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10 Attorneys for the Prosecution Team

11 **BEFORE THE STATE WATER RESOURCES CONTROL BOARD**

12 In the Matter of the Administrative Civil
13 Liability Complaint Against Byron
14 Bethany Irrigation District

15 In the Matter of the Draft Cease and
16 Desist Order Against the West Side
17 Irrigation District

18) DECLARATION OF MICHAEL
19) GEORGE IN SUPPORT OF
20) PROSECUTION TEAM'S OPPOSITION
21) TO BYRON-BETHANY IRRIGATION
22) DISTRICT'S MOTION TO
23) DISMISS/DELEGATION

24 **I, Michael George, declare as follows:**

25 1. I have served as Delta Watermaster since January 5, 2015, when I began a
26 four-year appointed term. I have personal knowledge of the facts stated in this
27 declaration and, if called as a witness, could testify competently thereto.

28 2. It is my understanding and belief that, at the time my term commenced, the
State Water Resources Control Board's (State Water Board's) prior delegation of
authority to the Delta Watermaster, Resolution 2012-0048, had expired. The State Water
Board adopted the current delegation of authority to the Delta Watermaster, Resolution
2015-0058, on September 1, 2015.

3. WaterCode section 85230(b) provides in pertinent part: "The Delta
Watermaster shall exercise the board's authority to provide timely monitoring and
enforcement of board orders and license and permit terms and conditions....The Delta
Watermaster's authority shall be limited to diversions in the Delta, and for the monitoring
and enforcement of the board's orders and license and permit terms and conditions that
apply to conditions in the Delta."

4. As described in my written testimony, submitted as Prosecution Team Exhibit
WR-21, I was aware of and actively participated in the investigation leading to the draft

1 Cease and Desist Order issued against the West Side Irrigation District (WSID) beginning
2 in May, 2015.

3 5. I was also aware of and intermittently participated in discussions with members
4 of the Division Water Rights and enforcement counsel regarding the pending
5 Administrative Civil Liability Complaint against Byron-Bethany Irrigation District (BBID)
6 beginning in June, 2015.

7 6. Division of Water Rights staff and I discussed the delegation of authority issues
8 in the period leading up to issuance of the WSID and BBID enforcement notices. I
9 expressed my understanding that Resolution 2012-0048 was no longer in force, and thus,
10 my position lacked delegated authority to address internal procedures related to
11 enforcement action in the Delta until the State Water Board adopted a new delegation
12 resolution. However, in the exercise of my statutory responsibility to "exercise the board's
13 authority....to issue a notice of a proposed cease and desist order or administrative
14 liability complaint", I verbally authorized the Assistant Deputy Director for Water Rights to
15 issue the WSID and BBID notices.

16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct.

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20 Date: February 5, 2016



21 Michael George
22 **DELTA WATERMASTER**
23 State Water Resources Control Board
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