

Tauriainen, Andrew@Waterboards

From: O'Hagan, John@Waterboards </O=MMS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=O'HAGAN, JOHN@WATER7B72A79A-DD76-4B3C-B470-A3BF3B5BCDD7939>
Sent: Friday, July 17, 2015 10:46 AM
To: Evoy, Barbara@Waterboards; Trgovcich, Caren@Waterboards
Cc: Tauriainen, Andrew@Waterboards; Mrowka, Kathy@Waterboards; Coats, Brian@Waterboards
Subject: RE: Proposed Enforcement Action and Schedule

Monday is correct.

FYI- Staff has informed me that the liability amount will be increased to \$1,553,250 due to a recalculation of penalty using standard practices. We will inform George once we get revision.

From: Evoy, Barbara@Waterboards
Sent: Friday, July 17, 2015 10:35 AM
To: O'Hagan, John@Waterboards
Subject: Fwd: Proposed Enforcement Action and Schedule

Sent from my iPhone

Begin forwarded message:

From: "Trgovcich, Caren@Waterboards" <Caren.Trgovcich@waterboards.ca.gov>
Date: July 17, 2015 at 10:09:32 AM PDT
To: "Doduc, Tam@Waterboards" <Tam.Doduc@waterboards.ca.gov>, "Howard, Tom" <Tom.Howard@waterboards.ca.gov>, "Evoy, Barbara@Waterboards" <Barbara.Evoy@waterboards.ca.gov>
Subject: RE: Proposed Enforcement Action and Schedule

No...that is scheduled for Monday

From: Doduc, Tam@Waterboards
Sent: Friday, July 17, 2015 9:59 AM
To: Howard, Tom; Trgovcich, Caren@Waterboards; Evoy, Barbara@Waterboards
Subject: Re: Proposed Enforcement Action and Schedule

Thanks for info. Has BBID ACL gone out?

Tam M. Doduc, P.E.
California State Water Board
(916) 341-5602

For tips on what you can do to save water, visit <http://saveourwater.com/>

On Jul 16, 2015, at 1:32 PM, Howard, Tom <Tom.Howard@waterboards.ca.gov> wrote:

FYI

Sent from my iPhone

Begin forwarded message:

From: "O'Hagan, John@Waterboards"
<John.O'Hagan@waterboards.ca.gov>
Date: July 15, 2015 at 12:36:25 PM PDT
To: "Howard, Tom" <Tom.Howard@waterboards.ca.gov>, "Trgovcich, Caren@Waterboards" <Caren.Trgovcich@waterboards.ca.gov>, "Evoy, Barbara@Waterboards" <Barbara.Evoy@waterboards.ca.gov>
Cc: "Tauriainen, Andrew@Waterboards"
<Andrew.Tauriainen@waterboards.ca.gov>, "Mrowka, Kathy@Waterboards" <Kathy.Mrowka@waterboards.ca.gov>
Subject: Proposed Enforcement Action and Schedule

Tom, Care and Barbara,

As required under the Delegation and Redelegation Policy, I am informing you that I plan to sign the following enforcement actions on the following schedule, unless new information suggests otherwise:

West Side Irrigation District- Wednesday 7/15

A Notice of draft Cease and Desist Order (CDO) to West Side Irrigation District alleging unauthorized and threatened continued unauthorized diversions of water under a post-1914 right after being notified by the State Water Board on May 1, 2015 that water is not available under its priority of right. The draft CDO requires West Side to immediately cease diversions until either City of Tracy or West Side can demonstrate a right to divert treated wastewater and a waste water change petition is approved for this diversion of the City of Tracy's wastewater by West Side; or the State Water Board determines there is sufficient water in the watershed to support the diversions at the priority of West Side's license. A copy of the draft CDO is attached.

Hodgetts CDO- Thursday, July 16

A Notice of draft CDO that requires Mr. Hodges to: (1) immediately cease and desist any unauthorized diversions from Hayfork Creek, (2) disconnect the overhead fill station from the Hayfork Creek diversion point, and render the facility incapable of accessing Hayfork Creek water for any bulk water sales, (3) file a Statement within 30 days for past diversion from Hayfork Creek, (4) install a measuring device and maintain records of any continued diversions and use of water from Hayfork Creek, (5) provide written authorization from the Trinity County Water District prior to any truck hauling of its water off the Hodgetts' parcel, and (6) submit photographic evidence and records to the State Water Board of compliance with the CDO. Mr. Hodgetts owns a parcel that is riparian to Hayfork Creek in Trinity County from which he conducts a bulk water hauling business for which the Division has received 3 complaints in the last few years about illegal trucking of water. Division staff conducted an investigation of the allegations in

October and their findings support a continued threat of unauthorized diversion and use of water from Hayfork Creek.

Byron Bethany Irrigation District (BBID)- Friday, July 17

An ACL Complaint against BBID for unauthorized diversion and use of water following the State Water Board's June 12 notice that water was no longer available under its pre-1914 right. Allegations include: BBID claims a pre-1914 appropriative water right with a priority of 1914 to divert water from the Intake Channel to the Banks Pumping Plant, formerly Italian Slough, in Contra Costa County. BBID diverted approximately 26,179 acre-feet (af) in 2009 for municipal and industrial and agricultural use within its boundaries. Records of BBID's diversions are available on DWR's CDEC website and show continued diversions from June 13 through June 25 when it diverted 2,067 acre-feet of water. A maximum liability of \$5,180,500 can be considered. BBID is known to be serving water to Mountain House Community Service District and to power generation facilities that may be deemed critical energy suppliers. BBID and Mountain House Community Service District have taken corrective actions to secure water via contract and transfer. BBID also stopped its unauthorized diversions on June 26 per CDEC. In recognition of progressive correction actions to prevent unauthorized diversions and other factors such as the avoided costs if the water had been purchased and staff costs, I propose a penalty of \$1 million. The Prosecution Team will also consider adjustment of the recommended penalty if BBID provides evidence of the amounts of water pumped that were for health and safety needs or critical power generation.

John O'Hagan
Assistant Deputy Director, Water Rights
State Water Resources Control Board
916-341-5368

<image002.jpg>

<Draft CDO - West Side Irrigation District 20150708.doc>

<BBID ACLC 20150708.doc>

<CDO Hodgetts_ 7-8-2015 SA.DOC>