

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 84-2

DELEGATING AUTHORITY TO BOARD MEMBERS INDIVIDUALLY  
TO CONDUCT HEARINGS ON, AND ISSUE,  
CONDITIONAL TEMPORARY URGENCY CHANGE ORDERS UNDER  
EXISTING WATER RIGHT PERMITS OR LICENSES

WHEREAS:

1. Chapter 6.6 of Part 2 of Division 2 of the Water Code (commencing with Section 1435) authorizes the Board to issue a conditional temporary urgency change order to a permittee or licensee for a period not to exceed 180 days.
2. Prior to issuing a conditional temporary urgency change order, the Board must find that the permittee or licensee has a temporary need to change a point of diversion, place of use, or purposes of use from that specified in the permit or license under emergency conditions and that the change may be made without injury to any lawful user of water and without unreasonable effect upon fish, wildlife, or other instream beneficial uses.
3. Said Chapter 6.6 provides that any interested person may file an objection to the temporary change and that the Board may hold a hearing thereon after notice to all interested persons.
4. Said Chapter 6.6 also authorizes delegation by the Board of its functions thereunder, provided that any conditional temporary urgency change order 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 urgency change orders is necessary to implement the legislative intent of said Chapter 6.6.

THEREFORE, BE IT RESOLVED:

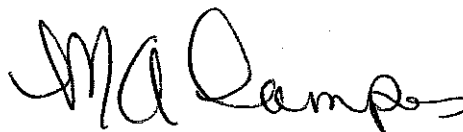
That the State Water Resources Control Board delegates to its Chairperson and to each Board member, individually, the authority:

1. To authorize issuance or renewal in conformance with the provisions of this resolution, of a conditional temporary urgency change order pursuant to Chapter 6.6 of Part 2 of Division 2 of the Water Code.
2. To hold a hearing on any petition for a temporary urgency change order or renewal of a temporary urgency change order which is filed pursuant to Chapter 6.6 of Part 2 of Division 2 of the Water Code.
3. To make the findings which are required by said Chapter 6.6 as conditions precedent to the issuance or renewal of a conditional temporary urgency change order.
4. To make any findings required by the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) as conditions precedent to issuance or renewal of a conditional temporary urgency change order.

5. To authorize issuance or renewal of a conditional temporary urgency change order upon such findings; provided, that any change order so issued or renewed shall contain the following provisions:
  - a. An express condition that the Board shall, at its next regular meeting, review and validate the change order, including the findings upon which it was issued, and that should the Board fail or refuse to validate the change order, 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.
  
6. To decline to authorize issuance or renewal of a conditional temporary urgency change order if the findings required by Chapter 6.6 or by the California Environmental Quality Act cannot be made or when, in the judgment of the Board member, the proposed change 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 decision to decline to authorize issuance of a conditional temporary change order was based, at which time the Board shall either:
  - a. Adopt the Board member's findings and decision as the findings and decision of the Board; or
  - b. Decline to adopt such findings and decision and itself decide whether to authorize issuance or renewal of a conditional temporary urgency change order, with or without taking additional evidence or argument.

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 **JAN 19 1984**.



Michael A. Campos  
Executive Director