



FOR IMMEDIATE RELEASE

Byron Bethany Irrigation District Responds to State's Proposed \$1.5 Million Penalty

District calls today's retaliatory action a brazen abuse of authority.

(Tracy, Calif., July 20, 2015) – The Byron-Bethany Irrigation District (BBID) received notice today of a draft Administrative Civil Liability Complaint. The complaint, issued by the State Water Resources Control Board (SWRCB), proposes to penalize BBID in the amount of \$1.5 million for exercising its senior water rights.

This unprecedented retaliatory action subjects the District to severe drought-related penalties, and furthers the devastating impacts to local farmers and ranchers.

“The State Board is choosing to make an arbitrary example out of BBID at the expense of our customers and the communities their hard work supports,” says BBID Board President Russell Kagehiro. “BBID will vigorously defend its rights to water and due process. The landowners and others that rely upon BBID’s senior water rights deserve no less.”

BBID is one of a handful of agencies that had challenged the SWRCB’s unlawful June 12, 2015 curtailment of water rights (Curtailment Notice). BBID challenged the SWRCB in a lawsuit, filed in Contra Costa County on June 26, 2015. In that lawsuit, BBID seeks substantial damages from the SWRCB for unlawfully taking BBID’s water rights as well as for the consequential harm resulting to landowners within BBID’s service area.

BBID has yet to have its day in court because the SWRCB has filed a procedural motion with the Contra Costa Superior Court divesting the court of jurisdiction to hear any requests for relief by BBID. The SWRCB has not only deprived BBID of due process protections and its rights to divert water by issuance of the Curtailment Notice, but also by filing motions that deprive *any* court of providing BBID with *any* relief until the case gets referred to a “neutral” county.

The SWRCB’s Curtailment Notice, press releases, and all other communications clearly articulate that the SWRCB has pre-determined, without any evidentiary support, that there is no water available for BBID under its water rights.

“This matter requires an impartial judge in order to achieve a fair resolution,” said Daniel Kelly, BBID’s general counsel. “The administrative body that issued the complaint cannot be expected to fairly evaluate the merits of the claim itself. The State Board’s action makes a mess of a very serious situation with very severe consequences.”

BBID will request a hearing before the SWRCB and also request that whatever Court eventually hears the underlying cases also hear the enforcement action.

BBID looks forward to the opportunity to cross examine SWRCB witnesses regarding the specific facts related to BBID’s diversions, the supposed unavailability of water at BBID’s point of diversion, and the role the SWRCB’s exceptions and waivers of enforcement played in the availability of water for BBID.

“We are confident that, through the appropriate civil discovery processes, BBID will establish that the SWRCB has been less than candid in the representations it has made about the Curtailment Notices and BBID’s lawful exercise of its water rights,” Kelly added.

Byron-Bethany Irrigation District (BBID) is a multi-county special district serving parts of Alameda, Contra Costa, and San Joaquin Counties. The District serves a total area of 47 miles and 30,000 acres. For more information visit www.bbid.org. For additional media information, contact Erin Gilhuly at 760.641.0739 or via email at erin@cvstrat.com.

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