

AMENDED IN SENATE MARCH 17, 2021

SENATE BILL

No. 520

Introduced by Senator Wilk
(Coauthor: Assembly Member Valladares)

February 17, 2021

An act to add Section 1305 to the Water Code, relating to water resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 520, as amended, Wilk. Water resources: permit to appropriate: application ~~procedure~~: *procedure: mining use*.

Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Existing law requires an application for a permit to appropriate water to include, among other things, sufficient information to demonstrate a reasonable likelihood that unappropriated water is available for the proposed appropriation. Existing law requires the board to issue and deliver a notice of an application as soon as practicable after the receipt of an application for a permit to appropriate water that conforms to the law. Existing law allows interested persons to file a written protest with regard to an application to appropriate water and requires the protestant to set forth the objections to the application. Existing law declares that no hearing is necessary to issue a permit in connection with an unprotested application, or if the undisputed facts support the issuance of the permit and there is no disputed issue of material fact, unless the board elects to hold a hearing.

This bill, if the board has not rendered a final determination on an application for a permit to appropriate water *for a beneficial use or uses*

that include mining use within 30 years from the date the application was filed, would require the board to issue a new notice and provide an opportunity for protests before rendering a final determination, with specified exceptions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1305 is added to the Water Code, to read:
 2 1305. (a) If the board has not rendered a final determination
 3 on an application for a permit to appropriate water *for a beneficial*
 4 *use or uses that include mining use* within 30 years from the date
 5 the application was filed, the board shall issue a new notice and
 6 provide an opportunity for protests under Chapter 4 (commencing
 7 with Section 1330) before rendering a final determination.
 8 (b) A notice and opportunity for protests pursuant to subdivision
 9 (a) is not required if any of the following apply:
 10 (1) The application is canceled or denied.
 11 (2) A notice and opportunity for protests has been provided
 12 within five years prior to the board rendering a final approval.
 13 (3) *The board holds a hearing or conducts proceedings under*
 14 *Article 1.5 (commencing with Section 1345) of Chapter 5, after*
 15 *public notice of the hearing or proceedings, and allows any person*
 16 *requesting notice of the hearing or proceedings to participate as*
 17 *a party in the hearing or proceedings, including the presentation*
 18 *of evidence, without having to have filed protests. The board shall*
 19 *provide not less than 45 days' written notice, in the same manner*
 20 *as would be provided to an unresolved protestant, to any person*
 21 *requesting the notice.*
 22 ~~(3)~~
 23 (4) The applicant is a public entity.
 24 (c) This section is not a limitation on the authority of the board
 25 to issue a notice or direct the applicant to issue a notice if, because
 26 of changes in the project or other circumstances, the issuance of
 27 a notice is necessary to provide a fair opportunity for interested
 28 persons to file protests or is in the public interest.

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