

# STATE WATER RESOURCES CONTROL BOARD

## DIVISION OF WATER RIGHTS

### PROTEST SUBMITTAL INFORMATION

#### Protest Requirements

A person may file a protest based on an allegation that the proposed appropriation or change:

- would interfere with prior water rights,
- would have an adverse environmental impact,
- would not best conserve the public interest or public trust,
- would be contrary to law, or
- would not be within the jurisdiction of the State Water Resources Control Board (State Water Board).

If the protest is based on interference with prior water rights, the protest must describe specifically what injury would result if the appropriation is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the State Water Board is subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed appropriation would not be within the State Water Board's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation. For example:

- public interest protests should clearly indicate how the appropriation will affect the public;
- environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.;
- public trust protests must identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

If sufficient information is not submitted, the State Water Board may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

#### Procedure for Submitting Protests

Protests should be submitted on standard protest forms available from the State Water Board's website for [Application Protests](#) or [Petition Protests](#) or upon request, in writing or by telephone, from the Division. Additional information relating to water rights is available on the Division's [website](#) or by mail. Any requests, inquiries, or the submittal of the completed protest form should be directed to the Division staff person listed as the contact person at the end of the notice.

If protests are not submitted on the standard protest forms, the protest should, at a minimum, contain the following information (Wat. Code, § 1331; Cal. Code Regs., tit. 23, § 1703.2):

- Name and address of the protestant;
- Signature of the protestant or a designated representative;
- Clear and specific objections to approval of the application or petition, and the factual basis for the objections;
- A description of any measures that could be taken to resolve the protest; and,
- Indication of the manner in which the protestant served upon the applicant/petitioner a duplicate copy of the protest.

### **Protest Submittal Deadline**

Protests submitted in response to a notice must be received by the date listed on the notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to State Water Resources Control Board, Division of Water Rights, P. O. Box 2000, Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the Division staff person listed as the contact person on the notice
4. Hand-delivered to the Division's office located at 1001 "I" Street, 2nd Floor (Records Room), Sacramento, CA

For good cause, the State Water Board may grant an extension of time to file a protest. It is the protestant's responsibility to contact the Division staff person listed on the notice prior to the end of the protest period to request the extension and show good cause for the extension. **Protests not submitted by the close of the protest period will be subject to rejection.**

### **Resolution of Protests**

The State Water Board will notify protestants whether their protest is acceptable. The applicant/petitioner is required to provide an answer to a protest within 15 days following notification of acceptance of the protest, unless additional time is allowed by the State Water Board. (Cal. Code Regs., tit. 23, § 751.)

The protestant and the applicant/petitioner are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period. For good cause, additional time for protest resolution may be allowed. (Wat. Code, § 1333.)

### **Questions?**

If you have questions about the notice, please contact the State Water Board staff person listed on the public notice. For general inquiries, please contact the State Water Board at (916) 341-5300.