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BETHANY IRRIGATION DISTRICT
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9 BEFORE THE
10 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

11 ENFORCEMENT ACTION ENF01949
DRAFT CEASE AND DESIST ORDER
12 REGARDING UNAUTHORIZED
DIVERSIONS OR THREATENED
13 UNAUTHORIZED DIVERSIONS OF WATER
FROM OLD RIVER IN SAN JOAQUIN
14 COUNTY

SWRCB Enforcement Action
ENF01951 and ENF01949

REBUTTAL TESTIMONY OF RICK
GILMORE

15 In the Matter of ENFORCEMENT ACTION
ENF01951 – ADMINISTRATIVE CIVIL
16 LIABILITY COMPLAINT REGARDING
UNAUTHORIZED DIVERSION OF WATER
17 FROM THE INTAKE CHANNEL TO THE
BANKS PUMPING PLANT (FORMERLY
18 ITALIAN SLOUGH) IN CONTRA COSTA
COUNTY

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20 I, Rick Gilmore, declare:

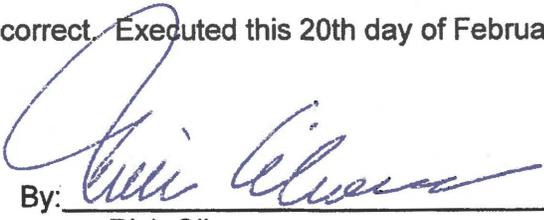
21 My name is Rick Gilmore, and I am General Manager of the Byron-Bethany
22 Irrigation District (BBID). I provided written direct testimony in this proceeding. I have
23 reviewed the written testimony Katherine Mrowka and Paul Wells and offer the following
24 rebuttal testimony.

25 In June 2015, BBID purchased 497.40 acre-feet of water from the Carmichael
26 Water District (CWD), which was used as a water supply in mid-to-late June, after the
27 State Water Resources Control Board issued its June 12, 2015 curtailment notice to
28 BBID. A copy of CWD's invoice to BBID is Exhibit BBID 393.

1 Ms. Mrowka's testimony, regarding the purposes for which water was diverted by
2 BBID after June 12, 2015 is incorrect. BBID diverted water after June 12, 2015 from its
3 facilities on the State Water Project Intake Channel to provide water for irrigation within
4 BBID, to provide water to the community of Mountain House, to provide water for fire
5 suppression at the Contra Costa Airport, and to provide water to the Mariposa Energy
6 Plant.

7 BBID is not aware of any water right holders downstream of BBID's point of
8 diversion that were injured or otherwise deprived of water as a result of BBID's
9 diversions between June 12, 2015 and June 25, 2015. BBID is not aware of any water
10 right holder downstream of BBID's point of diversion that filed a complaint or otherwise
11 complained that BBID's diversion of water between June 12, 2015 and June 25, 2015
12 caused any injury or otherwise deprived that water right holder of water to which they are
13 entitled.

14 I declare under penalty of perjury under the laws of the State of California that the
15 facts recited above are true and correct. Executed this 20th day of February 2016 at
16 Byron, California.

17
18 By: 

Rick Gilmore

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