
State Water Resources Control Board

August 10, 2018

Rick Gilmore
General Manager
Byron-Bethany Irrigation District
7995 Bruns Road
Byron, CA 94514-1625

VIA U.S. MAIL AND EMAIL

Dear Mr. Gilmore:

Thank you for your letter of July 24, 2018, concerning the on-going litigation filed by Byron-Bethany Irrigation District (BBID) challenging certain actions taken by the State Water Resources Control Board (State Water Board) during the drought. Rest assured that the board members have been appropriately apprised consistent with the Bagley-Keene Open Meetings Act and all other applicable law of developments in the case as they have occurred. State Water Board members have received the settlement offer from BBID, as well as the counter offer submitted by the Attorney General's Office on behalf of the agency.

The State Water Board, subject to certain limitations, has delegated to its Executive Director the authority to conduct and supervise the agency's activities. To this end, the Executive Director and staff work with the Office of Chief Counsel and the Attorney General's Office on litigation matters. The Executive Director and Chief Counsel, in turn, keep the State Water Board members apprised of litigation developments consistent with the terms of the Board's delegation and all applicable law.

When appropriate, the Executive Director, Chief Counsel, or board members may request a closed session so the members can deliberate and provide litigation direction, including direction on settlement. To date, that has not been necessary in the curtailment litigation.

I support settlements that preserve the resources of public agencies. However, water users, the State Water Board, and other interests have varying views about the State Water Board's authority and the appropriate mechanisms to address water scarcity during times of drought. The on-going litigation carries with it risks for both parties, but also the opportunity to resolve some of that uncertainty.

Sincerely,



Felicia Marcus
Chair