



Enforcement News

Trinity County Water Hauler to pay \$35,000 for Alleged Unauthorized Water Diversion from Hayfork Creek

FOR IMMEDIATE RELEASE
Oct. 12, 2015

Contact: Kathy Mrowka
Phone: (916) 341-5363

SACRAMENTO – The State Water Resources Control Board (State Water Board) and a Trinity County property owner have entered into a settlement agreement that requires a payment of \$35,000 for the alleged unauthorized diversion and use of water from Hayfork Creek in Trinity County.

Following an investigation, the State Water Board filed enforcement actions against Mark Hodgetts, the owner of two riparian lots next to Hayfork Creek in July. The enforcement actions alleged that Hodgetts was operating a water diversion facility on one of his lots since 2008 and making bulk water deliveries to properties outside the Hayfork watershed. Some deliveries were allegedly as far away as the Mad River watershed in Humboldt County. Bulk water deliveries are not allowed under a riparian right and are a trespass against the state. In addition to allegedly providing water diverted from Hayfork Creek, Hodgetts was allegedly filling his trucks with Trinity County Water District water for delivery outside the district's authorized place-of-use.

In lieu of a hearing before the State Water Board, Mr. Hodgetts and the Division of Water Rights entered into a settlement agreement. On Oct. 2, 2015, the Executive Director of the State Water Board issued an Order approving the settlement agreement.

Under the agreement and Order, Hodgetts must pay the entire proposed penalty of \$35,000; is prohibited from selling and/or transporting water from Hayfork Creek for use on non-riparian property; is limited to delivering Trinity County Water District water to within the district's authorized place of use; and waives his rights to a hearing and reconsideration of the Order. Hodgetts must also permanently disconnect his Hayfork Creek diversion system from the overhead fill station used for filling water trucks. Before diverting water from Hayfork Creek and hauling it offsite, Hodgetts must have a water right permit from the State Water Board. Any violations of the Order will have severe monetary penalties. For complete details on the Hodgetts case, see the Division of Water Rights' [website](#).

