

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2002 - 0106

DELEGATION OF AUTHORITY TO BOARD MEMBERS
INDIVIDUALLY, AND TO THE CHIEF, DIVISION OF WATER RIGHTS

WHEREAS:

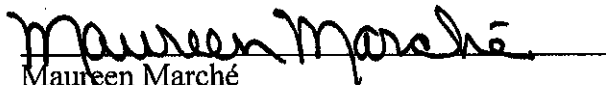
1. Board Members individually, and the Chief, Division of Water Rights, have been delegated authority to act for the State Water Resources Control Board (SWRCB) as specified in the delegation document approved by Resolution No. 99-031.
2. To promote efficiency in administering the water right program, authority to act for the SWRCB should be delegated to Board Members individually, and to the Chief, Division of Water Rights as shown in the attached delegation document.

THEREFORE BE IT RESOLVED:

1. That Resolution Nos. 99-031 and 91-21 are revoked.
2. That the Board delegates authority to the Board Members individually, and to the Chief, Division of Water Rights, as set forth in the attached delegation document.
3. That the Chief, Division of Water Rights, is instructed to maintain the delegation document, including any appendices, redelegation memoranda and subsequent resolutions which add to, amend, or revoke the authorities identified therein.
4. That the Chief, Division of Water Rights, is directed to present the delegation document for SWRCB review on an annual basis.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of the resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 16, 2002.


Maureen Marché
Clerk to the Board

WATER RIGHTS DELEGATIONS
TO BOARD MEMBERS INDIVIDUALLY;
AND TO THE CHIEF OF THE DIVISION OF WATER RIGHTS

1.0 DELEGATIONS TO BOARD MEMBERS INDIVIDUALLY

- 1.1 The SWRCB delegates to the Board Members individually the authority to take the actions listed in subsections 1.2 and 1.3.
- 1.2 Authorize or decline to authorize issuance or renewal of a conditional temporary water right permit pursuant to chapter 6.5 (commencing with section 1425) of part 2 of division 2 of the Water Code. This delegation includes the authority to:
 - 1.2.1 Hold a hearing on any application made pursuant to chapter 6.5 of part 2 of division 2 of the Water Code.
 - 1.2.2 Make the findings required by chapter 6.5 as conditions precedent to the issuance or renewal of a temporary permit.
 - 1.2.3 Make any findings required by the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.
- 1.3 Authorize or decline to authorize issuance or renewal of a conditional temporary urgency change pursuant to chapter 6.6 (commencing with section 1435) of part 2 of division 2 of the Water Code. This delegation includes the authority to:
 - 1.3.1 Hold a hearing on any petition made pursuant to chapter 6.6 of part 2 of division 2 of the Water Code.
 - 1.3.2 Make the findings required by chapter 6.6 as conditions precedent to the issuance or renewal of a temporary change order.
 - 1.3.3 Make any findings required by CEQA as conditions precedent to the issuance or renewal of a temporary change order.

2.0 DELEGATIONS TO THE CHIEF, DIVISION OF WATER RIGHTS

- 2.1 The SWRCB delegates to the Chief, Division of Water Rights, the authority to take the actions listed in subsections 2.2-2.11.

- 2.2 Unless otherwise authorized herein, the authorities herein delegated to the Chief, Division of Water Rights, may not be redelegated; provided that the Chief, Division of Water Rights, may delegate to a senior member of the Division staff any or all of the authorities delegated herein, to be exercised only in the absence of the Chief, Division of Water Rights. Where this resolution authorizes redelegation to the Assistant Division Chief, and the Chief, Division of Water Rights makes that redelegation, the Chief, Division of Water Rights or the Assistant Division Chief may further delegate to a senior member of the Division staff any or all of the authorities delegated to the Assistant Division Chief, to be exercised only in the absence of the Assistant Division Chief.
- 2.3 Enumeration of delegated authorities in this document shall not be interpreted as revoking authorities delegated, or hereafter delegated, to the Division Chief pursuant to other Board decisions, orders, or resolutions.
- 2.4 In exercising the authority herein delegated, the Division Chief is directed, without restricting the authority specified, to bring the following matters to the attention of the members of the Board at workshop or by other appropriate communication:
 - 2.4.1 Matters of a unique or unusual nature;
 - 2.4.2 Matters that appear to depart from the policies of the Board;
 - 2.4.3 Matters involving significant policy questions;
 - 2.4.4 Highly controversial matters;
 - 2.4.5 Matters that involve a substantial risk of litigation;
 - 2.4.6 Issuance of preliminary cease and desist orders;
 - 2.4.7 Any matter that a Board Member requests to be brought to the attention of the Board; and
 - 2.4.8 Any matter that, in the judgment of the Division Chief, should be brought to the attention of the Board.
- 2.5 General Administration
 - 2.5.1 Prepare and sign all correspondence pertaining to the engineering and other technical functions of the Division of Water Rights. This authority may be redelegated.

- 2.5.2 Have custody of all records, documents, and files (without limitation) filed or lodged with the Division of Water Rights and certify that copies thereof are true. This authority may be redelegated.
 - 2.5.3 Issue subpoenas for the attendance of witnesses and the introduction of evidence before the Board with respect to all proceedings for which the Division of Water Rights has program responsibility. This authority may be redelegated.
 - 2.5.4 The authority herein delegated to prepare a document includes the authority to direct preparation thereof. This authority may be redelegated.
 - 2.5.5 Amend or modify a decision or order to correct any obvious typographical or clerical error or oversight, pursuant to Water Code section 1124. This authority may be redelegated to the Assistant Division Chief.
 - 2.5.6 Develop and maintain a list of standard permit terms in accordance with California Code of Regulations, title 23, section 780. This authority may be redelegated.
 - 2.5.7 Request the Attorney General to institute appropriate proceedings in the superior court in accordance with Water Code section 1052 or 1845.
- 2.6 Appropriation of Water
- 2.6.1 Prepare and sign notices of applications to appropriate water. This authority may be redelegated.
 - 2.6.2 Act on requests by an applicant for an extension of time within which to complete an application to appropriate water in accordance with California Code of Regulations, title 23, section 681. This authority may be redelegated.
 - 2.6.3 Assess, impose, and collect fees in accordance with Chapter 8 (commencing with section 1535) of part 2 of division 2 of the Water Code or section 13160.1 of the Water Code. This authority may be redelegated.
 - 2.6.4 Request additional information from an applicant or petitioner in accordance with Water Code sections 1275, 1334, 1701.3, or 1703.5, or from a protestant in accordance with Water Code

sections 1332, 1334, 1703.3, or 1703.5. This authority may be redelegated to the Assistant Division Chief.

- 2.6.5 Act on applications and change petitions pursuant to Water Code sections 1340 et seq. and 1701 et seq. after proceedings in accordance with Water Code sections 1345-1348 or 1704.1-1704.4 or in proceedings where no hearing is required in accordance with Water Code section 1351 or 1704, subdivision (c). This authority may be redelegated to the Assistant Division Chief.
- 2.6.6 Act on requests to extend time for filing protests and answers to protests and approve a request upon finding that good cause has been shown. This authority may be redelegated.
- 2.6.7 Cancel an application or petition in accordance with Water Code sections 1276, 1335, 1701.4, or 1703.6, or cancel a protest in accordance with sections 1335 or 1703.6.
- 2.6.8 Reject protests which do not substantially comply with the requirements of the Water Code or title 23 of the California Code of Regulations. This authority may be redelegated.
- 2.6.9 Approve or reject compliance plans, monitoring plans and other plans, or reports required as a condition of a permit or license. This authority may be redelegated to the Assistant Division Chief.
- 2.6.10 Accept, approve, or reject: (a) Urban Water Management Programs; (b) water conservation plans; (c) irrigation system evaluations; or (d) other similar conservation plans or programs required as a condition of a permit or license to appropriate water or an enforcement order issued by the SWRCB. This authority may be redelegated.
- 2.6.11 Act on requests for permit extensions in accordance with title 23 of the California Code of Regulations, sections 840-848, provided that an extension may be granted only if (a) there are no competing projects that would be adversely affected; (b) there are no outstanding protests; and (c) either: (1) the extension is for ten years or less and the period of the extension in combination with all extensions previously granted under delegated authority does not exceed fifteen years; or (2) the extension is for a municipality, the period of extension in combination with all extensions previously granted under delegated authority does not exceed twenty-five years, and the Division Chief finds that the time extension is necessary to serve development allowable under the applicable land-use plan for the place of use identified in the

permit. This authority may be redelegated to the Assistant Division Chief.

- 2.6.12 Prepare and sign other permit extensions if no Board Member objects after review at a workshop or by other appropriate communication. This authority may be redelegated.
- 2.6.13 Issue permits, change orders, and extension orders after the Board issues a decision or order. This authority may be redelegated to the Assistant Division Chief.
- 2.6.14 Prepare and sign licenses when the terms and conditions have been accepted by the permittee, and make 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. This authority may be redelegated.
- 2.6.15 Act on requests to correct the description of the point of diversion, place of use, or name of source and approve a request if: (a) there is no physical change in works already constructed or no change in the intent of the applicant to locate proposed works or use water and (b) no one could have been misled by the original description. This authority may be redelegated.
- 2.6.16 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 that no objection is received from any of the owners. This authority may be redelegated.
- 2.6.17 Act on petitions for proposed temporary changes due to a transfer of water or water rights in accordance with Water Code sections 1725-1732, except where the Board conducts a hearing to accept additional evidence on the proposed temporary change.
- 2.6.18 Act on applications for proposed temporary permits and temporary urgency changes in accordance with Water Code sections 1425-1431 and 1435-1442 where no objections are outstanding.
- 2.6.19 Act on petitions for proposed long-term transfers of water or water rights involving a change of point of diversion, place of use, or purpose of use in accordance with Water Code sections 1735-1737, following notice of the proposed transfer, where no interested party requests a hearing.

- 2.6.20 Issue certificates of registration for small domestic or livestock stockpond use in accordance with Water Code sections 1228 et seq. This authority may be redelegated.
- 2.6.21 Prepare and sign certificates verifying stockpond water rights and correspondence required to administer properly and expeditiously the stockpond water right program. This authority may be redelegated.
- 2.6.22 Dismiss complaints filed pursuant to California Code of Regulations, title 23, sections 820 and 856 where: (a) the complainant files an incomplete complaint according to section 820; (b) the complainant does not show good cause for the SWRCB to investigate an allegation of misuse of water; (c) an investigation results in the determination that no violation or misuse of water has occurred; (d) the alleged violation or misuse of water which forms the basis of the complaint has been remedied; or (e) the SWRCB declines to exercise its discretion to investigate or prosecute an allegation that a violation has occurred.
- 2.6.23 Prepare and sign orders canceling or revoking an application, permit, or license to appropriate water, under any of the following circumstances:
 - 2.6.23.1 When requested by the applicant, permittee, or licensee. This authority may be redelegated.
 - 2.6.23.2 When the application is premature as specified in Water Code section 1527.5. This authority may be redelegated to the Assistant Division Chief.
 - 2.6.23.3 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. This authority may be redelegated to the Assistant Division Chief.
 - 2.6.23.4 When the applicant fails to submit complete or adequate information in accordance with Government Code section 65956. This authority may be redelegated to the Assistant Division Chief.
 - 2.6.23.5 When fees have not been paid within the time required by law. This authority may be redelegated to the Assistant Division Chief.

- 2.6.23.6 When the applicant fails to file an affidavit of posting or publication of notice as required by law. This authority may be redelegated to the Assistant Division Chief.
- 2.6.23.7 When a permit is issued subject to continual compliance with one or more specified conditions and permittee fails to certify compliance or it is discovered that permittee is not complying with a specified condition pursuant to title 23 of the California Code of Regulations, section 845, except when the permittee requests a hearing. This authority may be redelegated to the Assistant Division Chief.
- 2.6.23.8 After notice of proposed revocation pursuant to Water Code section 1410 or 1675 has been sent to the permittee or licensee and no request for hearing has been received. This authority may be redelegated to the Assistant Division Chief.
- 2.6.23.9 When the stream has been declared fully appropriated in accordance with Water Code section 1206, subdivision (a), Board Order WR 98-08, and any orders that supercede or modify Order WR 98-08. This authority may be redelegated to the Assistant Division Chief.
- 2.6.24 Act on requests to set aside the revocation of a permit or license, in accordance with Water Code sections 1410.2 or 1675.2.
- 2.7 Determination of Rights
 - 2.7.1 Prepare, sign, and cause to be published and recorded notices of pendency of adjudication proceedings in accordance with Water Code sections 2526 and 2529. This authority may be redelegated.
 - 2.7.2 Prepare and sign notices of field investigation in adjudication proceedings in accordance with Water Code section 2551. This authority may be redelegated.
 - 2.7.3 Extend the time in which proofs of claim may be filed in adjudication proceedings pursuant to division 2, part 3, chapter 3, articles 3 and 4 of the Water Code (commencing with sections 2550 and 2575). This authority may be redelegated.
 - 2.7.4 Prepare and sign notices setting time and place for filing objections to the report and inspection of proofs of claim and evidence in accordance with Water Code sections 2604 and 2625. This authority may be redelegated.

- 2.7.5 Prepare and circulate reports related to statutory adjudications in accordance with Water Code sections 2600 and 2604.
- 2.7.6 Prepare and announce draft reports of referee in accordance with Water Code sections 2013, 2014, and 2015.
- 2.7.7 Apportion the Board's expenses against the parties in court reference and statutory adjudication proceedings and take steps necessary to ensure their collection in accordance with Water Code section 2000 et seq. and 2500 et seq.
- 2.7.8 Perform the following duties pursuant to "Order of Appointment of California State Water Resources Control Board as Special Master," issued by the United States District Court for the District of Nevada, on April 9, 1990, in *United States of America v. Walker River Irrigation District*, In Equity No. C-125 ("the Walker River Action"), and the accompanying Administrative Rules and Regulations (as amended by "Final Order Pursuant to Stipulation," issued on June 3, 1996):
 - 2.7.8.1 Accept, or reject as defective or incomplete, compliance applications (as defined in the Administrative Rules and Regulations) and applications to change point of diversion, manner of use, or place of use of water in the exercise in California of water rights identified in the decree in the Walker River Action. This authority may be redelegated to the Assistant Division Chief.
 - 2.7.8.2 Process such applications in the manner required by the Order of Appointment. Processing such applications shall include, as applicable, publishing and mailing notice, acting on protests, field investigation, preparing and announcing the draft report of Special Master, accepting objections to the draft report and, if there are no issues that require a hearing before the Board, adopting the final report of Special Master. This authority may be redelegated to the Assistant Division Chief.
 - 2.7.8.3 Following final action by the SWRCB to approve or reject the change application, prepare a statement of total expense incurred by the SWRCB in conducting the proceeding, together with an equitable apportionment of such total expense among the parties to the proceeding.

This authority may be redelegated to the Assistant Division Chief.

2.7.8.4 Prepare, announce, serve, and file the Report of Special Master, including therein the statement of total expense and the equitable apportionment thereof.

2.7.8.5 Prepare and transmit to the court a certified copy of the record of proceeding for judicial review of the Report of Special Master.

2.8 Enforcement of Water Rights

2.8.1 Issue preliminary cease and desist orders in accordance with Water Code section 1831, when no hearing is requested.

2.8.2 Issue an order imposing administrative civil liability when a complaint has been issued and no hearing has been requested within the period provided under Water Code section 1055.

2.9 California Environmental Quality Act

2.9.1 Prepare, sign, and file all notices, certifications, and environmental documents prepared pursuant to the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), with the Secretary of the Resources Agency, the State Clearinghouse, and other agencies, as appropriate, for all projects carried out or approved by the Board in connection with the administration of the water right program, following the conclusion of the public availability and comment period, when such period is required. Such authority shall be exercised in conformity with regulations of the Secretary of the Resources Agency and rules of the Board. This authority may be redelegated.

2.9.2 Act on requests to extend time for completing environmental documents, provided that the request may be approved only upon finding that good cause has been shown. This authority may be redelegated to the Assistant Division Chief.

2.10 Certification of Water Right

2.10.1 In response to a request for certification made pursuant to Public Resources Code section 26013 or Public Utilities Code section 2821, certify or decline to certify that:

- 2.10.1.1 The SWRCB has issued a water right permit for the appropriation of water for the operation of a hydroelectric facility; or
- 2.10.1.2 In the opinion of the SWRCB, the producer possesses riparian or other water rights that authorize the operation of a hydroelectric facility.

2.11 Water Quality

- 2.11.1 Enter into or decline to enter into collaborative communication protocol agreements for licensing and relicensing of hydroelectric projects pursuant to the Federal Energy Regulatory Commission's regulation at 18 Code of Federal Regulations part 4.34(i)(3)(ii). In recognition of the SWRCB's adjudicative responsibilities, and the requirement that it avoid bias, prejudice, or interest in contested matters subject to its approval, this delegation applies only to agreements that do not bind or commit the SWRCB to approve or disapprove an application for water quality certification, water right permit application, or petition for water right change order, or any term or condition of such an approval. This authority may be redelegated to the Assistant Division Chief.