

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 76-98

DELEGATING AUTHORITY TO BOARD MEMBERS INDIVIDUALLY TO ACT ON APPLICATIONS FOR CONDITIONAL TEMPORARY WATER RIGHT PERMITS TO WHICH OBJECTION HAS NOT BEEN FILED, AND PROVIDING FOR REVIEW OF BOARD MEMBER 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, but it is probable that in some instances no protests will be received.
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 with respect to any application for a conditional temporary permit to appropriate water, to which application no objection has been filed, the State Water Resources Control Board delegates to its Chairman and to each member, individually the authority:

1. To make the findings which are required by said Chapter 6.5 as conditions precedent to the issuance of any conditional temporary permit.
2. 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.

3. 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 Board Member, necessary to best conserve the public interest.

4. 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 Board Member, the proposed appropriation would not best conserve the public interest; provided, that the Board Member shall report to the Board, at its next regular meeting, the findings upon which the determination to decline to authorize issuance of a conditional temporary permit was based, at which time the Board shall either:
 - a. Adopt the Board Member's action as the action of the Board; or
 - b. Decline to adopt such action and itself decide whether to authorize or refuse to authorize issuance of a conditional temporary permit upon the record.

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 the resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on

AUG 19 1976

Bill B. Dendy
Bill B. Dendy
Executive Officer