appoint employees, define their qualifications and duties, and provide a schedule of compensation for performance of their duties.
(f) Engage counsel and other professional services.
(g) Enter into and perform all contracts. The district shall follow the procedures that apply to the county, including, but not limited to, the requirements of Article 3.6 (commencing with Section 20150) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code.
(h) Adopt a seal and alter it.
(i) Take any and all actions necessary for, or incidental to, the powers expressed or implied by this act.

407. (a) The board of directors shall provide for the preparation of regular audits of the district's accounts and records pursuant to Section 26909 of the Government Code.
(b) The board of directors shall provide for the preparation of annual financial reports to the Controller pursuant to Article 9 (commencing with Section 53890) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

408. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code.

409. The district is not subject to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code).

410. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Article 5. Powers and Duties

501. The district shall serve as the watermaster for any appointed decree, including, but not limited to, taking specific actions ordered by the court in the administration of that decree or decrees.

502. (a) In carrying out its duties as watermaster, the district shall assume all powers and duties previously assigned to the department in its role as watermaster. These powers and duties include, but are not limited to, those set forth in Part 4 (commencing with Section 4000) of Division 2 of the Water Code, except as modified by the court, and as follows:
(1) References to the department in that part shall be deemed to be references to the district.

(2) References to the Water Resources Revolving Fund in that part shall be deemed to be references to the fund.

(b) Charges levied by the district shall comply with Article XIII D of the California Constitution.

503. The district may enter into an agreement to provide watermaster service to the holders of water rights whose place of use is an eligible parcel if all the holders have executed the agreement. An agreement to provide watermaster services to an eligible parcel shall include a provision that the water right holders agree to pay in full for the service prior to the provision of service. The amount to be paid shall be determined to ensure that the provision of the watermaster service to contracted parcels does not increase the cost of the watermaster service to appointed parcels.

504. Amounts owed to the county for services provided to the district by the county shall be included in the district's budget for each watermaster service area. The watermaster service areas for which these amounts have been incurred shall be identified and accounted for in the budget.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.
CHAPTER 119
SIERRA VALLEY AND LONG VALLEY GROUNDWATER BASINS

Article Section
1. Creation ................................. 119-101
2. Boundaries ................................ 119-201
3. Definitions .............................. 119-301
5. Studies and Investigations .............. 119-501
6. Registration of Groundwater Extraction ...... 119-601
7. Powers of the District ................. 119-701
8. Groundwater Extraction Charges ...... 119-801
9. Management Charges ................... 119-901
10. Zones of Benefit and Assessment Districts ... 119-1001
11. Development Projects .................. 119-1101
12. Enforcement Powers .................... 119-1201
13. Long Valley Groundwater Basin .... 119-1301

An act relating to the Sierra Valley and Long Valley Groundwater Basins, and declaring the urgency thereof, to take effect immediately. (Stats.1980, c. 449, p. 940, § 1, eff. July 13, 1980.)

Library References
Waters and Water Courses § 1838.
WESTLAW Topic No. 403.
C.J.S. Waters § 243.

Article 1
CREATION

Section
101. Short title.
102. Joint powers agreement; creation; boundaries; powers; legislative findings and declaration.

119-101. Short title
101. Articles 1 to 12, inclusive, of this act shall be known and may be as the Sierra Valley Groundwater Basin Act.
(1980, c. 449, p. 940, § 1, eff. July 13, 1980.)

19-102. Joint powers agreement; creation; boundaries; powers; legislative findings and declaration
102. The Board of Supervisors of the County of Plumas and the Board supervisors of the County of Sierra may, by a joint powers agreement
Jim...I just sent out a memo to the Board...this email from you just hit my screen so we both must be thinking about this one. As I informed you on Monday, this is being proposed between the two counties as was discussed last week at a meeting in Portola attended by Supervisors and ranchers impacted by the increased watermaster service fees. Brian has volunteered to do the legwork on researching and writing the JPA. As I also informed you, this will have to be reviewed and likely approved through the Plumas County Supervisor Court since this court is the one with jurisdiction over the Sierra Valley Decree, Indian Creek Decree, and the Last Chance Decree—all affecting the proposed JPA...keep in mind that Last Chance and Indian Creeks predominantly involve only Plumas County. After you have reviewed the information that I sent to the Board a few minutes ago, let's talk so we can coordinate comments and efforts...just out of curiosity...why did you send this to Andy Cassano?

TB

-----Original Message-----
From: James Curtis [mailto:jcurtis@ncen.net]
Sent: Friday, July 15, 2011 1:12 PM
To: brianmorris@countyofplumas.com
Cc: Tim Beals; Bill Nunes Personal; David Goliceochea; Andrew R. Cassano
Subject: JPA to Create Watermaster Authority

7/15/11

Brian:

I just learned of the proposal to form a joint powers agency to administer the watermaster functions in the two counties. I don't have much background in dealing with water and specifically watermaster issues, so to the extent that you are proposing that the counties form the JPA, I assume that you have researched the matter and concluded that there is nothing in the law that precludes the formation of a JPA for this purpose. I could share your research here it would be appreciated. Also I have heard that the superior court will need to bless the assignment of the watermaster functions to a JPA, is that correct? If so can you give me some background on the court's involvement and what you contemplate will be required in terms of seeking court approval. Does it require a petition to the court and if so, who files same?

With regard to the structure of the JPA I do have some background in forming and dealing with JPAs and would like to make input re the joint powers agreement at the appropriate time. Sierra and Nevada County are currently involved in litigation with a JPA that we both were members of for years and are very sensitive to issues regarding member county liability for operational expenses of the JPA, including employee and retirement costs, being passed on to the member counties. The liabilities of the member counties and requirements for insurance need to be clearly addressed in the joint powers agreement in order to insulate to the extent possible the member counties for responsibility for the actions of the JPA. We also need to make sure that the member counties have no responsibility for the financial affairs of the JPA, including the assessing of fees & charges for the watermaster services. I see that you have made reference to various provisions of the Water Code re watermaster fees, but all of those statutes are now subject to the provisions of Prop 26 and Prop 218 and it needs to be real clear that the Authority is responsible for compliance with those laws and not in any manner make that a responsibility of the member counties. Indemnification of the member counties by the Authority needs to be clearly addressed with regard to such issues.

I understand that this will be presented as a proposal - in concept - to the Sierra Board
at their next meeting and assuming that they agree to move forward, I will provide you detailed comments and suggestions re the draft joint powers agreement. To facilitate doing so I would appreciate it if you would send me the draft doc as either a word or a wordperfect file.

Thanks

Jim Curtis
Sierra County Counsel
FEATHER RIVER WATERMASTER AUTHORITY

JOINT EXERCISE OF POWERS AGREEMENT

September 1, 2011
FEATHER RIVER WATERMASTER AUTHORITY

JOINT EXERCISE OF POWERS AGREEMENT

TO PROVIDE WATERMASTER SERVICES IN PLUMAS AND SIERRA COUNTIES

THIS AGREEMENT is by and between the County of Plumas and the County of Sierra, both general law counties and political and legal subdivisions of the State of California.

RECITALS:

WHEREAS, the Governor and the Legislature have eliminated General Fund support to the California Department of Water Resources to administer watermaster services, resulting in substantial fee increases for water rights holders in the Sierra Valley Watermaster Service Area and Indian Creek Watermaster Service Area; and

WHEREAS, Chapter 5 (commencing with section 6500) of Division 7 of Title 1 of the California Government Code, permits two or more public agencies to enter into an agreement for the joint exercise of powers; and

WHEREAS, Article 5 (commencing with section 25690) of Chapter 7 of Part 2 of Division 2 of Title 3 of the California Government Code grants a county government the power to manage water systems, pumps, aqueducts, reservoirs, and all other works necessary or proper for supplying water for the use of the county and its inhabitants and to distribute water to the county and its inhabitants for domestic, irrigation, agricultural, and other beneficial uses; and

WHEREAS, Chapter 3 (commencing with section 4050) of Part 4 of Division 2 of the California Water Code, authorizes a superior court to appoint a local public agency to replace the California Department of Water Resource as the watermaster to administer water rights and the delivery of water for a decreed stream system; and

WHEREAS, the County of Plumas and the County of Sierra desire to jointly exercise their powers to manage water systems and distribute water by entering into this agreement to create a joint powers authority that may be appointed by the superior court to serve as watermaster in Plumas and Sierra Counties;

NOW, THEREFORE, in consideration of the above premises and of the mutual promises and agreements herein contained, the County of Plumas and the County of Sierra do hereby agree as follows:

ARTICLE I
DEFINITIONS

Section 1.01. Definitions. Unless the context otherwise requires, the words and terms defined in this Article I shall, for the purpose hereof, have the meanings herein specified.
"Act" means Articles 1 through 4 (commencing with section 6500) of Chapter 5, Division 7, Title 1 of the California Government Code.

"Agreement" means this Joint Exercise of Powers Agreement.

"Authority" means the public entity known as the Feather River Watermaster Authority established pursuant to Article II of this Agreement.

"Board" means the Board of Directors of the Authority referred to in Section 2.04, which shall be the governing body of the Authority.

"Fiscal Year" means the period from July 1 to and including the following June 30.

"Member" means one of the individual Counties of Plumas and Sierra.

"Members" means Member Counties collectively.

"Secretary" means the Secretary of the Authority appointed pursuant to Section 3.02.

"Treasurer" means the Treasurer of the Authority appointed pursuant to Section 3.03.

"Watermaster Statute" means Part 4 of Division 2 of the California Water Code, sections 4000 through 4407, inclusive.

ARTICLE II
GENERAL PROVISIONS REGARDING PURPOSE, CREATION, AND OPERATION OF THE AUTHORITY

Section 2.01. Purpose. This Agreement is made pursuant to the provisions of Article 1, Chapter 5, Division 7 of Title 1 of the Government Code of the State of California, commencing with section 6500, relating to the joint exercise of powers common to the public agencies, in this case the Counties of Plumas and Sierra. Plumas and Sierra Counties each possess the powers referred to in the recitals above. The purpose of this Agreement is to exercise such powers for the administration of water rights in the watermaster service areas in Plumas and Sierra Counties as provided by the Watermaster Statute and directed by the Plumas County Superior Court, the court of jurisdiction for the water rights decrees for (a) the Indian Creek Stream System and (b) the Middle Fork Feather River in Sierra Valley.

Section 2.02. Term. This Agreement shall become effective on September 1, 2011, or when it has been approved by the Boards of Supervisors of all the Members, whichever occurs last. This Agreement shall continue in full force and effect until terminated by (a) mutual consent of the Boards of Supervisors of the Members or (b) upon notice by one of the Members on or before January 1 of any year of its intent to terminate the Agreement, in which case the Agreement shall terminate on June 30 of such year.

Section 2.03. Creation of the Authority. Pursuant to the Act, there is hereby created a public entity to be known as the “Feather River Watermaster Authority,” hereinafter referred to
as the "Authority." The Authority shall be a public entity separate and apart from the Members, and shall administer this Agreement.

Section 2.04. Board of Directors; Appointing Authorities. The Authority shall be governed and administered by a Board of Directors consisting of eight (8) Directors appointed as follows:

(a) Two members of the Plumas County Board of Supervisors shall serve as ex officio members of the Board upon appointment by the Plumas County Board of Supervisors.

(b) Two members of the Sierra County Board of Supervisors shall serve as ex officio members of the Board upon appointment by the Sierra County Board of Supervisors.

(c) Four members of the Board shall be water rights holders representing the following areas of use:
   i. One member appointed by the Sierra County Board of Supervisors holding water rights under the Middle Fork Feather River Decree.
   ii. One member appointed by the Plumas County Board of Supervisors holding water rights under the Middle Fork Feather River Decree.
   iii. Two members appointed by the Plumas County Board of Supervisors holding water rights under the Indian Creek Decree.

If the holder of a water right is not a natural person, an officer, director, manager, or shareholder of the water right holder may be appointed to the Board.

All members of the Board shall serve at the pleasure of the appointing authority and a replacement or successor to any such member may be appointed from time to time by the respective appointing authority.

Section 2.05. Meetings of the Board.

(a) Regular Meetings: The Board of Directors of the Authority shall provide for its regular meetings. However, it shall hold at least one regular meeting each quarter of every year. The procedure for the setting of regular meetings shall be fixed by action of the Board and contained in the Bylaws.

(b) Special Meetings: Special meetings of the Board, and of the Members, may be called in accordance with the provisions of section 54956 of the California Government Code.

(c) Call, Notice and Conduct of Meetings: All meetings of the Board, including without limitation, regular, adjourned regular and special meetings, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (section 54950 et seq. of the California Government Code).

Section 2.06. Minutes. The Secretary shall cause to be kept minutes of the meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Member.
Section 2.07. Quorum; Required Votes; Approvals. A majority of the Board of Directors shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time. The affirmative votes of at least five Directors shall be required to take any action by the Board.

Section 2.08. Bylaws. The Board by a two-thirds (2/3) vote shall adopt, from time to time, Bylaws for the conduct of business and as are necessary for the purposes hereof. The Board may adopt, from time to time, additional resolutions, rules, regulations, and policies for the conduct of its business and as are necessary for the purposes hereof in a manner consistent with this Agreement and the Bylaws.

Section 2.09. Annual Budget. The Board shall adopt an annual budget for each Fiscal Year. The Bylaws shall further provide for the presentation and content of the budget.

Section 2.10. Annual Operational and Fiscal Report. The Board shall cause an annual operational report and annual fiscal report to be prepared.

ARTICLE III
OFFICERS AND EMPLOYEES

Section 3.01. Chair and Vice-Chair. The Board of Directors shall elect from among its members, a Chair and a Vice-Chair. The Chair shall sign all contracts on behalf of the Authority, except as otherwise set forth in this Agreement, and shall perform such other duties as may be imposed by the Board in the Bylaws. The Vice-Chair shall sign contracts and perform all of the Chair’s duties in the absence of the Chair.

Section 3.02. Secretary. The Board of Directors shall appoint a Secretary to the Board. The Secretary shall serve at the pleasure of the Board. The Secretary shall countersign all contracts signed by the Chair or Vice-Chair on behalf of the Authority. The Secretary shall cause a notice of this Agreement to be filed with the California Secretary of State pursuant to section 6503.5 of the Act and section 53051 of the California Government Code. The Secretary shall be responsible to the Board for the call, noticing and conduct of the meetings pursuant to the Ralph M. Brown Act (section 54950 et seq. of the California Government Code). The Board shall further provide for the duties and responsibilities of the Secretary in the Bylaws.

Section 3.03. Treasurer. Pursuant to section 6505.5 of the Act, the Plumas County Treasurer is hereby designated as the Treasurer of the Authority. The Treasurer shall be the depository, shall have custod y of all of the money of the Authority from whatever source, and shall have the duties and obligations of Treasurer as set forth in sections 6505 and 6505.5 of the Act. As provided in section 6505.5 of the Act, given the appointment of the Treasurer, the officer performing the functions of auditor or controller shall be the Plumas County Auditor/Controller, who shall have the duties assigned to the auditor or controller in sections 6505 and 6505.5 of the Act, including the duty to “contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of [the Authority]”. As further provided in section 6505.5 of the Act, the Plumas County Board of Supervisors “shall determine charges to be made against the [Authority] for the services of the treasurer and auditor.”
Section 3.04. Officers in Charge of Records, Funds and Accounts. Pursuant to section 6505.1 of the Act, the Treasurer shall have charge of, handle and have access to all accounts, funds and money of the Authority and all records of the Authority relating thereto. The Secretary shall have charge of, handle and have access to all other records of the Authority.

Section 3.05. Other Employees. The Board shall have the power to appoint and employ such other employees, consultants and independent contractors as may be necessary for the purpose of this Agreement.

Section 3.06. Officers and Employees of the Authority. As provided in section 6513 of the Act, all of the privileges and immunities from liability, exemption from laws, ordinances and rules, all pension, relief, disability, workers’ compensation and other benefits which apply to the activities of officers, agents, or employees of a public agency when performing their respective functions shall apply to the officers, agents or employees of the Authority to the same degree and extent while engaged in the performance of any of the functions and other duties of such offices, agents or employees under this Agreement.

None of the officers, agents, or employees directly employed by the Board shall be deemed, by reason of their employment by the Board to be employed by any of the Member Counties or, by reason of their employment by the Board, to be subject to any of the requirements of the Member Counties.

ARTICLE IV
POWERS

Section 4.01. General Powers. The Authority shall exercise, in the manner herein provided, the powers which are common to each of the Members, or as otherwise permitted under the Act, and, necessary to the accomplishment of the purpose, as provided in Section 2.01, of this Agreement. As provided in the Act, the Authority shall be a public entity separate from the Members.

Section 4.02. Specific Powers. The Authority is hereby authorized, in its own name, to do all acts necessary for the exercise of the foregoing general powers, including but not limited to, any or all of the following:

(a) to make and enter into contracts;

(b) to employ agents or employees;

(c) to sue and be sued in its own name;

(d) to incur debts, liabilities or obligations, provided that no such debt, liability, or obligation shall constitute a debt, liability or obligation of the Members;

(e) to apply for, accept, receive and disburse grants, loans and other aids from any agency of the United States of America or of the State;
(f) to invest any money in the treasury pursuant to section 6509.5 of the Act which is not required for the immediate necessities of the Authority, as the Authority determines is advisable, in the same manner and upon the same conditions as local agencies, pursuant to section 53601 of the California Government Code;

(g) to administer water rights decrees pursuant to the Watermaster Statute and as authorized by the Plumas County Superior Court; and

(h) to carry out and enforce all the provisions of this Agreement.

Section 4.03. Restrictions on Powers. Pursuant to section 6509 of the Act, the above powers shall be subject to the restrictions upon the manner of exercising the power of one of the Members, which shall be designated as Plumas County.

Section 4.04. Obligations of the Authority. The debts, liabilities and obligations of the Authority shall not be the debts, liabilities and obligations of the Members.

ARTICLE V
CONTRIBUTIONS, ASSETS AND DISTRIBUTION UPON TERMINATION

Section 5.01. Contributions. The Members may make contributions from their treasuries for the purpose set forth in Section 2.01, make payments of public funds to defray the cost of such purpose, make advances of public funds for such purpose, and/or use its personnel, equipment or property in lieu of other contributions or advances. The provisions of section 6512 of the Act are hereby incorporated into this Agreement by reference.

Section 5.02. Watermaster Service Fees. As provided by Water Code section 4275, the Authority, on or before the 15th day of August of each year, shall certify, to the auditor and the board of supervisors of each Member the amount required in order to pay the apportionments for the ensuing fiscal year, to be levied on the land used in the storage or diversion, conveyance or distribution of the water stored or diverted under the right and the land on which the water is, or is entitled to be, used, except for apportionments for public entities. As provided by Water Code section 4300, the Authority shall directly bill public entities by June 15 of each year for their respective apportionments, and payment from any such entity shall be due no later than December 10 of said year.

As required by Water Code section 4276, the auditor of each Member shall enter the amounts of the respective apportionments against the respective parcels of land as they appear on the current assessment roll.

As required by Water Code section 4277, the board of supervisors of each Member shall annually, and at the time of levying county taxes, levy on the land within the county and within the watermaster service area apportionments sufficient to raise the amounts certified by the Authority.

As required by Water Code section 4278, the apportionments certified by the Authority shall be collected at the same time and in the same manner as county taxes.
Section 5.03. Distribution of Assets upon Termination. Upon termination of this Agreement and after resolution of all debts, liabilities and obligations, all property, both real and personal, shall be returned to the Members in proportion to any contributions provided under Section 5.01 but not exceeding each Member’s respective contribution under Section 5.01. Any remaining property exceeding the Members’ contributions shall be conveyed to a successor public entity appointed by the court to provide watermaster services.

ARTICLE VI
INDEMNIFICATION AND INSURANCE

Section 6.01. Authority Indemnification of Members. The Authority shall indemnify, defend and hold harmless each of the Members and their authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages and/or liability arising from the Authority’s acts, errors or omissions and for any costs or expenses incurred by the Member(s) on account of any claim therefore, except where such indemnification is prohibited by law.

Section 6.02. Member Indemnification. Pursuant to the provisions of California Government Code section 895 et seq., and except as provided in Section 6.01 herein, each Member agrees to defend, indemnify and hold harmless each other Member from any liability, claim, or judgment for injury or damages caused by any negligent or wrongful act or omission of any agent, officer and/or employee of the indemnifying Member which occurs or arises out of the performance of this Agreement.

Section 6.03. Insurance. The Board shall provide for insurance covering liability exposure in an amount as the Board determines necessary to cover risks of activities of the Authority.

Section 6.04. Third Party Beneficiaries. This Agreement and the obligations thereto are not intended to benefit any party other than its Members, except as expressly provided otherwise therein. No entity not a signatory to the Agreement shall have any rights or causes of action against any party to the Agreement as a result of that party’s performance or non-performance under the Agreement, except as expressly stated in the Agreement.

ARTICLE VII
MISCELLANEOUS PROVISIONS

Section 7.01. Notices. Notices hereunder shall be in writing and shall be sufficient if addressed to the offices listed below and shall be deemed given upon deposit in to the U.S. mail, first class, postage prepaid:

Plumas County
County Administrative Officer
County of Plumas
520 Main Street, Room 309
Quincy, CA 95971

Sierra County
Director of Transportation and Public Works
County of Sierra
P.O. Box 89
Downieville, CA 95936
The Members may change the above addresses for notice purposes by written notification as provided above to other Member. Meeting notices and general correspondence may be served electronically.

Section 7.02. Law Governing. This Agreement is made in the State of California under the constitution and laws of the State, and is to be so construed.

Section 7.03. Amendments. This Agreement may be amended at any time, or from time to time, by one or more supplemental agreements executed by mutual agreement of the Boards of Supervisors of the Members hereto.

Section 7.04. Severability. Should any part, term or provision of this Agreement be decided by any court of competent jurisdiction to be illegal or in conflict with any law of the State, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.

Section 7.05. Successors. This Agreement shall be binding upon and shall inure to the benefit of the successors of the Members, respectively. None of the Members may assign any right or obligation hereunder without the written consent of the others.

Section 7.06. Section Headings. All article and section headings in this Agreement are for convenience of reference only and are not to be construed as modifying or governing the language in the section referred to or to define or limit the scope of any provision of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized, and their official seal to be hereto affixed, as of the day and year written.

COUNTY OF PLUMAS

By: ____________________________
    Lori Simpson, Chair
    Board of Supervisors

Date: ____________________________

Approved As To Form
PLUMAS COUNTY COUNSEL

By: ____________________________
    R. Craig Settlemire
    County Counsel

Date: ____________________________

COUNTY OF SIERRA

By: ____________________________
    Lee Adams, Chair
    Board of Supervisors

Date: ____________________________

Approved As To Form
SIERRA COUNTY COUNSEL

By: ____________________________
    James A. Curtis
    County Counsel

Date: ____________________________
WATERMASTER JOB DESCRIPTION

DUTIES
Under general direction from the Board of Directors, the Watermaster will work independently to perform a variety of detailed tasks to administer the distribution of water in accordance with water rights established by court decree. The Watermaster exercises authority granted by California Water Code sections 4000 to 4407 to the extent and in the manner directed by the court. Tasks will require field work and office work, including measuring and recording water deliveries; reviewing and interpreting court decrees to determine proper distribution of available water and adjusting waterworks accordingly; inspecting and repairing (or obtaining repairs for) water measurement devices; filing reports on water use in accordance with State law; taking enforcement action against illegal diversions of water; coordinating with other agencies and interfacing with water rights holders and the public; and performing other various duties as necessary to administer and enforce water rights decrees.

REPORTS TO
Board of Directors.

EMPLOYEES DIRECTLY SUPERVISED
None.

TYPICAL PHYSICAL REQUIREMENTS
Sit for extended period; frequently stand and walk; navigate outdoor terrain; normal manual dexterity and eye-hand coordination; ability to lift material weighing up to twenty-five (25) pounds; ability to bend, stoop, kneel and crouch; corrected hearing and vision to normal range; verbal communication; use of office equipment including computers, telephones, calculators, copiers and fax.

TYPICAL WORKING CONDITIONS
Work is usually performed in both an office and outside environments; exposure to variations in temperature and humidity; continuous contact with staff from other agencies and the public.

DESIRABLE QUALIFICATIONS

Knowledge of:
• Operation of water delivery structures.
• Measurement of water deliveries.
• California laws and regulations related to water rights and use of water.
• Reporting requirements of the State Water Resources Control Board.
- Use of computers and computer applications related to recording and reporting water use.

**Ability to:**
- Measure and record water deliveries.
- Prepare accurate reports of water use.
- Adjust water delivery structures to ensure proper distribution of water.
- Interpret and apply court decrees governing water rights.
- Work with water rights holders, the public, and other agencies.
- Communicate clearly in oral and written format.
- Pursue enforcement actions as necessary.

**Training and Experience:** Any combination of training and experience which would likely provide the required knowledge and abilities is qualifying.

**Special Requirements:** Must possess a valid driver’s license from the state of residence at the time of application, at the time of appointment, and throughout employment.
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<thead>
<tr>
<th>Category</th>
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DWR FY2011-12 Cost: $290,000.00
Total Program Cost: $1,140,040.00

### Services and Supplies

- Draft Annual Operating Budget
- Feather River Watermaster Authority
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<tr>
<td>Total Program Cost</td>
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<tr>
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<tr>
<td>Contractor Compensation</td>
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Equipment costs and operation & maintenance for stream gauges and structures are based on DWR budget.

IRS current mileage rate of $0.55/mile (from Oct 1 - Nov 30, 2021) for travel expenses.

Compassion is based on average of current local compensation for Sierra Valley and Indian Creek.

Independent Contractor instead of employee.

Assumptions for Option B.

Draft Annual Operating Budget

Feather River Watermaster Authority