

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 76-82

*Revised
by Reso 77-1*

DELEGATING AUTHORITY TO BOARD MEMBERS INDIVIDUALLY
TO CONDUCT HEARINGS ON, AND ISSUE, CONDITIONAL
TEMPORARY WATER RIGHT PERMITS, AND PROVIDING FOR
REVIEW OF HEARING OFFICER ACTION

WHEREAS:

1. Chapter 6.5 of Part 2 of Division 2 of the Water Code authorizes the Board to issue conditional temporary permits to appropriate water for a period not to exceed 180 days.
2. Prior to issuing a conditional temporary permit, the Board must find that the applicant's need to appropriate water is urgent but only temporary; that such water may be appropriated without injury to any lawful user of water and without unreasonable effect upon fish, wildlife, or other instream beneficial uses; that unappropriated water is available; and that the appropriation could not adversely affect the rights of downstream users.
3. Said Chapter 6.5 provides that any interested person may object to the temporary appropriation and that the Board may hold a hearing thereon, after notice to all interested persons.
4. Said Chapter 6.5 also authorizes delegation by the Board of its functions thereunder, provided that any conditional temporary permit issued pursuant to such delegation be reviewed and validated by the Board at its next regular meeting.
5. Timely consideration of applications for conditional temporary permits is necessary to implement the legislative intent of said Chapter 6.5.

THEREFORE, BE IT RESOLVED:

That the State Water Resources Control Board delegates to its Chairman and to each member, individually, the authority:

1. To hold a hearing on any application made pursuant to Chapter 6.5 of Part 2 of Division 2 of the Water Code, for a temporary appropriation to which objection has been filed.

2. Following hearing, to make the findings which are required by said Chapter 6.5 as conditions precedent to the issuance of said conditional temporary permit.
3. Following hearing, to make any findings required by the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) as conditions precedent to issuance of a conditional temporary permit.
4. Following hearing, to authorize issuance of a conditional temporary permit upon such findings; provided, that any conditional temporary permit so issued shall contain the following:
 - a. An express condition that the Board shall, at its next regular meeting, review and validate the permit, including the findings upon which it was issued, and that should the Board fail or refuse to validate the permit it shall stand revoked and be of no further force or effect;
 - b. Such other terms and conditions as are, in the judgment of the hearing officer, necessary to best conserve the public interest.
5. Following hearing, to decline to authorize issuance of a conditional temporary permit if the findings required by Chapter 6.5 or by the California Environmental Quality Act cannot be made or when, in the judgment of the hearing officer, the proposed appropriation would not best conserve the public interest; provided, that the hearing officer shall report to the Board, at its next regular meeting, the findings upon which the decision to decline to authorize issuance of a conditional temporary permit was based, at which time the Board shall either:
 - a. Adopt the hearing officer's findings and decision as the findings and decision of the Board; or
 - b. Decline to adopt such findings and decision and itself decide whether to authorize issuance of a conditional temporary permit upon the record, with or without taking additional evidence or argument.

Resolution No. 76-82

6. State Water Resources Control Board Resolution No. 76-60 is rescinded.

CERTIFICATION

The undersigned, Executive Officer of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on

JUL 15 1976

Bill B. Dendy

Bill B. Dendy
Executive Officer