

Search

**S021256 Statement Number - 1163 Total Statements**

Totals (all Statements): 2014 Riparian Diversion to Storage + Direct Diversion (acre-feet)											Total	
Jan.	Feb.	Mar.	Apr.	May.	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	
19281.262	27139.882	35983.385	54245.538	112272.386	152263.18	176991.624	142136.687	76546.135	49810.011	51579.454	20967.576	919,217.120
<b>Totals: Pre-1914 Diversion to Storage + Direct Diversion (acre-feet) (to come)</b>												

(Part 1)  
 Statement Number: **S021256**  
 Record Date: 15-02-09 05:17:41  
 Password: XXXXXXXXXX  
 AdjudicationName: Adjudication Number:  
 Primary Owner: Byron-Bethany Irrigation District,  
 Address: 7995 Bruns Road, City: Byron, County: Contra Costa,  
 Filer: Rick Gilmore  
 Address: 7995 Bruns Road , Byron , CA , 94514  
 Email: r.gilmore@bbid.org

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(Part 2)  
 Primary Use of Water: Irrigating  
 Power Operation:  
 Other Water Use:

**Basis of Right Claimed and Supporting Documentation (Completion of one or all three of the following sections below is required, if they apply to your diversion.**  
 Riparian Patent Date  
 Parcel Number 000-0000-000-0000,  
 Has your parcel been severed from the riparian watercourse but the riparian claim preserved through title?  
**Pre-1914 Right**  
 Priority Date being claimed: 1914, Year that water was first used: 1916  
 Pre-1914 Parcel Numbers:  
 Continuous Use:  
**Water Supply Contract (if applicable)**  
 Who do you have a water supply contract with? , .  
 Name of other provider: .  
 Contract No. .  
 Amount (Acre-feet) authorized to divert under this contract: 0.000.  
 Amount (Acre-Feet) authorized to be diverted in 2014? 0.000.  
 Amount (Acre-Feet) projected for 2015? 0.000.

**Water Transfer Section (from Part 3):**  
 Was any water diverted under this Statement transferred in 2014? Yes  
 If yes, please state quantity transferred in acre-feet: 1573. (AF)  
 Transfer occurred from 1 Day, 8 Month, TO 31 Day, 10 Month.  
 This transfer was approved by: State Board , , .

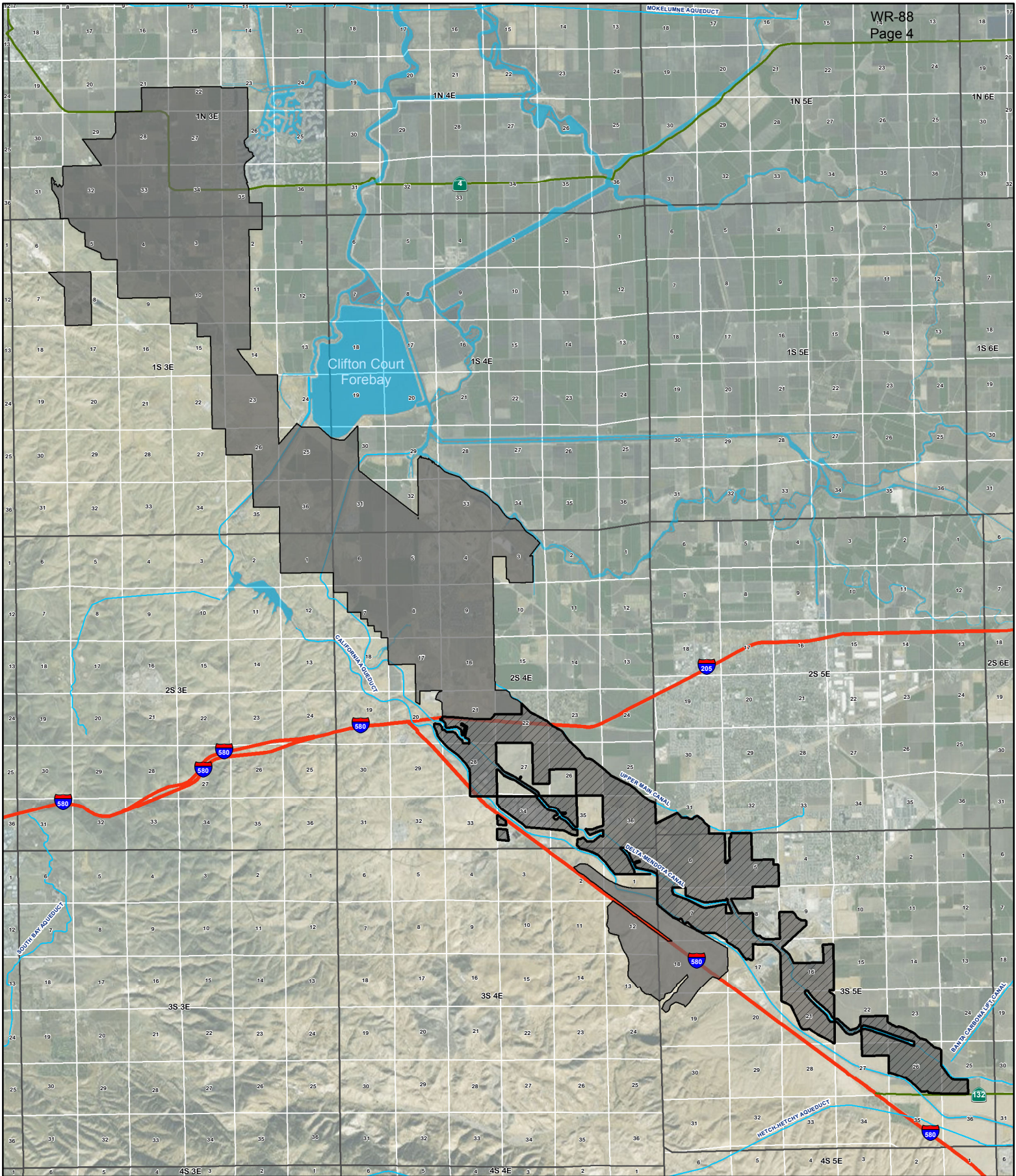
**(Part 3) 2014 Monthly Statement Diversions and 2015 Monthly Projected Statement Diversions**



Month	Water Right Type	2014 Diversion to Storage - acre-feet	2014 Direct Diversion acre-feet	2014 Max. Rate of Diversion (cubic feet per second)	2015 Projected Diversion to Storage - acre-feet	2015 Projected Direct Diversion - acre-feet
January:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	2301.000	0.000	0.000	202.000
February:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	921.000	0.000	0.000	500.000
March:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	2005.000	0.000	0.000	2000.000
April:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	2848.000	0.000	0.000	2800.000
May:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	4300.000	0.000	0.000	4300.000
June:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	4842.000	0.000	0.000	4800.000
July:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	4017.000	0.000	0.000	4000.000
August:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	2871.000	0.000	0.000	2800.000
Sept:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	2792.000	0.000	0.000	1700.000
October:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	2657.000	0.000	0.000	1600.000
Nov:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	612.000	0.000	0.000	600.000
Dec:	Riparian	0.000	0.000	0.000	0.000	0.000
	Pre1914	0.000	128.000	0.000	0.000	150.000

**Monthly Water Supply Contract Diversion Amounts (acre-feet)**

January	February	March	April	May	June
0.000	0.000	0.000	0.000	0.000	0.000
July	August	September	October	November	December
0.000	0.000	0.000	0.000	0.000	0.000

Other Comments:

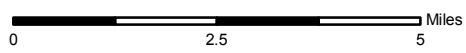


-  Contractor's Service Area
-  District Boundary

# Byron-Bethany Irrigation District

RECLAMATION  
*Managing Water in the West*

Contract No. 15-WC-20-4657  
EXHIBIT A





**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



September 23, 2014

Ms. Barbara L. Evoy, Deputy Director  
Division of Water Rights  
State Water Resources Control Board  
1001 I Street  
Sacramento, California 95814

**SENT VIA EMAIL:** [bevoy@waterboards.ca.gov](mailto:bevoy@waterboards.ca.gov)

Dear Ms. Evoy:

The Department of Water Resources ("DWR") has a contract with Byron-Bethany Irrigation District ("BBID") that settles water right issues and requires reporting to DWR the amount of water BBID diverts from the Delta under the contract. The DWR requests that because of the reporting requirements agreed to by BBID in this contract, the State Water Resources Control Board (SWRCB) not include BBID in any order responding to the DWR/Reclamation request for action under the emergency regulations filed with the SWRCB on July 23, 2014 and further explained in a letter on September 15, 2014.

In 2003, DWR and BBID executed a contract to settle between them an issue over the amount of any pre-1914 appropriative water right that BBID could divert from the Clifton Court Forebay, a diversion location which establishes a unique relationship between BBID and DWR. Pursuant to this settlement, DWR provides BBID up to 50,000 acre feet annually for use in its service area. The contract also provides that BBID shall accurately and completely measure the quantity of its diversions and report this information to the DWR Delta Field Division Area Control Center. BBID fulfills its reporting obligations by metering its diversions and providing those quantities to DWR.

The SWRCB emergency regulations and draft order attached to the September 24 Delta diversions workshop notice seek information on the basis of right and use of water by pre-1914 appropriators and riparian users in the Delta. The information currently gathered by BBID and reported to DWR allows for accurate adjustments to State Water Project (SWP) operations. Thus, including BBID in the draft order will not produce any additional information. Rather, if the SWRCB would benefit from this information, DWR can provide it upon request.

Ms. Barbara L. Evoy  
September 23, 2014  
Page 2

At the September 24 Delta diversions workshop, DWR can provide further information on the BBID contract if the SWRCB has any questions. Furthermore, at this time DWR is unaware of any other Delta diverter who holds a contract with DWR that provides for metering and reporting of diversions. Thus, this request that the SWRCB consider the unique circumstances where BBID currently satisfies information that is the subject of the Board draft order does not alter the general need for accurate information as requested by DWR and Reclamation.

Sincerely,



Michelle Morrow  
Assistant Chief Counsel

cc: Mr. Les Grober  
Chief Deputy Director  
Division of Water Rights  
State Water Resources Control Board  
1001 I Street  
Sacramento, California 95814

cc: Ms. Dianne Riddle  
Environmental Program Manager  
Division of Water Rights  
State Water Resources Control Board  
1001 I Street  
Sacramento, California 95814

cc: Mr. Rick Gilmore  
General Manager  
Byron Bethany Irrigation District  
7995 Bruns Road  
Byron, California 94514-1625

Indexed 3042

Combs

NOTICE OF APPROPRIATION OF WATER

- B Y - ✓

BYRON-BETHANY IRRIGATION COMPANY.

Dated, May 18th, 1914.

*Cary Howard.*  
MAY 27 1914  
8 min. past 9 a  
Water  
Rights 202  
*M. J. [Signature]*

11/2

CARY HOWARD  
ATTORNEY AT LAW

672 BROADWAY, OAKLAND, CAL.  
401 UNION SAVINGS BANK BUILDING.



NOTICE OF APPROPRIATION OF WATER.

NOTICE IS HEREBY GIVEN, that BYRON-BETHANY IRRIGATION COMPANY, a corporation organized and existing under and by virtue of the laws of the State of California, and having its principal place of business in Contra Costa County, State aforesaid, does hereby claim the water flowing in Old River, at the point where the West bank of said Old River intersects the South bank of the branch or channel making South from said Old River and designated as "ITALIAN SLOUGH", and which said point is near to the center of Section Seven (7), Township One (1) South, Range Four (4) East Mount Diablo Base and Meridian in said Contra Costa County.

That said corporation claims and intends to use the water there flowing to the extent of 40,000 inches measured under a four-inch pressure.

That the purpose for which said corporation claims said water is to furnish water to its shareholders for irrigation and domestic purposes, and the place where it is intended to use said water is upon the lands lying in the Easterly portions of Contra Costa and Alameda Counties and the Southwesterly portion of San Joaquin County.

That the means by which it is intended to divert said water and the size of the diverting agency is as follows:

FIRST, through and along Italian Slough Southerly for about two miles to a point on the Southerly Section line of Section 13, in Township One South, Range Three East Mount Diablo Base and Meridian, and distant thereon 1450 feet Westerly from the Southeast corner of said Section 13, and which said Italian Slough is about 200 feet wide and 8 feet deep at its confluence with said Old River.

Thence Westerly through and along an artificial channel 200 feet wide and 8 feet deep, now existing, 3350 feet to a point 480 feet East of the Southwest corner of said Section 13.

SECOND; thence Southeasterly 3600 feet through and along an artificial canal or channel now existing, to the point of intersection of said canal with a creek known as Bruns Creek and the Segregation line, and which said point is in the Southwest quarter of Section 24, Township One South, Range Three East Mount Diablo Base and Meridian, said artificial channel or canal which is about 25 feet wide and 6 feet deep to be enlarged to 46 feet wide at the top, 30 feet wide at the bottom and 8 feet deep.

~~THIRD, thence through and along a canal or channel 50 feet wide~~

State of California, }  
COUNTY OF Contra Costa } ss.

On this 19th day of May in the year one thousand, nine hundred and Fourteen A. D.

before me Alfred L. Bovo, a Notary Public in and for said County, personally appeared

Wolney Taylor known to me to be the

President, and R.R. Houston known to me to be the

Secretary of the Corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation within named, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County, the day and year in this certificate first above written.

My Commission Expires Sept. 18, 1915

*Alfred L. Bovo*  
Contra Costa

Notary Public in and for the County of Contra Costa State of California



Stamp Co. (INC.) LOS ANGELES



NOTICE OF APPROPRIATION OF WATER.

NOTICE IS HEREBY GIVEN, that BYRON-BETHANY IRRIGATION COMPANY, a corporation organized and existing under and by virtue of the laws of the State of California, and having its principal place of business in Contra Costa County, State aforesaid, does hereby claim the water flowing in Old River, at the point where the West bank of said Old River intersects the South bank of the branch or channel making South from said Old River and designated as "ITALIAN SLOUGH", and which said point is near to the center of Section Seven (7), Township One (1) South, Range Four (4) East Mount Diablo Base and Meridian in said Contra Costa County.

That said corporation claims and intends to use the water there flowing to the extent of 40,000 inches measured under a four-inch pressure.

That the purpose for which said corporation claims said water is to furnish water to its shareholders for irrigation and domestic purposes, and the place where it is intended to use said water is upon the lands lying in the Easterly portions of Contra Costa and Alameda Counties and the Southwesterly portion of San Joaquin County.

That the means by which it is intended to divert said water and the size of the diverting agency is as follows:

FIRST, through and along Italian Slough Southerly for about two miles to a point on the Southerly Section line of Section 13, in Township One South, Range Three East Mount Diablo Base and Meridian, and distant thereon 1450 feet Westerly from the Southeast corner of said Section 13, and which said Italian Slough is about 200 feet wide and 8 feet deep at its confluence with said Old River.

Thence Westerly through and along an artificial channel 200 feet wide and 8 feet deep, now existing, 3350 feet to a point 480 feet East of the Southwest corner of said Section 13.

SECOND; thence Southeasterly 3600 feet through and along an artificial canal or channel now existing, to the point of intersection of said canal with a creek known as Bruns Creek and the Segregation line, and which said point is in the Southwest quarter of Section 24, Township One South, Range Three East Mount Diablo Base and Meridian, said artificial channel or canal which is about 25 feet wide and 6 feet deep to be enlarged to 46 feet wide at the top, 30 feet wide at the bottom and 8 feet deep.

~~THIRD, thence through and along a canal or channel 50 feet wide~~

State of California, )  
COUNTY OF Contra Costa ) ss.

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Volney Taylor known to me to be the

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Secretary of the Corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation within named, and acknowledged to me that such Corporation executed the same.

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My Commission Expires Sept. 18, 1915

Contra Costa

Notary Public in and for the County of State of California



ation)  
AMP CO. (INC.) LOS ANGELES



NOTICE OF APPROPRIATION OF WATER.

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That said corporation claims and intends to use the water there flowing to the extent of 40,000 inches measured under a four-inch pressure.

That the purpose for which said corporation claims said water is to furnish water to its shareholders for irrigation and domestic purposes, and the place where it is intended to use said water is upon the lands lying in the Easterly portions of Contra Costa and Alameda Counties and the Southwesterly portion of San Joaquin County.

That the means by which it is intended to divert said water and the size of the diverting agency is as follows:

FIRST, through and along Italian Slough Southerly for about two miles to a point on the Southerly Section line of Section 13, in Township One South, Range Three East Mount Diablo Base and Meridian, and distant thereon 1450 feet Westerly from the Southeast corner of said Section 13, and which said Italian Slough is about 200 feet wide and 8 feet deep at its confluence with said Old River.

Thence Westerly through and along an artificial channel 200 feet wide and 8 feet deep, now existing, 3350 feet to a point 480 feet East of the Southwest corner of said Section 13.

SECOND; thence Southeasterly 3600 feet through and along an artificial canal or channel now existing, to the point of intersection of said canal with a creek known as Bruns Creek and the Segregation line, and which said point is in the Southwest quarter of Section 24, Township One South, Range Three East Mount Diablo Base and Meridian, said artificial channel or canal which is about 25 feet wide and 6 feet deep to be enlarged to 46 feet wide at the top, 30 feet wide at the bottom and 8 feet deep.

THIRD; thence through and by a canal or channel 50 feet wide at the top, 30 feet wide at the bottom and about 10 feet deep to be cut, and following Southwesterly up and along said Bruns Creek 2600 feet to a point near the Southwest corner of the Southwest quarter of said Section 24, and at such last named point by pumps and other apparatus and appliance to lift the water into several ditches or flumes or other conveyors for distribution to the main and other laterals for use on adjacent lands.

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed by its President, and its corporate seal to be hereunto affixed by its Secretary, the 18th day of May, 1914.



BYRON-BETHANY IRRIGATION COMPANY

By Volney Taylor President

By P. P. Houston Secretary.



AFFIDAVIT OF POSTING OF NOTICE OF APPROPRIATION  
OF WATER.

STATE OF CALIFORNIA,            )  
  ) ss:  
COUNTY OF CONTRA COSTA.    )

R. R. Houston

being duly sworn, deposes and says:

That on May 18th, 1914 he posted a full, true and correct copy of the attached "NOTICE OF APPROPRIATION OF WATER" at the point where the West bank of Old River intersects the South bank of the branch or channel making South from said Old River, and designated as "Italian Slough", and which said point where said notice was posted is near to the center of Section 7, Township One South, Range 4 East Mount Diablo Base and Meridian, in Contra Costa County, State of California, by then and there affixing and fastening such copy of said "Notice of Appropriation of Water" to and upon a board firmly fixed in the ground at said above designated point;

That on May 18th, 1914, he posted a full, true and correct copy of the attached "NOTICE OF APPROPRIATION OF WATER" at the point of intersection of the East bank of "Italian Slough" at its terminus with the Eastern extremity of the South embankment of an artificial canal or channel 200 feet wide extending Westerly ~~on~~ the Southerly section line of Section 13 in Township One South, Range 3 East Mount Diablo Base and Meridian, in Contra Costa County, State of California, and which point is distant on such section line 1450 feet Westerly thereon from the Southeast corner of said Section 13, by then and there affixing and fastening such copy of said "Notice of Appropriation of Water" to and upon a board firmly fixed in the ground at said last above designated point;

That on May 18th, 1914, he posted a full, true and correct copy of the attached "NOTICE OF APPROPRIATION OF WATER" at the point of intersection of the South bank of the canal or channel 200 feet wide running East and West on the Southerly section line of Section 13, Township One South, Range 3 East, Mount Diablo Base and Meridian, in Contra Costa County, State of California, with the East bank of the canal or channel 25 feet wide extending Southeasterly, ~~ix~~ the said point of intersection being 480 feet East of the Southwest corner of said Section 13, by then and there affixing and fastening such copy of said "Notice of Appropriation of Water" to and upon a board firmly fixed in the ground at said last above designated point.

R. R. Houston

Subscribed and sworn to before me,  
23<sup>rd</sup> day of May, 1914.

*[Signature]*  
Notary Public in and for the County of  
Contra Costa, State of California.

My Commission Expires Sept. 18, 1916

