

CHAPTER 819

An act to repeal Chapter 1775 of the Statutes of 1963, to change the name of the Stockton and East San Joaquin Water Conservation District to the Stockton-East Water District and to grant certain powers to such district, relating to water conservation and water supply, and declaring the urgency thereof to take effect immediately.

[Approved by Governor September 29, 1971. Filed with Secretary of State September 29, 1971.]

CHAPTER 553

An act to amend Section 4 of, and to add Section 21.5 to Chapter 819 of the Statutes of 1971, relating to the Stockton-East Water District.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 6, 1975.]

CHAPTER 1126

(Senate Bill No. 1120)

An act to repeal and add Sections 4 and 9 of, and to add Sections 9.2, 9.3 and 9.4 to, Chapter 819 of the Statutes of 1971, relating to the Stockton-East Water District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 27, 1979 Filed with Secretary of State September 25, 1979.]

CHAPTER 1287

(Senate Bill No. 1449)

An act to amend Sections 4247, 4402, 5019, 5020, and 5021 of the Education Code, to amend Sections 75, 318, 512, 1007, 1017, 1340, 1508.5, 1515, 3520, 3521, 4011, 4055, 5353, 6460, 10211, 14213, and 35006 of, to repeal Section 6509 of, and to repeal and add Section 14000 of, the Elections Code, to amend Sections 24001 and 31105.2 of the Government Code, and to amend Section 34 of Chapter 819 of the Statutes of 1971, relating to elections, and declaring the urgency thereof, to take effect immediately.

The people of the State of California do enact as follows:

SECTION 1

Chapter 1775 of the Statutes of 1963 is repealed.

SECTION 2

(a) The name of the Stockton and East San Joaquin Water Conservation District is changed to the Stockton-East Water District.

(b) In all respects not inconsistent with this act, the Stockton-East Water District shall continue to be organized under; and governed by, the Water Conservation District Law of 1931, Division 21 (commencing with Section 74000) of the Water Code as the same now exists and as it may be amended hereafter. The provisions of Division 21 (commencing with Section 74000) of the Water Code and all other acts of the Legislature applicable to the district and not inconsistent with the provisions of this act shall remain in full force and effect and shall be fully applicable to the district.

(c) In all cases in which it may be otherwise required that the district be described as a “water conservation district” it shall be sufficient to describe the district as a “water district”.

SECTION 3

(a) The Legislature finds and declares that the problems of providing for the management of the underground water basin and the provision of supplemental water supplies, in the area of the Stockton-East Water District are peculiar to that district and that area and for that reason it is necessary to deal specially with such area and to provide special provisions for the government and operation of that district.

(b) The Legislature further finds and declares that this act is necessary to the solution of a problem arising out of the following unique and special circumstances: The water supplies in the underground basin in the area of the-Stockton-East Water District are insufficient to meet the water demands of the area, and, because of the geologic conditions peculiar to the area and because excessive pumping has seriously depleted the underground water storage, there has been an intrusion of saline waters into the underground water basin causing serious water quality deterioration and the destruction of the usefulness of a portion of the underground water basin. Further excessive pumping, without proper management of the underground water basin and the provision of supplemental water supplies, is certain to destroy the usefulness of a major portion of the underground water basin and endanger the health and welfare of the district.

(c) The Legislature further finds and declares that the district includes within its territory a large urban area, a large agricultural area, and territory formerly within an irrigation district, and that for these reasons it is necessary in order to accommodate the various interests within the district to provide special procedures to be observed by the district in its government and operation.

(d) The Legislature further finds and declares that only a portion of the City of Stockton and only a portion of the Metropolitan Stockton Planning Area as defined by the City of Stockton and the County of San Joaquin are within the district, and that unless all of such city and all of the Metropolitan Stockton Planning Area are within the district there will be uneconomic duplications and inefficiencies and it will be both more costly and more difficult to solve the grave and urgent water problems of the Stockton Metropolitan Area and the existing Stockton-

East Water District. The Legislature further finds and declares that the territory that is outside the district but within the Metropolitan Stockton Planning Area includes territory that is within the City of Stockton, within county maintenance districts, within other water conservation districts, and within an irrigation district. The Legislature further finds and declares that the special problems of including all of the City of Stockton and the Metropolitan Stockton Planning Area within the Stockton-East Water District are peculiar to that district and that area, and for that reason it is necessary to deal specially with such inclusion and to provide special provisions and procedures for such inclusion and the necessary adjustment of district boundaries.

SECTION 4

- (a) The definition of a word applies to any of its variants.
- (b) The following words and phrases shall have the following meanings:
 - (1) "Accumulated overdraft" means the aggregate amount by which the quantity of ground water removed from the ground water supplies within the district during all preceding water years shall have exceeded the quantity of water replaced therein by the replenishment of the, ground water supplies in such water years by any natural or artificial means, based upon reports, records, and other data or evidence appropriate for the purpose of making such determination.
 - (2) "Administration division" means the budgeting and accounting division established by Section 9 which is primarily concerned with administration of the district and with obtaining and making available to the other divisions a supply of water.
 - (3) "Advisory commission" means the California District Securities Advisory Commission.
 - (4) "Agricultural division" means the budgeting and accounting division established by Section 9 which is primarily concerned with the supply of water for agricultural purposes.
 - (5) "Agricultural water" and "water used for agricultural purposes" shall mean water used primarily in the commercial production of agricultural crops or livestock on parcels of land of more than two acres and shall not include water used for agricultural product-processing purposes.
 - (6) "Annual overdraft" means the amount by which the production of water from the ground water supplies within the district during the water year exceeds the natural replenishment of such ground water supplies in such year.
 - (7) "Assessor" means the assessor of the county.
 - (8) "Auditor" means the auditor of the county.
 - (9) "Benefit review procedure" means the procedure set forth in subdivisions (g) through (i) of Section 28.
 - (10) "Board" means the board of directors of the Stockton-East Water District.
 - (11) "Board of Supervisors" means the board of supervisors of the county.
 - (12) "Collector" means the person appointed by the board to determine and collect the accounts due the district prior to their transfer to the auditor, as set forth in this act. The collector shall be appointed by the board and hold office at the pleasure of the board. The collector may hold other offices, including, but not limited to, the office of secretary, or may perform other duties for the district but shall not be a member of the board.
 - (13) "Committee" means a group of directors of the district consisting of three directors, one of whom shall be appointed chairperson by the president of the board, together with

an alternate member, which shall study particular areas and recommend policy to the full board. The members and alternate member shall be appointed by the president of the board. There shall be the Agricultural Operations Committee and the Municipal Operations Committee, and there may be such other committees as may be established by the board.

(14) "County" means the County of San Joaquin.

(15) "Delinquent account" means any sum or sums due the district from an owner as disclosed by an annual bill presented by the collector pursuant to Section 13 which is not paid within the times set forth in Section 15, together with all penalties applicable to such sum or sums pursuant to this act.

(16) "Delinquent landowner" means the owner or owners of a parcel of land upon which one or more delinquent water-producing facilities are located as such ownership is disclosed by the last equalized assessment roll of the county.

(17) "Delinquent parcel" means a parcel of land upon which one or more delinquent water-producing facilities are located.

(18) "Delinquent water-producing facility" means a water-producing facility for which payment is required by this act and for which payment in full, has not been received by the district within the times set forth in Section 15.

(19) "Director" means a member of the board.

(20) "District" means the Stockton-East Water District.

(21) "Division" means a division of the district established pursuant to the Water Conservation District Act of 1931, Division 21 (commencing with Section 74000) of the Water Code.

(22) "Domestic ground water" means water produced from the underground on any parcel of two acres or less where the water is used and disposed of on that parcel, and also means water produced from the underground and used for residential or commercial purposes on agricultural parcels larger than two acres.

(23) "Dry year" means any year in which the board determines that there may be insufficient quantities of surface water to meet the needs of users who are dependent upon surface water sources.

(24) "Full tax area" means any area within a planning area which has been excluded from the partial tax area; in the manner provided in subdivision (b) of Section 27.

(25) "Ground water" means potable water beneath the surface of the ground suitable for municipal, domestic and irrigation use.

(26) "Municipal division" means the budgeting and accounting division established by Section 9 which is primarily concerned with the supply of water for municipal and industrial purposes.

(27) "Municipal ground water" means water produced from the underground other than domestic ground water or agricultural ground water.

(28) "Owner" means the person or persons owning any water-producing facility or any interest therein other than a lien to secure the payment of a debt or other obligation. Unless there is filed with the district by an owner, information to the contrary, the district may presume that the owner of the parcel of land on which a water-producing facility is located is the owner of the water-producing facility.

(29) "Partial tax area" means all areas of the district which pursuant to the terms of subdivision (a) of Section 27 are not required to pay the taxes, assessments, and charges

specified in subdivision (a) of Section 27.

(30) "Person" means any public agency or public corporation, whether federal, state, or local, or any private corporation, firm, partnership, individual, or group of individuals.

(31) "Planning area" means any one of the planning areas mentioned in subdivision (a) of Section 24 or in Section 35.

(32) "Prior act" means Chapter 1775 of the Statutes of 1963, as amended.

(33) "Production" or "producing" means the diversion or taking of stream-delivered water or the extraction or extracting of ground water, by any means, for domestic, municipal, irrigation, industrial, or other beneficial use.

(34) "Revenue sources" means those sources of expected revenue which shall be used to establish a budget, respectively, for each of the administration, agricultural, and municipal divisions. These revenue sources for each division are as follows:

(i) Administration division: General property taxes, other general revenue sources which may be provided by state law, payments from other divisions, or other sources of revenue which may be established in the future by law or by rule of the board.

(ii) Agricultural division: Stream-delivered water charges, domestic ground water assessments, agricultural ground water assessments, penalties collected on such charges and assessments, and other sources of revenue which may be established in the future by law or by rule of the board.

(iii) Municipal division: Contract sales of treated surface water, contract sales of ground water, municipal ground water assessments, penalties collected on such sales and assessments, and other sources of revenue which may be established in the future by law or by rule of the board.

(35) "Stream delivered water" means surface water used for agricultural purposes and taken by an owner's water-producing facility directly from the Stockton Diverting Canal, the Calaveras River, the Old Calaveras River, Mosher Creek, Mormon Slough, Potter Creek, or any other watercourse within the district except those portions of any of the foregoing watercourses which are located within the boundaries of the Sacramento-San Joaquin Delta, as such boundaries are presently defined by Section 12220 of the California Water Code.

(36) "Tax collector" means the tax collector of the county.

(37) "Treasurer" means the treasurer of the county.

(38) "Water-producing facility" means any device or method, mechanical or otherwise, for the production of ground water from the ground water supplies within the district, or for the diversion of stream delivered water.

SECTION 5

In addition and supplemental to the powers conferred upon the district by the Water Conservation District Law of 1931, Division 21 (commencing with Section 74000) of the Water Code, and by all other laws applicable to the district, the district shall have power:

(a) To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, process, and salvage any water, including sewage and storm waters for the beneficial use or uses of the district, its inhabitants, or the owners of the rights to water in the district.

(b) To sell treated and untreated water under its control to any municipal corporation, political subdivision of the State of California, public utility, or other person at such charges and rates

as shall be set by the board by contract, agreement, rule, or otherwise, for use within the district.

(c) Subject to the requirements of Section 6, to sell treated and untreated water under its control to any municipal corporation, political subdivision of the State of California, public utility, or other person for use outside the district.

(d) Within or outside the district to construct, purchase, lease, or otherwise acquire, and to operate and maintain, waterworks, water treatment plants, spreading grounds, pipelines, conduits, canals and other facilities for the distribution of water, pumps and other facilities for the production of water, dams, weirs, reservoirs, and other facilities, installations, works, equipment, and machinery useful or necessary to replenish the underground water basin within the district, to manage, for the purpose of repelling saline intrusion, the underground water basin within the district for the common benefit of the district, to augment the common water supplies of the district, or to otherwise provide water for the beneficial use or uses of the district, its inhabitants, or the owners of rights to water in the district.

(e) For the common benefit of the district to store water in underground water basins or surface reservoirs within or outside the district, to appropriate and acquire water or water rights within or outside the district, to purchase or import water into the district, and to conserve water within or outside the district.

(f) Subject to the provisions of Sections 9 to 19, inclusive, to levy and collect a ground water assessment for the production of water from the ground water supplies within the district, and to fix and collect charges for stream-delivered water and to require such measuring devices as may be necessary for the purposes of this act and to inspect and test any such measuring devices whether installed by the district or by others.

(g) To maintain reserve funds in amounts deemed advisable by the board for the purpose of water for replenishment purposes, the stream delivery of agricultural surface water, or for other district purposes.

(h) To acquire real and personal property and interests therein, but the district shall not exercise the power of eminent domain for any purpose of this act or in carrying out any power granted by this act outside the boundaries of the district unless the board of supervisors of the county in which the property to be acquired is located has consented to such acquisition.

SECTION 6

(a) The district may sell treated and untreated water under its control for use outside of the district only pursuant to a written agreement made as provided in this section.

(b) The district may make an agreement to sell water for use outside the district for periods not in excess of one year where the board prior to the district's agreement to sell such water has found and declared by resolution that such water is not required for use within the district during the period, not to exceed one year, for which the agreement is to be made. The board's resolution shall be adopted no earlier than three months preceding the commencement of the period for which the agreement is to be made. The price charged for water sold pursuant to an agreement made pursuant to this subdivision shall be sufficient to at least cover the costs of the district, as determined by the board, in furnishing and delivering the subject water to its point of delivery.

(c) The district may make agreements to sell water for use outside the district for periods in excess of one year if the board prior to the district's agreement to sell water has by resolution found and declared that the subject water will not be required for use within the district for the

period for which the agreement is made and declares that the sale of the water and its use in the manner provided in the applicable agreement is for the direct and substantial furtherance of the purposes of the district. The charge for water sold pursuant to an agreement made pursuant to this subdivision shall at least be sufficient to cover the costs of the district, as determined by the board, in furnishing and delivering such water to its point of delivery, plus the equivalent of all applicable ad valorem property taxes that would be assessed by district on the property upon which such water is to be used, or in the case of a sale to a political subdivision, municipal corporation, public utility, or other operator of a common water distribution system on all of the property served by such common water distribution system, if the subject property were included within the district during the period covered by the agreement.

(d) The district may make agreements to sell water that would not be otherwise owned or possessed by the district that comes into the district's possession due to provisions of a contract with another political subdivision that operate when such other political subdivision fails to pay for such water or the costs related to such water, on any basis the board determines if the board makes the determination that such water is not needed for sale within the district for the period of the agreement.

SECTION 7

The board shall, from time to time, order an investigation and report to be made by an engineer or engineers employed by the district for the purpose of investigating and reporting upon the ground water conditions of the district and making recommendations as to water management practices to be followed by the district. The report shall include an estimate as to the accumulated overdraft, if any, as of the date of the report, estimates of the ground water production anticipated by years for the period covered by the report, and an estimate of the average annual overdraft, if any, for the period covered by the report. The report shall also include recommendations as to necessary and desirable surface and underground water management practices to be followed during the period covered by the report.

SECTION 8

The engineering investigation and report shall be delivered to the secretary in writing. The secretary shall publish pursuant to Section 6061 of the Government Code a notice of the receipt of such report and fixing a date for a public hearing to be held by the board, the publication to be in a newspaper of general circulation, printed and published within the district, at least 10 days prior to the date at which the public hearing is to be held. The notice, among other information which the district may include, shall contain an invitation to all owners of water-producing facilities within the district and all other interested parties to call at the office of the district to examine the engineering investigation and report.

SECTION 9

(a) There are hereby established within the district, budgeting and accounting divisions as follows: administration, agricultural, and municipal. Each such budgeting and accounting division shall have established a separate budget, and separate accounts shall be kept of the revenues and expenditures for each division.

(b) Notwithstanding the establishment of such divisions, the board shall have authority to approve temporary transfers between divisions on such terms and with such repayment

provisions, as may be approved by the board.

SECTION 9.2

(a) The board at a regular, special, or continued meeting between November 1st and December 15th of each year shall hold a public hearing to consider the budget for each of the administration, agricultural and municipal divisions, and an overall budget for the district, for the next calendar year.

(b) Notice of the hearing shall be published pursuant to Section 6061 of the Government Code at least 10 days prior to the date of the hearing. Any person interested in the district may, in person or by representative, appear and submit evidence concerning the water conditions of the district, the financial needs of the district, proposals for rates, and other relevant matters.

(c) The board shall at the hearing receive recommendations from the Agricultural Operations Committee as to the budget to be established for the agricultural division and from the Municipal Operations committee as to the budget to be established for the municipal division. Each of such committees shall also make recommendations to the board as to the budget of the administration division.

(d) Following the budget hearing by the full board, the board shall adopt by resolution prior to December 15 of each year a budget for the administration division, for the agricultural division for the municipal division and for the district overall.

SECTION 9.3

The rates to be established pursuant to Section 9.4 shall equitably divide the cost of meeting a balanced agricultural division budget among the sources of revenue for the agricultural division, but in a manner which will encourage the use of surface water available for agricultural use within the district.

SECTION 9.4

(a) The board at a regular, special, or continued meeting between March 15 and April 15 of each year shall hold a public hearing to consider the necessity, amount, and rates of a municipal ground water assessment, an agricultural ground water assessment, and a domestic ground water assessment, if any, to be levied for the then current calendar year and charges to be made for stream delivered water to the extent that such charges for stream delivered water are not controlled by contract or agreement.

(b) Notice of the hearing shall be published pursuant to Section 6061 of the Government Code at least 10 days prior to the date of the hearing. Any person interested in the district may, in person or by representative, appear and submit evidence concerning the water conditions of the district, the financial needs of the district, proposals for rates, and other relevant matters.

(c) Following the hearing, and prior to April 15 of that year, the board may, by adoption of an ordinance, determine, levy, and assess a municipal ground water assessment against all owners of water-producing facilities within the district which produce municipal ground water during the current year and an agricultural ground water assessment against all owners of water-producing facilities within the district which produce water from the ground during the current year for agricultural purposes and a domestic ground water assessment against all owners of water-producing facilities within the district which produce domestic ground water and shall determine and fix charges for stream delivered water for the current year to the extent that such charges for stream delivered water are not governed by contract or

agreement.

(d) The method of computing ground water assessments and charges for stream-delivered water may be uniform for all water-producing facilities or may be uniform for each of several classes of water-producing facilities. The board shall, by rule, establish one or more methods to be used in computing the amount of water production from a water-producing facility which is not measured by a water-measuring device approved by the collector. Such methods shall be established by rule adopted by the board and may be based on any criteria which may be used to determine or estimate with reasonable accuracy the amount of water production.

(e) The board, by rule, may waive any assessment upon any class or classes of water-producing facilities which it determines because of the small amount of water produced by such facilities, would yield to the district a sum less than the estimated cost of making and collecting the assessment.

(f) Any ground water assessment or charges for stream-delivered water levied or made pursuant to this section shall be in addition to any general assessment levied by the district.

(g) Clerical errors in the name of any owner or in other recorded information, or in the making or extension of any assessment upon the records which do not affect the substantial rights of the subject owner or owners shall not invalidate the assessment.

(h) The procedures established by Sections 9 to 9.4 inclusive, shall not be applicable for calendar year 1979. The rates for calendar year 1979 only are established as follows:

(1) The domestic ground water assessment shall be ten dollars (\$10) per domestic use unit, as such unit is established by the board.

(2) The rate for sales of stream-delivered water shall be seven dollars and sixty cents (\$7.60) per acre-foot of water.

(3) The agricultural ground water assessment rate shall be one dollar and sixteen cents (\$1.16) per acre-foot of water.

(4) The municipal ground water assessment rate shall be set at three dollars (\$3) per acre-foot of water. It is not the intent of the Legislature that the rates set for 1979 shall serve as precedent for future rates.

(i) For calendar year 1980 and thereafter, water rates shall be established in accordance with Sections 9 to 9.4 except that no rate may be established in any calendar year which exceeds the individual rates set in paragraph (1), (2), or (3) of subdivision (h) by 20 percent plus a factor to reflect the percentage increase in the federal consumer price index with calendar year 1979 as a base; provided, however, that this subdivision (i) shall not be effective from and after the date of any election in which a majority of those electors voting approve a contract by the district for new supplement water or approve bonds for financing a distribution system for new supplemental water.

(j) During calendar year 1980 and thereafter, water rates shall be established by ordinance following public notice. Such ordinances shall be subject to referendum; provided, however, that no referendum shall modify or affect the terms of any bond resolution issuing bonds approved by the voters.

SECTION 10

All assessments and charges due for water produced within the district during the 1971 calendar year and for water produced within the district prior to 1971 shall be assessed, charged, calculated, determined, billed, and collected pursuant to the prior act and all applicable rules duly adopted by the board, and for those purposes the prior act shall remain

in effect until such sums have been collected in full or otherwise discharged in the manner provided by the prior act and the applicable rules duly adopted by the board.

SECTION 11

(a) Commencing with 1972, not later than the first day of October of each year the collector shall mail progress bills to each owner of one or more water-producing facilities within the district. The progress bills shall state an amount due which shall be computed by multiplying one-half of each owner's water production for the preceding calendar year in acre-feet by the respective ground water assessment rates and the stream-delivered water charges applicable for the current year.

(b) Any progress bill may be reduced in amount or canceled by the collector, if upon good cause shown, the collector determines that the production of water from the water-producing facility or facilities of the owner during the current year, to the date of the collector's determination, is such that a progress payment based on one-half of the preceding year's water production will be substantially in excess of one-half of such owner's next succeeding annual bill as the same will ultimately be determined pursuant to Sections 12, 13, and 14.

(c) The board may, by rule, establish alternate procedures for the computation and payment of progress bills in the case of water-producing facilities within the district, the water production of which is measured by a water measuring device approved by the collector.

(d) Should any owner of a water-producing facility fail to pay on or before the 31st day of October, or any alternate date specified in a rule adopted pursuant to subdivision (c) of this section, the amount disclosed by a progress bill the district shall impose a penalty against such owner in an amount of 5 percent of the total sum due the district for the current calendar year as such sum is finally determined in accordance with Sections 12, 13, and 14. The 5-percent penalty shall be added to the annual bill and shall be due and payable at the same time as the other amounts included in the annual bill.

(e) The board may, by rule, waive the requirement of making a progress payment as required by this section as to any one or more classes of water-producing facilities.

SECTION 12

(a) Commencing with 1973, each owner of one or more water-producing facilities within the district shall, after January 1st and not later than January 15th, file with the collector on a form acceptable to the collector a water use statement showing the amount of water produced by the water-producing facility or facilities of such owner in the case of facilities the water production of which is measured by a water-measuring device approved by the collector and as to all other facilities the information the collector determines to be reasonably necessary to permit the determination, or estimation with reasonable accuracy, of the amount of water produced during the preceding calendar year by the subject water-producing facility or facilities. The collector may require that all statements of fact in the water use statement be verified by a written declaration that they are made under the penalties of perjury.

(b) The board, by rule, may waive the filing of water use statements as to any one or more classes of water-producing facilities.

SECTION 13

(a) Commencing with 1973, not later than the last day of February, the collector shall mail an annual bill for the preceding calendar year to each owner of one or more water-producing

facilities within the district.

(b) The collector in preparing the annual bill for submission to each owner of water-producing facilities shall consider the information disclosed by the annual water use statement if one has been filed, the information disclosed by existing district records, district inspections, if any, of the water-producing facilities or the area served by such water-producing facilities, and any other information, of which the collector is aware and which is relevant to the amount of water production by each of the owner's water-producing facilities and shall determine the amount of each owners water production.

(c) In all cases where an annual water use statement has been filed and where a water-measuring device approved by the collector is permanently attached to a water-producing facility and the water production has been reported on the basis of the approved water-measuring device, the record of water production as disclosed by such water-measuring device shall be presumed to be accurate and the burden is upon the collector to establish to the contrary.

(d) The amount of the annual bill shall be computed by multiplying the production in acre feet of water as determined by the collector by the respective ground water assessment rates and stream-delivered water charges. After determining the amount due the collector shall add the penalty provided in Section 11, if applicable, and shall also add a penalty of 5 percent of the total sum due the district for water produced during the preceding year by any water-producing facility for which an annual water use statement was required and not filed within the time specified in Section 12.

(e) Upon the discovery by the collector of any water-producing facility within the district:

(1) For which no water use statement has been filed for any year in which the same was required by virtue of Section 12 and any applicable rules of the district and for which no annual bill was submitted pursuant to this section; or

(2) For which a water use statement was filed as required but for which the collector has good cause to believe that the production of water from such water-producing facility was in excess of that disclosed by a filed water use statement; or

(3) For which no water use statement was required to be filed by virtue of Section 12 and the applicable rules of the district but for which no annual bill has been submitted by the collector pursuant to this section; the collector shall immediately investigate and estimate the amount of unreported or unbilled water production by such water-producing facility. In making such estimate, as to cases arising under subparagraph (3) above, the estimate of prior water production shall not include water production for more than three (3) preceding calendar years.

(f) After making an estimate of water production pursuant to subdivision (e) of this section, the collector shall calculate the amount due for ground water assessments and stream-delivered water charges during the subject years at the rates applicable during those years, and add the amount so calculated as a separate item to the next annual bill submitted to the owner of such water-producing facility together with the penalties, if any, applicable pursuant to subdivision (d) of Section 11 and subdivision (d) of this section.

(g) After computing the amount of the annual bill the collector shall allow as a credit against the amount due, and show such allowance on the annual bill, the sums paid for the subject water-producing facilities as a result of the applicable progress bill or bills for the subject year.

SECTION 14

(a) An annual bill shall be conclusive on all persons having an interest in the subject water-producing facilities unless the owner files with the secretary on or before March 15th a written objection on forms made available by the district setting forth the owner's ground or grounds for objecting to the amount of current or prior, if any, production and the assessments, charges, and penalties so fixed.

(b) Upon the filing of an objection the secretary shall schedule a hearing on the objection before the board at which time the total amount of the water production and the ground water assessment and stream-delivered water charges thereon shall be determined together with any applicable penalties, which determinations by the board shall be conclusive if based upon substantial evidence.

(c) A notice of such hearing before the board shall be mailed to the objector at least 10 days before the date fixed for the hearing unless the form furnished by the district for the filing of the objection specifies the date, time, and place for the hearing.

(d) Notice of the final determination by the board as to his objection shall be mailed to each objector by the secretary.

SECTION 15

(a) All annual bills presented by the collector pursuant to Section 13 shall be due when mailed by the collector and shall be delinquent after April 30th with the exception of any bill as to which an objection has been filed pursuant to Section 14.

(b) Annual bills, as to which an objection is filed, shall become delinquent not later than April 30th, or 20 days from the date of mailing by the secretary to the owner a notice of the final determination by the board as to his objection, whichever is later.

SECTION 16

Any annual bill not paid when delinquent shall be subject, on the date of its delinquency, to a further penalty of 5 percent of the amount of the ground water assessment and stream-delivered water charges set forth in the annual bill.

SECTION 17

(a) Upon the delinquency of all or any portion of an annual bill the collector shall transmit to the secretary the amount of the delinquent account, together with the name of the delinquent landowner and the current description of the delinquent parcel as such is then disclosed by the applicable records of the assessor. The description provided for in this section shall be the description or other designation currently used by the assessor and shall include the tax account number and the code area of the delinquent parcel.

(b) The secretary shall maintain a list of delinquent accounts as furnished to him by the collector. If prior to the transmission of the list of delinquent accounts to the auditor pursuant to subdivision (d) of this section, all or any portion of a delinquent account is collected by the collector, the collector shall report such payment to the secretary and the secretary shall reflect such payment in his list of delinquent accounts.

(c) Annually as of August 1st the secretary shall add to each delinquent account then on the list of delinquent accounts a penalty of 5 percent of the sum of the ground water assessments and stream-delivered water charges included in each delinquent account.

(d) Annually after August 1st and on or before August 10th the secretary shall transmit a

certified copy of his current list of delinquent accounts to the auditor. The list of delinquent accounts may combine all assessments, charges, and penalties into a single sum due for each delinquent account.

(e) Upon receipt of the certified copy of the list of delinquent accounts, the auditor shall enter the amount of each delinquent account against the delinquent parcel designated in the list of delinquent accounts as such parcel appears on the then current assessment roll.

(f) The tax collector shall then include the amount of each delinquent account on bills for county taxes levied against the delinquent parcel.

(g) Thereafter the amount of each delinquent account shall be collected at the same time and in the same manner as county taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency, as provided for ordinary county taxes.

(h) Upon collection of delinquent accounts, within a reasonable time the auditor shall deposit the sums so collected to the account of the district, but the auditor may deduct, from time to time, an amount not to exceed one-quarter of 1 percent of the sums collected pursuant to this section to defray the costs of the county in processing such accounts.

(i) All laws applicable to the levy, collection, and enforcement of county taxes are applicable to such delinquent accounts so transmitted to the auditor pursuant to this section.

(j) All or any portion of any such delinquent accounts shall on order of the board of supervisors be canceled by the auditor if uncollected, or except in the case provided for in paragraph (5) of this subdivision, refunded by the treasurer out of district funds, if collected, if it or they were entered, charged, or paid:

(1) More than once;

(2) Through clerical error;

(3) Through the error or mistake of the collector, secretary, or board in respect to any material fact, in the course of establishing the amount of the assessments, charges, and penalties due upon said delinquent account under this act;

(4) Illegally; or

(5) On property acquired after the lien date by the State of California or by any county, city, school district, or other political subdivision of the State of California and because of such public ownership not subject to sale for delinquent taxes.

(k) No order for a refund under the subdivision (j) shall be made except on a claim:

(1) Verified by the person who paid said delinquent account and penalties or his guardian, conservator, executor, or administrator; and

(2) Filed within three years after making the payment sought to be refunded.

(l) The provisions of this subdivision do not apply to cancellation. The provisions of this Section 17 shall not be applicable to a delinquent parcel owned by the State of California or by any county, city, school district or other political subdivision of the State of California.

SECTION 18

The owner of any parcel of land within the district, two acres or more in size, on which no water is produced during any calendar year, shall file an annual report stating that no water was produced on the property during the subject calendar year. The annual report shall be filed annually on or before January 15th of each year for the immediately preceding calendar year.

SECTION 19

The board shall establish rules providing for the making of refunds in the event of the overpayment of any ground water assessment or stream-delivered water charges. Such rules shall provide that no overpayment shall be refunded unless a request for refund is filed with the secretary within three years of such overpayment, Such rules may provide for the payment of a fee to cover all or a portion of the district's costs in processing a request for refund.

SECTION 20

The district may bring a suit in any court of competent jurisdiction against any person or persons indebted to the district for the collection of any delinquent sums due the district for any ground water assessment, stream-delivered water charge, penalties, or charges due for any sale or use of water by contract, or otherwise. Should the district, as a provisional remedy in bringing suit, seek an attachment against any property of any named defendant therein, the district shall not be required to provide a bond or undertaking as is otherwise provided in Chapter 4 (commencing with Section 537) of Title 7 of Part 2 of the Code of Civil Procedure. All procedures and remedies applicable to the processing, collection, and enforcement of delinquent accounts and penalties granted to the district by this act or otherwise are alternative and the utilization of one such procedure shall not bar the use of another.

SECTION 21

Any person who injures, alters, removes, resets, adjusts, manipulates, obstructs or in any manner interferes or tampers with or procures or causes or directs any person to injure, alter, remove, reset, adjust, manipulate, obstruct or in any manner interfere or tamper with any water-measuring device affixed to any water producing facility as required by this act, so as to cause such water-measuring device to improperly or inaccurately measure and record such water production, is guilty of a misdemeanor and is punishable by a fine not to exceed five hundred dollars (\$500) or imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

SECTION 21.5

The board is authorized to establish a reserve fund financed by the transfer of up to ten cents (\$0.10) for each acre-foot of water to which the ground water assessment rate or the stream-delivered surface water charges levied pursuant to subdivision (a) of Section 9, in addition to ten cents (\$0.10) for each acre-foot of treated water sold by the district under either an existing or future water service contract executed pursuant to Section 6. Such amounts transferred into a reserve fund created pursuant to this section shall be a part of, and not in addition to, the above-referenced ground water assessment rates, stream-delivered surface water charges, and contract prices. The reserve fund established under the authority of this section shall be a limited-purpose reserve fund. Expenditures out of such fund shall only be made for the purpose of constructing, leasing or purchasing, maintaining, and operating ground water pumping facilities capable of delivering ground water into then existing district watercourses, water supply, or distribution facilities for the purpose of insuring the availability, to the extent possible, of a full supply of water to all users during dry years.

SECTION 22

The board is authorized to adopt the rules it deems necessary and proper for carrying out the provisions of this act, including but not limited to, rules providing that the district shall not deliver or make available water to water users who fail to pay for water when required by statute, contract, or rule.

SECTION 23

No rules shall be adopted by the board without first reviewing such at a public hearing held by the board. Notice of the public hearing shall be published pursuant to Section 6061 of the Government Code at least 10 days prior to the date of such a hearing and the notice shall contain a brief description of any rule to be considered at the hearing.

SECTION 24

- (a) There is hereby included within the Stockton-East Water District the following territories:
- (1) The North Stockton Planning Area which shall include the following territory:
Beginning at a point on the Stockton and East San Joaquin Water Conservation District boundary, said point being on the intersection of the North line of Township Two (2) North and the centerline of State Highway 99, said Stockton and East San Joaquin Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, said election being held on June 1, 1948; thence Southerly 3.5 miles, more or less, along said District boundary and along said centerline of State Highway 99 to intersection with the centerline of the Calaveras River; thence Westerly six (6) miles, more or less, along said District boundary and said centerline of the Calaveras River downstream to intersection with the centerline of the Stockton Deep Water Channel; thence leaving said District boundary Northwesterly one (1) mile, more or less, along said centerline of the Stockton Deep Water Channel to centerline Station 286+00, said Station 286+00 bearing Southwesterly 375 feet at right angles to said centerline from U.S.E.D., B.M. 4008; thence Northeasterly at right angle to said centerline 300 feet, more or less, to a point on the Southerly boundary of the Elmwood Tract; thence Easterly and Northerly along the Southerly and Easterly boundary of said Elmwood Tract 1.9 miles, more or less, to the point of intersection of said Easterly boundary with the Southerly levee of Fourteen Mile Slough (formerly called Twelve Mile Slough); thence North 500 feet, more or less, to the Stockton City Limits Line, said City Limits Line being along the centerline of said Fourteen Mile Slough; thence Westerly, Northwesterly, and Northeasterly 0.6 mile, more or less, along said City Limits Line and said centerline of Fourteen Mile Slough to a point on the West line of Section 19, Township 2 North, Range 6 East, Mount Diablo Base and Meridian; thence Northerly 0.5 mile, more or less, along said West line of Section 19 and said City Limits Line to the Southeasterly corner of Mitchell Slough-Wright Tract Annexation—A-7-67; thence along the City Limits Lines established by Annexation—A-7-67 and by Wright Tract Annexation—A-1-62 the following eight (8) courses, (1) South 57° 47' 30" West 150 feet, more or less, to a point, said point being on the water toe of levee of said Fourteen Mile Slough, (2) South 57° 47' 30" West 949.75 feet, (3) South 58° 35' 30" West 1011.23 feet to a point on the centerline of an existing drainage ditch, (4) Northerly along said drainage ditch centerline to intersection with centerline of a 75 foot wide Pacific Gas & Electric Company easement, as described in deed recorded in

Book of Official Records, Volume 2076, Page 470, San Joaquin County Records, (5) continuing Northerly along said drainage ditch centerline to a point on the water toe of the South levee of said Fourteen Mile Slough, (6) meandering Easterly along said water toe of the South levee to intersection with centerline of said 75 foot wide Pacific Gas & Electric Company easement, (7) continue meandering Easterly along said water toe of said South levee to a point bearing South 45° 00' West from the Northwest corner of said-Section 19, and (8) North 45° 00' East to said Northwest corner of Section 19; thence Easterly 1900 feet, more or less, along the North line of said Section 19 and along Stockton City Limits Line to the Southeast corner of the Shima Tract thence leaving said City Limits Line Northerly 6600 feet, more or less, along the Easterly boundary of said Shima Tract to a corner thereof; thence Westerly 1500 feet, more or less, along the Northerly boundary of said Shima Tract to the Southeast corner of the Atlas Tract; thence Northerly 3,800 feet, more or less, along the Easterly boundary of said Atlas Tract to the Southwest corner of Section 6, Township 2 North, Range 6 East, Mount Diablo Base and Meridian; thence Northerly one (1) mile, more or less, along the West line of said Section 6 to the Northwest corner thereof; thence Easterly six (6) miles, more or less, along said North line of Township 2 North to the point of beginning, containing 20,200 acres, more or less.

(2) The Central Stockton Planning Area which shall include the following territory: Beginning at the point of intersection of the centerline of the Calaveras River with the centerline of the Stockton Deep Water Channel; thence Southerly and Easterly along the Southerly and Westerly line of the Stockton and East San Joaquin Water Conservation District Boundary to the point of intersection of the North line of Section 23, C. M. Weber Grant with the Easterly line of McKinley Avenue, said Stockton and East San Joaquin Water Conservation District Boundary being described in Notice of Election for the organization of the Stockton and East San Joaquin Water Conservation District, said election being held on June 1, 1948; thence Southerly 0.5 mile, more or less, along the Easterly line of McKinley Avenue to intersection with the centerline of Duck Creek; thence Westerly 1.3 miles, more or less, along the centerline of said Duck Creek and along the centerline of Walker Slough and the Southwesterly projection of said centerline of Walker Slough to a point on the Southerly bank of French Camp Slough, said point being on the boundary of Reclamation District No. 17; thence Westerly one (1) mile, more or less, along said boundary of Reclamation District No. 17 to the right or Easterly bank of the San Joaquin River; thence Northwesterly 1.0 mile, more or less, downstream along the said right or Easterly bank of the San Joaquin River to a point bearing East 500 feet, more or less, from the Southeast corner of the 3.55 acre parcel of Oxidation Pond Annexation No. 3—A-1-66; thence West 500 feet, more or less, to said Southeast corner; thence Westerly 1.6 miles, more or less, along the Stockton City Limits Line to the Easterly line of Dagget Road; thence Northerly one (1) mile, more or less, along said Easterly line of Dagget Road and along the Stockton City Limits Line to a point on the centerline of Burns Cutoff; thence in a general Westerly, Northerly, and Northeasterly direction 3.09 miles, more or less, along said centerline of Burns Cutoff to intersection with said centerline of the Stockton Deep Water Channel; thence Southeasterly 0.1 mile, more or less, along said centerline of the Stockton Deep Water Channel to the point of beginning, containing 4,900 acres, more or less.

(3) The South Stockton Planning Area which shall include the following territory: Beginning at the Northeast corner of Section 58, C. M. Weber Grant, said corner being a point on the boundary of the Central San Joaquin Water Conservation District; thence along said Central San Joaquin Water Conservation District boundary the following four (4) courses, (1) Southerly along the West line of Sections 68, 69, and 70 of said C. M. Weber Grant to the Southerly line of said Grant being also the North line of Section 28, Township 1 North, Range 7 East, Mount Diablo Base and Meridian; (2) Westerly along said Weber Grant line and along said North line of Section 28 to the Northwest corner of said Section 28; (3) Southerly along the West line of said Section 28 to intersection with the South line of Section 59, C. M. Weber Grant; and (4) Westerly along the said South line of Section 59 to a point on the Easterly right-of-way line of Highway 99; thence Southerly 3.4 miles, more or less, along said Easterly right-of-way line of Highway 99 to the intersection of said Easterly right-of-way with the Southwesterly boundary of French Camp Road, also known as French Camp Toll Road or Turnpike; thence Northwesterly 3 miles, more or less, along said Southwesterly boundary of French Camp Road to the Westerly right-of-way line Of the Western Pacific Railroad Company property; thence Southerly 1.8 miles, more or less, along said Westerly right-of-way to a point on the Southerly line of Section P of C. M. Weber Grant; thence Westerly 1.2 miles, more or less, along the South line of said C. M. Weber Grant to the Northeast corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 14, Township 1 South, Range 6 East, Mount Diablo Base and Meridian, said corner being a point in the boundary of Reclamation District No. 17; thence Westerly 0.75 mile, more or less, along the boundary of said Reclamation District No. 17 to the Southeast corner of fractional Section 10 of said Township and Range and being the Southwest corner of the C.M. Weber Grant; thence along the boundary of said Reclamation District No. 17 and the boundary of said C. M. Weber Grant the following four (4) courses, (1) Northerly 232.41 chains, more or less, along the Easterly boundary of fractional Sections 10 and 3 of said Township and Range and along the Easterly boundary of fractional Section 34, Township 1 North, Range 6 East, Mount Diablo Base and Meridian to the Northeast corner of said fractional Section 34, (2) East 20 chains, (3) North 40 chains, and (4) East 1076 feet; thence leaving said C. M. Weber Grant boundary and continuing along the boundary of said Reclamation District No. 17 the following five (5) courses, (1) North 255.64 feet, (2) North 89° 15' East 364.98 feet, (3) North 66° 30' East 1246.34 feet to a point on the West line of said French Camp Road, (4) Northerly 1850 feet, more or less, along said West line of French Camp Road to the South bank of French Camp Slough, and (5) Westerly 0.75 mile, more or less, downstream along the Southerly bank of French Camp Slough to the intersection of said Reclamation District No. 17 boundary with the Southwesterly projection of the centerline of Walker Slough; thence Easterly 1.5 miles, more or less, along said centerline of Walker Slough and the centerline of Duck Creek to the Easterly line of McKinley Avenue; thence Northerly 0.3 mile, more or less, along said Easterly line of McKinley Avenue to a point of intersection with the North line of Section 23, C. M. Weber Grant, said point being on the Southerly boundary of the Stockton and East San Joaquin Water Conservation District; thence Easterly 3.6 miles, more or less, along said Southerly boundary of said Stockton and East San Joaquin Water Conservation District to the point of beginning, containing 12,800 acres, more or less.

(b) The inclusion of each of such three planning areas (the North Stockton Planning Area, the Central Stockton Planning Area, and the South Stockton Planning Area) shall occur and be complete for all purposes, subject to Section 26, unless on or before the 60th day after the effective date of this act there is filed with the secretary of the district, at the district's office, a petition requesting an election signed by at least 25 percent of the registered voters in such planning area.

(c) A petition may consist of any number of separate instruments, which identify the planning area to which it is applicable and shall contain a request that an election shall be held to determine whether such planning area shall be included within the district.

(d) Within 20 days of the date of the filing of such a petition the secretary of the district shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters.

(e) When the secretary of the district has completed his examination of the petition he shall attach to the same his certificate properly dated showing the result of such examination, and if from such examination he finds that such petition is signed by the requisite number of voters or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

(f) If such petition is sufficient the proposition of whether or not the subject planning area shall be included within the district shall be submitted to the vote of the voters in the subject planning area at an election called by the board and held within 70 days after the filing of a sufficient petition requesting an election.

(g) The manner of holding and conducting the election, the selection of officers to conduct it, the designation of precincts and polling places, the preparation, receipt, counting, and returning of ballots, and the canvassing and determining results of the election shall be as provided in Chapter 3 (commencing with Section 74790) of Part 6 of Division 21 of the Water Code, and in particulars not so provided shall be in accordance with the general laws of the state relative to elections at which propositions are submitted and voted upon.

(h) Upon the canvassing of the votes cast in the election if it appears that a majority of all votes cast are in favor of the inclusion of the subject planning area, then the inclusion of the subject planning area shall occur and be considered completed at the conclusion of the canvass, subject to the provisions of Section 26. Upon the canvassing of the votes cast in the election if it appears that a majority of all votes cast are against the inclusion of the subject planning area within the district, the inclusion shall be of no force and effect.

(i) If on or before the 60th day after the effective date of this act sufficient petitions have been filed with the secretary of the district requesting elections in more than one planning area, then the question of such inclusion shall be submitted to the vote of the voters in each of the subject planning areas at an election called and held on the same day.

(j) The secretary of the district may contract with the County Clerk of San Joaquin County to perform any of the duties imposed upon the secretary by this section. In such cases the costs of the county clerk in connection with such duties shall be paid by the district.

SECTION 25

(a) There is hereby excluded from the Central San Joaquin Water Conservation District the following territory:

Beginning at the intersection of the North line of Section 24, C. M. Weber Grant, with the Easterly line of the Tidewater and Southern Railroad, and being a point on the Central San

Joaquin Water Conservation District Boundary; thence along said Central San Joaquin Water Conservation District Boundary the following five (5) courses, (1) Southeasterly along the Easterly boundary of said railroad to its intersection with the North line of Section 39, C. M. Weber Grant, (2) Northeasterly along the Northerly line of said Section 39 and its extension to a point on the West line of fractional Section 5, Township 1 South, Range 7 East, Mount Diablo Base and Meridian, (3) Southerly along said Westerly line of fractional Section 5 and the Easterly line of C. M. Weber Grant to the North line of the property conveyed to Joe Marchesotti, a married man, by Deed recorded January 8, 1957 in Book of Official Records, Volume 1933, Page 221, San Joaquin County Records, (4) Easterly along the North line of said Marchesotti property to the Easterly line of Highway 99, and (5) Northerly along said Easterly line of Highway 99 to the intersection of the North line of Section 4, Township 1 North, Range 7 East, Mount Diablo Base and Meridian; thence leaving said Central San Joaquin Water Conservation District Boundary Northerly along said Easterly line of Highway 99 to its intersection with the Southerly line of Section 59, C. M. Weber Grant and being a point on the Northerly boundary of said Central San Joaquin Water Conservation District; thence along said Central San Joaquin Water Conservation District Boundary the following six (6) courses, (1) Westerly along the Southerly lines of Sections 59 and 48 of C. M. Weber Grant to the Southwest corner of said Section 48, (2) Northerly along the West line of said Section 48 and Section 47 of said C. M. Weber Grant to the Northeast corner of land described in Deed to John S. Ladd, Jr. recorded September 17, 1947 in Book of Official Records, Volume 1082, Page 344, San Joaquin County Records, (3) South 72' 35' West along the North line of said Ladd land 35 chains, (4) South 73° 10' West 34.72 chains to a point on the West line of Section 35, C. M. Weber Grant, (5) Southerly along said West line of Section 35 to the Northeast corner of said Section 24, C. M. Weber Grant, and (6) Westerly along the Northerly line of said Section 24 to the point of beginning, containing 3150 acres, more or less.

(b) Such exclusion shall take effect at the same time that the inclusion of the South Stockton Planning Area takes effect, and if the inclusion of the South Stockton Planning Area is of no force and effect by virtue of an election held pursuant to Section 24, such exclusion from the Central San Joaquin Water Conservation District shall similarly be of no force and effect.

(c) The inclusion of territory into the district pursuant to this act, except as specifically provided in this section, shall have no effect upon the continuing inclusion of the subject territory in other water conservation districts or in any irrigation district or any other special districts.

SECTION 26

(a) After the time for filing petitions pursuant to Section 24 has expired or an election has been held pursuant to Section 24, as the case may be, the board shall adopt a resolution confirming the inclusion of any planning area within the district pursuant to Section 24 and the exclusion of territory from the Central San Joaquin Water Conservation District pursuant to Section 25 if such inclusion and exclusion has not been disapproved at an election held pursuant to Section 24, and the secretary shall then prepare and execute a certificate of completion. Such certificate shall contain the following:

(1) The name of each district affected.

(2) A description of any territory included in the district and any territory excluded from the Central San Joaquin Water Conservation District, which descriptions may be made by

reference to the boundary shown on a map attached to such certificate.

(3) The date of adoption of the resolution confirming the inclusion and exclusion.

(4) A statement of the fact that the territory included shall be subject to a one-half-mill tax rather than the tax permitted by Section 75357 of the Water Code, as provided in Section 27.

(b) The secretary shall file his certificate of completion with the Secretary of State. Thereupon the Secretary of State shall execute a certificate of filing identifying the certificate of completion filed with him and stating the date of such filing. The Secretary of State shall transmit to the secretary a counterpart original of the certificate of filing.

(c) After receipt of the Secretary of State's certificate of filing, the secretary shall file with the County Recorder of the County of San Joaquin:

(1) A counterpart original of the secretary's certificate of completion; and

(2) The original or a counterpart original of the Secretary of State's certificate of filing.

(d) After recordation of the secretary's certificate of completion the Recorder of the County of San Joaquin shall file with the County Surveyor of the County of San Joaquin a copy of each of the boundary descriptions included in the certificate of completion.

(e) Any inclusion or exclusion confirmed by resolution of the board adopted pursuant to this section shall be completed from the date of filing the certificate of completion with the Secretary of State and shall be effective upon the date of the recordation made with the county recorder.

(f) The secretary shall also make such filings as may be provided for by Chapter 8 (commencing at Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code, and for such purpose the inclusion and exclusion shall be deemed to be effective from the date of filing of the certificate of completion with the Secretary of State.

SECTION 27

(a) Upon the effective date of the inclusion of a planning area into the district pursuant to this act, each planning area shall thereafter be treated in all respects as a part of the district, except that the following special provisions shall apply within each planning area included within the district:

(1) The assessment permitted by Section 75357 of the Water Code shall not exceed one-half mill (\$0.0005) on each one hundred cents (\$1) of the assessed value of the lands within such planning area according to the last assessment rolls instead of the maximum two and one-half mills (\$0.0025) permitted by Section 75357 of the Water Code.

(2) No ground water assessment or stream-delivered water charge shall be levied.

(b) A parcel of land within a planning area shall cease to be excluded from the full taxes, assessments, and charges as such exclusions are set forth in subdivision (a) in the event of either of the following:

(1) A parcel within a planning area is within the service area of a publicly or privately owned water utility which distributes domestic and industrial water which is all or in part furnished to such utility as treated surface water by the district; or

(2) The independent benefit commission pursuant to procedures set forth in Section 28 determines that a subject parcel is receiving a substantial benefit from district operations.

(c) In the case of the North Stockton Planning Area, the Central Stockton Planning Area, and the South Stockton Planning Area, no removal from the partial tax area shall take effect for any purpose prior to July 1, 1974.

- (d) As used in this act “substantial benefit”, means an actual raising by prior district operations, of ground water levels under a subject parcel or the actual retarding, by prior district operations, of the lowering of ground water levels under a subject parcel.
- (e) Whenever one or more parcels are transferred from a partial tax area to a full tax area, the secretary shall file a statement as to all parcels which are transferred to a full tax area, as required by Chapter 8 (commencing at Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.
- (f) After a parcel has been excluded from a partial tax area such exclusion shall be permanent.

SECTION 28

- (a) If any one or more of the planning areas are finally included within the district, then following such final inclusion the board shall give written notice to the California District Securities Advisory Commission, and the advisory commission shall thereupon appoint a three-member commission, one of whom shall be a civil engineer whose practice encompasses irrigation, and one of whom shall be a civil engineer whose practice encompasses municipal water supply. Such independent benefit commission shall serve at the pleasure of the advisory commission. When a vacancy occurs in the membership of the independent benefit commission the secretary shall give notice to the advisory commission, and the advisory commission shall promptly appoint a successor. If the advisory commission fails to appoint a successor or to initially appoint the three members of the independent benefit commission, then after 60 days notice in writing to the advisory commission by the board, the board may fill such vacancy or make such appointments and the person so appointed by the board shall serve until such time as they are replaced by the advisory commission. The advisory commission may charge the district for the actual cost of performing the services required of the State Treasurer by this section.
- (b) It shall be the duty of the independent benefit commission from time to time, in the manner set forth in this section, to determine whether a parcel within a planning area is receiving a substantial benefit from district operations.
- (c) No member of the independent benefit commission shall have any interest in any land in the district, either directly or indirectly.
- (d) Each member of the independent benefit commission, before entering upon his duties, shall take and subscribe an oath that he is not in any manner interested either directly or indirectly in any land in the district, and that he will perform the duties of commissioner to the best of his ability.
- (e) The members of the independent benefit commission shall be paid by the district compensation for the services rendered by them in the amount or amounts fixed by the State Treasurer from time to time.
- (f) The members of the independent benefit commission, upon their appointment and thereafter from time to time, shall select one of their members as chairman.
- (g) Within 60 days of its appointment, and thereafter as provided in subdivision (j) of this section, the independent benefit commission shall meet at the district office. At the time of such initial meeting and thereafter as requested by the independent benefit commission the board shall furnish or make available to the independent benefit commission all data and information possessed by the district and which in the judgment of the independent benefit commission is relevant to the determinations to be made by it.
- (h) After its initial meeting the independent benefit commission within the next succeeding

120 days shall determine which parcels within the partial tax areas are receiving a substantial benefit by the operations of the district and shall prepare a preliminary report of its findings. Upon its completion the preliminary report of the independent benefit commission shall be delivered to the secretary in writing. Such preliminary report shall list and identify each parcel which the independent benefit commission has determined is receiving a substantial benefit from district operations by the current description of such parcel as such description is then disclosed by the applicable current records of the assessor, and accordingly should be transferred from the partial tax area to the full tax area, Upon receipt of such preliminary report of the independent benefit commission the secretary shall publish pursuant to Section 6061 of the Government Code a notice of the receipt of such preliminary report. Such notice shall fix a date for a public hearing to be held on the report. Such publication shall be by a display advertisement in a newspaper of general circulation printed and published within the district, at least 20 days prior to the date at which the public hearing is to be held. The notice, among other information, shall contain an invitation to all interested persons to call at the office of the district and to examine said report of the independent benefit commission. At the time appointed in the notice, the independent benefit commission shall meet in the district office and hold a public hearing on its preliminary report. At the hearing any person interested in the district, including the board and members of the board, may, in person or by representative, appear and submit evidence concerning the matters contained in the preliminary report and the matters pending before the independent benefit commission. Within 30 days of the conclusion of its public hearing the independent benefit commission shall deliver its final report to the secretary.

(i) Upon receipt of the final report of the independent benefit commission the secretary shall publish a notice that such final report has been received and that the same is available for inspection by all interested persons at the office of the district. The notice shall be published pursuant to Section 6061 of the Government Code by display advertisement in a newspaper of general circulation printed and published within the district, and shall advise interested persons of their right to request review pursuant to this paragraph. Within 30 days of the publication of the notice required by this paragraph any person interested in a parcel affected by the final report of the independent benefit commission who is dissatisfied with the action of the independent benefit commission in connection with such parcel may file a request for review in writing on forms provided by the secretary requesting review by the board of the action of the independent benefit commission as to the parcel in which such person is interested. Upon the filing of a request for review the secretary shall set the matter for hearing by the board. At least 20 days prior to the hearing the secretary shall mail notice of such hearing to the person or persons requesting review. At the hearing the board shall hear evidence concerning the subject parcel and whether it is receiving a substantial benefit by the operations of the district. At the conclusion of the hearing the board may modify the report of the independent benefit commission by excluding one or more parcels from the list of parcels to be transferred from the partial tax area to the full tax area, but the board shall have no power to include any parcel within the full tax area which was not initially so included by the final report of the independent benefit commission. A final report of the independent benefit commission shall be final and shall take effect for all purposes upon either the expiration of 30 days after the publication of the notice provided for in this subdivision or upon the final action of the board in modifying the final report or determining not to modify the final report following the public hearing of the board in the event of the filing of a request for review

pursuant to this subdivision.

(j) After the initial hearing of the independent benefit commission so long as any portion of the district is not within the full tax area the independent benefit commission shall again hold an initial meeting as provided in subdivision (i) of this section during the fifth year next succeeding the year of the final adoption of the last final report of the independent benefit commission or at more frequent intervals upon written request of the board, and after such initial meeting shall proceed to the adoption of a new final report of the independent benefit commission in the manner set forth in subdivisions (g) to (i), inclusive, of this section.

SECTION 29

Failure of the district at any time to take action to collect any delinquent replenishment assessment or charge shall not be a waiver of the right of the district to collect such account at any time in the future by the utilization of such procedures and remedies as are granted to the district by this act.

SECTION 30

Whenever the district is required to mail any bill or notice to any owner the requirement of mailing shall be satisfied by deposit of such bill or notice in any postal facility regularly maintained by the government of the United States, with postage paid, addressed to the owner at his address as disclosed by the most recent record of the district. If the records of the district do not contain an address for such owner, such mailing shall be to his address as disclosed by the most recent equalized tax roll of the county. Any owner may, from time to time, file notices of change of address with the district.

SECTION 31

Notwithstanding Section 74223 of the Water Code and any other provisions of law in conflict with this section, the board shall hold regular meetings on the third Tuesday of each month. The board may by resolution change the frequency of, and the day for, holding regular meetings. Notice of any such change shall be published once a week for at least two consecutive weeks before the time for a regular meeting on the new meeting date in a newspaper of general circulation circulated in the district.

SECTION 32

Notwithstanding Section 74091 of the Water Code and any other provisions of law in conflict with this section, one director, who shall be an elector of the division in which such director resides, shall be elected for such division, by vote of the electors of the entire district, This section shall be applicable to voting at any district election held after January 1, 1972.

SECTION 33

The boundaries of the divisions of the district are relocated as follows:

Division No. 1

Beginning at a point on the Stockton and East San Joaquin Water Conservation District boundary, said point being the Southwest corner of the Northeast $\frac{1}{4}$ of Section 25, Township 2 North, Range 8 East, Mount Diablo Base and Meridian, said Stockton and East San Joaquin

Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, held June 1, 1948; thence along said Stockton and East San Joaquin Water Conservation District boundary the following thirty-five (35) courses, (1) East 1.0 mile, more or less, along the South line of the Northeast $\frac{1}{4}$ of said Section 25 and along the South line of the Northwest $\frac{1}{4}$ of Section 30, Township 2 North, Range 9 East to the center of said Section 30, (2) North $2\frac{1}{2}$ miles, more or less, along the half section line running North and South through Sections 30, 19, and 18, Township 2 North, Range 9 East to the Southwest corner of the Southeast $\frac{1}{4}$ of Section 7, Township 2 North, Range 9 East, (3) East $\frac{1}{2}$ mile, more or less, along the South line, of said Section 7 to the Southeast corner thereof, (4) North $\frac{1}{4}$ mile, more or less, along the East line of said Section 7 to the Southwest corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 8, Township 2 North, Range 9 East, (5) East $\frac{1}{4}$ mile, more or less, along the South line of said Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 8 to the centerline of the Escalon-Bellota Road, (6) North $\frac{1}{4}$ mile, more or less, along said centerline of the Escalon-Bellota Road to its intersection with the South line of the North one-half of said Section 8, (7) East $\frac{3}{4}$ mile, more or less, along the South line of the North $\frac{1}{2}$ of said Section 8 to the Southeast corner of the North $\frac{1}{2}$ of said Section 8, (8) North $\frac{1}{4}$ mile, more or less, along the East line of Section 8 to the Southwest corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 9, Township 2 North, Range 9 East, (9) East $\frac{1}{4}$ mile, more or less, along the South line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 9 to the Southeast corner thereof in the center of the Gilmore Road No.616, (10) North along the $\frac{1}{4}$, $\frac{1}{4}$ section line and along the center of said Gilmore Road No. 616 to a point 300.0 feet Southerly from the South line of Section 4, Township 2 North, Range 9 East, Mount Diablo Base and Meridian, (11) East 750.0 feet, (12) North 300.0 feet to a point on said South line of Section 4, (13) East along the South line of Section 4 to the Southeast corner of the Southwest $\frac{1}{4}$ of said Section 4, (14) North $\frac{1}{2}$ mile, more or less, along the East line of the Southwest $\frac{1}{4}$ of Section 4 to the center of said Section 4, (15) East $\frac{1}{2}$ mile, more or less, along the South line of the Northeast $\frac{1}{4}$ Section 4 to the Southeast corner of the Northeast $\frac{1}{4}$ of said Section 4, (16) North $\frac{1}{2}$ mile, more or less, along the East line of said Northeast $\frac{1}{4}$ of Section 4 to the Southwest corner of Section 34, Township 3 North, Range 9 East, (17) East 1.0 mile, more or less, along the South line of Section 34 to the Southeast corner thereof, (18) South, along the West line of Section 2, Township 2 North, Range 9 East, to the center of the Bellota River Road, (19) Northeasterly along the center of said road to the East line of the Northwest $\frac{1}{4}$ of said Section 2, (20) North along said East line of the Northwest $\frac{1}{4}$ of said Section 2 to the Southwest corner of the Southeast $\frac{1}{4}$ of Section 35, Township 3 North, Range 9 East, (21) East $\frac{5}{16}$ mile, more or less, along the South line of Section 35 to the center of the Bellota River Road, (22) Northeasterly $\frac{3}{4}$ mile, more or less, along the center of said road to a point on the South line of the North $\frac{1}{2}$ of Section 36, Township 3 North, Range 9 East, Mount Diablo Base and Meridian, (23) East $\frac{5}{8}$ mile, more or less, along the South line of said North $\frac{1}{2}$ of Section 36 to the County line between San Joaquin and Stanislaus Counties, (24) North $\frac{1}{2}$ mile, more or less, along said County line to the corner common to San Joaquin, Stanislaus and Calaveras Counties, (25) Northwesterly $\frac{1}{2}$ mile, more or less, along County Line between San Joaquin and Calaveras Counties to its intersection with the North line of the South $\frac{1}{2}$ of Section 25, Township 3 North, Range 9 East, (26) West, along said North line to the Northwest corner of the Southwest $\frac{1}{4}$ of said Section 25, (27) South $\frac{1}{2}$ mile, more or less, to the Southwest corner of said Section 25, (28) West $\frac{1}{2}$ mile, more or less, to the Northwest corner of the Northeast,

¼ of Section 35 of Township 3 North, Range 9 East, (29) South ¼ mile, more or less, to the Northeast corner of the South ½ of the Northwest ¼ of said Section 35, (30) West ½ mile, more or less, to the Northwest corner of said South ½ of the Northwest ¼ of said Section 35, (31) South ¼ mile, more or less, to the Northeast corner of the South ½ of Section 34, Township 3 North, Range 9 East, (32) West 1½ miles, more or less, to a point in the center of the Linden Road at the center of Section 33, (33) Westerly ½ mile, more or less, along the center of said Linden Road to its intersection with the West line of Section 33, Township 3 North, Range 9 East, (34) South ½ mile, more or less, along the West line of Section 33 to the Northeast corner of Section 5, Township 2 North, Range 9 East, (35) West ¾ miles, more or less, along the North line of Sections 5 and 6 of Township 2 North, Range 9 East, and the North line of Sections 1 and 2 of Township 2 North, Range 8 East to the Southwest corner of the East ½ of the East ½ of Section 35, Township 3 North, Range 8 East to a point on the boundary of that certain petition dated May 14, 1953, for inclusion in the Stockton and East San Joaquin Water Conservation District; thence along the boundary described in said petition, dated May 14, 1953 the following eighteen (18) courses, (1) Northerly ¾ mile, more or less, along the Westerly line of said East ½ of the East ½ of said Section 35 to the Northeast corner of the Southwest ¼ of the Northeast ¼ of said Section 35, (2) Westerly 418.3 feet along the North line of the Southwest ¼ of the Northeast ¼ of said Section 35, (3) Northerly ¼ mile, more or less, along a line parallel with, 418.3 feet Westerly of, measured at right angles to the West line of the Northeast ¼ of the Northeast ¼ of said Section 35 to intersection with the North line of said Section 35, (4) Westerly 1072.5 feet, more or less, along the North line of said Section 35 to the Northwest corner of the East 5 acres of the Northeast ¼ of the Northwest ¼ of said Section 35, (5) Southerly along the West line of said 5 acre tract to intersection with the North line of the Southeast ¼ of the Northwest ¼ of said Section 35, (6) Westerly along said North line to the Northwest corner of the Southeast ¼ of the Northwest ¼ of said Section 35, (7) Southerly 2645 feet, more or less, along the West line of the East ½ of the West ½ of said Section 35 to the Northeast corner of the Southwest ¼ of the Southwest ¼ of said Section 35, (8) Westerly 1324.5 feet, more or less, along the North line of the Southwest ¼ of the Southwest ¼ of said Section 35 to the Northwest corner of said Southwest ¼ of the Southwest ¼ of said Section 35, (9) Northerly 1 ¼ miles, more or less, along the East line of Sections 34 and 27, Township 3 North, Range 8 East, Mount Diablo Base and Meridian, to the Northeast corner of the Southeast ¼ of said Section 27, (10) Westerly ¼ mile, more or less along the North line of said Southeast ¼ to the Northwest corner of the Northeast ¼ of said Southeast ¼, (11) Southerly ⅛ mile, more or less, along the West line of the Northeast ¼ of the Southeast ¼ of said Section to the Southeast corner of the Northeast ¼ of the Northwest ¼ of the Southeast ¼ of said Section 27, (12) Westerly 1/16 mile, more or less, along the South line of the Northeast ¼ of the Northwest ¼ of the Southeast ¼ of said Section to the Northwest corner of the East ½ of the Southwest ¼, of the Northwest ¼ of the Southeast ¼ of said Section 27, (13) Southerly ⅓ mile, more or less, along the West line of the East ½ of the Southeast ¼ of the Northwest ¼ of the Southeast ¼ of said Section to the Southwest corner thereof, (14) Westerly 1/16 mile, more or less, along the North line of the East ½ of the Southwest ¼ of the Southeast ¼ of said Section 27 to the Northwest corner thereof, (15) Southerly ¼ mile, more or less, along the West line of the East ½ of the Southwest ¼ of the Southeast ¼ to the Southwest corner thereof, (16) Westerly 7/8 mile, more or less, along the North line of Sections 34 and 33, Township 3 North, Range 8 East, Mount Diablo Base and Meridian to the Northwest corner of the Northeast ¼ of the

Northeast $\frac{1}{4}$ of said Section 33, (17) Southerly $\frac{1}{4}$ mile, more or less, along the West line of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section to the Southwest corner thereof, and (18) Westerly $\frac{1}{4}$ mile, more or less, along the South line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section to the Southwest corner thereof being a point on said Stockton and East San Joaquin Water Conservation District boundary; thence along last said boundary the following four (4) courses; (1) Northerly $\frac{1}{4}$ mile, more or less, along the East line of the Northwest $\frac{1}{4}$ of said Section 33 to the Northeast corner of said Northwest $\frac{1}{4}$, (2) Westerly $\frac{1}{2}$ mile, more or less, along the North line of said Northwest $\frac{1}{4}$ to the Northwest corner thereof, (3) Northerly $\frac{1}{2}$ mile, more or less, along the East line of the Southeast $\frac{1}{4}$ of Section 29, Township 3 North, Range 8 East to the Northeast corner of said Southeast $\frac{1}{4}$, and (4) Westerly $\frac{1}{2}$ mile, more or less, along the North line of said Southeast $\frac{1}{4}$ to the Northwest corner thereof being a point on the centerline of Tully Road; thence leaving said Stockton and East San Joaquin Water Conservation District boundary the following seven (7) courses, (1) Southerly $2\frac{1}{2}$ miles, more or less, along said centerline of Tully Road to intersection with the centerline of Comstock Road, said intersection being at the Southeast corner of the West $\frac{1}{2}$ of Section 5, Township 2 North, Range 8 East, Mount Diablo Base and Meridian, (2) Westerly $\frac{1}{4}$ mile, more or less, along said centerline of Comstock Road to intersection with Tully Road at the Northeast corner of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 8, Township 2 North, Range 8 East, Mount Diablo Base and Meridian, (3) Southerly 1.0 mile, more or less, along said centerline of Tully Road to intersection with the centerline of Baker Road at the Southeast corner of said West $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 8, (4) Easterly 3.0 miles, more or less, along said centerline of Baker Road and the $\frac{1}{2}$ mile extension thereof to intersection with the centerline of Wall Road and being at the Southeast corner of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 11, Township 2 North, Range 8 East, Mount Diablo Base and Meridian, (5) Southerly $\frac{1}{2}$ mile, more or less, along said centerline of Wall Road to intersection with the centerline of Linden Road, (6) Northeasterly 1.3 miles, more or less, along said centerline of Linden Road to intersection with the centerline of Fine Road and (7) Southerly $2\frac{1}{2}$ miles, more or less, along said centerline of Fine Road to the point of beginning.

Division No. 2

Beginning at a point on the Stockton and East San Joaquin Water Conservation District boundary, said point being the Southwest corner of fractional Section 1, Township 1 North, Range 7 East, Mount Diablo Base and Meridian, and being a point on the Easterly boundary of C. M. Weber Grant, said Stockton and East San Joaquin Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, held June 1, 1948; thence along said Stockton and East San Joaquin Water Conservation District boundary the following seven (7) courses, (1) Easterly $\frac{1}{2}$ mile, more or less, along the Southerly line of said fractional Section 1 to the Southeast corner thereof, said corner being on the centerline of Jack Tone Road, (2) Easterly 4.0 miles, more or less, along the South lines of Sections 6, 5, 4, and 3, Township 1 North, Range 8 East, to the Southeast corner of said Section 3, (3) Northerly 1.0 mile, more or less, along the East line of said Section 3 to the Southwest corner of Section 35, Township 2 North, Range 8 East, being a point on the centerline of Copperopolis Road, (4) Easterly 1.0 mile, more or less, along the South line of said Section 35 and being along said centerline of Copperopolis Road to the Southeast corner of said Section 35 (5) Northerly $\frac{1}{2}$ mile, more or

less, along the East line of said Section 35 to the Southwest corner of the Northwest $\frac{1}{4}$ of Section 36, Township 2 North, Range 8 East, (6) Easterly $\frac{1}{2}$ mile, more or less, along the South line of said Northwest $\frac{1}{4}$ to the center of said Section 36 and being a point on the centerline of Fine Road, and (7) Northerly 1.0 mile, more or less, along the $\frac{1}{4}$ section line of Sections 36 and 25, Township 2 North, Range 8 East and along said centerline of Fine Road to the center of Section 25, Township 2 North, Range 8 East; thence leaving said Stockton and East San Joaquin Water Conservation District boundary the following nine (9) courses, (1) Northerly $2\frac{1}{2}$ miles, more or less, along the said centerline of Fine Road to intersection with the centerline of Linden Road, (2) Southwesterly 1.3 miles, more or less, along said centerline of Linden Road to intersection with the centerline of Wall Road, (3) Northerly $\frac{1}{2}$ mile, more or less, along said centerline of Wall Road to intersection with the Easterly projection of the centerline of Baker Road at a point being the Northeast corner of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 14, Township 2 North, Range 8 East, (4) Westerly $3\frac{1}{4}$ miles, more or less, along said Easterly projection and said centerline of Baker Road to the Northwest corner of Section 17, Township 2 North, Range 8 East, said projection and said centerline of Baker Road being along the North lines of Sections 14, 15, 16, and 17, Township 2 North, Range 8 East, (5) Southerly 1.7 miles, more or less, along the West lines of Sections 17 and 20 to a point on the said centerline of Linden Road, (6) Southwesterly 3.7 miles, more or less, along said centerline of Linden Road to intersection with the centerline of Alpine Road, (7) Southeasterly 0.8 mile, more or less, along said centerline, of Alpine Road to intersection with the centerline of the Southern Pacific Railroad Company property, (8) Easterly $1\frac{3}{4}$ miles, more or less, along said centerline of the Southern Pacific Railroad Company property to a point on the Northerly projection of said Westerly line of fractional Section 1, Township 1 North, Range 7 East, and (9) Southerly $1\frac{1}{2}$ miles, more or less, along said Northerly projection and said Easterly line of fractional Section 1 to the point of beginning.

Division No. 3

Beginning at a point on the Stockton and East San Joaquin Water Conservation District boundary, said point being the Northeast corner of the Southwest $\frac{1}{4}$ of Section 29, Township 3 North, Range 8 East, Mount Diablo Base and Meridian, said Stockton and East San Joaquin Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, held June 1, 1948; thence along said Stockton and East San Joaquin Water Conservation District boundary the following four (4) courses, (1) Westerly $1\frac{1}{2}$ mile, more or less, along the $\frac{1}{2}$ Section lines of Sections 29 and 30, Township 3 North, Range 8 East to the Northeast corner of the Southeast $\frac{1}{4}$ of Section 25, Township 3 North, Range 7 East, Mount Diablo Base and Meridian, (2) Westerly $3\frac{1}{2}$ miles, more or less, along the $\frac{1}{2}$ Section lines of Sections 25, 26, 27, and 28, Township 3 North, Range 7 East to intersection with the centerline of Alpine Road, (3) Southerly $1\frac{1}{2}$ miles, more or less, along said centerline of Alpine Road to intersection with the North line of Section 4, Township 2 North, Range 7 East, Mount Diablo Base and Meridian, and being on the centerline of Eight Mile Road, (4) Westerly 0.9 mile, more or less, along the North line of Sections 4 and 5, Township 2 North, Range 7 East and being along said centerline of Eight Mile Road to intersection with the centerline of Hildreth Road; thence Southerly $1\frac{1}{4}$ mile, more or less, along said centerline of Hildreth Road to

intersection with centerline of Ashley Road; thence Southeasterly $1\frac{1}{4}$ mile, more or less, along said centerline of Ashley Road to intersection with centerline of the Calaveras River; thence Northeasterly 1.1 mile, more or less, along said centerline of the Calaveras River to intersection with centerline of Alpine Road; thence Southeasterly 3.7 miles, more or less, along said centerline of Alpine Road to intersection with the centerline of Linden Road; thence Northeasterly 3.7 miles, more or less, along said centerline of Linden Road to intersection with the West line of Section 20, Township 2 North, Range 8 East, Mount Diablo Base and Meridian; thence Northerly 1.7 miles, more or less, along said West line of Section 20 and along the West line of Section 17, Township 2 North, Range 8 East, Mount Diablo Base and Meridian to the Northwest corner thereof, being a point on the centerline of Baker Road; thence Easterly $\frac{1}{4}$ mile, more or less, along the North line of said Section 17 and the centerline of Baker Road to intersection with the centerline of Tully Road at the Southeast corner of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 8, Township 2 North, Range 8 East, Mount Diablo Base and Meridian; thence Northerly 1.0 mile, more or less, along said centerline of Tully Road to intersection with the centerline of Comstock Road at the Northeast corner of said West $\frac{1}{2}$ of West $\frac{1}{2}$ of Section 8; thence Easterly $\frac{1}{4}$ mile, more or less, along said centerline of Comstock Road being along the South line of Section 5, Township 2 North, Range 8 East, Mount Diablo Base and Meridian to intersection with centerline of Tully Road at the Southeast corner of the West $\frac{1}{2}$ of said Section 5; thence Northerly $2\frac{1}{2}$ miles, more or less, along said centerline of Tully Road and the $\frac{1}{2}$ Section line of said Section 5 and the $\frac{1}{2}$ Section lines of Sections 32 and 29, Township 3 North, Range 8 East, Mount Diablo Base and Meridian to the point of beginning.

Division No. 4

Beginning at a point on the Stockton and East San Joaquin Water Conservation District boundary, said point being on the intersection of the centerline of Hildreth Road and the North line of Section 5, Township 2 North, Range 7 East, Mount Diablo Base and Meridian, said Stockton and East San Joaquin Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, said election being held June 1, 1948; thence leaving said District boundary Southerly $1\frac{1}{4}$ mile, more or less, along said centerline of Hildreth Road to intersection with the centerline of Ashley Road; thence Southeasterly $1\frac{1}{4}$ mile, more or less, along said centerline of Ashley Road to intersection with the centerline of the Calaveras River; thence Southwesterly 6.0 miles, more or less, along said centerline of the Calaveras River to intersection with the centerline of Pacific Avenue; thence Northerly 1.2 mile, more or less, along said centerline of Pacific Avenue to intersection with the centerline of Robinhood Drive; thence Westerly 0.6 mile, more or less, along said centerline of Robinhood Drive to intersection with the centerline of Pershing Avenue; thence Northerly 0.2 mile, more or less, along said centerline of Pershing Avenue to intersection with the South line of Swain Oaks Manor; thence South $69^{\circ} 40'$ West 1652.20 feet along said South line of Swain Oaks Manor to the Southwest corner thereof; thence North $02^{\circ} 35'$ West 112.62 feet along the West line of said Swain Oaks Manor to the North line of Section 29, Township 2 North, Range 6 East, Mount Diablo Base and Meridian; thence Westerly 1.0 mile, more or less, along said North line of Section 29 to the Northwest corner thereof; thence Southerly $\frac{1}{8}$ mile, more or less, along the West line of said Section 29 to intersection with the centerline of Fourteen Mile

Slough (formerly called Twelve Mile Slough); thence Southerly and Westerly $\frac{1}{2}$ mile, more or less, along said centerline of Fourteen Mile Slough to a point on the City Limits line; thence Westerly, Northwesterly, Northerly and Northeasterly 1.3 miles, more or less, along said centerline of Fourteen Mile Slough and said City Limits line to intersection with the West line of Section 19, Township 2 North, Range 6 East, Mount Diablo Base and Meridian; thence Northerly 0.5 mile, more or less, along said West line of Section 19 and said City Limits line to the Southeasterly corner of Mitchell Slough-Wright Tract Annexation—A-7-67; thence Westerly, Northerly, and Easterly 1.3 miles, more or less, along the City Limits line established by said Annexation—A-7-67 and by the Wright Tract Annexation—A-1-62 to the Northwest corner of said Section 19; thence Easterly 1900 feet, more or less, along the North line of said Section 19 and said City Limits line to the Southeast corner of the Shima Tract; thence leaving said City Limits line Northerly 6600 feet, more or less, along the Easterly boundary of said Shima Tract to a corner thereof; thence Westerly 1500 feet, more or less, along the Northerly boundary of said Shima Tract to the Southeast corner of the Atlas Tract; thence Northerly 3800 feet, more or less, along the Easterly boundary of said Atlas Tract to the Southwest corner of Section 6, Township 2 North, Range 6 East, Mount Diablo Base and Meridian; thence Northerly 1.0 mile, more or less, along the West line of said Section 6 to the Northwest corner thereof; thence Easterly $7\frac{7}{8}$ miles, more or less, along the North line of said Township and Range and along the North line of Township 2 North, Range 7 East, Mount Diablo Base and Meridian, to the point of beginning.

Division No. 5

Beginning at a point on the Stockton and East San Joaquin Water Conservation District boundary, said point being the Southwest corner of fractional Section 1, Township 1 North, Range 7 East, Mount Diablo Base and Meridian, and being a point on the Easterly boundary of C. M. Weber Grant, said Stockton and East San Joaquin Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, held June 1, 1948; thence Northerly $1\frac{1}{2}$ mile, more or less, along the Westerly line of said fractional Section 1 and the Northerly projection thereof to intersection with the centerline of the Southern Pacific Railroad Company property; thence Westerly $1\frac{3}{4}$ miles, more or less, along said centerline of the Southern Pacific Railroad Company property to intersection with the centerline of Alpine Road; thence Northwesterly $4\frac{1}{2}$ miles, more or less, along said centerline of Alpine Road to intersection with the centerline of the Calaveras River; thence Westerly 5.1 miles, more or less, along said centerline of the Calaveras River to intersection with the centerline of the Stockton Diverting Canal; thence Southeasterly $\frac{3}{4}$ mile, more or less, along said centerline of the Stockton Diverting Canal to intersection with the centerline of North Wilson Way; thence Southerly $4\frac{5}{8}$ miles, more or less, along the centerline of North Wilson Way and South Wilson Way to intersection with the centerline of Charter Way; thence Easterly $1\frac{3}{4}$ miles, more or less, along said centerline of Charter Way to intersection with the centerline of State Highway 99; thence Northerly 0.6 mile, more or less, along said centerline to the centerline of Washington Street; thence Easterly 1.4 miles, more or less, along said centerline of Washington Street to intersection with the centerline of the Stockton Diverting Canal; thence Southeasterly 0.8 mile, more or less, along said centerline of the Stockton Diverting Canal to intersection with the centerline of Copperopolis Road; thence Southwesterly 0.1 mile, more or less, along said

centerline of Copperopolis Road to intersection with Gillis Road; thence Southerly $\frac{7}{8}$ mile, more or less, along said centerline of Gillis Road to a point on the boundary of said Stockton and East San Joaquin Water Conservation District, on the South line of State Highway Route 4 (Farmington Road); thence Easterly $\frac{1}{4}$ mile, more or less, along said South line to intersection with the North line of fractional Section 11, Township 1 North, Range 7 East, Mount Diablo Base and Meridian and being also the Southerly boundary of C. M. Weber Grant; thence Easterly $\frac{1}{4}$ mile, more or less, along said Southerly boundary of C. M. Weber Grant to a point where the Farmington Road turns Southeasterly; thence North 80.0 feet to a point on the Northerly line of a private roadway 80.0 feet in width; thence Easterly $\frac{1}{4}$ mile, more or less, along the Northerly line of said roadway to a point on the Westerly line of the Northeast $\frac{1}{4}$ of Section 12, Township 1 North, Range 7 East, Mount Diablo Base and Meridian, said point being on the Easterly line of the C. M. Weber Grant and distant 80.0 feet Northerly from the center of said Section 12; thence Northerly $\frac{1}{2}$ mile, more or less, along said Easterly boundary of C. M. Weber Grant to the point of beginning.

Division No. 6

Beginning at the Northeast corner of Section 58, C. M. Weber Grant, said corner being a point on the boundary of the Central San Joaquin Water Conservation District; thence along said Central San Joaquin Water Conservation District boundary the following four (4) courses, (1) Southerly along the West line of Sections 68, 69, and 70 of said C. M. Weber Grant to the Southerly line of said Grant being also the North line of Section 28, Township 1 North, Range 7 East, Mount Diablo Base and Meridian; (2) Westerly along said Weber Grant line and along said North line of Section 28 to the Northwest corner of said Section 28; (3) Southerly along the West line of said Section 28 to intersection with the South line of Section 59, C. M. Weber Grant, and (4) Westerly along the said South line of Section 59 to a point on the Easterly right-of-way line of Highway 99; thence Southerly 3.4 miles, more or less, along said Easterly right-of-way line of Highway 99 to the intersection of said Easterly right-of-way with the Southwesterly boundary of French Camp Road, also known as French Camp Toll Road or Turnpike; thence Northwesterly 3 miles, more or less, along said Southwesterly boundary of French Camp Road to the Westerly right-of-way line of the Western Pacific Railroad Company property; thence Southerly 1.8 miles, more or less, along said Westerly right-of-way to a point on the Southerly line of Section P of C. M. Weber Grant; thence Westerly 1.2 miles, more or less, along the South line, of said C. M. Weber Grant to the Northeast corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 14, Township 1 South, Range 6 East, Mount Diablo Base and Meridian, said corner being a point in the boundary of Reclamation District No. 17; thence Westerly 0.75 mile, more or less, along the boundary of said Reclamation District No. 17 to the Southeast corner of fractional Section 10 of said Township and Range and being the Southwest corner of the C. M. Weber Grant; thence along the boundary of said Reclamation District No. 17 and the boundary of said C. M. Weber Grant the following, four (4) courses, (1) Northerly 232.41 chains, more or less, along the Easterly boundary of fractional Sections 10 and 3 of said Township and Range and along the Easterly boundary of fractional Section 34, Township 1 North, Range 6 East, Mount Diablo Base and Meridian to the Northeast corner of said fractional Section 34, (2) East 20 chains, (3) North 40 chains, and (4) East 1076 feet; thence leaving said C. M. Weber Grant boundary and continuing along the boundary of said Reclamation District No. 17 the following five (5)

courses, (1) North 255.64 feet, (2) North 89° 15' East 364.98 feet, (3) North 66° 30' East 1246.34 feet to a point on the West line of said French Camp Road, (4) Northerly 1850 feet, more or less, along said West line of French Camp Road to the South bank of French Camp Slough, and (5) Westerly 1.75 mile, more or less, continuing along said boundary of Reclamation District No. 17 to the right or Easterly bank of the San Joaquin River; thence Northwesterly 1.1 mile, more or less, downstream along said right or Easterly bank of the San Joaquin River to intersection with the centerline of State Highway 4; thence Easterly 1¾ miles, more or less, along said centerline of Highway 4 to intersection with the centerline of Charter Way; thence Easterly 3½ miles, more or less, along said centerline of Charter Way to intersection with centerline of State Highway 99; thence Northerly 0.6 mile, more or less, along said centerline of State Highway 99 to intersection with centerline of Washington Street; thence Easterly 1.4 miles, more or less, along said, centerline of Washington Street to intersection with the centerline of the Stockton Diverting Canal; thence Southeasterly 0.8 mile, more or less, along said centerline of the Stockton Diverting Canal to intersection with the centerline of Copperopolis Road; thence Southwesterly 0.1 mile, more or less, along said centerline of Copperopolis Road to intersection with Gillis Road; thence Southerly 7⁄8 mile, more or less, along said centerline of Gillis Road to a point on the Stockton and East San Joaquin Water Conservation District boundary on the South line of Farmington Road, said Stockton and East San Joaquin Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, said election being held on June 1, 1948; thence along said Stockton and East San Joaquin Water Conservation District boundary the following three (3) courses, (1) Westerly ¼ mile, more or less, along said South line of Farmington Road to intersection with the Easterly line of Section 67, C. M. Weber Grant, (2) Southerly 0.4 mile, more or less, along said Easterly line of Section 67 to the Southeast corner thereof, and (3) Westerly 0.9 mile, more or less, along the Southerly line of said Section 67 to the point of beginning.

Division No. 7

Beginning at the point of intersection of the centerline of the Calaveras River with the centerline of Pacific Avenue, said point being on the Stockton and East San Joaquin Water Conservation District boundary, said Stockton and East San Joaquin Water Conservation District boundary being described in notice of election for the organization of the Stockton and East San Joaquin Water Conservation District, said election being held June 1, 1948; thence Easterly 2.0 miles, more or less, meandering the centerline of the Calaveras River upstream to intersection with centerline of the Stockton Diverting Canal; thence Southeasterly ¾ mile, more or less, along said centerline of Stockton Diverting Canal to intersection with the centerline of North Wilson Way; thence Southerly 4⁵⁄₈ miles, more or less, along the said centerline of North Wilson Way and the centerline of South Wilson Way to intersection with the centerline of State Highway 4; thence Westerly 3.5 miles, more or less, along said centerline of State Highway 4 to the intersection with the right or Easterly bank of the San Joaquin River; thence Southerly 0.1 mile, more or less, along said right or Easterly bank of the San Joaquin River to a point bearing East 500 feet, more or less, from the Southeast corner of the 3.55 acre parcel of Oxidation Pond Annexation No. 3—A-1-66; thence West 500 feet, more or less, to said Southeast corner; thence Westerly 1.6 miles, more or less, along the Stockton City Limits line to the Easterly line of Dagget Road; thence Northerly 1.0 mile,

more or less, along said Easterly line of Dagget Road and along the Stockton City Limits line to a point on the centerline of Burns Cutoff; thence in a general Westerly, Northerly, and Northeasterly direction 3.09 miles, more or less, along said centerline of Burns Cutoff to intersection with the centerline of the Stockton Deep Water Channel; thence Northwesterly 0.9 mile, more or less, along said centerline of the Stockton Deep Water Channel to centerline Station 286+00, said Station 286+00 bearing Southwesterly 375 feet at right angles to said centerline from U.S.E.D., B.M. 4008; thence Northeasterly 300 feet, more or less, at right angles to said centerline to a point on the Southerly boundary of the Elmwood Tract; thence Easterly and Northerly 1.9 mile, more or less, along the Southerly and Easterly boundary of said Elmwood Tract to the point of intersection of said Easterly boundary with the Southerly levee of Fourteen Mile Slough (formerly called Twelve Mile Slough); thence North 500 feet, more or less, to the Stockton City Limits line, said City Limits line being along the centerline of said Fourteen Mile Slough; thence Easterly 1.2 mile, more or less, along said centerline of Fourteen Mile Slough to intersection with the West line of Section 29, Township 2 North, Range 6 East, Mount Diablo Base and Meridian; thence Northerly $\frac{1}{8}$ mile, more or less, along said West line to the Northwest corner of said Section 29; thence Easterly 1.0 mile, more or less, along the North line of said Section 29 to intersection with the West line of Swain Oaks Manor; thence South $02^{\circ} 35'$ East 112.62 feet along the West line of said Swain Oaks Manor to the Southwest corner thereof; thence North, $69^{\circ} 40'$ East 1652.20 feet along the South line of said Swain Oaks Manor to the centerline of Pershing Avenue; thence Southerly 0.2 mile, more or less, along said centerline of Pershing Avenue to intersection with the centerline of Robinhood Drive; thence Easterly 0.6 mile, more or less, along said centerline of Robinhood Drive to intersection with the centerline of Pacific Avenue; thence Southerly 1.2 miles, more or less, along said centerline of Pacific Avenue to the point of beginning.

After the effective date of this section the division boundaries may be further relocated pursuant to the procedures set forth in Chapter 3 (commencing at Section 74430) of Part 4 of Division 21 of the Water Code, but no such relocation of division boundaries shall occur until four years after the effective date of this section, except that the board shall be authorized pursuant to the provisions of Section 74433 of the Water Code to relocate the boundaries of the division's established by this section to the extent of any exclusion of land, including, but not limited to, any exclusion as a result of an election held pursuant to Section 24 of this act, and any inclusion of land or annexation of land to the district. This section shall not take effect until the adoption, pursuant to Section 26, of a resolution including one or more planning areas into the district.

SECTION 34

Notwithstanding the provisions of Sections 74019 and 74202 of the Water Code and Sections 23506 and 23509 of the Elections Code and any other provisions of law in conflict with this section, directors shall be elected as provided in this section. In all other respects the election of directors and the holding of office by directors and the expiration of their terms of office shall be governed by Division 21 (commencing at Section 74000) of the Water Code and the Uniform District Election Law. The general district election shall be held on the date of the general municipal election for the City of Stockton.

SECTION 35

Upon the annexation of any territory to the City of Stockton not within the district, such

territory shall automatically be included within the district and such inclusion shall take effect upon the effective date of the annexation of such territory to the City of Stockton. Upon the inclusion of any territory pursuant to this section, such territory shall be an additional planning area and shall be in the partial tax area, subject to the provisions of Section 27 as to inclusion in the full tax area. It shall not be necessary to undertake a benefit review procedure solely for the purpose of reviewing an area included within the district as an additional planning area pursuant to this section, but such additional planning area shall be reviewed at the time of subsequent benefit review procedures.

SECTION 36

Parcels of land within any planning area shall be excluded from paying all ad valorem taxes assessed by the district during any fiscal year (July 1 to June 30) following a preceding period extending from November 1 of any year to the next succeeding October 31 during which there was utilized on such a parcel for irrigated agricultural crops water taken from any watercourse which is located within the boundaries of the Delta Water Agency as the boundaries of the Delta Water Agency are presently defined by Section 10.1 of the Delta Water Agency Act of 1968 (Chapter 419 of the Statutes of 1968, as amended by Chapter 285 of the Statutes of 1969) or from the distribution system of the Woodbridge Irrigation District or from any watercourse entirely outside the boundaries of the district prior to the effective date of this act, if less than 50 percent of such a parcels water supply during such a subject period is extracted from the underground. This section shall be implemented by rule adopted by the board and any owner of a parcel desiring to take advantage of this section shall file such reports with the board as the board may require by rule. It shall be the duty of the secretary to annually file a statement as to all parcels to which this section is applicable, as provided by Chapter 8 (commencing at Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

SECTION 37

The provisions of this act, insofar as they are substantially the same as existing law, are restatements and continuations of existing law and not new enactments.

SECTION 38

This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is an urgent need to provide treated water within the Stockton-East Water District and facilities for such purpose cannot be adequately planned and initiated until such time as the extent of the jurisdiction of the district is determined, in order, therefore, to permit the provision of urgently needed water within the district at the earliest possible time, it is necessary that this act go into immediate effect.