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Tracing Tracy Territory Irrigation district, water board wage war of words

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Posted: Thursday, February 25, 2016 11:45 pm

By [Sam Matthews](#) | [0 comments](#)

S kirmishing between the Byron Bethany Irrigation District and the State Water Resources Control Board continues unabated.

The subpoenas, letters and press releases that have been flying about don't deal directly with charges levied last year by the State Water Board against the Byron-based irrigation district for "unauthorized diversions" of river water in a drought year.

Instead, they center on another issue — accusations that the water board sought criminal background checks on BBID leaders.

Subpoenas served Feb. 5 by BBID attorneys on the State Water Board sought any documents associated with what the irrigation district attorneys had heard were efforts by the water board to ask the State Department of Justice to conduct a criminal background check "on the BBID elected board members and/or its general manager."

In response to the subpoenas, the State Water Board's chief counsel, Michael Lauffer, replied Feb. 11 that his office could find no documents supporting the irrigation district's claim.

"Quite simply, the State Water Board has no documents in any way relating to a criminal background check on BBID board members or its general manager, and no reason to believe anyone acting at the behest of the State Water Board requested such a background check," he declared in his response.

But BBID directors are still unconvinced that at least one criminal background check was not sought. On Friday,

they wrote to state Attorney General Kamala Harris, asking her to investigate the incident, identifying BBID board president Russell Kagehiro as the target of a possible criminal background check.

In a news release, BBID general manager Rick Gilmore declared: "This is a clear abuse of power by the state regulatory agency that has gone rogue. In addition to an investigation by the Attorney General, BBID will call upon the legislature to conduct legislative hearings into the SWRCB's conduct."

No word yet from the Attorney General's office or State Legislature.

Conflicts between Byron Bethany and the State Water Board burst into public view last summer when the State Water Board announced in a news release that it was serving BBID the first Administrative Civil Liability charges against a water district in 2015 — and the charges could amount to as much as \$1.5 million in fines.

BBID directors said they felt they were being intimidated by the threat of hefty fines and that the district was unfairly being held up as a poster boy for what the water board considered unauthorized river water pumping in the face of drought-year restrictions.

At that point, the war of words was on. It will come to a head March 21, when a hearing in Sacramento will begin on State Water Board charges against both BBID and West Side Irrigation District. The outcome of the multi-day hearing will decide if the State Water Board upholds, alters or dismisses the charges.

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