

STATE WATER RESOURCES CONTROL BOARD

RESOLUTION NO. 67-6

RESOLUTION REGARDING POLICIES IN ADMINISTERING
APPLICATIONS AND PERMITS TO APPROPRIATE WATER

WHEREAS it is firmly established by law that an appropriation of water must be prosecuted and completed with due diligence within a reasonable time after commencement and that failure to continuously and in good faith exercise diligence to complete the appropriation will result in forfeiture of the right;

NOW, THEREFORE, BE IT RESOLVED by the State Water Resources Control Board that the following general policies and principles will govern the Board in the processing of applications and permits to appropriate water heretofore and hereafter filed:

1. Defective applications which are not prepared in a bona fide attempt to conform to the law and to the regulations of the Board will not be accepted for filing, including, but not limited to, applications in which no effort, or only a token effort, is made to supply one or more of the items of information required by the Water Code and the regulations of the Board.

2. Applications which are defective but which show evidence of a bona fide attempt to conform to the law and the regulations of the Board will be accepted for filing. The applicant will be promptly notified of the defects and will be allowed sixty days in which to amend and perfect the appli-

cation, and upon his failure so to do, or to show good cause within such sixty-day period for a further extension of time, the application will be canceled without further notice.

3. Incomplete applications as defined in Section 692 of the regulations will be dealt with in the manner prescribed by the regulations.

4. Extensions of time to complete defective or incomplete applications will be granted only when good cause is shown. Good cause requires a satisfactory showing that applicant has made a diligent effort to perfect or complete the application within the time previously allowed and has not done so because of obstacles he could not reasonably avoid. Inadequacy of financing and occupation with other work are not generally acceptable causes. In each instance, extension of time will be for a stated period commensurate with the work to be done, not to exceed one year.

5. When an application is complete, notice thereof will be issued expeditiously and the applicant directed to post or publish it as required by law, without delay. Extensions of time for filing protests and answers thereto, with or without stipulation of the parties, will be granted only upon a showing of good cause and for a stated period. When additional time is requested in order to enable negotiation of conflicting claims, a showing of constant and diligent efforts in good faith to reach a satisfactory agreement between the parties, with reasonable prospect of success, will be required.

6. Protested applications will be heard as promptly as practicable in light of all the circumstances, and requests for inordinate delay in setting them for hearing or in conducting stipulated proceedings in lieu of hearing, will be denied.

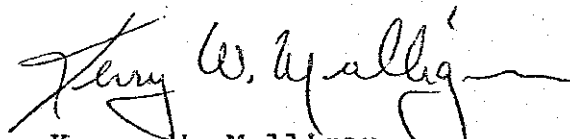
7. Permits will be issued only upon conditions that will insure diligent construction and completion of beneficial use of water. Extensions of time within which to commence and complete construction and beneficial use of water will be granted only upon a showing of good cause in harmony with the principles set forth in paragraph 4 hereof, and normally will not exceed three years.

8. It shall be the constant effort of the Board in administering the provisions of the Water Code delegated to it by law, to enforce those requirements of diligence that are inherent in the law of appropriation of water and to discourage and prevent dilatory attempts to unreasonably delay the development of the State's water resources for the greatest public good.

CERTIFICATION

The undersigned, Executive Officer and Secretary 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 December 1, 1967.

Dated: December 1, 1967



Kerry W. Mulligan
Executive Officer and Secretary