



# Enforcement News

## **Trinity County Property Owner Issued Draft Cease and Desist Order for Unauthorized Water Diversion, Bulk Water Delivery**

**FOR IMMEDIATE RELEASE**  
**July 17, 2015**

**Contact:** Kathy Morwka  
**Phone:** 916-341-5363

**SACRAMENTO** – The State Water Resources Control Board today issued a draft Cease and Desist Order against a Trinity County property owner to halt illegal diversion and bulk delivery of water. This action follows a joint investigation with the Department of Fish and Wildlife.

Since 2008, Mark Hodgetts has operated a water filling station on one of his two parcels next to Hayfork Creek. It's alleged that Hodgetts constructed a pump house and overhead fill structure to fill trucks with water diverted from the creek in order to make bulk water deliveries to various locations throughout the area. Since the filling station has the ability to draw water from either Hayfork Creek or the municipal supply for Trinity County Waterworks District, there is an ongoing threat of unauthorized diversion and use of water from Hayfork Creek.

Hodgetts has not filed a Statement of Water Diversion and Use with the Division of Water Rights for his riparian water use, nor does he possess a permit to divert and transport water for use off of the property. Water diverted under a riparian right can only be used on the parcel that is next to the source. It is alleged that Hodgetts has violated and/or threatens to violate the prohibitions of Water Code section 1052 by diverting water for the purpose of bulk water sales and use on property not riparian to the source.

The draft Cease and Desist Order requires Hodgetts to immediately stop his illegal use of water from Hayfork Creek, as well as to immediately disconnect the overhead fill station. If Hodgetts does not comply with these and other provisions of the Cease and Desist Order, he will be subject to penalties of up to \$10,000 for each day he is violating the order, and may be referred to the Office of the Attorney General for further action.

For more on Hodgetts' draft Cease and Desist Order, see the documents on the Division of Water Rights [webpage](#).

###

