

**Petition for Reconsideration of Determination of “Water Rights Fee” Due and
Join in California Farm Bureau Federation’s Petition for Reconsideration**

Pursuant to California Water Code § 1120 *et seq.* and Title 23, California Code of Regulations § 768 *et seq.*, the Petitioner whose name and address is stated below hereby petitions the State Water Resources Control Board (SWRCB) to reconsider its determination as stated in the Notice of Determination it issued to Petitioner, a copy of which is attached to this Petition. (If more than one copy of a Notice of Determination is attached to this Petition, then this Petition applies to all such Notices, and all references herein to “Notice of Determination” are to be construed plurally.)

Contrary to the Notice of Determination, no “Water Rights Fee” is in fact due. The amount claimed due is an invalid tax resulting from the adoption by the SWRCB of Resolution No. 2006-0065 on or about September 21, 2006, and the emergency regulations contained therein (which adoption was pursuant to pertinent provisions of Senate Bill 1049 (SB 1049), chaptered on or about October 9, 2003), as re-adopted and revised by the Executive Director of the SWRCB in Resolution No. 2006-0094-EXEC on or about November 30, 2006.

The adoptions of Resolution Nos. 2006-0065 and 2006-0094-EXEC were improper and unlawful for the reasons stated in the Petition for Reconsideration that California Farm Bureau Federation (CFBF) filed with the SWRCB on or about February 9, 2004, as well as in the resulting and pending lawsuit *CFBF, et al., v. SWRCB, et al.*, Sacramento County Superior Court Case No. 04CS00473 (consolidated with Case No. 03CS01776), now on review in the California Supreme Court, Docket No. S150518. Further, the adoptions of Resolution Nos. 2006-0065 and 2006-0094-EXEC were improper and unlawful for the reasons stated in the Petition for Reconsideration filed or to be filed by CFBF with the SWRCB that challenges the emergency regulations contained in Resolution Nos. 2006-0065 and 2006-0094-EXEC and in which Petition for Reconsideration Petitioner hereby joins.

Petitioner incorporates in full herein by this reference the points made in both of those Petitions and in the Complaint and briefs filed by CFBF in the above-referenced lawsuit, briefly to wit: The “Water Rights Fee” is an unconstitutional tax that deprives Petitioner of Petitioner’s rights under Article XIII A of the California Constitution, commonly known as Proposition 13, and otherwise is unconstitutional under the Due Process, Equal Protection and Taking Clauses of the United States and California Constitutions, as well as 42 U.S.C. § 1983.

Petitioner therefore requests that the SWRCB: rescind its determination that a “Water Rights Fee” is due from Petitioner; refund with appropriate interest all “Water Rights Fees” paid or to be paid by Petitioner; vacate and rescind all regulations that impose said “Water Right Fees”; and/or take other appropriate action.

Petitioner does not know the identity of any other interested person other than California Farm Bureau Federation and is informed that no list of such persons is publicly available.

The evidence in this matter should include, but not be limited to, the legislative history of the pertinent sections of SB 1049, the administrative record of all rulemaking related to the imposition of the “Water Rights Fee,” and all documents filed with the court in the above-referenced lawsuit.

Dated: November ____, 2007

Signature: _____

Printed Name: _____

Address: _____

**[ATTACH A PHOTOCOPY OF EACH “WATER RIGHTS FEE” BILL YOU RECEIVED;
KEEP A PHOTOCOPY OF THIS COMPLETED FORM AND OF EACH BILL]**

**Mail this form and bill copies to: STATE WATER RESOURCES CONTROL BOARD
P.O. BOX 2000
SACRAMENTO CA 95812-2000**

DEADLINE: This form and the bill copies must REACH the SWRCB by Wed., Nov. 14, 2007.