

The Mercury News

The Newspaper of Silicon Valley

MercuryNews.com

State water board: Drop \$1.5 million fine against Tracy irrigation district

By Denis Cuff, dcuff@bayareanewsgroup.com

Posted: 05/31/2016 05:09:16 PM PDT | Updated: about 7 hours ago

SACRAMENTO -- The state water board is expected to drop its case seeking \$1.5 million from a Tracy-based irrigation district accused of taking water illegally from the Delta last year during the drought.

The case against the Byron-Bethany Irrigation District attracted widespread attention as a test of state powers to regulate water rights established before the 1914 advent of the state's water allocation system.

The irrigation district, which supplies water to about 12,000 people in Mountain House and 160 farms, asserted that a state order to stop its pumping interfered with its pre-1914 water rights. The state disagreed.

Last week, however, staffers at the State Water Resources Control Board filed a proposed order to drop the enforcement case because of flaws in the complicated evidence to account for water supply and demand.

"Given the potential magnitude of the discrepancies in the water availability analyses on which the Prosecution Team based its case," staffers wrote in a report, "we are unable to find that the Prosecution Team has carried its burden of proof."

The state board staffers, however, continue to maintain they have authority over the district's old water rights.

The five-member state board is expected to decide Tuesday whether to drop the case.

Advertisement

In a written statement, the Byron-Bethany Irrigation District said its leaders are pleased the state is considering dismissing the enforcement action.

"This day was a long-time coming," the district said in a statement. "We maintained all along that we were legally exercising our pre-1914 water rights."

The district also said, "We will review this ruling in greater detail with our legal team and look forward to putting this chapter behind us."

Contact Denis Cuff at 925-943-8267. Follow him at [Twitter.com/deniscuff](https://twitter.com/deniscuff) or facebook.com/denis.cuff.