

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 74-66

DELEGATION OF AUTHORITY
TO THE CHIEF OF THE DIVISION OF WATER RIGHTS

WHEREAS:

1. Statutes enacted by the State Legislature in 1974 and now set forth in the Water Code as Sections 1225 to 1226.4 declare that stockponds having a capacity not greater than ten acre-feet that were constructed prior to 1969 have a valid water right with a priority as of the date the pond was constructed, provided the owners of such rights file an application for certification with the State Water Resources Control Board on or before December 31, 1977. If the application is filed after December 31, 1977, the priority of right will be as of the day the application is filed.

2. The functions of the Board in certifying to the validity of the stockpond water right described in the application is limited to factual matters on reservoirs constructed at least five years previously and does not require policy decisions or imposition of special terms to protect prior vested rights.

3. The administration of the program can be most expeditiously administered by the Chief of the Division of Water Rights, provided that a right to formal Board hearing and decision is reserved to all concerned parties.

THEREFORE, BE IT RESOLVED that the Board hereby delegates authority to the Chief of the Division of Water Rights to issue and sign certificates verifying stockpond water rights and to take all actions and sign all correspondence required to properly and expeditiously administer the stockpond water right program in accordance with Water Code Sections 1225 to 1226.4 and the Regulations adopted by the Board. The Chief of the Division of Water Rights is expected to use discretion in issuing certificates on protested applications and the Board will consider a request by concerned parties for hearing and decision by the Board on any issues.

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 a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 15, 1974 .

Bill B. Dendy

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Executive Officer