

RULE 22-A, EXCERPT

5. Protocol for Level 2 (Administrative) Permit

The General Manager shall provide an Application Form for a Level 2 system in the form and manner prescribed in the Implementation Guidelines, including the applicable fee described in Rule 60. The Application Form shall require written documentation that the system meets the Level 2 criteria described in Rule 22-A-2 above, and enables compliance with Rules 21-A, 22-B and 22-C. The General Manager shall determine if the submitted Application is complete, pursuant to the Implementation Guidelines, within thirty (30) days of receipt. If the Application is determined to be incomplete, the General Manager shall notify the Applicant concerning that information in which the Application is deficient and request the Applicant to submit that information, in compliance with Rule 22-F. If the Application is determined to be complete, and complies with Rules 21-A, 22-B and 22-C, the General Manager shall issue a Level 2 Permit. The Level 2 Permit shall include conditions of approval in compliance with Rule 22-D. The Level 2 process does not require a public hearing. District action is discretionary and the Application is subject to CEQA review. Notice of the staff action shall be provided to all MPWMD Board members. The staff determination may be appealed to the MPWMD Board pursuant to Rule 70, "Appeals."

6. Protocol for Level 3 Permit (Hearing Officer Review)

- a. The General Manager shall provide an Application Form for a Level 3 system in the form and manner prescribed in the Implementation Guidelines, including the applicable fee described in Rule 60. The Application Form shall require written documentation that the system meets the Level 3 criteria described in Rule 22-A-2 above as well as enable compliance with Rules 21-A, 22-B and 22-C. The General Manager shall determine if the submitted Application is complete, pursuant to the Implementation Guidelines, within thirty (30) days of receipt. If the Application is determined to be incomplete, the General Manager shall notify the Applicant concerning that information in which the Application is deficient and request the Applicant to submit that information, in compliance with Rule 22-F.
- b. If the Application is determined to be complete, the General Manager shall act within thirty (30) days following satisfaction of CEQA requirements to set a public hearing on the Application for such Permit, and shall notify the Applicant in writing and give public notice of the hearing date in the manner and form prescribed in the Implementation Guidelines. District action is discretionary and the Application is subject to CEQA review. At the hearing, the General Manager shall sit as the sole hearing officer. At the hearing, the Applicant shall be entitled to present evidence in support of the Application. Interested Persons may present evidence in opposition or support of the Application. The hearing officer, in conducting the

public hearing, may request hydrologic, geologic, legal opinions or other studies necessary to obtain information required for his/her decision. The cost of such studies shall be borne by the Applicant. For every Application for which a Controversy, based on factual evidence already in the record or introduced into the record, arises concerning the extent or adequacy of water rights, the hearing officer may require and will specify additional documentation needed to support each water right claim. The hearing officer shall continue the public hearing on the Application until the specified information is provided by the Applicant.

- c. The hearing officer may deny, approve, or continue the Permit Application based on the minimum standards as set forth in Rule 22-C and its findings pursuant to Rule 22-B. The hearing officer may impose such conditions on the Permit that he/she deems necessary and proper, which must include the “Mandatory Conditions of Approval” specified in Rule 22-D. The General Manager shall notify the Applicant within thirty (30) days in writing by mail or in person of the hearing officer action taken; namely continuance, approval, conditional approval, or denial of the Application. Notice of the action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the Application, or when personally delivered to the Applicant or the Applicant’s representative. Notice of the hearing officer’s action shall be provided to all MPWMD Board members.
- d. The hearing officer’s decision may be appealed to the MPWMD Board of Directors pursuant to Rule 70, “Appeals,” upon payment of the fee specified in Rule 60. Permits granted under this provision may be appealed to the Board of Directors for a de novo hearing. That hearing shall convene under the rules of process set in Rule 70, “Appeals.”

7. Protocol for Level 4 Permit (MPWMD Board Hearing)

- a. The General Manager shall provide an Application Form for a Level 4 system in the form and manner prescribed in the Implementation Guidelines, including the applicable fee described in Rule 60. The Application Form shall require written documentation that the system meets the Level 4 criteria described in Rule 22-A-2 above as well as enable compliance with Rules 21-A, 22-B and 22-C. The General Manager shall determine if the submitted Application is complete, pursuant to the Implementation Guidelines, within thirty (30) days of receipt. If the Application is determined to be incomplete, the General Manager shall notify the Applicant concerning that information in which the Application is deficient and request the Applicant to submit that information, in compliance with Rule 22-F.