

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 85-18

ADOPTION, AMENDMENT, AND REPEAL OF WATER RIGHT  
REGULATIONS

WHEREAS:

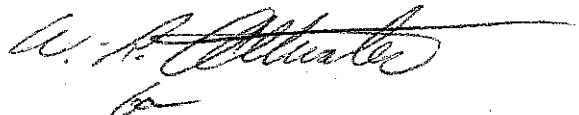
1. This Board has authority over appropriation of water, water rights for stockponds, determination of rights to the use of water, recordation of water extractions and diversions, and procedures for protecting instream beneficial uses; and
2. The Administrative Procedure Act requires administrative agencies to review existing regulations for compliance with six specified criteria including necessity, clarity and consistency with other regulations; and
3. Board staff reviewed the existing regulations for compliance with the Administrative Procedure Act; and
4. Numerous amendments are necessary to bring the existing regulations into conformance with the Administrative Procedure Act; and
5. Implementing regulations are needed for Water Code Sections 1725 through 1730, Temporary Changes, and 1735 through 1739, Changes Involving Trial Transfers, which were enacted in 1980; and
6. Other new regulations are needed; and
7. Subchapter 4.5, Procedures for Protecting Instream Beneficial Uses, should be repealed; and
8. Other sections should be repealed; and
9. The proposed amendments, repeals, and adoption of new regulations were described in Notices of Proposed Rulemaking published in the California Administrative Notice Register on March 2, 1984 and November 30, 1984; and
10. Testimony about the proposed regulations was taken at a hearing on April 19, 1984 and approximately 150 written comments have been received in the first and second comment periods; and
11. Modifications have been incorporated into the proposed regulations in response to the comments received; and
12. These modifications are sufficiently related to the text made available to the public in the original notice so that there was adequate notice that the modifications could have resulted from the originally proposed regulations; and
13. The revised text was made available to the public on February 6, 1984.

THEREFORE BE IT RESOLVED:

1. That the sections of Subchapter 2, 2.5, 3, 4 and 4.5 of Chapter 3, Title 23, California Administrative Code which were proposed for repeal (Attachment I to this Resolution) be repealed.
2. That the new sections of Subchapters 2, 2.5, 3, and 4 of Chapter 3, Title 23, California Administrative Code which were proposed for adoption (Attachment I to this Resolution) be adopted.
3. That the amendments to existing sections of Subchapter 2, 2.5, 3, and 4 (Attachment 1 to this Resolution) be adopted.
4. That, due to the extensive renumbering of sections, all of these rulemaking actions shall be effective following approval by the Office of Administrative Law pursuant to Section 11349.7(g) of the Administrative Procedure Act which is within six months of the date of submittal to that office.
5. That the Executive Director transmit the proposed amendments to the Office of Administrative Law together with the final statement of reasons and the rulemaking file.

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 February 21, 1985.



Michael A. Campos  
Executive Director