

**06/07/16 BOARD MEETING – ITEM #9
CHANGE SHEET #1 (CIRCULATED 06/07/16)**

Draft Order dismissing the Administrative Civil Liability Complaint against Byron-Bethany Irrigation District and dismissing the Draft Cease and Desist Order against The Westside Irrigation District in Contra Costa County and San Joaquin County.

ADDITIONS SHOWN IN BOLD DOUBLE-UNDERLINE; DELETIONS SHOWN IN BOLD STRIKETHROUGH

- 1) Page 11; first paragraph; third sentence. Replace the word “priority” with the words “water rights” as shown:

As a practical matter, this is the only sensible reading of the statute. The interpretation suggested by BBID would authorize the Board to take enforcement action against illegal diversions when surplus water is available, but not when all of the available natural flow is needed to satisfy more senior rights. By this reading, the Board can enforce the water rights ~~priority~~ system during wet years when there is no shortage in supplies, but is unable to do so during an historic drought when there may be insufficient supplies even for the most senior right holders. We cannot attribute this result either to the text of the statute or the intent of the Legislature.