Article 4. Approval of Applications

6260. Upon receipt of any application other than an application provided for in Article 3 of this chapter the department shall give its consideration thereto and shall approve or disapprove the same within the time provided in this article.

6261. A defective application made in a bona fide attempt to conform to the law and rules and regulations of the department shall not be rejected but notice of defect shall be sent to the applicant by ordinary and registered mail.

6262. If within 30 days of the date of mailing the notice the applicant does not file an amended and perfected application, the application shall be rejected and canceled unless for good cause shown the department allows the applicant further time.

6263. No application shall be approved in less than 10 days from its receipt but all applications shall be approved or disapproved as soon as practicable after the receipt of all data and information found necessary by the department.

6264. Approvals may be granted under terms, conditions, and limitations necessary to safeguard life and property.

6265. Actual construction shall be commenced within one year after date of approval, otherwise the approval becomes void.

6266. The department may, upon written application and for good cause shown, extend the time for commencing construction.

6267. Notice shall be given to the department at least 10 days before construction is to be commenced and such other notices shall be given to the department as it may require.

Chapter 6. Fees

6300. (a) The application for a new dam or reservoir or enlargement shall set forth the estimated cost, as defined in this article, of the dam or reservoir or enlargement and shall be accompanied by a filing fee based upon the estimated cost and according to the following schedule:

(1) For the first three hundred thousand dollars ($300,000), a fee of 3 percent of the estimated cost.
(2) For the next seven hundred thousand dollars ($700,000), a fee of 2 percent.

(3) For the next one million dollars ($1,000,000) a fee of 1 ½ percent.

(4) For the next one million dollars ($1,000,000), a fee of 1 ¼ percent.

(5) For the next two million dollars ($2,000,000), a fee of 1 percent.

(6) For the next two million dollars ($2,000,000), a fee of three-fourths of 1 percent.

(7) For all costs in excess of seven million dollars ($7,000,000), a fee of one-half of 1 percent.

(b) In no case, however, shall the minimum fee be less than three hundred dollars ($300).

6301. One filing fee only shall be collected for an enlargement to be effected by flashboards, sandbags, earthen levees, gates, or other works, devices, or obstructions which are, from time to time, to be removed and replaced or opened and shut and thereby operated so as to vary the surface elevation of the impounded water.

6302. For the purposes of this part, the estimated cost of the dam or reservoir or enlargement involved shall include the following:

(a) The cost of all labor and materials entering into the construction of the dam and appurtenant works or reservoir.

(b) The cost of preliminary investigations and surveys.

(c) The cost of the construction plant properly chargeable to the cost of the dam or reservoir.

(d) Any and all other items entering directly into the cost of the dam or reservoir.

6303. The costs of right-of-way, detached powerhouses, electrical generating machinery, and roads and railroads affording access to the dam or reservoir shall not be included among the items used in the determination of cost.
An application shall not be considered by the department until the filing fee is received.

In the event the actual cost exceeds the estimated cost by more than 15 percent, a further fee shall be required by the department before final approval and shall be 115 percent of the amount by which the original fee is less than it would have been had the cost it was based upon been the same as the actual cost. No further fee shall be required, however if such fee is to be computed at less than twenty dollars ($20).

Applications for dams found by the department to have been less than 90 percent constructed on August 14, 1929, shall be accompanied by fees as much less than provided for dams commenced after that date as the percentage of construction found by the department to have been completed on that date.

(a) (1) The department shall adopt, by regulation, a schedule of fees to cover the department's costs in carrying out the supervision of dam safety.

(2) The revenue generated by the fees imposed under this section shall be adjusted periodically for cost-of-living increases. If the director determines that the revenue collected during the preceding fiscal year was greater or less than the cost to operate the program, the director shall adjust the fees to compensate for the overcollection or undercollection of revenue. The department shall provide a schedule of fees to the Legislature and to every dam owner that has a permit or has applied for a permit, when any adjustment is made to the fees under this section.

(b) (1) An annual fee shall be paid on or before January 31, 2004, July 1, 2004, and on or before July 1 of each succeeding year, based upon a fixed rate and height of the dam, including all enlargements thereto, substantially completed by or in operation on June 30, 2003, and on June 30 of each succeeding year. The fees collected on December 31, 2003, will be credited toward the fees due January 31, 2004. The annual fee shall be four hundred dollars ($400) per dam, plus one hundred ten dollars ($110) per foot of height. This fee shall be periodically adjusted, as described in subdivision (a).

(2) A penalty plus interest, as set forth in Section 6428 of the Water Code, shall be imposed for fees received after July 1 in any year, except that for the year 2003, the penalty plus interest shall be imposed for any fees received after January 31, 2004.
(c) For the purposes of this section, “height of the
dam” means the vertical distance, to the nearest foot, from the
natural bed of the stream or watercourse at the downstream toe of the
barrier, as determined by the department, or from the lowest
elevation of the outside limit of the barrier, as determined by the
department, if it is not across a stream channel or watercourse, to
the maximum possible water storage elevation.

(d) Notwithstanding subdivision (b), the department
shall limit the total annual fee per dam to not more than seventy-
five ($75) if both of the following apply:

1. The dam has a storage capacity of not more than 100 acre-feet.
2. The governing body of a private school or the
governing board of a public school certifies that the dam is used as
a subject of study by its students.

(e)(1) Notwithstanding subdivision (b), the department
shall limit the total annual fee for dams or reservoirs located on
farms or ranch properties to one hundred fifty dollars ($150) per
dam, and sixteen dollars ($16) per foot of height.

2. For purposes of this subdivision, “farm” has the
same meaning as defined in Section 52262 of the Food and Agricultural
Code.

(f)(1) Privately owned dams with less than 100 acre-
feet of storage capacity shall be assessed an annual fee in
accordance with paragraph (1) of subdivision (e).

2. As used in this subdivision, “privately owned”
does not include dams owned by municipalities, water districts or
companies, irrigation districts, private, investor owned or publicly
owned utilities, or public agencies.

6308. All fees, penalties, interest, fines, or charges collected
by the department under this division shall be deposited in the Dam
Safety Fund, which is hereby established in the State Treasury. The
money in that fund shall be available to the department, upon
appropriation by the Legislature, for the administration of the dam
safety program.

6309. The fees provided for in this chapter shall be required of
any “owner”, as defined in Section 6005.