



# Water board moves to dismiss record fine against irrigation district



In this photo taken July 15, 2015, water flows down a canal near Byron, Calif. (AP Photo / Rich Pedroncelli)

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**S**tate water regulators are proposing to dismiss a record \$1.5-million fine they intended to levy against a Northern California irrigation district accused of ignoring drought-related cuts in water diversions.

The State Water Resources Control Board slapped the fine on the Byron Bethany Irrigation District last summer for continuing to divert supplies after the board ordered senior rights holders to stop river and stream withdrawals.

The action was a high-profile attempt to enforce use limits on agricultural districts that argue their senior water rights are beyond the state's reach.

In a draft order released Thursday, the board says that while it has the authority to regulate senior rights, the evidence in this case is too weak to sustain the fine.

After a March hearing that functioned much like a trial, board officers concluded that there were holes in the water supply-and-demand analysis on which the enforcement action was based.

As the drought worsened last year, the board issued a series of orders curtailing water rights based on their age. At first, regulators told junior holders they had to stop drawing from rivers and streams to leave supplies for more senior rights holders.

Then the board reached further back in California's water hierarchy, telling even senior districts with rights dating from 1903 to halt diversions.

Byron Bethany, which had a 1914 right to take water from the southern end of the Sacramento-San Joaquin River Delta, continued to divert for nearly two weeks after the curtailment order was issued, the board said.

The district, which supplies water to about 160 growers and 15,000 residents in the master-planned community of Mountain House, argued that the state had no authority over its senior rights and asked for a hearing.

The hearing officers found problems with the complicated calculations used to determine which category of rights holders should be ordered to stop withdrawals.

"Inconsistencies in the water availability analysis ... preclude us from finding that the prosecution team has carried its burden of proof," states the draft report, which also recommends dropping an enforcement action filed against the West Side Irrigation District of Tracy.

The full board will vote on the dismissal at a June 7 meeting.

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