



Media Release

STATE WATER BOARD ISSUES STATEMENT ON WEST SIDE IRRIGATION DISTRICT COURT CHALLENGE

For Immediate Release
July 10, 2015

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The State Water Board has received and is reviewing the Sacramento Superior Court's Order after Hearing in the West Side Irrigation District litigation challenging the curtailment notices. The Superior Court's order is limited in scope and only concerns the specific form of notice letter sent in May and June by the Division of Water Rights. While the order finds fault with the language of the notice, the order states: "To be clear, [the Water Board and its staff] are free to exercise their statutory authority to enforce the Water Code as to any water user, including these Petitioners, if it deems them to be in violation of any provisions of the Water Code, so long as the bases for said action are not the Curtailment Letters."

Pursuant to section 1052 of the Water Code, unauthorized diversions during the drought emergency are subject to enhanced penalties of up to \$1,000 per day and \$2,500 per acre-foot of water diverted. Diversion of water when no water is available pursuant to a diverter's water right constitutes an unauthorized diversion and a trespass under Water Code section 1052. Any such enforcement action would occur only after notice and an opportunity for hearing pursuant to the Water Code. This has been the consistent position of the State Water Board staff, and was specifically identified in the curtailment notices sent in May and June.

The Court has provided an opportunity for additional briefing on these issues with a further hearing on the matter. The Board looks forward to this this opportunity for additional briefing and to engaging with the petitioners on these issues. The Superior Court's order is limited to the parties in this case.

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