

Assembly Bill No. 1580

CHAPTER 416

An act relating to water.

[Approved by Governor October 10, 2007. Filed with
Secretary of State October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1580, La Malfa. Scott Valley and Shasta Valley Watermaster District.

(1) 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 Scott Valley and Shasta 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 Siskiyou County in connection with the operation of the district, the bill would impose a state-mandated local program.

(2) 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 Scott Valley and Shasta Valley Watermaster District Act. It is intended to supplement the Water Code and reads as follows:

SCOTT VALLEY AND SHASTA VALLEY WATERMASTER DISTRICT ACT

Article 1. Creation

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

102. (a) A watermaster district is hereby created in Siskiyou County to be known as the Scott Valley and Shasta 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 Scott Valley and Shasta Valley and for which the Superior Court for the County of Siskiyou 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 Scott Valley and Shasta 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 Siskiyou County is for the common benefit of the holders of those decreed water rights within the Scott Valley and Shasta 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 Scott Valley and Shasta Valley Watermaster District:

- Those portions of the following townships that lie within the county:
- Township 39 North, Range 9 West, Mt. Diablo Base and Meridian;
- Township 40 North, Range 7 West, Mt. Diablo Base and Meridian; and
- Township 41 North, Range 6 West, Mt. Diablo Base and Meridian.
- All of the following townships that lie entirely within Siskiyou County:
- Township 40 North, Range 10 West, Mt. Diablo Base and Meridian;
- Township 40 North, Range 9 West, Mt. Diablo Base and Meridian;
- Township 40 North, Range 8 West, Mt. Diablo Base and Meridian;
- Township 41 North, Range 10 West, Mt. Diablo Base and Meridian;
- Township 41 North, Range 9 West, Mt. Diablo Base and Meridian;
- Township 41 North, Range 8 West, Mt. Diablo Base and Meridian;
- Township 41 North, Range 7 West, Mt. Diablo Base and Meridian;
- Township 41 North, Range 5 West, Mt. Diablo Base and Meridian;
- Township 41 North, Range 4 West, Mt. Diablo Base and Meridian;
- Township 42 North, Range 11 West, Mt. Diablo Base and Meridian;

Township 42 North, Range 10 West, Mt. Diablo Base and Meridian;
Township 42 North, Range 9 West, Mt. Diablo Base and Meridian;
Township 42 North, Range 8 West, Mt. Diablo Base and Meridian;
Township 42 North, Range 7 West, Mt. Diablo Base and Meridian;
Township 42 North, Range 6 West, Mt. Diablo Base and Meridian;
Township 42 North, Range 5 West, Mt. Diablo Base and Meridian;
Township 42 North, Range 4 West, Mt. Diablo Base and Meridian;
Township 43 North, Range 11 West, Mt. Diablo Base and Meridian;
Township 43 North, Range 10 West, Mt. Diablo Base and Meridian;
Township 43 North, Range 9 West, Mt. Diablo Base and Meridian;
Township 43 North, Range 8 West, Mt. Diablo Base and Meridian;
Township 43 North, Range 7 West, Mt. Diablo Base and Meridian;
Township 43 North, Range 6 West, Mt. Diablo Base and Meridian;
Township 43 North, Range 5 West, Mt. Diablo Base and Meridian;
Township 43 North, Range 4 West, Mt. Diablo Base and Meridian;
Township 44 North, Range 10 West, Mt. Diablo Base and Meridian;
Township 44 North, Range 9 West, Mt. Diablo Base and Meridian;
Township 44 North, Range 8 West, Mt. Diablo Base and Meridian;
Township 44 North, Range 7 West, Mt. Diablo Base and Meridian;
Township 44 North, Range 6 West, Mt. Diablo Base and Meridian;
Township 44 North, Range 5 West, Mt. Diablo Base and Meridian;
Township 44 North, Range 4 West, Mt. Diablo Base and Meridian;
Township 45 North, Range 9 West, Mt. Diablo Base and Meridian;
Township 45 North, Range 8 West, Mt. Diablo Base and Meridian;
Township 45 North, Range 7 West, Mt. Diablo Base and Meridian;
Township 45 North, Range 6 West, Mt. Diablo Base and Meridian;
Township 45 North, Range 5 West, Mt. Diablo Base and Meridian;
Township 45 North, Range 4 West, Mt. Diablo Base and Meridian;
Township 45 North, Range 3 West, Mt. Diablo Base and Meridian;
Township 46 North, Range 7 West, Mt. Diablo Base and Meridian;
Township 46 North, Range 6 West, Mt. Diablo Base and Meridian; and
Township 46 North, Range 3 West, Mt. Diablo Base and Meridian.

202. The district is divided into the following service areas:

- (a) Scott Valley Service Area.
- (b) Shasta Valley Service Area.

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 Siskiyou County.

307. “Court” means the Superior Court for the County of Siskiyou.

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 Scott Valley or Shasta Valley in the county.

309. “Department” means the Department of Water Resources.

310. “District” means the Scott Valley and Shasta 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. “Scott Valley” means that portion of the district generally drained by the Scott River.

316. “Shasta Valley” means that portion of the district generally drained by the Shasta River.

317. “Voter” means a holder of water rights whose place of use under a decree is an appointed or contracted parcel.

Article 4. General Provisions

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 seven members, as follows:

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

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

(3) 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 four 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, 2008, 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 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 four members and the other class shall have three members. For the class that has four members, the term of office shall be four years. For the class that has three 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 XIID 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 Scott Valley and Shasta Valley 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.

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