

WRIGHT | NASH

A Professional Law Corporation

Douglas A. Wright
250 Hemsted Dr., Suite 330
Redding, CA 96002
T (530) 243-6000 | F (530) 402-4752
dwright@wrightnashlaw.com

February 19, 2015

VIA US MAIL AND EMAIL (ywest@waterboards.ca.gov)

Yvonne West
State Water Resources Control Board
1001 I St 16th FL
PO Box 100
Sacramento, CA 95812

Re: Clean Up and Abatement Order; Parcel 041-300-035
Eddie Axner Construction, Inc.

Dear Ms. West,

This follows our recent conversations regarding my clients Eddie Axner Construction, Inc. and Eddie Axner individually. I sincerely appreciate your candor and openness in discussing creative options to resolve the issues on Shasta County parcel number 041-300-035 ("Property").

At the outset, and as I've mentioned previously, I want to assure you that my clients are not trying to avoid responsibility in this situation. They are fully aware of the severity of the problems that exist on the Property, as well as the problems that marijuana cultivation has caused in Shasta County overall. However, my clients do want to clarify some factual issues and address some of their concerns with the proposed Clean Up and Abatement Order ("Order").

First, when my clients were hired to conduct work on the Property, they were hired on a basic hourly basis. This was not a project where they submitted a bid or provided a quote; it was simply a request by the landowner to do some dirt work. Importantly, they were hired to improve what they were informed was a pad for the construction of a home, and to provide improved and appropriate access on the entrance road. Indeed, my clients' focus was primarily on improving the entrance road to ensure it met the appropriate grade to provide access to build the home. They were totally unaware the Property owner's intention was to cultivate marijuana on the Property until well after the work was complete.

Second, my clients are concerned about the extent of the damage and their contribution to that damage. As I mentioned above, they were involved with improving the road and building the pad, but that was the extent of their involvement. The proposed Order references additional road building and grading discovered during the inspections in October and November 2014. This work appears to have caused substantial damage to the Property, but was done *after* my clients' work on the Property was complete. Moreover, the additional work, in certain areas, appears to

have been conducted on top of my clients' work, likely creating damage where none existed before. My clients are genuinely concerned about being held jointly and severally liable for damage they did not cause and likely would not have existed had the later work not been conducted.

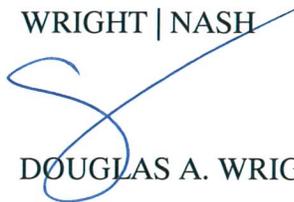
Third, my clients are also concerned they will be left "holding the bag." That is, if Christopher Courdes, Johann and Carmen Ulrich or any other responsible parties fail to respond or participate, my clients will be responsible for everything, including much of which they had no participation with or control over.

Please know, my clients are well respected and good stewards of both the outdoors and our community. They are not involved in the marijuana industry at any level. They have done a substantial amount of philanthropic work in Redding and Shasta County – having donated both financially and in-kind to many community causes. Ultimately, my clients would like to resolve this matter in an efficient, amicable and non-public manner. To that end, my clients propose the idea of a one-time financial settlement, or in the alternative, my clients would be willing to conduct some abatement and clean up on the Property in the areas where they worked. That way, your client can proceed against the other parties and possibly obtain title to the Property. In either case, my clients want to ensure that anything they have done wrong is made right, but in an equitable manner. As such, my clients would like to continue settlement discussions. Perhaps your client can postpone adopting the Order while the parties continue the discussions?

Either way, I look forward to working with you and resolving this matter.

Sincerely,

WRIGHT | NASH

A handwritten signature in blue ink, appearing to be 'D. Wright', written over the printed name 'DOUGLAS A. WRIGHT'.

DOUGLAS A. WRIGHT

Cc: Clients