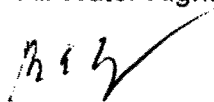


State Water Resources Control Board

MEMORANDUM

TO: All Water Rights Staff

FROM:



Barbara Evoy, Deputy Director
DIVISION OF WATER RIGHTS

DATE: July 6, 2012

SUBJECT: REDELEGATION OF AUTHORITIES PURSUANT TO RESOLUTION NO. 2012-0029

On June 5, 2012, the State Water Resources Control Board (State Water Board or Board) adopted Resolution No. 2012-0029. Pursuant to Resolution No. 2012-0029, the State Water Board delegated to the State Water Board's Deputy Director for Water Rights (Deputy Director) certain authorities that may be redelegated. This memorandum specifies those authorities which are redelegated by the Deputy Director. For your convenience, this redelegation memorandum contains the original delegations to individual Board members and to the Deputy Director, including various provisions where no redelegation exists. Where there is a redelegation, it follows the original delegation and is listed in bold italics. Except where specifically stated otherwise, all delegated authorities of an immediate superior are redelegated to staff appointed to act in the absence of that immediate superior or where that immediate superior is recused.

DELEGATIONS TO BOARD MEMBERS INDIVIDUALLY

- 2.1. Act on an application or request for 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:
 - 2.1.1. Hold a hearing on any application or request for renewal made pursuant to chapter 6.5.
 - 2.1.2. Make the findings required by chapter 6.5 as conditions precedent to the issuance or renewal of a temporary permit.
 - 2.1.3. Make any findings required by the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.
- 2.2. Act on a petition or request for 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:

- 2.2.1. Hold a hearing on any petition or request for renewal made pursuant to chapter 6.6.
 - 2.2.2. Make the findings required by chapter 6.6 as conditions precedent to the issuance or renewal of a temporary change order.
 - 2.2.3. Make any findings required by CEQA as conditions precedent to the issuance or renewal of a temporary change order.
- 2.3. During the trial review period, act on a request for review by an applicant or protestant of Division staff determinations regarding application and petition processing under the Policy for Maintaining Flows in the Northern California Coastal Streams (Policy), prior to final Board action. The scope of issues subject to such review shall be determined by the Division pursuant to Section 3.4.3 of the Policy.

DELEGATIONS TO THE DEPUTY DIRECTOR FOR WATER RIGHTS

3. That the State Water Board delegates the authority herein to the Deputy Director with the following direction:
- 3.1. The enumeration of delegated authorities in this resolution shall not be interpreted as revoking authorities already delegated, or hereafter delegated, to the Executive Director or to the Deputy Director, from the State Water Board or the Executive Director. ***The Deputy Director redelegates to the staff as specified below in bold italics, the authority to take the actions listed in subsections 3.1 through 4.14.1 of this document.***
 - 3.2. Unless otherwise specified in this resolution, the authorities delegated to the Deputy Director under this resolution may not be redelegated except in the absence of the Deputy Director. The Deputy Director may delegate to a senior member of the Division staff the authority to act on his or her behalf when the Deputy Director is absent or recused. Where this resolution authorizes the redelegation of authority, and the Deputy Director makes such redelegation, the staff member to whom the authority has been redelegated may further delegate to a member of the Division staff the ability to act on his or her behalf when the Division staff member is absent or recused, unless the Deputy Director directs otherwise.
 - 3.3. For purposes of this resolution, and for any purposes of any other resolution, decision, or order assigning or delegating responsibility to Chief of the Division of Water Rights, that reference means the Deputy Director for Water Rights, Assistant Deputy Director for Water Rights, or other officer or employee of the State Water Board who is responsible for managing the activities of the Division of Water Rights.
 - 3.4. The Deputy Director shall administer and implement the delegation under this resolution as follows:
 - 3.4.1. Maintain the delegation, including any appendices, redelegation memoranda, and subsequent resolutions that add to, amend, or revoke the authorities identified therein.

- 3.4.2. Every two years, review the authority delegated herein and recommend to the State Water Board whether or not to revise the delegation.
- 3.4.3. In exercising the authority delegated herein, and without restricting the authority specified, bring the following matters to the attention of the members of the State Water Board by appropriate communication: **Persons exercising authority redelegated by the Deputy Director are directed to bring the following matters to the attention of the Deputy Director:**
 - 3.4.3.1. Matters of a unique or unusual nature;
 - 3.4.3.2. Matters that appear to depart from the policies of the State Water Board;
 - 3.4.3.3. Matters involving significant policy questions;
 - 3.4.3.4. Highly controversial matters;
 - 3.4.3.5. Matters that involve a substantial risk of litigation;
 - 3.4.3.6. Any matter that a Board Member requests to be brought to the attention of the State Water Board; and
 - 3.4.3.7. Any matter that, in the judgment of the Deputy Director, should be brought to the attention of the State Water Board.
 - 3.4.3.8. Any proposed term or condition developed by outside parties in order to settle a protest which the outside parties request to be included in a permit, license or order.**

4. That the State Water Board delegates to the Deputy Director the authority to take the following actions:

General Administration.

- 4.1.1. Conduct and supervise the general administrative activities of the Division, including preparing and signing documents, transmitting documents adopted or approved by the State Water Board, and maintaining custody of records. This general administrative authority may be redelegated. **This authority is redelegated to the Assistant Deputy Directors, all Section Managers, and all Unit Seniors. This authority is redelegated to the staff level for routine correspondence within their areas of expertise at the discretion and direction of their supervisor. In addition, authority for maintaining custody of records is delegated to the Analyst(s) in responsible charge of the records of the Division.**
- 4.1.2. Issue subpoenas for the attendance of witnesses and the introduction of evidence before the State Water Board with respect to all proceedings for which the Division has program responsibility. This authority may be redelegated. **This authority is redelegated to the Assistant Deputy Directors in the absence of the Deputy Director.**

- 4.1.3. 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. ***This authority is redelegated to the Assistant Deputy Directors within each Assistant Deputy Director's area of authority and to the Section Managers within each Section Manager's area of authority.***
- 4.1.4. 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. ***This authority is redelegated to the Assistant Deputy Director of the Permitting and Enforcement Branch in the absence of the Deputy Director.***
- 4.1.5. Request the Attorney General to institute appropriate proceedings in the superior court in accordance with Water Code section 1052 or 1845.
- 4.1.6. Assess and collect fees in accordance with chapter 8 (commencing with section 1525) of part 2 of division 2 of the Water Code or section 13160.1 of the Water Code. This authority may be redelegated. ***The authority to assess and collect annual fees is redelegated to the Assistant Deputy Directors in the absence of the Deputy Director. The authority to assess and collect filing fees is redelegated to the Assistant Deputy Directors within each Assistant Deputy Director's area of authority and to Section Managers within each Section Manager's area of authority in the absence of the applicable Assistant Deputy Director. The authority to request that the Board of Equalization cancel a liability which has expired is delegated to the Water Rights Fee Coordinator.***
- 4.1.7. Cancel an application, registration, petition, request, or claim for failure to pay a fee when due pursuant to Water Code section 1535, subdivision (b).) This delegation may be redelegated. ***This authority is redelegated to the Assistant Deputy Director of the Permitting and Enforcement Branch. The authority to cancel a registration, request, or a statement of water diversion and use claim for failure to pay a filing fee when due is also delegated to the Manager of the Permitting and Licensing Section, all Unit Seniors in the Permitting and Licensing Section and to the Water Right Fee Coordinator.***
- 4.1.8. Amend or modify water quality control plans adopted by the State Water Board to correct any obvious typographical or clerical error or oversight, or to make clarifying changes requested by the Office of Administrative Law, after notice to the Executive Director.
- 4.2. Appropriation of Water.
 - 4.2.1. Prepare and sign notices of applications to appropriate water. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Directors, the Managers of the Permitting and Licensing Section and of the Hearings and Special Projects Section, and all Unit Seniors in the Permitting and Licensing Section.***
 - 4.2.2. Act on a request by an applicant for an extension of time to complete an application to appropriate water in accordance with California Code of Regulations, title 23, section 681. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Director of the Permitting and Enforcement Branch, the***

Manager of the Permitting and Licensing Section, and all Unit Seniors in the Permitting and Licensing Section.

- 4.2.3. Request additional information from an applicant or petitioner in accordance with Water Code sections 1275, 1334, 1701.3, or 1703.5. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Directors, the Managers of the Permitting and Enforcement Sections and the Hearings and Special Programs Section, the Unit Seniors in the Permitting and Licensing Section and to the Senior of the Hearings Unit.***
- 4.2.4. 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). In the case of change petitions, this authority includes the authority to issue an amended permit or license if the change petition is approved. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Directors and the Section Managers of the Permitting and Enforcement Branch and the Hearings and Special Programs Section.***
- 4.2.5. Act on a request to allow additional time to submit information pursuant to Water Code section 1276 or 1701.4. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Directors and the Section Managers of the Permitting and Enforcement Branch and the Section Manager of the Hearings and Special Programs Section.***
- 4.2.6. Act on a request to approve a compliance plan, monitoring plan, conservation plan, and other programs, plans, reports, or evaluations required to be submitted to the State Water Board as a condition of a permit, license, or enforcement order. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Directors and Program and the Section Managers of the Permitting and Enforcement Section and the Hearings and Special Programs Sections. If the program, plan, report or evaluation involves engineering work, and the Section Manager is not a registered engineer, then the Section Manager must obtain concurrence on the sections of the program, plan, report or evaluation that involve engineering work from a registered State Water Board engineer.***
- 4.2.7. Act on a request for an extension of time to complete construction or beneficial use of water under a permit in accordance with California Code of Regulations, title 23, 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 15 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 25 years, and the Deputy Director 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 includes the authority to issue an amended permit if the extension of time is approved, consistent with the order approving the extension of time. This authority

may be redelegated to the Assistant Deputy Directors. ***This authority is redelegated to the Assistant Deputy Directors.***

- 4.2.8. Act on a request for an extension of time to meet a deadline, other than the time to complete construction or put water to beneficial use, contained in a permit if no Board Member objects after being informed by appropriate communication. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Directors and to each Section Manager, but may be exercised only upon notification by the Deputy Director that no Board Member objects.***
- 4.2.9. Issue permits or licenses, amendments thereto, change orders, and extension orders after the State Water Board issues a decision or order. This authority may be redelegated to the Assistant Deputy Directors. ***This authority is redelegated to the Assistant Deputy Directors.***
- 4.2.10. Prepare and sign licenses when the terms and conditions have been accepted by the permittee. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Directors and to the Section Managers of the Permitting and Enforcement Branch and to the Section Manager of the Hearings and Special Programs Section.***
- 4.2.11. Correct the description in an application, permit, or license of the point of diversion, place of use, purpose of use, or name of source if (a) there is no physical change in project facilities already constructed or the current use of water, or no change in the intent of the applicant or permittee regarding the proposed location of project facilities or use of water, and (b) no one could have been misled by the original description. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Directors and to the Section Managers of the Permitting and Enforcement Branch and the Hearings and Special Programs Section.***
- 4.2.12. Make changes to cover incidental uses of a reservoir in accordance with California Code of Regulations, title 23, section 798. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Director and the Section Managers of the Permitting and Enforcement Branch.***
- 4.2.13. Issue separate permits or licenses or act on a request to split applications to replace an existing application, permit or license when the place of use has been divided into two or more ownerships and each owner succeeds to a separate interest in the permit or license. Cancel or revoke the existing application, permit or license provided that no objection is received from any of the owners. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Director of the Permitting and Enforcement Section and to the Section Managers of the Permitting and Enforcement Branch.***
- 4.2.14. Act on an application or a request for renewal of a temporary water right permit pursuant to chapter 6.5 (commencing with section 1425) of part 2 of division 2 of the Water Code if there are no outstanding objections. This authority may be redelegated to the Assistant Deputy Directors in the absence of the Deputy Director. ***This authority is redelegated to the Assistant Deputy Directors.***

4.3. Protests.

- 4.3.1. Request information from a protestant in accordance with Water Code sections 1332, 1334, 1703.3, or 1703.5. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Directors, to the Section Managers in the Permitting and Licensing Section, to the Section Manager of the Hearings and Special Programs Section, and to the Unit Seniors in the Permitting and Licensing Section.***
- 4.3.2. 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. ***This authority is redelegated to the Assistant Deputy Directors and to the Section Managers in the Permitting and Enforcement Branch and the Hearings and Special Programs Section.***
- 4.3.3. Cancel a protest in accordance with Water Code section 1335 or 1703.6. This authority may be redelegated to the Assistant Deputy Directors. ***This authority is redelegated to the Assistant Deputy Directors.***
- 4.3.4. 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. ***This authority is redelegated to the Assistant Deputy Directors and to the Managers of the Permitting and Licensing Section and the Hearings and Special Programs Section if the protest does not comply with the requirements of Water Code sections 1331(a), 1331(b), or 1331(e).***
- 4.4. Transfers or Temporary Changes.
 - 4.4.1. Act on a petition for a temporary urgency change, or a request for renewal of a temporary change order, pursuant to chapter 6.6 (commencing with section 1435) of part 2 of division 2 of the Water Code. If the State Water Board receives any objections to a petition for a temporary urgency change, the Deputy Director shall refer the matter to the Executive Director for action under section 2.2. This authority may be redelegated to the Assistant Deputy Directors in the absence of the Deputy Director. ***This authority is redelegated to the Assistant Deputy Directors in the absence of the Deputy Director.***
 - 4.4.2. Act on a petition for a temporary change due to a transfer of water or water rights in accordance with Water Code sections 1725-1732 if the State Water Board does not hold a hearing. This authority may be redelegated to the Assistant Deputy Directors in the absence of the Deputy Director. ***This authority is redelegated to the Assistant Deputy Directors in the absence of the Deputy Director.***
 - 4.4.3. Act on a petition for a long-term transfer 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, if the State Water Board does not hold a hearing. This authority may be redelegated to the Assistant Deputy Directors in the absence of the Deputy Director. ***This authority is redelegated to the Assistant Deputy Directors in the absence of the Deputy Director.***
- 4.5. Cancellation or Revocation.

- 4.5.1. Issue a notice of proposed cancellation of an application pursuant to California Code of Regulations, title 23, section 845, a notice of proposed revocation of a permit pursuant to Water Code section 1410 et seq., or a notice of proposed revocation of a license pursuant to Water Code section 1675 et seq.
- 4.5.2. Prepare and sign orders canceling or revoking an application, petition, permit, or license to appropriate water, under any of the following circumstances:
 - 4.5.2.1. When requested by the applicant, petitioner, permittee, or licensee. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Directors, and to all Section Managers and Unit Seniors in the Permitting, Enforcement, and Hearings and Special Programs Sections when all rights to hearing and reconsideration have been waived in writing by the applicant, petitioner, permittee, or licensee.***
 - 4.5.2.2. When an applicant or petitioner fails to timely provide information in accordance with Water Code sections 1276, 1335, 1701.4, or 1703.6, and does not show good cause for additional time to submit the requested information under Water Code section 1276 or 1701.4. This authority may be redelegated to the Assistant Deputy Directors. ***This authority is redelegated to the Assistant Deputy Directors.***
 - 4.5.2.3. When the application or petition 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 Deputy Directors. ***This authority is redelegated to the Assistant Deputy Directors.***
 - 4.5.2.4. When the applicant or petitioner fails to submit complete or adequate information in accordance with Government Code section 65956. This authority may be redelegated to the Assistant Deputy Directors. ***This authority is redelegated to the Assistant Deputy Directors.***
 - 4.5.2.5. When fees have not been paid within the time required by law. This authority may be redelegated to the Assistant Deputy Directors. ***This authority is redelegated to the Assistant Deputy Directors.***
 - 4.5.2.6. When the applicant or petitioner fails to file an affidavit of posting or publication of notice as required by law. This authority may be redelegated to the Assistant Deputy Directors. ***This authority is redelegated to the Assistant Deputy Directors.***
 - 4.5.2.7. When an application is conditionally approved and the applicant fails to comply with the conditions or to inform the State Water Board that it has complied, within a reasonable time or the time provided, pursuant to California Code of Regulations, title 23, section 845, except when the applicant requests a hearing after notice of the proposed cancellation. This authority may be redelegated to the Assistant Deputy Directors. ***This authority is redelegated to the Assistant Deputy Directors.***

- 4.5.2.8. When a permit is issued subject to continuing compliance with one or more specified conditions and the permittee fails to certify compliance with the conditions, or it is discovered that the permittee is not complying with a specified condition, pursuant to California Code of Regulations, title 23, section 845, except when the permittee requests a hearing after notice of proposed revocation. This authority may be redelegated to the Assistant Deputy Directors. ***This authority is redelegated to the Assistant Deputy Directors.***
- 4.5.2.9. 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. ***This authority is redelegated to the Assistant Deputy Director of and the Section Managers in the Permitting and Enforcement Branch.***
- 4.5.2.10. 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 supersede or modify Order WR 98-08. This authority may be redelegated to the Assistant Deputy Directors. ***This authority is redelegated to the Assistant Deputy Directors.***
- 4.5.3. Act on requests to set aside the revocation of a permit or license, in accordance with Water Code section 1410.2 or 1675.2.
- 4.6. Small Domestic Use, Small Irrigation Use or Livestock Stockpond Use.
- 4.6.1. Act on claims for stockpond certificates and registrations (including renewal of registrations) for small domestic use, small irrigation use, or livestock stockpond use in accordance with Water Code sections 1226 et seq. and 1228 et seq., including revoking a certificate or registration pursuant to Water Code section 1226.4 or 1228.4, except that the Deputy Director is not authorized to revoke a certificate or registration if a notice of proposed revocation has been sent to the certificate holder or registrant and a request for hearing has been received. This authority may be redelegated. ***The authority to act on registrations under Water Code Article 2.7, section 1228 et seq., is redelegated to the Assistant Deputy Director of the Permitting and Enforcement Branch. The authority to issue and renew certificates of registration is redelegated to the Section Manager and Unit Seniors of the Permitting and Licensing Section. The authority to issue a notice of revocation of a stockpond certificate or registration is redelegated to the Assistant Deputy Director and Section Managers of the Permitting and Enforcement Branch. The authority to confirm revocation of a registration by operation of law is redelegated to the Section Managers and Unit Seniors of the Permitting and Enforcement Branch.***
- 4.6.2. Establish and revise a list of general conditions to be applied to small domestic use or livestock stockpond use registrations as authorized by Water Code section 1228.6, and to small irrigation use registrations as authorized by Water Code sections 1228.6 and 1229. This authority may be redelegated. ***This authority is***

redelegated to the Assistant Deputy Director of the Permitting and Enforcement Branch.

4.7. Determination of Rights.

- 4.7.1. Prepare and announce draft reports of referee in accordance with Water Code section 2010 et seq.
- 4.7.2. Apportion the State Water Board's expenses among the parties, request the court to order interim or partial payment of expenses, and take steps necessary to ensure collection of the expenses in accordance with Water Code section 2040 et seq.
- 4.7.3. 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):
 - 4.7.3.1. 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 Deputy Directors. ***This authority is redelegated to the Assistant Deputy Directors.***
 - 4.7.3.2. Process applications in the manner required by the Order of Appointment, including publishing and mailing notices, acting on protests, conducting a 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 State Water Board, adopting the final report of Special Master. This authority may be redelegated to the Assistant Deputy Directors. ***This authority is redelegated to the Assistant Deputy Directors.***
 - 4.7.3.3. Following final action by the State Water Board to approve or reject the change application, prepare a statement of total expense incurred by the State Water Board 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 Deputy Directors. ***This authority is redelegated to the Assistant Deputy Directors.***
 - 4.7.3.4. Prepare, announce, serve, and file the Report of Special Master, including therein the statement of total expense and the equitable apportionment thereof. This authority may be redelegated to the Assistant Deputy Directors.

4.7.3.5. Prepare and transmit to the court a certified copy of the record of proceeding for judicial review of the Report of Special Master. This authority may be redelegated to the Assistant Deputy Directors.

4.8. Statutory Adjudications.

4.8.1. Prepare, issue, cause to be published, and record notices of statutory adjudication proceedings in accordance with Water Code sections 2526-2529. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Directors and to the Section Managers of the Permitting and Enforcement Branch and of the Hearings and Special Programs Section.***

4.8.2. Conduct investigations of stream systems in accordance with Water Code section 2550 et seq., including providing notice of investigations, conducting field investigations, and determining facts. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Directors and to the Section Managers of the Permitting and Enforcement Branch and of the Hearings and Special Programs Section.***

4.8.3. Issue any notices, copies of factual determinations, reports, objections, orders, or other correspondence or documents authorized by chapter 3 (commencing with section 2500) of part 3 of division 2 of the Water Code. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Directors and to the Section Managers of the Permitting and Enforcement Branch and of the Hearings and Special Programs Section.***

4.8.4. Prepare and issue a notice of inspection of proofs and evidence in accordance with Water Code section 2625 et seq. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Directors and to the Section Managers of the Permitting and Enforcement Branch and of the Hearings and Special Programs Section.***

4.8.5. Prepare and issue the report, preliminary order of determination, and notice in accordance with Water Code sections 2600 -2604.

4.8.6. Take actions to file the final State Water Board order with the superior court in accordance with Water Code sections 2750-2756, including filing the required documents and communicating with the superior court, and mailing and causing the order to be published.

4.8.7. Furnish copies of the decree or supplemental decree and notice of entry to water right claimants in accordance with Water Code sections 2825-2826.

4.8.8. Take actions to apportion and collect the State Water Board's expenses and costs against the parties to the proceeding in accordance with Water Code section 2850 et seq., including mailing statements of expense, ordering interim or partial payments, and taking steps necessary to ensure collection of the expenses.

4.9. Enforcement of Water Rights and Complaints.

- 4.9.1. Issue a notice of cease and desist order and, when a hearing has not been timely requested, issue a cease and desist order in accordance with Water Code section 1831 et seq. This authority may be redelegated to the Assistant Deputy Directors. ***This authority is redelegated to the Assistant Deputy Director of the Permitting and Enforcement Branch.***
 - 4.9.2. 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. This authority may be redelegated to the Assistant Deputy Directors. ***This authority is redelegated to the Assistant Deputy Director of the Permitting and Enforcement Branch.***
 - 4.9.3. Take actions to collect unpaid fees and initiate subsequent enforcement actions, including revocation of permits or licenses, pursuant to Water Code section 1535 et seq. This authority may be redelegated to the Assistant Deputy Directors. ***This authority is redelegated to the Assistant Deputy Director of the Permitting and Enforcement Branch.***
 - 4.9.4. Dismiss an incomplete complaint filed pursuant to California Code of Regulations, title 23, section 820. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Director of the Permitting and Enforcement Branch and to the Manager and Unit Seniors of the Enforcement Section.***
 - 4.9.5. Dismiss a complaint filed under California Code of Regulations, title 23, sections 820 or 856, or under the public trust doctrine, where: (a) the complainant does not show good cause for the State Water Board to investigate an allegation of misuse of water; (b) an investigation results in the determination that no violation or misuse of water has occurred; (c) the alleged violation or misuse of water that forms the basis of the complaint has been remedied; or (d) the State Water Board declines to exercise its discretion to investigate or prosecute an allegation that a violation has occurred. This authority may be redelegated to the Assistant Deputy Directors. ***This authority is redelegated to the Assistant Deputy Director of the Permitting and Enforcement Branch and to the Manager of the Enforcement Section when both the complainant and the respondent have been informed that an investigation (a) has resulted in the preliminary determination that no violation or misuse of water has occurred or (b) that the alleged violation or misuse of water that forms the basis of the complaint has been remedied, and the complainant has not submitted additional information to support the alleged violation or misuse of water within the time provided.***
- 4.10. California Environmental Quality Act.
- 4.10.1. Take actions to comply with CEQA for all projects carried out or approved by the State Water Board in connection with the administration of the water right program to the extent authorized under section 15025 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). This authority shall be exercised in conformity with the State CEQA Guidelines and the State Water Board's regulations. This authority may be redelegated. ***The authority to enter into or decline to enter into a memorandum of understanding for the preparation of CEQA documents is redelegated to the Assistant Deputy Directors and to the***

Section Managers of the Permitting, Enforcement, Hearings and Special Programs, and Water Quality Certification and Public Trust Sections. The authority to issue Notices of Preparation and Notices of Exemption is redelegated to the Assistant Deputy Directors and to the Section Managers of the Permitting, Enforcement, Hearings and Special Programs, and Water Quality Certification and Public Trust Sections. The authority to prepare responses to comments on CEQA documents and to approve an Initial Study for CEQA documents within their program area is redelegated to all Section Managers and Unit Seniors. Where this memorandum or a future action by the Deputy Director redelegates the authority over an action that requires CEQA compliance, the authority to prepare a negative declaration or Environmental Impact Report for that action is redelegated to the person with authority over the underlying activity.

4.11. Certification of Water Right.

4.11.1. 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:

4.11.1.1. The State Water Board has issued a water right permit for the appropriation of water for the operation of a hydroelectric facility; or

4.11.1.2. In the opinion of the State Water Board, the energy producer possesses riparian or other water rights that authorize the operation of a hydroelectric facility.

4.12. Water Quality.

4.12.2. 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 State Water Board'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 State Water Board 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 Deputy Directors. ***This authority is redelegated to the Assistant Deputy Directors.***

4.12.3. Establish monitoring, inspection, entry, reporting and recordkeeping requirements and require other information as may reasonably be required, pursuant to Water Code section 13383, for activities subject to water quality certification under section 401 of the Clean Water Act that involve the diversion of water for beneficial use. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Directors.***

4.12.4. Request the Attorney General to institute appropriate proceedings in the superior court in accordance with Water Code sections 13350, 13385 or 13386, if the violation relates to water quality certification of an activity involving the diversion of water for beneficial use.

4.13. Groundwater Extraction Recordation Program.

4.13.1. Designate local agencies, in accordance with the requirements of Water Code section 5009, to administer the groundwater extraction recordation program. This authority may be redelegated to the Assistant Deputy Director. ***This authority is redelegated to the Assistant Deputy Directors.***

4.14. Policy for Maintaining Instream Flows in Northern California Coastal Streams

4.14.1. Implement the Policy for Maintaining Instream Flows in Northern California Coastal Streams (Policy) by approving, denying approval, or retracting approval of watershed group project charters and diversion management plans; making the preliminary determinations necessary to process applications, petitions and registrations pursuant to the policy; and approving or denying exceptions to policy provisions as outlined in the policy, except case-by-case exceptions to policy provisions sought pursuant to section 9.0 of the policy. This authority does not include the authority to act on the merits of applications or petitions where there are unresolved protests, or any other authority not subject to delegation. This authority may be redelegated. ***This authority is redelegated to the Assistant Deputy Director of the Permitting and Enforcement Branch and to the Section Manager of the Permitting and Licensing Section.***