

State Water Resources Control Board

JUL 20 2015

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

CERTIFIED MAIL NO. 7003 1680 0000 2965 9480

Daniel Kelley
General Counsel, Byron-Bethany Irrigation District
Somach Simmons & Dunn
500 Capital Mall, Suite 1000
Sacramento, CA 95814

CERTIFIED MAIL NO. 7003 1680 0000 2965 9473

Dear Messrs. Gilmore and Kelley:

ENFORCEMENT ACTION ENF01951 – ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
REGARDING UNAUTHORIZED DIVERSION OF WATER FROM THE INTAKE CHANNEL TO
THE BANKS PUMPING PLANT (FORMERLY ITALIAN SLOUGH) IN CONTRA COSTA
COUNTY

Enclosed is an Administrative Civil Liability (ACL) Complaint relating to your diversions from the intake channel to the Banks Pumping Plant (formerly Italian Slough) after June 12, 2015. This letter serves as notice to Byron-Bethany Irrigation District (BBID) that the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), intends to impose the proposed Administrative Civil Liability.

You have 20 days from receipt of this notice to act or face additional enforcement without further notice. Therefore, this matter requires your immediate attention.

VIOLATION DESCRIPTION

BBID is alleged to have diverted a total of approximately two thousand sixty-seven (2,067) acre-feet over the course of thirteen days, from June 13 through June 25, 2015, during which water was unavailable to serve BBID's water right. The violation is further described in the enclosed ACL Complaint.

ADMINISTRATIVE CIVIL LIABILITY

California Water Code, section 1052, prohibits the unauthorized diversion of water. Water Code section 1052 authorizes the State Water Board to administratively impose civil liability for unauthorized diversions of water during periods of drought emergency in an amount not to exceed \$1,000 per day of violation plus \$2,500 per acre-foot diverted without authorization.

COMPLETE THIS SECTION

Items 1, 2, and 3. Also complete Restricted Delivery is desired. Your name and address on the reverse We can return the card to you. This card to the back of the mailpiece, front if space permits.

Bethany Irrigation District
Rick Gilmore, General Manager
Bruns Road
CA 94514

Number
(from service label)

7003 1680 0000 2965 9480

February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
SYLVIA RAZNIK 7/27/15

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

COMPLETE THIS SECTION

Items 1, 2, and 3. Also complete Restricted Delivery is desired. Your name and address on the reverse We can return the card to you. This card to the back of the mailpiece, front if space permits.

El Kelley
General Counsel, Byron-Bethany
Irrigation District
Hatch Simmons & Dunn
Capital Mall, Suite 1000
Sacramento, CA 95814

Number
(from service label)

7003 1680 0000 2965 9473

February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
John C. Reichman 2/22/15

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes