

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 82-24

*Revoked by
Resolution no 82-90
9-16-82*

DELEGATING AUTHORITY TO THE
CHIEF OF THE DIVISION OF WATER RIGHTS
CONFIRMING AND REVISING PRIOR DELEGATIONS AND RESCINDING
ALL PREVIOUS DELEGATIONS TO THE CHIEF OF THE DIVISION OF WATER RIGHTS

WHEREAS:

1. In order to promote an efficient water rights regulatory program, the Board should delegate routine water rights matters to the Chief of the Division of Water Rights.
2. Previous delegations to the Chief of the Division of Water Rights should be amended and consolidated.
3. (a) Many projects involving appropriation of water for hydropower require a Federal Energy Regulatory Commission (FERC) license as well as approval under State water rights law;
(b) State water right proceedings should be coordinated with FERC proceedings;
(c) The consolidated delegation resolution should authorize the Chief of the Division of Water Rights to extend time where justified for filing and answering protests to application for hydropower projects which require a FERC license, so that FERC and State water rights law proceedings may be efficiently coordinated.

THEREFORE BE IT RESOLVED:

1. That the State Board authorizes the Chief, Division of Water Rights (or his designee), to:
 - A. Prepare (or direct preparation of) and sign the following:
 - (1) All correspondence pertaining to the engineering and technical functions of the Division.
 - (2) Orders revoking or cancelling an application, permit or license to appropriate water.
 - (a) when requested by the applicant, permittee or licensee, as the case may be;
 - (b) when the application is premature as specified in Water Code Section 1527.5;
 - (c) when the application is defective or incomplete and has not been perfected within the time allowed for that purpose and no request for extension of time is filed;
 - (d) when fees have not been paid within the time required by law;

- (e) when the applicant fails to file an affidavit of posting or publication of notice as required by law;
 - (f) after notice of revocation pursuant to Water Code Sections 1410 and 1675 has been sent to the permittee or licensee and no request for hearing has been received; and
 - (g) after proceedings conducted pursuant to Water Code Sections 1345-1348 and 1704.1-1704.4 when no party has requested a hearing.
- (3) Notices of application to appropriate water.
 - (4) Certificates verifying stockpond water rights and correspondence required to administer properly and expeditiously the stockpond water right program.
- B. Approve stipulations of parties to Proceedings in Lieu of Hearing.
 - C. Grant time to applicants within which to amend and complete incomplete applications to appropriate water, upon receipt from the applicant of a statement and request as required by Section 693 of the Board's rules. Such time shall be granted only when good cause is shown. Requests for more than a total of one year to complete applications shall not be granted without workshop or 5-day review by the Board.
 - D. For good cause, extend time for filing protests and answers thereto:
 - (1) Provided for all applications except for hydropower projects requiring a Federal Energy Regulatory Commission license not more than a total of one year shall be granted without workshop or 5-day review by the Board, and
 - (2) Provided for applications for hydropower projects requiring a Federal Energy Regulatory Commission license not more than a total of 39 months shall be granted without workshop or 5-day review by the Board.
 - E. Approve petitions to correct the description of the point of diversion, place of use, or purpose of use, or name of source when there is to be no physical change in works already constructed or no change in the intent of applicant to locate proposed works or use water, and no one could have been misled by the original description.
 - F. Sign licenses where the terms and conditions have been accepted by the permittee and approve necessary extensions of time and corrections in point of diversion, purpose of use, place of use, or name of source so that the permit may conform to the license being issued.
 - G. Prepare, sign, and cause to be published notices of pendency of adjudication proceedings pursuant to Water Code Section 2526.

- H. Prepare and sign notices to file proofs in adjudication proceedings pursuant to Part 3, Division 2 of the Water Code.
- I. Extend the time in which proofs may be filed in adjudication proceedings pursuant to Part 3, Division 2 of the Water Code.
- J. Prepare and sign notices setting time and place for filing objections to the report and inspection of proofs and evidence pursuant to Water Code Sections 2604 and 2625.
- K. Issue subpoenas for the attendance of witnesses and production of evidence before the Board.
- L. Issue separate permits or licenses to replace an existing permit or license when the place of use has been divided into two or more ownerships. Revoke the existing permit or license provided no objection is received from any of the owners.
- M. Prepare, sign, and file Notices of Exemption and environmental documents under CEQA with the Secretary for Resources, the State Clearinghouse, and other agencies, as appropriate, for all projects carried out or approved by the State Board in connection with the administration of the water rights program. He shall exercise such authority in conformity with regulations of the Secretary for Resources and the State Board.
- N. Prepare, sign and file certifications that the State Board has reviewed and considered environmental documents prepared by other public agencies and Environmental Impact Reports prepared by the State Board in connection with the administration of the water rights program.
- O. The authority delegated herein to sign and file the documents identified in paragraphs M and N shall be exercised after conclusion of the public availability and comment period when such period is required.
- P. The authority delegated in paragraphs M and N to circulate and file draft and final Environmental Impact Reports and to file Certifications of Review shall be exercised only after each Board member has received a copy of the document and only if no Board member objects within five working days.
- Q. That authority delegated in Paragraphs M and N to file Notices of Determination, Negative Declarations, and Initial Studies with the Secretary for Resources shall be exercised only after each Board Member has received a copy of the Negative Declaration and Initial Study, when there are no unresolved comments, and when no Board member objects.
- R. Issue permits and change orders for categorically exempt projects where no protests are outstanding, or where no objections were received to proposed Board action resulting from investigation conducted under Water Code Sections 1345-1348 or 1704.1-1704.4.

- S. Approve permit extensions for up to a total of ten years' time if requirements of the Water Code, California Administrative Code, and the Board's guidelines for considering petitions for extensions of time are met, there are no competing projects that would be adversely affected, and there are no outstanding protests.
 - T. Sign other permit extensions if no Board member objects after review at a workshop.
 - U.
 - (1) Issues change orders on non-categorically exempt projects for which no hearing was held and on which there are no outstanding protests, or on which no objections were received to proposed Board action resulting from investigation conducted under Water Code Section 1704.1-1704.4.
 - (2) Issue permits on non-categorically exempt projects for which no hearing was held on which no protests are outstanding, or on which no objections were received to proposed Board action resulting from investigation conducted under Water Code Sections 1345-1348.
 - (3) Approve temporary changes on projects where no detrimental effects are indicated.
 - (4) Announce draft reports of referee in accordance with Water Code Sections 2013, 2014 and 2015.
 - (5) Circulate reports and preliminary orders of determination related to statutory adjudications in accordance with Water Code Sections 2604.
- Authority for (1), (2), (3), (4) and (5) above shall be exercised only after each Board member has received a copy of the document and only if no Board member objects within five working days.
- V. Issue permits, change orders, and extension orders after Board Decision or Order.
 - W. Execute agreements with landowners for trial distribution of water in the Napa Valley.
 - X. Appoint a watermaster to supervise trial distribution of water in the Napa Valley.
 - Y. Object to temporary changes when the staff analysis determines that the change would be detrimental.
2. In exercising the authority delegated to him by this resolution, the Division Chief is directed, without restricting the authority specified, to bring the following matters to the attention of the Board at workshop or by the 5-day review procedure.


2. (cont.)

- (a) Permits and change orders for large projects as defined in Water Code Section 1310, whether or not they are protested;
- (b) Matters of a unique or unusual nature;
- (c) Matters which appear to depart from the policies of the Board;
- (d) Matters involving significant policy questions;
- (e) Highly controversial matters;
- (f) Matters which involve a substantial risk of litigation;
- (g) Any matter which a Board member requests to be brought to the Board's attention; and
- (h) Any matter, which, in the judgment of the Division Chief, should be brought to the attention of the Board.

3. Resolution No. 81-78 is hereby revoked.

CERTIFICATION

The undersigned, Executive Director 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 May 20, 1982.


Clint Whitney
Executive Director