



# Enforcement News

## **Tuolumne County Water Purveyor Faces \$224,875 Penalty, Cease and Desist Order for Illegal Diversion and Bulk Delivery of Water**

**For Immediate Release  
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**SACRAMENTO** -- The State Water Resources Control Board issued an Administrative Civil Liability complaint and a draft Cease and Desist Order against a Tuolumne County water purveyor today for the alleged illegal diversion and bulk delivery of water.

The Administrative Civil Liability complaint alleges that G. Scott Fahey, and Sugar Pine Spring Water LP (Fahey), continued to divert water from the Tuolumne River watershed after being notified there was no longer water available under the water right permits Fahey holds. The illegal diversions occurred in 2014 and 2015, according to the complaint.

The complaint alleges that Fahey holds two Post-1914 appropriative water right permits to divert water from Cottonwood Spring, Deadwood Spring, Marco Spring and Polo Spring, all tributaries of the Tuolumne River upstream of New Don Pedro Reservoir. The water, about 69 acre feet a year, has been diverted through pipelines to a bulk water truck filling station in Tuolumne County, where it has been trucked for use at bottled water plants.

Fahey was notified in May of 2014 that there was not sufficient water to continue diverting under his permit, and was again notified in April of 2015.

An investigation by the State Water Board's Division of Water Rights found that Fahey had continued to divert water for 170 days under two permits, approximately 22 acre feet of water in 2014 and 2015 after being notified that no water was available under his water rights.

The violations carry a maximum civil liability of \$1,000 per day, plus \$2,500 for each acre foot of water diverted or used in excess of the diverter's water rights. Division of Water Rights staff is recommending a civil liability of \$224,875 to settle the complaint. Fahey can request a hearing before the State Water Board to contest the civil liability action.

The State Water Board also issued a draft Cease and Desist Order today to Fahey and Sugar Pine Spring Water LP to stop unauthorized diversions from the four springs. Failure to comply with a final Cease and Desist Order carries a civil liability of up to \$10,000 for each day the violation occurs, or referral to the Office of the Attorney General for further enforcement action.

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