
State Water Resources Control Board

REVISED NOTICE OF PUBLIC HEARING

The State Water Resources Control Board will hold a Public Hearing to determine whether to issue a Cease and Desist Order **and whether to impose Administrative Civil Liability** against

Mark Hodgetts

Hayfork Creek Tributary to South Fork Trinity River, Trinity County

The **Public Hearing** will commence on
**Monday, October 5, 2015 and continue, if necessary,
on Tuesday, October 6, 2015
at 9:00 a.m.**

in the Coastal Hearing Room
Joe Serna Jr.-CalEPA Building
1001 I Street, Second Floor
Sacramento, CA

PURPOSE OF HEARING

The purpose of this hearing is for the State Water Resources Control Board (State Water Board or Board) to receive evidence relevant to determining whether to: 1) adopt, with or without revision, the July 16, 2015 draft cease and desist order (draft CDO); **and 2) impose administrative civil liability for trespass and, if so, whether in the amount of \$35,000 or some other amount** against Mark Hodgetts.

PLEASE TAKE NOTICE

Please take note of the following changes/clarifications to the [August 19, 2015 Notice of Public Hearing](#): (1) the addition of Key Issue 4, addressing an Administrative Civil Liability Complaint (ACLC) against Mark. Hodgetts, and (2) extension of due date for submitting a Notice of Intent to Appear. Please note that the changes described in this notice do not change the hearing requirements as originally noticed, unless expressly noted herein.

On August 27, 2015, the State Water Board, Division of Water Rights enforcement staff issued an ACLC to Mark Hodgetts, and subsequently requested that any hearing concerning the ACLC be consolidated with the hearing on the draft CDO currently scheduled to commence on October 5, 2015.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

Because the draft CDO and the ACLC likely arise out of the same facts and circumstances, consolidation of the hearings will make the most efficient use of time and resources. Therefore, subject to any valid objection, or a waiver of ACLC hearing by Mr. Hodgetts, Key Issue 4 is added to address the ACLC.

KEY ISSUES

The hearing will address the following key issues:

- 1) Should the State Water Board adopt, with or without revision, the July 16, 2015 draft CDO against Mark Hodgetts?
- 2) Assuming Mark Hodgetts' bulk water sales are within Trinity County Water District's place of use, as identified in License 7756 and/or Permits 15437, 20624 and 20625, what is the legal basis allowing Mr. Hodgetts to purchase, transport, and sell the District's water?
- 3) What is the scope of Mark Hodgetts' authorized uses from Hayfork Creek? Specifically, what is the amount of water diverted from Hayfork Creek and how is the water used (i.e. purpose(s) of use) on Trinity County Assessor Parcel Numbers 014-370-21-00 and 014-370-29-00?
- 4) Whether the State Water Board should impose administrative civil liability upon Mark Hodgetts for trespass and, if so, in what amount and on what basis?

Please note the deadlines for submittal of Notices of Intent to Appear and receipt and service of witnesses' proposed testimony, exhibits, lists of exhibits, qualifications, and statement of service is changed as follows:

12:00 noon, September 11, 2015

Deadline for receipt of Notice of Intent to Appear.

12:00 noon, September 24, 2015

Deadline for receipt and service of witnesses' proposed testimony, exhibits, lists of exhibits, qualifications, and statement of service.

Please note that the deadline to submit Notices of Intent to Appear has been extended. Parties that previously submitted Notices of Intent to Appear may submit amended Notices of Intent to Appear, if necessary, by the above deadline.

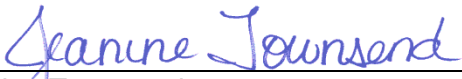
For further information, please refer to the original hearing notice of August 19, 2015, available at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/hodgetts/index.shtml.

IF YOU HAVE ANY QUESTIONS

During the pendency of this proceeding, there shall be no *ex parte* communications regarding substantive or controversial procedural matters within the scope of the proceeding between State Water Board members or hearing team members and any of the other participants, including members of the prosecution team. (Gov. Code, §§ 11430.10-11430.80.) Questions regarding non-controversial procedural matters should be directed to Senior Staff Counsel

Samantha Olson at (916) 327-8235, or by email to Samantha.Olson@Waterboards.ca.gov; or Engineering Geologist Paul Murphey at (916) 341-5435, or by email to Paul.Murphey@Waterboards.ca.gov. (Gov. Code, § 11430.20, subd. (b).)

September 3, 2015
Date


Jeanine Townsend
Clerk to the Board