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Water rights suit moves forward

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Glenn Moore/Tracy Press

Byron Bethany Irrigation District

Water flows in a canal next to the Byron Bethany Irrigation District office on Bruns Road.

Posted: Tuesday, October 18, 2016 2:30 pm

Press staff report | 0 comments

Byron Bethany Irrigation District's suit against the State Water Board for denying the district's traditional use of river water for irrigation is moving forward.

In Santa Clara County Superior Court, Judge Peter Kirwan ruled Sept. 30 that the case can proceed toward trial, rejecting the board's claims that the charges filed by BBID have insufficient legal support.

Specifically, the Byron-based irrigation district has charged that the water board, officially known as the California Water Resources Control Board, did not have the legal right, as stated in a 2014 curtailment order, to deny BBID use of river water — a use the district stresses is protected by pre-1914 senior water rights held by the district northwest of Tracy.

In denying the water board's motion to throw out the BBID suit, the judge also ruled that the State Water Contractors, an association of 27 public water providers, can become a part in the suit, which is viewed by water users as a pivotal case in defending long-held water rights.

Rick Gilmore, BBID general manager, in a press release issued after Kirwan's decision, stressed the importance of defending water rights "that provide the very foundation for our communities."


Contact the Tracy Press at tpnews@tracypress.com or 835-3030.

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