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Water Quality Control Board, North Coast Region*

FILED

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF HUMBOLDT

**PEOPLE OF THE STATE OF
CALIFORNIA, EX REL. DEPARTMENT
OF FISH AND WILDLIFE,
STATE WATER RESOURCES
CONTROL BOARD,
AND REGIONAL WATER QUALITY
CONTROL BOARD, NORTH COAST
REGION,**

Plaintiffs,

v.

**SHADOW LIGHT RANCH, LLC;
THE HILLS, LLC;
JOSHUA SWEET;
BOHDAN CURRAN, INDIVIDUALLY
AND DBA CURRAN EQUIPMENT; AND
DOES 1 THROUGH 30, INCLUSIVE,**

Defendants.

Case No. CV2001113

**FIRST AMENDED COMPLAINT FOR
INJUNCTIVE RELIEF AND CIVIL
PENALTIES**

1 Plaintiffs People of the State of California, ex rel. Department of Fish and Wildlife, State
2 Water Resources Control Board, and Regional Water Quality Control Board, North Coast Region
3 (collectively, Plaintiffs) complain against defendants Shadow Light Ranch, LLC, The Hills, LLC,
4 Joshua Sweet, Bohdan Curran, individually and dba Curran Equipment, and DOES 1 through 30
5 (collectively, Defendants), and allege on information and belief the following:

6 INTRODUCTION

7 1. This action is brought by the Attorney General at the request of Plaintiffs against
8 Defendants in connection with commercial cannabis activity at the subject property in Humboldt
9 County, pursuant to division 2 of the Water Code, division 7 of the Water Code (the Porter-
10 Cologne Water Quality Control Act), the Fish and Game Code, and the law of nuisance. (Wat.
11 Code, §§ 1000 et seq., 13000 et seq.; Fish & G. Code, §§ 1600 et seq., 5650, 5650.1; Civ. Code,
12 §§ 3479, 3494.) In this action, Plaintiffs seek the following against Defendants: (1) injunctive
13 relief to halt violations of certain water rights provisions of the Water Code, the Federal Water
14 Pollution Control Act (federal Clean Water Act), water quality provisions of the Water Code, and
15 the Fish and Game Code; (2) civil penalties for these statutory violations; (3) abatement of the
16 continuing public nuisance arising from the unpermitted construction activities in connection with
17 the commercial cannabis operation owned and operated by Defendants Shadow Light Ranch,
18 LLC, The Hills, LLC, and Joshua Sweet; and (4) attorney’s fees and costs under the Code of Civil
19 Procedure section 1021.8.

20 PARTIES

21 2. Plaintiff Department of Fish and Wildlife (DFW) is a public agency of the State of
22 California created within the Natural Resources Agency. (Fish & G. Code, § 700.) DFW is
23 charged with administering and enforcing the Fish and Game Code. (Fish & G. Code, § 700.)
24 California's “fish and wildlife resources are held in trust for the people of the state by and through
25 the [D]epartment.” (Fish & G. Code, § 711.7.) The Legislature declares that the “protection and
26 conservation of the fish and wildlife resources of this state are of utmost public interest,” and
27 these resources are the “property of the people and provide a major contribution to the economy
28 of the state, as well as providing a significant part of the people’s food supply; therefore their

1 conservation is a proper responsibility of the state.” (Fish & G. Code, § 1600.) Fish and Game
2 Code section 1602 provides, in relevant part: “[a]n entity shall not substantially divert or obstruct
3 the natural flow of, or substantially change or use any material from the bed, channel, or bank of,
4 any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing
5 crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake” without
6 first providing DFW written notification of the proposed activity, and if necessary, obtaining from
7 DFW a lake or streambed alteration agreement (LSAA) for the activity. Further, it is “unlawful
8 to deposit in, permit to pass into, or place where it can pass into the waters of this state any. . .
9 substance or material deleterious to fish, plant life, mammals, or bird life.” (Fish & G. Code, §
10 5650.) DFW is authorized to file suit pursuant to Government Code section 945. The Attorney
11 General may bring an action upon complaint by DFW for civil penalties and injunctive relief for
12 violations of Fish and Game Code sections 1602 and 5650. (Fish & G. Code, §§ 1615, subd. (d),
13 5650.1, subd. (d).)

14 3. Plaintiff the State Water Resources Control Board (State Water Board) is a board
15 existing within the California Environmental Protection Agency, created by the Legislature.
16 (Wat. Code, §§ 174, 175, 13100.) The State Water Board regulates the water resources of the
17 state. (Wat. Code, § 174.) Pursuant to Water Code section 13000 et seq., the State Water Board
18 ensures comprehensive protection of California’s waters. The State Water Board is authorized to
19 file suit pursuant to Government Code section 945. The Attorney General may bring an action at
20 the request of the State Water Board in the name of the people of the State of California for civil
21 penalties and injunctive relief for violations of Water Code sections 1052 and 1847. (Water
22 Code, §§ 1052, 1847, subd. (b).)

23 4. Plaintiff the Regional Water Quality Control Board, North Coast Region (Regional
24 Water Board), is a state agency, and is part of the California Environmental Protection Agency.
25 (Wat. Code, §§ 175, 13100.) The Regional Water Board is one of nine such regional boards
26 created to establish and enforce water quality control plans, policies, and regulations to ensure the
27 protection of beneficial uses of waters of the state within nine designated regions in California.
28 (Wat. Code, §§ 13200, 13201, and 13240 et seq.) The Regional Water Board’s North Coast

1 Region “comprises all basins ... draining into the Pacific Ocean from the California Oregon state
2 line southerly to the southerly boundary of the watershed of Estero de San Antonio and Stemple
3 Creek in Marin and Sonoma Counties.” (Wat. Code, § 13200, subd. (a).)

4 5. Among the Regional Water Board’s responsibilities is regulating discharges of waste to
5 waters of the state through the issuance, administration, reviewing, monitoring, and enforcement
6 of waste discharge requirements. (Wat. Code, § 13260 et seq.) The Regional Water Board is also
7 authorized to “investigate the quality of any waters of the state” within the North Coast Region by
8 inspecting the facilities of any person and by requiring submittal of technical and monitoring
9 reports to determine compliance with the Porter-Cologne Water Quality Control Act. (Wat.
10 Code, § 13267.) To further these goals, the Regional Water Board has primary enforcement
11 authority, including the power to remedy unlawful discharges and to achieve cleanup and
12 abatement of water pollution and nuisance. (Wat. Code, § 13300 et seq.) The Regional Water
13 Board is also responsible for adopting, and revising as necessary, basin plans that describe the
14 resources and beneficial uses to be protected in the basin, identify water quality objectives,
15 provide implementation plans to achieve those water quality objectives, describe the statewide
16 plans and policies that apply to the basin waters, and describe the monitoring and surveillance
17 activities in the region. (Wat. Code §§ 13241-13247.) The Regional Water Board is authorized
18 to file suit pursuant to Government Code section 945. The Attorney General may bring an action
19 at the request of the Regional Water Board for civil penalties and injunctive relief for violations
20 of Water Code sections 13260, 13264, 13267, 13350, 13376, and 13385. (See generally Wat.
21 Code, §§ 13261, 13262, 13264, 13265, 13268, 13350, 13385, 13386.)

22 6. On information and belief, Defendant Shadow Light Ranch, LLC (SLR) is a limited
23 liability company doing business in the State of California. Defendant SLR’s business address is
24 773 Redwood Drive, Suite E, Garberville, California 95542. Defendant SLR owns the property
25 subject to the regulatory authority of Plaintiffs.

26 7. On information and belief, Defendant The Hills, LLC (The Hills), is a limited liability
27 company doing business in the State of California. Defendant The Hills’ business address is 773
28

1 Redwood Drive, Suite D, Garberville, California 95542. Defendant The Hills is the commercial
2 cannabis cultivator at the property subject to the regulatory authority of Plaintiffs.

3 8. On information and belief, Defendant Joshua Sweet (Sweet) is an individual who owns
4 and operates a commercial cannabis cultivation business on the property subject to the regulatory
5 authority of Plaintiffs. Based on information and belief, Defendant Sweet is the Chief Executive
6 Officer and sole Manager/Member of Defendants SLR and The Hills.

7 9. On information and belief, Defendant Bohdan Curran is an individual doing business as
8 Curran Equipment in Humboldt County. Defendant Bohdan Curran, individually and dba Curran
9 Equipment, performed construction work on the property subject to the regulatory authority of
10 Plaintiffs.

11 10. The true names and capacities, whether individual, corporate, associate, or otherwise,
12 of defendants Does 1 through 30, inclusive, are unknown to the Plaintiffs which therefore sue
13 these Does by such fictitious names. Plaintiffs will further amend this complaint to show
14 defendants' true names and capacities when the same have been ascertained. Plaintiffs are
15 informed and believe, and on that basis allege, that each of these fictitiously named Does 1
16 through 30, inclusive, are legally responsible for the events, occurrences, and circumstances that
17 form the basis of this lawsuit, and are thereby liable for the penalties, costs, and other relief
18 sought herein.

19 11. On information and belief, at all times herein mentioned each of the defendants were
20 the agents, servants, employees, or contractors of each of the remaining defendants and were at
21 all times acting within the course and scope of their authority as such agents, servants, employees,
22 or contractors and with the permission and consent of their co-defendants.

23 **VENUE AND JURISDICTION**

24 12. Venue is proper in the County of Humboldt because that is where the unlawful activity
25 occurred, giving rise to the obligations and liabilities alleged against Defendants, and because
26 Defendants reside in, own, manage, operate or control property in, do business within, and/or
27 employ agents within Humboldt County. (Code Civ. Proc., § 395, subd. (a).)

28 13. The amount in controversy is in excess of the minimal jurisdictional limits of this Court.

1 **FACTUAL ALLEGATIONS**

2 **Defendants' Property**

3 14. On information and belief, at all times relevant to the matters alleged in this Complaint,
4 Defendants owned, managed, operated or controlled the subject property, including but not
5 limited to, conducting commercial cannabis activities on the subject property.

6 15. The subject property is located in Humboldt County near the town of Garberville,
7 California. The subject property is approximately 435.5 acres and consists of Humboldt County
8 Assessor's Parcel Numbers 223-061-038-000, 223-061-043, 223-073-004-000, and 223-073-005-
9 000 (collectively, Property).

10 16. The Property is within the Bear Canyon Creek watershed (Ohman Creek hydrologic unit
11 code (HUC-12) 180101060403), a tributary to the South Fork Eel River approximately 1.6 miles
12 due east of the town of Garberville. Historically, spring water and other surface water from
13 unnamed streams that run through the Property contribute water to the South Fork Eel River.
14 Accordingly, the Property's unnamed tributaries are waters of the United States and waters of the
15 State of California. Further, the South Fork Eel River was declared as a Wild and Scenic River
16 by the California Legislature in 1972. (Pub. Resources Code, § 5093.54, subd. (d).) Wild and
17 Scenic Rivers are those rivers which possess extraordinary scenic, recreational, fishery, and
18 wildlife value. (Pub. Resources Code, § 5093.50 et seq.) The South Fork Eel River is also
19 designated as critical habitat for anadromous fisheries (Chinook, Coho, Steelhead) and terrestrial
20 wildlife, with millions of dollars of grant funds spent on environmental restoration projects.

21 17. The Property can generally be described as riparian forest habitat (i.e., wooded land along
22 stream edges in freshwater areas). This type of habitat is structurally diverse supporting
23 numerous species of wildlife and vegetation.

24 18. On information and belief, the Property has three artificial ponds, two of which pre-date
25 the ownership of the Property by Defendants SLR and Sweet. There are multiple water sources
26 on the Property that naturally flow in individual defined stream channels, forming wetland habitat
27 with aquatic vegetation and hydric soils in areas of lesser slope. Specifically, there are two class
28

1 III¹ streams that drain south to the unnamed class II² watercourse that parallels the western
2 property line, and another class III stream that drains north to the unnamed class II watercourse
3 that parallels the western property line. Before construction of the two ponds at issue, POND 1
4 and POND 2³, the Property's multiple water sources in the area naturally flowed, forming
5 wetland habitat with aquatic vegetation and hydric soils, in areas of lower slopes that flowed
6 south to the unnamed class II watercourse that flows northwesterly and parallel with the
7 Property's southern property line. To create these two ponds, the stream and wetland habitats
8 were graded, vegetation removed, and earthen berms formed to impound water.

9 **Defendants' Commercial Cannabis Activity**

10 19. On information and belief, in approximately 2006, Defendant Sweet purchased the
11 Property. On or about August 22, 2016, Defendant Sweet transferred the Property to Defendant
12 SLR. Defendants SLR, The Hills and Sweet use the Property for commercial cannabis
13 cultivation.

14 20. To support cannabis cultivation, Defendants constructed a large and complex irrigation
15 system that runs throughout the Property. The irrigation system allows water diverted from
16 various points of diversion (PODs or POD), to be stored in twenty-five storage tanks and three
17 ponds, referred to as points of storage (POSS or POS). A complex system of irrigation piping can
18 move significant quantities of water across the Property to cannabis cultivation pads, referred to
19 as places of use (POUs or POU). The irrigation system consists of eight separate PODs with
20 fifteen POSS spread across the Property (many consisting of multiple storage tanks), designed to
21 irrigate cannabis cultivation at eleven distinct POU. As operated, the irrigation system has the
22 capacity to store approximately 5.9 acre-feet (i.e., 1,925,412 gallons) of water and is capable of
23 irrigating 75,610 square feet of cannabis cultivation. The State Water Board created a Water

24 _____
25 ¹ A Class III stream is a stream that has no aquatic life present and shows evidence of
26 being capable of transporting sediment to a Class I or Class II stream under normal high-water
27 flow conditions.

28 ² A Class II stream is a stream where fish are always or seasonally present within 1000
feet downstream or the stream provides habitat for non-fish aquatic species.

³ POND 1 and POND 2 are also referred to by the Regional Water Board as the "Upper
Pond" and "Lower Pond," respectively. The State Water Board generally refers to POND 1 and
POND 2 as "POD 5" and "POD 6," respectively.

1 Diversion and Use Diagram to map its understanding of the Defendants' irrigation system, a
2 complete and accurate copy of which is attached to this Complaint as Exhibit A, and hereby
3 incorporated by reference.

4 21. On or about November 2, 2015, Defendant Sweet submitted to DFW a Notification of
5 Lake or Streambed Alteration Agreement with project plans regarding the Property. Defendant
6 Sweet's application and plans described proposed work to be completed on existing stream
7 crossings.

8 22. On or about February 17, 2016, DFW conducted an inspection of the Property related
9 to the November 2, 2015 Notification of Lake or Streambed Alteration Agreement. DFW
10 discovered that Defendant Sweet's proposed work involved stream crossings that were not
11 existing. DFW also viewed degraded wetland with evidence of dumping and negative impacts to
12 the wetland. Defendant Sweet informed DFW that he wanted to excavate the wetland to create a
13 scenic pond and that he wanted to create a recreational "bud and breakfast" retreat on the
14 Property. DFW determined that these projects would not be exempt from the California
15 Environmental Quality Act (CEQA) and requested CEQA review of the foreseeable projects
16 proposed for the Property.

17 23. On or about February 22, 2016, DFW sent written notification to Defendant Sweet that
18 the proposed project on the Property requires a LSAA because it could "substantially affect an
19 existing fish or wildlife resource." DFW's letter enclosed a draft LSAA for Defendant Sweet's
20 signature and stated that DFW may not execute the LSAA until the project has complied with
21 CEQA. A complete and accurate copy of DFW's February 22, 2016, letter to Defendant Sweet is
22 attached to this Complaint as Exhibit B and hereby incorporated by reference.

23 24. On or about June 16, 2016, Defendant Sweet (listing Defendant The Hills as
24 discharger) submitted enrollment documents concerning the Property under the Regional Water
25 Board's Regional Cannabis Order (Order No. R1-2015-0023, Waiver of Waste Discharge
26 Requirements and General Water Quality Certification for Discharges of Waste Resulting from
27 Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects
28

1 in the North Coast Region) (hereinafter Regional Cannabis Order), a regulatory order adopted on
2 August 13, 2015 that addressed waste discharges from cannabis operations.

3 25. The Regional Cannabis Order was designed to meet the requirements of the Regional
4 Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan), the
5 California Water Code, the State Nonpoint Source Policy, and the federal Clean Water Act. The
6 exponential growth of cannabis cultivation throughout California's North Coast Region has
7 resulted in significant waste discharges and a loss of instream flows to the detriment of beneficial
8 uses of water. Cannabis operations with 2,000 square feet or more of cannabis cultivation on
9 private lands in the North Coast Region were required to enroll in the Regional Cannabis Order
10 by February 15, 2016.

11 26. Upon initial enrollment of the Property in the Regional Cannabis Order, Defendant
12 Sweet identified ">5,000 square feet total cultivation area" a distance of ">200 feet from
13 cultivation area to the nearest surface water," but increased that to "10,000 square feet" total
14 cultivation area in the 2016 Annual Report submitted to the Regional Water Board on March 13,
15 2017. In approximately April 2018, Defendants SLR and Sweet reported 57,300 square feet of
16 cultivation in their 2017 Annual Report submitted to the Regional Water Board.

17 27. On or about January 29, 2016, the Regional Water Board inspected the Property as part
18 of a pre-enrollment inspection during which Defendant Sweet expressed interest in excavating a
19 recreational pond. On that date, the Regional Water Board informed Defendant Sweet that a
20 permit from the Regional Water Board would be required before the proposed pond could be
21 constructed.

22 28. At all times relevant to this Complaint, the Regional Water Board's Basin Plan was in
23 effect and applied to the Defendants' activities on the Property. This Basin Plan sets forth
24 numerous beneficial uses for the Benbow Hydrologic Subarea of the South Fork Eel Hydrologic
25 Area, including groundwater recharge, cold freshwater habitat, migration and spawning aquatic
26 habitats, and wildlife habitat, including habitat for rare, threatened, and endangered species. The
27 Basin Plan also sets forth an action plan for logging, construction, and associated activities that
28 prohibits the "discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material

1 from any logging, construction, or associated activity of whatever nature into any stream or
2 watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses” and the
3 placement or disposal of such materials “at locations where such material could pass into any
4 stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or
5 other beneficial uses.”

6 29. On October 17, 2017, the State Water Board adopted the General Waste Discharge
7 Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated
8 with Cannabis Cultivation Activities (Order WQ 2019-0001-DWQ or Cannabis Cultivation
9 General Order), and the Cannabis Cultivation Policy—Principles and Guidelines for Cannabis
10 Cultivation (Cannabis Cultivation Policy). (Wat. Code, §§ 13149, 13263, subd. (i).) The
11 Cannabis Cultivation Policy establishes principles and guidelines, sometimes referred to as
12 requirements, for cannabis cultivation activities to protect water quality and instream flows. The
13 purpose of the Cannabis Cultivation Policy is to ensure that the diversion and use of water and
14 discharge of waste associated with cannabis cultivation do not have a negative impact on water
15 quality and beneficial uses, aquatic habitat, riparian habitat, wetlands, and springs. The Cannabis
16 Cultivation Policy requirements are primarily implemented through the Cannabis Cultivation
17 General Order and water right registrations, specifically, the Cannabis Small Irrigation Use
18 Registration (SIUR).

19 30. On or about May 8, 2019, Defendants applied to enroll the Property in the Cannabis
20 Cultivation General Order. On or about July 28, 2020, the Regional Water Board provided
21 Defendants notice of enrollment in the Cannabis Cultivation General Order effective as of July 1,
22 2019.

23 31. In 2017, the California Legislature enacted the Medicinal and Adult-Use Cannabis
24 Regulation and Safety Act (MAUCRSA) to establish a comprehensive system to control and
25 regulate the cultivation, distribution, transportation, storage, manufacturing, processing, testing,
26 and sale of medicinal and adult-use cannabis and cannabis products. (Bus. & Prof. Code, § 26000
27 et seq.) Under the MAUCRSA, “commercial cannabis activity” includes, among other activities,
28 the “cultivation, possession, manufacture, distribution, processing, storing, laboratory testing,

1 packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products.” (Bus. &
2 Prof. Code, § 26001, subd. (k).) In order to engage in commercial cannabis activity, a person
3 must hold a state license issued by the appropriate state licensing authority depending on the
4 nature of the commercial cannabis activity. (Bus. & Prof. Code, §§ 26053, 26001, subds. (y),
5 (aa), and 26012.) The California Department of Food and Agriculture (CDFA) has the “authority
6 to create, issue, deny, and suspend or revoke cultivation licenses. . . .” (Bus. & Prof. Code, §
7 26012, subd. (a)(2).)

8 32. On information and belief, Defendants Sweet and The Hills held several cannabis
9 cultivation licenses associated with the Property until their provisional licenses were suspended
10 by the CDFA in September 2020. Their provisional licenses were suspended due to failure to
11 provide evidence of an issued appropriative water right from the State Water Board that covers
12 the diversion and use of water for cannabis cultivation pursuant to California Code of
13 Regulations, title 3, section 8400.

14 **November 2, 2017 Inspection**

15 33. On or about November 2, 2017, Plaintiffs conducted a joint inspection of the Property,
16 along with the Humboldt County Planning and Building Department.

17 34. During the November 2, 2017 inspection, DFW observed instream construction
18 activities conducted by the Defendants without an LSAA, including 14 violations of Fish and
19 Game Code section 1602 for unlawful alteration of the bed, channel, or bank of a stream and four
20 violations of section 5650 for unlawful sediment discharge into waters. DFW also observed
21 evidence of cannabis cultivation in conjunction with these unpermitted activities. DFW
22 documented the November 2, 2017 inspection and violations in an Arrest/Investigation Report, a
23 complete and accurate copy of which is attached to this Complaint as Exhibit C, and hereby
24 incorporated by reference.

25 35. On November 22, 2017, DFW issued to Defendant Sweet a “Notice of Violation of
26 Fish and Game Code Sections 1602 and 5650 in Conjunction with Marijuana Cultivation” (DFW
27 November 22, 2017 NOV). The NOV notified Defendant Sweet that: an LSAA was required
28 because the activities “substantially altered the banks and obstructed Unnamed Tributaries to

1 Bear Creek,” DFW did not permit these activities, eighteen violations of Fish and Game Code
2 sections 1602 and 5650 were observed by DFW, and the water diversion for cannabis cultivation
3 needed to immediately cease. A complete and accurate copy of the DFW November 22, 2017
4 NOV is attached to this Complaint as Exhibit D, and hereby incorporated by reference.

5 36. During the November 2, 2017 inspection, the State Water Board observed illegal
6 diversions and use of water on the Property for cannabis cultivation. The State Water Board
7 identified six PODs, including four PODs (PODs 1⁴-4) diverting water from unnamed springs and
8 streams to off-stream storage containers. Two of the six PODs (PODs 5-6) divert water from the
9 unnamed streams to on-stream storage ponds. All PODs divert water from unnamed springs and
10 streams that are tributary to the South Fork Eel River and have naturally defined bed and banks
11 upstream and downstream of the PODs. The overflow from POD 5 flows to POD 6 via a
12 stainless-steel corrugated culvert. POD 5 (also identified as POND 1 or Upper Pond) is
13 approximately 0.6198 acres and 16.84 feet deep with a total water storage capacity of
14 approximately 4.175 acre-feet (i.e., 1,360,497 gallons) (based on subsequent measurements).
15 POD 6 (also identified as POND 2 or Lower Pond) is approximately 0.2973 acres and 12.67 feet
16 deep with a total water storage capacity of approximately 1.5063 acre-feet (i.e., 490,834 gallons)
17 (based on subsequent measurements). During the inspection, Defendant Sweet told the State
18 Water Board that he pumps water out of PODs 5-6 to irrigate his cannabis grows. As of the date
19 of the inspection, Defendants failed to obtain an appropriative water right that could legally
20 authorize the diversion and use of water for PODs 5-6 with the State Water Board, and had been
21 illegally diverting and using water in connection with POD 2 and PODs 5-6 for the purpose of
22 cannabis cultivation. The State Water Board documented the November 2, 2017 inspection and
23 violations in the Division of Water Rights Report of Inspection, a complete and accurate copy of
24 which is attached to this Complaint as Exhibit E, and hereby incorporated by reference.

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26 _____
27 ⁴ POD 1 refers to a particular point of diversion observed by State Water Board staff on
28 November 2, 2017. However, for subsequent inspections, the term “POD 1” refers to a POD that
is different from the POD 1 referred to in the November 2, 2017 inspection. In this Complaint,
the allegations regarding specific PODs refer to the POD numbering designations depicted in
Exhibit A.

1 37. During the November 2, 2017 inspection, the Regional Water Board observed features
2 on the Property that indicated to the Regional Water Board that Defendants discharged fill or
3 threatened to discharge fill material to surface waters, multiple illegal stream crossings, a pond
4 with an onstream earthen berm constructed on wetlands (POND 1), a road with an associated
5 landslide, and seven cannabis cultivation areas. During the inspection, Defendant Sweet stated
6 that he commissioned the construction of POND 1 and the stream crossings in the summer of
7 2016. POND 1 is in a location that interrupts the flow path of one Class III watercourse and
8 disturbs/inundates wetlands with a direct hydrologic connection and discharge to a Class II
9 tributary to the South Fork Eel River. Additionally, the Property's other ponds, multiple illegal
10 stream crossings, and road-associated landslide discharge or threaten to discharge to unnamed
11 tributaries of the South Fork Eel River.

12 38. Based on staff observations at the inspection, the Regional Water Board determined
13 that Defendants' cannabis cultivation areas (approximately 80,000 square feet of cultivation) on
14 the Property have either discharged or threatened to discharge to surface and groundwaters
15 associated with the South Fork Eel River in the Bear Canyon Creek watershed. These actual and
16 threatened discharges of waste harm or potentially harm the quality of waters of the state and the
17 United States. The Regional Water Board documented the November 2, 2017 inspection and
18 violations in an Inspection Report, a complete and accurate copy of which is attached to this
19 Complaint as Exhibit F, and hereby incorporated by reference.

20 39. On December 27, 2017, the State Water Board issued a written notice to Defendant
21 SLR of Defendants' failure to file a Statement of Water Diversion and Use in violation of
22 California Water Code section 5101 et seq. and the unauthorized diversion or use of water in
23 violation of Water Code 1052. A complete and accurate copy of the State Water Board notice
24 dated December 27, 2017, regarding the November 2, 2017 inspection and violations, without the
25 November 2, 2017 inspection report enclosure, is attached to this Complaint as Exhibit G, and
26 hereby incorporated by reference.

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1 **May 10, 2018 Inspection**

2 40. On or about May 10, 2018, Plaintiffs re-inspected the Property.

3 41. During the May 10, 2018 inspection, the State Water Board found that the Defendants
4 were continuing to divert and use water illegally at PODs 2, 5, and 6, and a newly observed
5 POND 3 (POD 7). POND 3 is a pond diverting water from an unnamed stream to an on-stream
6 storage pond. POD 7 is approximately 0.0642 acres and 5 feet deep with a total water storage
7 capacity of approximately 0.1284 acre-feet (i.e., 41,839 gallons). During the inspection,
8 Defendant Sweet stated that he was diverting and using water from PODs 2, 5, and 6 for cannabis
9 cultivation in violation of the forbearance period under the Cannabis Cultivation Policy. (Wat.
10 Code, § 13149.) The State Water Board documented the May 10, 2018, inspection and violations
11 in the Division of Water Rights Report of Inspection, a complete and accurate copy of which is
12 attached to this Complaint as Exhibit H, and hereby incorporated by reference.

13 42. On May 10, 2018, the Regional Water Board noted that Defendants had not remedied
14 the violations observed during the November 2, 2017 inspection. The Regional Water Board also
15 noted instability (ground surface cracking indicative of mass movement) at POND 2, which
16 indicates additional threatened discharges of waste to waters of the State, if left unaddressed.
17 Between the cannabis cultivation of approximately 80,000 square feet that the Regional Water
18 Board previously observed during the November 2, 2017 inspection and a new cultivation area of
19 approximately 4,000 square feet observed during this inspection, the total cannabis cultivation on
20 the Property was approximately 83,600 square feet. This total is above the 57,300 square feet
21 reported by Defendants in their 2017 Annual Report or 2018 Annual Report. The Regional Water
22 Board documented the May 10, 2018 inspection and violations in an Inspection Report, a
23 complete and accurate copy of which is attached to this Complaint as Exhibit I, and hereby
24 incorporated by reference.

25 43. On June 27, 2018, the Regional Water Board issued a “Notice of Violation” to
26 Defendants SLR and Sweet (Regional Water Board June 27, 2018 NOV) with copies of the
27 November 2, 2017 and May 10, 2018 inspection reports. The Regional Water Board’s June 27,
28 2018 NOV notified Defendants SLR and Sweet of the numerous violations observed during the

1 November 2, 2017 and May 10, 2018 inspections and of their failure to comply with the Regional
2 Cannabis Order. The Regional Water Board's June 27, 2018 NOV requested Defendants to
3 provide a revised Water Resource Protection Plan (WRPP) that includes a description of the work
4 proposed and a schedule to correct the violations within 30 days. A complete and accurate copy
5 of the Regional Water Board's June 27, 2018 NOV, without the exhibits, is attached to this
6 Complaint as Exhibit J, and hereby incorporated by reference.

7 **June 17, 2020 Inspection**

8 44. On June 17, 2020, the State Water Board and the Regional Water Board inspected the
9 Property and confirmed that the previously noted violations still remained. The State Water
10 Board documented the June 17, 2020 inspection and violations in the Division of Water Rights
11 Report of Inspection, a complete and accurate copy of which is attached to this Complaint as
12 Exhibit K, and hereby incorporated by reference.

13 **October 14, 2020 Inspection**

14 45. On October 14, 2020, the State Water Board re-inspected the Property to verify if the
15 Defendants' groundwater well (POD 1) has the capacity to support the water demand for the
16 approximately 7,900 plants grown this cultivation season. A well test conducted on POD 1
17 revealed that the well yields approximately 12 gallons per minute and likely cannot serve as the
18 exclusive or primary source of irrigation water for cannabis cultivation on the Property. During
19 the inspection, the State Water Board observed that the piping irrigation system to PODs 4-6 were
20 cut and the pumps to move the water to the POSs were removed. However, the irrigation
21 infrastructure remained in place, which allows the Defendants to easily re-establish the
22 connection of PODs 4-6 to the irrigation system. In addition, the State Water Board noted
23 significant water draw down and water use from POD 5 as compared to the water level observed
24 during the June 17, 2020, inspection.

25 46. Defendants performed or commissioned the illegal construction work identified in the
26 multiple inspection reports referenced in this Complaint without any permit, certification, or
27 agreement from the Plaintiffs.

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1 **FIRST CAUSE OF ACTION**
2 **Violation of Fish & Game Code Section 1602 (Substantial Alteration of the Bed, Bank, or**
3 **Channel Without a Lake or Streambed Alteration Agreement Alleged by DFW)**
4 **[Against All Defendants]**

5 47. Plaintiffs re-allege and incorporate herein by reference the allegations in paragraphs 1
6 through 46, inclusive, of this Complaint.

7 48. At all times relevant to this Complaint, Fish and Game Code section 1602 has
8 provided that “ an entity shall not substantially divert or obstruct the natural flow of, or
9 substantially change or use any material from the bed, channel, or bank of, any river, stream or
10 lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or
11 ground pavement where it may pass into any river, stream, or lake” unless the entity first
12 complies with the requirements of section 1602, subdivision (a). These requirements include
13 written notification to DFW of the proposed activity, a determination by DFW that the
14 notification is complete, payment of the applicable fees, and the issuance of a LSAA by DFW for
15 the activity unless DFW determines that a LSAA is not required. (Fish & G. Code, § 1602, subd.
16 (a).)

17 49. At all times relevant to this Complaint, Fish and Game Code section 1615 has
18 authorized civil liability and injunctive relief for violations of section 1602. Fish and Game Code
19 section 1615 authorizes a civil action by the Attorney General upon complaint by DFW, and a
20 civil penalty of up to \$25,000 per violation against any person who violates section 1602. (Fish
21 & G. Code, § 1615, subs. (a), (d).)

22 50. At all times relevant to this Complaint, Fish and Game Code section 1615,
23 subdivision (e)(1), has provided that in a civil action brought to enjoin a violation of section 1602,
24 “it is not necessary to allege or prove at any stage of the proceeding any of the following: (A)
25 That irreparable damage will occur if the temporary restraining order, preliminary injunction, or
26 permanent injunction is not issued; (B) That the remedy at law is inadequate.” (Fish & G. Code,
27 § 1615, subd. (e)(1).

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1 64. Clean Water Act section 404 (33 U.S.C. § 1344) regulates the discharge of dredged or
2 fill material into waters of the United States. The term “dredged material” means material that is
3 excavated or dredged from waters of the United States. (33 C.F.R. § 323.2, subd. (c).) The term
4 “fill material” means material, other than trash or garbage, placed in waters of the United States
5 where the material has the effect of replacing any portion of a water of the United States with dry
6 land or changing the bottom elevation of any portion of a water of the United States. (33 C.F.R. §
7 323.2, subd. (e).)

8 65. The term “discharge of dredged material” means, in part, any addition of dredged
9 material into, including redeposit of dredged materials other than incidental fallback within, the
10 waters of the United States. (33 C.F.R. 323.2, subd. (d).)

11 66. The term “discharge of fill material” means the addition of fill material to waters of the
12 United States, and generally includes: the placement of fill that is necessary for the construction
13 of any structure or infrastructure in a water of the United States; site development fills for
14 commercial purposes; or the building of any structure or infrastructure or impoundment of rock,
15 sand, dirt or other material for its construction. (33 C.F.R. § 323.2, subd. (f).)

16 67. At all times relevant to this Complaint, neither the Regional Cannabis Order nor the
17 Cannabis Cultivation General Order authorized the unpermitted activities that took place in
18 waters of the United States on the Property, like those alleged herein.

19 68. At all times relevant to this Complaint, Defendants violated Clean Water Act section
20 301 by conducting dredge or fill activities in waters of the United States without possessing the
21 requisite permit (under Clean Water Act section 404). These unauthorized activities include: the
22 unpermitted construction of at least seven stream crossings identified by Regional Water Board
23 staff upon inspection, all in waters of the United States, and the construction of POND 1 resulting
24 in the dredge and filling of approximately 6,828 square feet of wetlands and an associated stream,
25 in waters of the United States. Defendants’ unpermitted activities resulted in the dredging of
26 wetlands and streams and the discharge of dredge or fill materials to wetlands and unnamed
27 streams/watercourses that run through the Property within the Bear Canyon Creek Watershed, a
28 tributary to the South Fork Eel River. The wetlands, unnamed streams within the Bear Canyon

1 Creek Watershed, and the South Fork Eel River are all considered to be waters of the United
2 States.

3 69. At all times relevant to this Complaint, Water Code section 13385, subdivision (a),
4 subparagraph (5), has provided for civil liability against anyone who violates Clean Water Act
5 section 301. (Wat. Code, § 13385, subd. (a)(5).) This liability may be as high as \$25,000 per
6 violation per day. (Wat. Code, § 13385, subd. (b)(1)(A).)

7 70. At all times relevant to this Complaint, Water Code section 13386 has authorized the
8 Attorney General to petition the court for the issuance of a preliminary and/or permanent
9 injunction enjoining any threatened or continuing violation of Clean Water Act section 301.
10 (Wat. Code, § 13386.)

11 71. Plaintiff Regional Water Board is entitled to civil penalties for every day Defendants
12 violate Clean Water Act section 301 and/or preliminary and permanent injunctive relief to enjoin
13 Defendants from continuing their activities at the Property in a manner that poses a continuing
14 threat of discharges to waters of the United States.

15 **FOURTH CAUSE OF ACTION**
16 **Violation of Water Code Section 13385 (Violation of Regional Water Board Basin Plan and**
17 **Alleged by Regional Water Board)**
[Against All Defendants]

18 72. Plaintiffs re-allege and incorporate herein by reference the allegations in paragraphs 1
19 through 71 inclusive, of this Complaint.

20 73. At all times relevant to this Complaint, Water Code section 13243 has authorized a
21 regional board, in a Basin Plan, to specify certain conditions or areas where the discharge of
22 waste or certain types of waste will not be permitted.

23 74. At all times relevant to this Complaint, Section 4.2.1 of the Regional Water Board's
24 Basin Plan constitutes a waste discharge prohibition that applies to various land disturbance
25 activities, including site development activities at cannabis cultivation sites.

26 75. At all times relevant to this Complaint, Water Code section 13385, subdivision (a)(4),
27 has provided for civil liability against anyone who violates a prohibition issued pursuant to Water
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1 Code sections 13243. (Wat. Code, § 13385, subd. (a)(4).) This liability may be as high as
2 \$25,000 per violation per day. (Wat. Code, § 13385, subd. (b)(1)(A).)

3 76. At all times relevant to this Complaint, Water Code section 13386 has authorized the
4 Attorney General to petition the court for the issuance of a preliminary and/or permanent
5 injunction enjoining any threatened or continuing violation of Water Code sections 13243. (Wat.
6 Code, § 13386.)

7 77. At all times relevant to this Complaint, and beginning on or about November 2, 2017
8 and ongoing, the Defendants discharged waste to a stream or watercourse in the basin or to
9 locations where such material could pass into any stream or watercourse in the basin in violation
10 of the Regional Water Board Basin Plan. Defendants' activities have resulted in discharges of
11 waste to wetlands and unnamed streams/watercourses that run through the Property within the
12 Bear Canyon Creek Watershed, a tributary to the South Fork Eel River. The wetlands, unnamed
13 streams within the Bear Canyon Creek Watershed, and the South Fork Eel River are all alleged to
14 be waters of the State. These activities include, but are not limited to: construction and
15 maintenance of various stream crossings discussed above, and POND 1, including but not limited
16 to disturbance of wetlands and streams/watercourses and reactivation of a historic landslide
17 amphitheater complex (SLIDE 1). Plaintiff Regional Water Board is entitled to civil liability, in
18 an amount according to proof, for every day Defendants violated and/or continue to violate
19 prohibitions of the Regional Water Board Basin Plan.

20 78. Plaintiff Regional Water Board is entitled to civil penalties under Water Code section
21 13385, subdivision (a)(4) for every day Defendants violate Water Code section 13243 and/or
22 preliminary and permanent injunctive relief to enjoin Defendants from continuing their activities
23 at the Property in a manner that poses a continuing threat of discharges to waters of the United
24 States.

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1 **FIFTH CAUSE OF ACTION**
2 **Violation of Water Code Section 13350 (Unpermitted Discharge to Waters of the State**
3 **Alleged by Regional Water Board)**
4 **[Against All Defendants]**

5 79. Plaintiffs re-allege and incorporate herein by reference the allegations in paragraphs 1
6 through 78, inclusive, of this Complaint.

7 80. To the extent liability for certain violations is found to be not available under Water
8 Code section 13385, the following allegations under Water Code section 13350 are pled in the
9 alternative.

10 81. At all times relevant to this Complaint, Water Code section 13350 has provided: “A
11 person who . . . in violation of a waste discharge requirement, waiver condition, certification, or
12 other order or prohibition issued, reissued, or amended by a regional board or the state board,
13 discharges waste, or causes or permits waste to be deposited where it is discharged, into the
14 waters of the state . . . shall be liable civilly.”

15 82. At all times relevant to this Complaint, Water Code section 13050 has provided that
16 “[w]aste’ includes sewage and any and all other waste substances, liquid, solid, gaseous, or
17 radioactive, associated with human habitation, or of human or animal origin, or from any
18 producing manufacturing, or processing operation.”

19 83. At all times relevant to this Complaint, Section IV of the Regional Cannabis Order
20 contains General Prohibitions that dischargers must comply with. The Regional Cannabis Order
21 prohibits, among other things, the placement or disposal of earthen materials, soil, or silt into any
22 stream or watercourse or any location where such material may discharge into streams or
23 watercourses. (Order No. R1-2015-0023, Section IV.A. and IV.B., pp. 29-30.) Moreover, the
24 discharge of any waste not specifically regulated by the Regional Cannabis Order is prohibited.
(Order No. R1-2015-0023, Section IV.C., p. 30.)

25 84. At all times relevant to this Complaint, Section I of the Regional Cannabis Order
26 contained waste discharge requirements that require, among other things, maintenance of roads
27 and other developed areas so that they are hydrologically disconnected from surface waters.
28 (I.A.1.) Further, the Regional Cannabis Order required the discharger to maintain stream

1 crossings to prevent or minimize erosion and to be aligned with the stream grade and natural
2 channel. (I.A.2.) Additionally, the Regional Cannabis Order required riparian and wetland
3 protection and management, including but not limited to, maintenance of protected riparian areas
4 (riparian buffers). (I.A.3.)

5 85. At all times relevant to this Complaint, Regional Cannabis Order contained
6 requirements to develop and implement a WRPP (pp. 21-23). (Section I.B.) These requirements
7 include, but are not limited to, keeping the WRPP on site and producing the WRPP upon request
8 to Water Board staff. Defendants Sweet and SLR were unable to produce the WRPP to staff
9 during the November 2, 2017 inspection. Defendant Sweet did not submit the WRPP to staff
10 until December 14, 2017.

11 86. The Regional Cannabis Order required Defendants SLR and Sweet to develop the
12 WRPP by December 13, 2016. The WRPP had to include an assessment of current conditions, to
13 identify features requiring improvements, and include a detailed list of specific management
14 practices designed to comply with the Regional Cannabis Order. The WRPP must contain a
15 schedule for corrective action. The Regional Cannabis Order contains the explicit requirement
16 that the discharger submit plans for any proposed work in streams and wetlands to the Regional
17 Water Board for review and authorization at least 60 days prior to commencement of any of the
18 proposed work. Defendants SLR and Sweet failed to submit any plans for proposed work in
19 streams or wetlands prior to conducting the work at POND 1 and the seven instream crossings
20 alleged herein.

21 87. At all times relevant to this Complaint, and beginning on or about November 2, 2017
22 and ongoing, the Defendants discharged waste to waters of the state in violation of the Regional
23 Cannabis Order and the Cannabis Cultivation General Order. These discharges of waste include:
24 the construction of at least seven illegal stream crossings identified by Water Board staff upon
25 inspection, all in waters of the state; the illegal construction of POND 1 resulting in the
26 disturbance and filling of approximately 6,828 square feet of wetlands, and the reactivation of a
27 historic landslide amphitheater complex (SLIDE 1) resulting in the discharge of sediment into the
28 wetlands; and an inadequately maintained road with an associated landslide slope failure

1 (SLIDE2) that discharged sediment to a stream. Defendants' activities violated the Regional
2 Cannabis Order and have resulted in discharges to wetlands and unnamed streams that run
3 through the Property within the Bear Canyon Creek Watershed, a tributary to the South Fork Eel
4 River. The wetlands, unnamed streams within the Bear Canyon Creek Watershed, and the South
5 Fork Eel River are all waters of the State.

6 88. Defendants have violated and continue to violate Water Code section 13350 by
7 conducting activities that violate waste discharge requirements. These activities include, but are
8 not limited to: construction and maintenance of POND 1, disturbance of riparian areas and
9 wetlands, and reactivation of a historic landslide amphitheater complex (SLIDE 1) at POND 1.
10 Defendants further violated waste discharge requirements by inadequately
11 constructing/maintaining a road, which caused an associated landslide (SLIDE 2) that discharged
12 sediment to a stream. Defendants violated waste discharge requirements by illegally constructing
13 at least seven stream crossings without authorization from the Regional Water Board.

14 89. Plaintiff Regional Water Board is entitled to civil liability, in an amount according to
15 proof, for every day Defendants discharge waste or cause or permit waste to be deposited in
16 waters of the state in violation of waste discharge requirements such as the Regional Cannabis
17 Order or the Cannabis Cultivation General Order.

18 90. At all times relevant to this Complaint, Water Code section 13350, subdivision (a)(1),
19 has provided for civil liability against anyone who in violation of waste discharge requirements
20 discharges waste or causes or permits waste to be deposited in waters of the state. (Wat. Code, §
21 13350, subd. (a)(1).) This liability may be as high as \$15,000 per violation per day or \$20 for
22 each gallon of waste discharged. (Wat. Code, § 13350, subd. (d)(1).)

23 91. At all times relevant to this Complaint, Water Code section 13350 has authorized the
24 Attorney General to petition the court to impose, assess, and recover civil liability and for
25 violations of the Water Code. (Wat. Code, § 13350, subd. (g).)

26 92. Plaintiff Regional Water Board is entitled to civil penalties for every day Defendants
27 violate Water Code section 13350 and/or preliminary and permanent injunctive relief to enjoin
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1 Defendants from continuing their activities at the Property in a manner that poses a continuing
2 threat of discharges to waters of the State.

3 **SIXTH CAUSE OF ACTION**
4 **Violation of Water Code Section 13264 (Initiation of a New Discharge/Change in**
5 **Discharge Alleged By Regional Water Board)**
6 **[Against All Defendants]**

7 93. Plaintiffs re-allege and incorporate herein by reference the allegations in paragraphs 1
8 through 92, inclusive, of this Complaint.

9 94. At all times relevant to this Complaint, Water Code section 13264, subdivision (a), has
10 prohibited the initiation of “any new discharge of waste or ... any material changes in any
11 discharge” without the discharger first submitting a report of waste discharge to the Regional
12 Water Board pursuant to Water Code section 13260.

13 95. At all times relevant to this Complaint, Water Code section 13264, subdivision (b), has
14 authorized the Attorney General to petition the court for the issuance of a temporary restraining
15 order and/or preliminary injunction and/or permanent injunction enjoining any threatened or
16 continuing violation of Water Code section 13264. (Wat. Code, § 13264, subd. (b).)

17 96. At all times relevant to this Complaint, Water Code section 13265 provides that “any
18 person discharging waste in violation of [Water Code] Section 13264, after such violation has
19 been called to his attention in writing by the regional board is guilty of a misdemeanor and may
20 be liable civilly in accordance with subdivision (b).”

21 97. Defendants have violated and continue to violate Water Code section 13264 by
22 initiating new discharges of waste and/or placing earthen materials into waters of the state that
23 run through the Property within the Bear Canyon Creek Watershed, a tributary to the South Fork
24 Eel River, without filing a report describing proposed changes to the Regional Water Board.

25 98. The initiation of these discharges of waste occurred subsequent to the Defendants’
26 enrollment in the Regional General Order. Defendants did not submit a report of waste discharge
27 to the Regional Water Board prior to initiating these new discharges of waste as required by
28 Water Code sections 13264 and 13260, subdivision (c). Based on the past conduct, the Regional

1 Water Board anticipates that additional, future changes may be made by Defendants without
2 providing the report of waste discharge required by law.

3 99. Section I.B of the Regional Cannabis Order requires notification to and authorization
4 from the Regional Water Board prior to commencement of any proposed work in streams and
5 wetlands. Defendants were notified upon enrollment in the Regional Cannabis Order of the need
6 to apply for and obtain authorization prior to commencement of these new discharges.
7 Additionally, the Regional Water Board, in its June 27, 2018 Notice of Violation, reiterated to the
8 Defendants of the need to apply for and obtain waste discharge requirements and/or state water
9 quality certification prior to the commencement of these new discharges.

10 100. Water Code section 13265, subdivision (b)(2) provides that civil liability may be
11 imposed by the superior court in accordance with Water Code section 13350. Plaintiff Regional
12 Water Board is entitled to penalties for Defendants' violation of Water Code section 13264 in the
13 amount of up to \$5,000 for each day in which the violation occurs pursuant to Water Code section
14 13265, subdivision (b)(2).

15 **SEVENTH CAUSE OF ACTION**
16 **Violation of Water Code Section 13267 (Failure to Timely Submit Required Reports**
17 **by Regional Board)**
18 **[Against All Defendants]**

19 101. Plaintiffs re-allege and incorporate herein by reference the allegations in paragraphs 1
20 through 100, inclusive, of this Complaint.

21 102. Water Code section 13267, subdivision (b)(1), provides, in relevant part, that the
22 Regional Water Board may require "any person who has discharged, discharges, or is suspected
23 of having discharged or discharging, or who proposes to discharge waste within its region . . . [to]
24 furnish, under penalty of perjury, technical or monitoring program reports which the regional
25 board requires."

26 103. Water Code section 13268, subdivision (a)(1), provides, in relevant part, that "Any
27 person failing or refusing to furnish technical or monitoring program reports as required by
28 subdivision (b) of Section 13267 . . . may be liable civilly in accordance with subdivision (b)."

1 Water Code section 13268, subdivision (b)(2), provides, in relevant part, “Civil liability may be
2 imposed by the superior court in accordance with Article 5 (commencing with Section 13350)
3 and Article 6 (commencing with Section 13360) of Chapter 5 for a violation of subdivision (a) in
4 an amount which shall not exceed five thousand dollars (\$5,000) for each day in which the
5 violation occurs.”

6 104. On June 27, 2018, the Regional Water Board gave notice to Defendants of the late
7 submittal of, and deficiencies in, their WRPP required by the terms of the Regional Cannabis
8 Order, requirement I.B., pursuant to Water Code section 13267. That same day, the Regional
9 Water Board requested that Defendants submit a revised WRPP within 30 days. Defendants did
10 not submit a document effectively satisfying requirement I.B. of the Regional Cannabis Order
11 until approximately February 10, 2020.

12 105. Pursuant to Water Code section 13267, the Cannabis Cultivation General Order
13 required Defendants to submit certain technical or monitoring program reports, specifically a Site
14 Management Plan and a Nitrogen Management Plan. These reports were required to be filed
15 within 90 days of Defendants’ submission of an application of enrollment under the Cannabis
16 Cultivation General Order and issuance of a Notice of Receipt. The Notice of Receipt was issued
17 to Defendants on May 8, 2019; therefore, the Site Management Plan and Nitrogen Management
18 Plan were both due by August 6, 2019, but were not submitted until February 10, 2020.

19 106. Because the reports required by Water Code section 13267 were not timely submitted,
20 Defendants are subject to liability pursuant to Water Code section 13268, subdivision (b)(2).

21 107. Plaintiff Regional Water Board is entitled to penalties for Defendants’ violation of
22 Water Code section 13267 in the amount of \$5,000 for each day in which the violation occurs.

23 **EIGHTH CAUSE OF ACTION**
24 **Water Code Section 1052 (Unauthorized Diversion and Use of Water Alleged by State**
25 **Water Board)**
26 **[Against Defendants SLR, The Hills, and Sweet]**

27 108. Plaintiffs re-allege and incorporate herein by reference the allegations in paragraphs 1
28 through 107, inclusive, of this Complaint.

1 109. All water flowing in any natural channel, not otherwise diverted and put to beneficial
2 use or that is being applied to beneficial use, or may be reasonably needed for beneficial use on
3 riparian land, is subject to appropriation and use in accordance with the provisions of the Water
4 Code. (Wat. Code, § 1201.)

5 110. To divert water or the diversion of water means “taking water by gravity or pumping
6 from a surface stream ... or other body of surface water, into a canal, pipeline, or other conduit,
7 and includes impoundment of water in a reservoir.” (Wat. Code, § 5100, subd. (c).)

8 111. Water Code section 1052, subdivision (a) provides: “The diversion or use of water
9 subject to this division other than as authorized in this division is a trespass.” (Wat. Code, §
10 1052, subd. (a).)

11 112. At all times relevant to this Complaint, pursuant to Water Code section 1052,
12 subdivision (c)(2), Defendants SLR, The Hills, and Sweet are liable for up to \$500 for each day in
13 which the violation occurs. (Wat. Code, § 1052, subd. (c).)

14 113. At all times relevant to this Complaint, Water Code section 1052 authorizes the
15 Attorney General to petition the court for the issuance of a preliminary and/or permanent
16 injunction enjoining any threatened or continuing violation of Water Code section 1052. (Wat.
17 Code, § 1052.)

18 114. Defendants maintain three ponds on the Property: POD 5 (POND 1), POD 6 (POND
19 2), and POD 7 (POND 3).

20 115. POD 5 is an on-stream pond constructed in an unnamed stream channel to impound
21 water for seasonal storage (POD 5 is onstream storage at POS 12). The unnamed stream is a
22 natural channel in that it has a defined bed and banks upstream and downstream of POD 5 and is
23 a tributary of the South Fork Eel River. Seasonal storage of water flowing in a natural channel
24 requires an appropriative water right. No record of an appropriative water right is on file with the
25 State Water Board authorizing this diversion of water to storage and use. Defendant Sweet
26 informed the State Water Board multiple times that POD 5 is used for cannabis cultivation.
27 Defendants continue to divert and use water from POD 5. POD 5 constitutes an unauthorized
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1 diversion and use of water, or a threat of unauthorized diversion or use of water in violation of
2 Water Code section 1052.

3 116. POD 6 is an on-stream reservoir constructed in an unnamed stream channel to
4 impound water for seasonal storage (POD 6 is onstream storage at POS 13). The unnamed stream
5 is a natural channel in that it has a defined bed and banks upstream and downstream of POD 6
6 and is a tributary of the South Fork Eel River. Seasonal storage of water flowing in a natural
7 channel requires an appropriative water right. No record of an appropriative water right is on file
8 with the State Water Board authorizing this diversion of water to storage and use. Defendant
9 Sweet informed the State Water Board multiple times that POD 6 is used for cannabis cultivation.
10 Defendants continue to divert to storage from POD 6. POD 6 constitutes an unauthorized
11 diversion and use of water, or a threat of unauthorized diversion or use of water in violation of
12 Water Code section 1052.

13 117. POD 7 is an on-stream reservoir constructed in an unnamed stream channel to
14 impound water for seasonal storage (POD 7 is onstream storage at POS 14). The unnamed stream
15 is a natural channel in that it has a defined bed and banks upstream and downstream of POD 7
16 and is a tributary of the South Fork Eel River. Seasonal storage of water flowing in a natural
17 channel requires an appropriative water right. No record of an appropriative water right is on file
18 with the State Water Board authorizing this diversion of water to storage and use. Defendants
19 continue to divert to storage from POD 7. POD 7 constitutes an unauthorized diversion and use
20 of water, or a threat of unauthorized diversion or use of water in violation of Water Code section
21 1052.

22 118. Plaintiff State Water Board is entitled to civil penalties as imposed and assessed by
23 the court at the request of the Attorney General pursuant to Water Code section 1052, subdivision
24 (d)(1).

25 119. Plaintiff State Water Board is entitled to injunctive relief where the diversion or use is
26 threatened pursuant to Water Code section 1052, subdivision (b).

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1 **NINTH CAUSE OF ACTION**
2 **Water Code Sections 1847 (Violations of Cannabis Policy Requirements Alleged by State**
3 **Water Board)**
4 **[Against Defendants SLR, The Hills, and Sweet]**

5 120. Plaintiffs re-allege and incorporate herein by reference the allegations in paragraphs 1
6 through 119, inclusive of this Complaint.

7 121. At all times relevant to this Complaint, Water Code section 13149 has authorized the
8 State Water Board to “adopt principles and guidelines for diversion and use of water for cannabis
9 cultivation...” (Wat. Code, § 13149, subd. (a)(1)(A).)

10 122. At all times relevant to this Complaint, the State Water Board’s Cannabis Cultivation
11 Policy specified the principles and guidelines (collectively, Terms) for water diversions for
12 cannabis cultivation.

13 123. On October 17, 2017, the State Water Board adopted the Cannabis Cultivation Policy
14 which was approved by the Office of Administrative Law on December 28, 2017.

15 124. On February 5, 2019, the State Water Board amended the Cannabis Cultivation Policy
16 which was approved by the Office of Administrative Law on April 16, 2019. Cannabis
17 Cultivation Policy requirements, Term numbers, and provisions were modified in some instances
18 relative to this Complaint⁵. At all times relevant to this Complaint, the State Water Board alleges
19 violations of the requirements of the Cannabis Cultivation Policy.

20 125. At all times relevant to this Complaint, Water Code section 1847, subdivision (b)(1)
21 has provided for civil liability against anyone who violates a Cannabis Cultivation Policy
22 principle or guideline adopted pursuant to Water Code section 13149. (Wat. Code, § 1847, subd.
23 (c).) This liability that may be imposed is \$500 per violation, plus \$250 for each additional day
24 on which the violation continues if the person fails to correct the violation within 30 days after the
25 board has called the violation to the attention of that person, plus \$2,500 for each acre-foot
26 diverted or used in violation of the applicable requirement. (Wat. Code, § 1847, subd. (a)(1)-(2).)

27 ⁵ For example, Term 82 in the 2019 Cannabis Cultivation Policy was previously Term 84
28 in the 2017 Policy and Term 79 in the 2019 Cannabis Cultivation Policy was previously Term 82
in the 2017 Policy.

1 126. Water Code section 1847, subdivision (c), authorizes the Attorney General to petition
2 the court to impose, assess, and recover those sums. (Wat. Code, § 1847, subd. (c).)

3 **Cannabis Cultivation Policy Violations at POD 4**

4 127. Term 66 states, in part, that “[a]ll water diversions for cannabis cultivation from
5 surface water ... or other surface waterbody are subject to the surface water Numeric and
6 Narrative Instream Flow Requirements.” (Cannabis Cultivation Policy, § 2, Term 66.) These
7 instream flow requirements prohibit surface water diversions from April 1 to October 31 unless in
8 compliance with specific Narrative Flow Requirements.

9 128. On May 10, 2018 and June 17, 2020, the State Water Board inspected the Property
10 and documented Defendants’ diversion of water from POD 4⁶ to off-stream storage for cannabis
11 cultivation during the dry season forbearance period. These water diversions violated the
12 Narrative Instream Flow Requirements related to Term 66 of the Cannabis Cultivation Policy.

13 129. Term 82 requires that Defendants install and maintain measuring devices for surface
14 water diversions. Compliance with this term is required for any surface water diversion for
15 cannabis cultivation. (Cannabis Cultivation Policy, § 2, Term 82.)

16 130. At all times relevant to this Complaint, Defendants SLR, The Hills, and Sweet failed
17 to install a measuring device on POD 4 and maintain daily diversion records for water diverted
18 from POD 4 to POSs 10 and 11. As operated, Defendants’ diversions from POD 4 for cannabis
19 cultivation fail to meet the monitoring and reporting requirements of Term 82 of the Cannabis
20 Cultivation Policy.

21 **Cannabis Cultivation Policy Violations at POD 5**

22 131. Term 69 states, in part, “cannabis cultivators shall not divert surface water unless it is
23 diverted in accordance with an existing water right.” (Cannabis Cultivation Policy, § 2, Term
24 69.)

25 132. POD 5/POS 12 is an on-stream storage pond that seasonally stores water for the
26 purpose of cannabis cultivation. Seasonal storage of water flowing in a natural channel requires

27 _____
28 ⁶ In the 2017 and 2018 Division of Water Rights Inspection Reports POD 4 is designated
as POD 2.

1 an appropriative water right. No record of an appropriative water right is on file with the State
2 Water Board authorizing this diversion of water to storage. Defendants’ diversions from POD 5
3 are not in accordance with an existing water right and violate Term 69 of the Cannabis
4 Cultivation Policy.

5 133. Term 79 prohibits cannabis cultivators from maintaining onstream storage reservoirs,
6 except in limited instances. (Cannabis Cultivation Policy, § 2, Term 79.) On November 2, 2017,
7 the State Water Board documented POD 5/POS 12, an on-stream storage pond in the channel of
8 an unnamed stream. POD 5/POS 12 constitutes an onstream reservoir. At all times relevant to
9 this Complaint, Defendants used water stored in POS 12 for cannabis cultivation. POD 5/POS 12
10 fails to comply with Term 79 of the Cannabis Cultivation Policy.

11 134. Term 83 requires that cannabis cultivators with onstream reservoirs install and
12 maintain measuring devices capable of monitoring and recording the rate of diversion, rate of
13 withdrawal or release from storage, and total volume of water collected in the onstream reservoir.
14 (Cannabis Cultivation Policy, § 2, Term 83.)

15 135. At all times relevant to this Complaint, Defendants SLR, The Hills, and Sweet failed
16 to install a measuring device on POD 5/POS 12 capable of meeting the monitoring and recording
17 requirements for onstream reservoirs. As operated, Defendants’ use of POD 5/POS 12 for
18 cannabis cultivation fails to meet the requirements of Term 83 of the Cannabis Cultivation Policy.

19 **Cannabis Cultivation Policy Violations at POD 6**

20 136. Term 69 states, in part, “cannabis cultivators shall not divert surface water unless it is
21 diverted in accordance with an existing water right.” (Cannabis Cultivation Policy, § 2, Term
22 69.)

23 137. POD 6/POD 13 is an on-stream storage pond that seasonally stores water for the
24 purpose of cannabis cultivation. Seasonal storage of water flowing in a natural channel requires
25 an appropriative water right. No record of an appropriative water right is on file with the State
26 Water Board authorizing this diversion of water to storage. Defendants’ diversions from POD 6
27 are not in accordance with an existing water right and violate Term 69 of the Cannabis
28 Cultivation Policy.

1 138. Term 79 prohibits cannabis cultivators from maintaining onstream storage reservoirs,
2 except in limited instances. (Cannabis Cultivation Policy, § 2, Term 79.) On November 2017,
3 the State Water Board documented began using POD 6/POS 13, an on-stream storage pond in the
4 channel of an unnamed stream, for cannabis cultivation. POD 6/POS 13 constitutes an onstream
5 reservoir. At all times relevant to this Complaint, Defendants SLR, The Hills, and Sweet used
6 water stored in POS 13 for cannabis cultivation. POD 6/POS 13 fails to comply with Term 79 of
7 the Cannabis Cultivation Policy.

8 139. Term 83 requires that cannabis cultivators with onstream reservoirs install and
9 maintain measuring devices capable of monitoring and recording the rate of diversion, rate of
10 withdrawal or release from storage, and total volume of water collected in the onstream reservoir.
11 (Cannabis Cultivation Policy, § 2, Term 83.)

12 140. At all times relevant to this Complaint, Defendants SLR, The Hills, and Sweet failed
13 to install a measuring device on POD 6/POS 13 capable of meeting the monitoring and recording
14 requirements for onstream reservoirs. As operated, Defendants' use of POD 6/POS 13 for
15 cannabis cultivation fails to meet the requirements of the Cannabis Cultivation Policy.

16 141. Term 98 requires cannabis cultivators to maintain daily records of water use, retain
17 these records for a minimum of five years at the cannabis cultivation site, and make all irrigation
18 records available for review by the State Water Board and Regional Water Board. (Cannabis
19 Cultivation Policy, § 2, Term 98.)

20 142. At all times relevant to this Complaint, Defendants SLR, the Hills, and Sweet diverted
21 water for cannabis cultivation from multiple points of diversion (e.g., PODs 1, 4, 5, and 6)
22 without the required measuring devices. Defendants' cannabis cultivation irrigation system fails
23 to comply with the water use monitoring and reporting requirements of Term 98 of the Cannabis
24 Cultivation Policy.

25 143. Plaintiff State Water Board is entitled to civil penalties as imposed and assessed by
26 the court at the request of the Attorney General pursuant to Water Code section 1847, subdivision
27 (c).

28 ///

TENTH CAUSE OF ACTION
Civil Code Sections 3479 and 3480 (Nuisance)
[Alleged By Plaintiffs Against All Defendants]

144. Plaintiffs re-allege and incorporate herein by reference the allegations in paragraphs 1 through 143, inclusive, of this Complaint.

145. Civil Code section 3479 provides: “[a]nything which is injurious to health . . . , or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable . . . stream . . . is a nuisance.”

146. A “public nuisance” is defined in Civil Code section 3480 as a nuisance “which affects at the same time an entire community or neighborhood, or any considerable number of persons” Civil Code section 3490 provides that “[n]o lapse of time can legalize a public nuisance.”

147. Pursuant to Civil Code section 3494, “a public nuisance may be abated by any public body or officer so authorized by law.”

148. On information and belief, Defendants’ activities, water diversions and discharges to unnamed streams that run through the Property within the Bear Canyon Creek Watershed, a watershed with hydrological connectivity to the South Fork Eel River, are a public nuisance that endanger the beneficial uses of the waters of the state of California, including recreation, agricultural supply, aesthetic enjoyment and preservation and enhancement of fish, wildlife, and other aquatic resources, and obstruct the free passage or use of a navigable stream.

149. The seriousness of the harm caused by Defendants’ water diversions and discharges outweighs any social utility of Defendants’ conduct. The Legislature has expressly recognized the heightened need to monitor, regulate, and enforce environmental laws and regulations against cannabis cultivators, including and especially those impacting sensitive watersheds by declaring: “...[t]he environmental impacts associated with cannabis cultivation have increased, and unlawful water diversions for cannabis irrigation have a detrimental effect on fish and wildlife and their habitat, which are held in trust by the state for the benefit of the people of the state.” (Fish & G. Code, § 12029, subd. (a)(1).)

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- (4) cease substantially discharging sediment to waters of the state deleterious to fish, plant life, mammals, or bird life in violation of Fish and Game Code section 5650;
- (5) take immediate action to abate the public nuisance created by Defendants' activities in and around the unnamed streams on the Property;
- (6) cease the unauthorized diversion and use of water in violation of Water Code section 1052 until such time as Defendants obtain the necessary appropriative water right(s);
- (7) cease diversions of water for cannabis cultivation use until such time as Defendants demonstrate compliance with the Cannabis Cultivation Policy requirements;
- (8) remediate the Property and submit technical documentation demonstrating completion of all remediation activities, including but not limited to, complete Property assessment, remediation of roads and stream crossings, POND 1 removal and wetland restoration, POND 2 stabilization, landslide stabilization, and cultivation areas restoration; and
- (9) remedy all other violations alleged in this Complaint.

- 2. For civil penalties in an amount to be proven at trial.
- 3. For damages in an amount to be proven at trial.
- 4. For all costs of investigation and prosecution, including attorneys' fees, expert fees, and costs pursuant to Code of Civil Procedure section 1021.8.
- 5. For such other and further relief as the Court deems proper.

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Dated: October 30, 2020

Respectfully Submitted,
XAVIER BECERRA
Attorney General of California
STACEY L. ROBERTS
Supervising Deputy Attorney General



TIFFANY YEE
BRANDON A. KLINE
Deputy Attorneys General
*Attorneys for Plaintiffs for People of the
State of California ex rel. Department of
Fish and Wildlife, State Water Resources
Control Board, and Regional Water
Quality Control Board, North Coast
Region*

*Code of Civil Procedure section 446
requires verification of the Answer to this
Complaint*

SA2020800419

EXHIBIT A

Shadow Light Ranch, LLC Water Diversion and Use Diagram

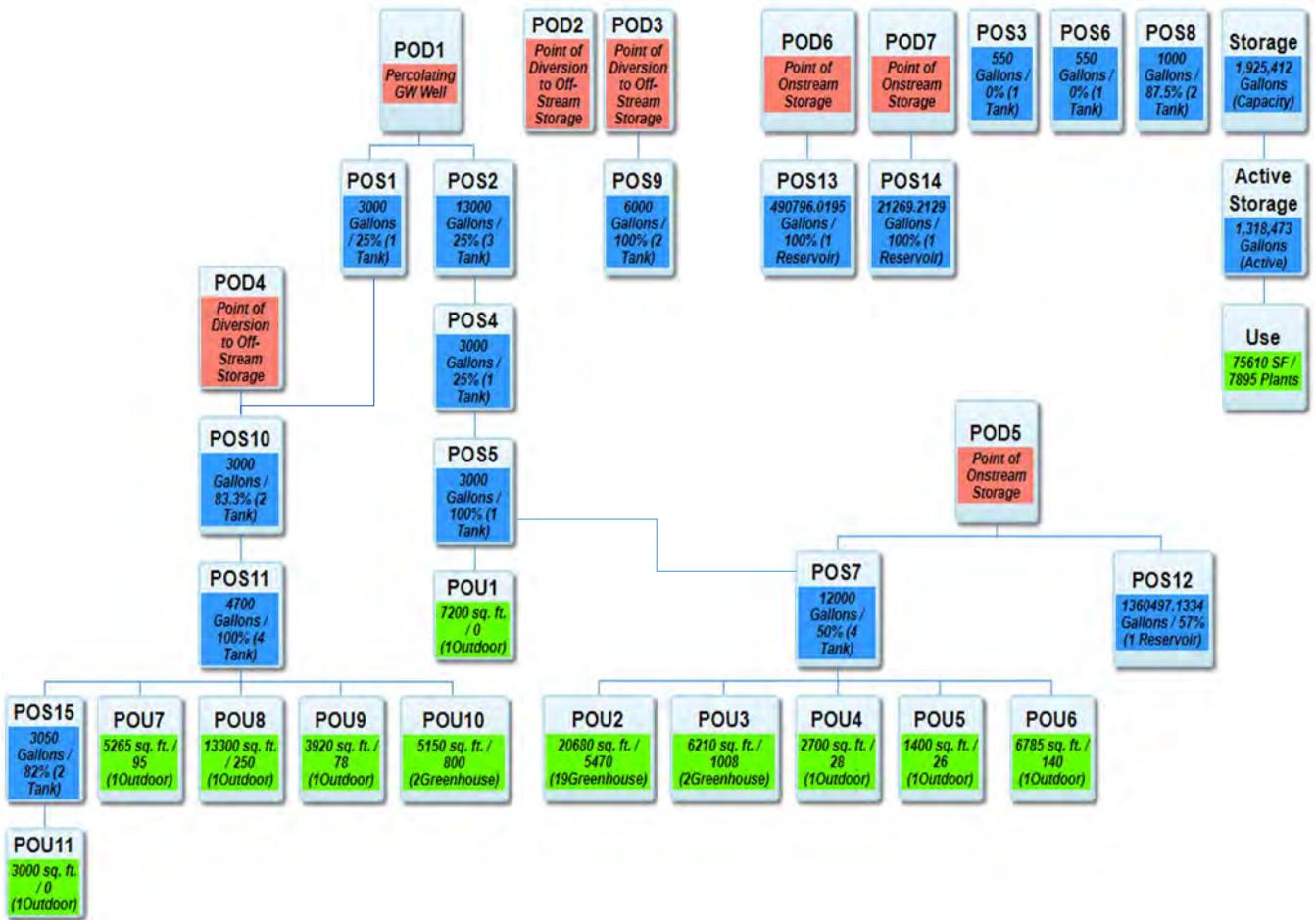


EXHIBIT B



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
619 Second Street
Eureka, California 95501
(707) 445-6493
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



February 22, 2016

Mr. Josh Sweet
P.O. Box 310
Redway, California 95560

Subject: Draft Lake or Streambed Alteration Agreement
Notification No. 1600-2015-0456-R1
Sweet Stream Crossing Upgrades Project

Dear Mr. Sweet:

The California Department of Fish and Wildlife (Department) has determined that your project requires a Lake or Streambed Alteration Agreement (Agreement) because it could substantially adversely affect an existing fish or wildlife resource. Enclosed is a draft Agreement that includes measures the Department has determined are necessary to protect existing fish and wildlife resources.

Within 30 days of receipt of this draft Agreement, you must notify the Department in writing whether the measures to protect fish and wildlife resources are acceptable (Fish and Game Code section 1603). If you agree with the measures set forth in the draft Agreement, you or your authorized representative **must return the draft Agreement with original signature to the above address.**

If you disagree with any measures in the draft Agreement, please contact the Department staff identified below. In the event that mutual agreement is not reached, you may follow the dispute resolution process described in Fish and Game Code section 1603(a), Part III of the "Notification Instructions and Process." If you fail to respond in writing within 90 days of receiving the draft Agreement, the Department may withdraw the draft Agreement.

Please be advised the Department may not execute the Agreement until it has complied with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et seq.*) as the lead or a responsible agency. Please note that the draft Agreement may be subject to change upon receipt and review of the environmental document for the project.

After you receive a final Agreement executed by the Department, you may begin the project the Agreement authorizes provided you have obtained all other necessary local, state, and federal permits or other authorizations.

Conserving California's Wildlife Since 1870

Mr. Sweet
February 22, 2016
Page 2 of 2

For more information on the process described above, please refer to Part IV in the "Notification Instructions and Process" included with your notification materials, which is also available at www.wildlife.ca.gov/habcon/1600/notificationpackage.pdf.

If you have any questions regarding this letter, please contact Environmental Scientist David Manthorne at (707) 441-5900 or david.manthorne@wildlife.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gordon Leppig".

Gordon Leppig
Senior Environmental Scientist Supervisor

Ec. Todd Kraemer, Pacific Watershed Associates, toddk@pacificwatershed.com

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

REGION 1 – NORTHERN REGION

619 Second Street

Eureka, CA 95501



STREAMBED ALTERATION AGREEMENT

NOTIFICATION NO. 1600-2015-0456-R1

Unnamed Tributaries to Bear Creek, Tributary to the South Fork Eel River, Tributary to the Eel River and the Pacific Ocean

Mr. Josh Sweet

Sweet Stream Crossing Upgrades Project

12 Encroachments

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and Mr. Josh Sweet (Permittee).

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, the Permittee initially notified CDFW on November 2, 2015, that the Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, the Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, the Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project to be completed is located within the Bear Creek watershed, a tributary to the South Fork Eel River, approximately 1.6 miles southwest of the town of Garberville, County of Humboldt, State of California. The project is located in Sections 19 and 20, T4S, R4E, Humboldt Base and Meridian; in the Garberville U.S. Geological Survey 7.5-minute quadrangle; Assessor's Parcel Numbers 223-073-05 and 223-061-36; latitude 40.099 N and longitude 123.768 W. Specific encroachment locations are described in Table 1.

Table 1. Project encroachment locations and descriptions.

Crossing ID	Latitude/Longitude	Improvement to Stream Crossing
2	40.1010, -123.7673	Install rock armored fill crossing, install 2 rolling dips
3	40.1007, -123.7675	Install rock armored fill crossing, install 2 rolling dips
5	40.1009, -123.7686	Install 42" X 50' culvert and armor
6	40.0999, -123.7685	Excavate and establish new channel above inlet, install 60" X 40' culvert, armor
8	40.1004, -123.7703	Excavate and establish new channel above inlet, install 60" X 40' culvert, armor, install 3
9	40.0992, -123.7709	Install rock armored fill crossing
10	40.0984, -123.7709	Install rock armored fill crossing, install 4 rolling dips
11	40.0977, -123.7705	Install rock armored fill crossing, install 3 rolling dips
12	40.1007, -123.7719	Install rock armored fill crossing, install 4 rolling dips
13	40.0994, -123.7739	Excavate and establish new channel above inlet, install 60" X 50' culvert, armor, install 3 rolling dips
15	40.0989, -123.7755	Excavate and establish new channel above inlet, install 60" X 50' culvert, armor, install 7 rolling dips
16	40.1010, -123.7706	Install rock armored fill crossing, install 4 rolling dips

PROJECT DESCRIPTION

The project has a total of twelve (12) encroachments proposed to repair and improve existing road stream crossings. Pacific Watershed Associates evaluated the road system and determined that these improvements will mitigate and minimize sediment delivery at the above listed crossing locations. A combination of rolling dips, installation of culverts, channel excavation, and construction of rock armored fill crossings are proposed and described above.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), foothill yellow legged frog (*Rana boylei*), amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

The adverse effects the project could have on the fish or wildlife resources identified above include:

Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:

- loss or decline of riparian and/or habitat;
- direct impacts on benthic organisms;

Impacts to natural flow and effects on habitat structure and process

Impacts to water quality:

- temporary increased turbidity;

Impacts to bed, channel, or bank and direct effects on fish, wildlife, and their habitat:

temporary change to natural bed substrate;
direct take of aquatic species;
direct impacts from dredging on benthic organisms;
disruption to nesting birds and other wildlife;
direct take of terrestrial species;
disturbance from project activity

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

The Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. The Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. The Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of the Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Limitations of Authorization for Water Use. This agreement does not authorize any storage of water unless already permitted by law.
- 1.4 Change of Conditions and Need to Cease Operations. If conditions arise, or change, in such a manner as to be considered deleterious to the stream or wildlife by the CDFW, operations shall cease until corrective measures approved by the CDFW are taken.
- 1.5 Notification of Conflicting Provisions. The Permittee shall notify CDFW if the Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact the Permittee to resolve any conflict.
- 1.6 Project Site Entry. The Permittee agrees to allow CDFW employees access to any property it owns and/or manages for the purpose of inspecting and/or monitoring the activities covered by this Agreement, provided CDFW: a) provides 24 hours advance notice; and b) allows the Permittee or representatives to participate in the inspection and/or monitoring. This condition does not apply to CDFW enforcement personnel.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, the Permittee shall implement each measure listed below.

- 2.1 Permitted Project Activities. Except where otherwise stipulated in this Agreement, all work shall be in accordance with the Permittee Notification received with fees paid in full on November 2, 2015, together with all maps, BMP's, photographs, drawings, and other supporting documents submitted with the Notification.
- 2.2 Work Period. All work shall be confined to the period June 1 through October 1 of each year. Work within the active channel of a stream shall be restricted to periods of **no stream flow and dry weather**. Precipitation forecasts and potential increases in stream flow shall be considered when planning construction activities. Construction activities shall cease and all necessary erosion control measures shall be implemented prior to the onset of precipitation.
- 2.3 Vegetation Disturbance. Vegetation disturbance shall not exceed the minimum necessary to perform the work.
- 2.4 Excavated Fill. Excavated fill material shall be placed in locations where it cannot deliver to a watercourse. To minimize the potential for material to enter the watercourse during the winter period, all excavated and relocated fill material shall be tractor contoured (to drain water) and tractor compacted to effectively incorporate and stabilize loose material into existing road and/or landing features.
- 2.5 Culvert Installation.
 - 2.5.1 Existing fill material in the crossing shall be excavated down vertically to the approximate original channel and outwards horizontally to the approximate crossing hinge points (transition between naturally occurring soil and remnant temporary crossing fill material) to remove any potential unstable debris and voids in the older fill prism.
 - 2.5.2 Culvert shall be installed to grade, aligned with the natural stream channel, and extend lengthwise completely beyond the toe of fill.
 - 2.5.3 Culvert bed shall be composed of either compacted rock-free soil or gravel. Bedding beneath the culvert shall provide for even distribution of the load over the length of the pipe, and allow for natural settling and compaction to help the pipe settle into a straight profile. The crossing backfill materials shall be free of rocks, limbs, or other debris that could allow water to seep around the pipe, and shall be compacted.

- 2.5.4 Culvert inlet, outlet (including the outfall area), and fill faces shall be armored where stream flow, road runoff, or rainfall energy may erode fill material and the outfall area.
- 2.5.5 Permanent culverts shall be sized to accommodate the estimated 100-year flood flow [i.e. ≥ 1.5 times the width of the active (bankfull) channel width or the 100-year flood size, whichever is greater], including debris, culvert embedding, and sediment loads.
- 2.6 Stream Protection. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other deleterious material from project activities shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. All project materials and debris shall be removed from the project site and properly disposed of off-site upon project completion.
- 2.7 Equipment Maintenance. Refueling of machinery or heavy equipment, or adding or draining oil, lubricants, coolants or hydraulic fluids shall not take place within stream bed, channel and bank. All such fluids and containers shall be disposed of properly off-site. Heavy equipment used or stored within stream bed, channel and bank shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.
- 2.8 Hazardous Spills. Any material, which could be hazardous or toxic to aquatic life and enters a stream (i.e. a piece of equipment tipping-over in a stream and dumping oil, fuel or hydraulic fluid), the Permittee shall immediately notify the California Emergency Management Agency State Warning Center at 1-800-852-7550, and immediately initiate clean-up activities. CDFW shall be notified by the Permittee within 24 hours at 707-445-6493 and consulted regarding clean-up procedures.

3. Reporting Measures

- 3.1 CDFW Notification of Work Initiation and Completion. The Permittee shall contact CDFW within the **1-day period preceding the beginning of work** permitted by this Agreement. Information to be disclosed shall include Agreement number, and the anticipated start date. Subsequently, the **Permittee shall notify CDFW** no later than 7 days after the project is fully completed.

CONTACT INFORMATION

Written communication that the Permittee or CDFW submits to the other shall be delivered to the address below unless the Permittee or CDFW specifies otherwise.

To Permittee:

Mr. Josh Sweet
P.O. Box 310
Redway, California 95560
310-710-7549

To CDFW:

Department of Fish and Wildlife
Northern Region
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program
Notification #1600-2015-0456-R1

LIABILITY

The Permittee shall be solely liable for any violation of the Agreement, whether committed by the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require the Permittee to proceed with the project. The decision to proceed with the project is the Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide the Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide the Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to the Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against the Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 *et seq.* (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes the Permittee or any person acting on behalf of the Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

The Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and the Permittee. To request an amendment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective,

unless the transfer or assignment is requested by the Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, the Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), the Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, the Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

If the Permittee fails to submit a request to extend the Agreement prior to its expiration, the Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (FGC section 1605(f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after the Permittee signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall **expire five years** from date of execution, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. The Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of the Permittee, the signatory hereby acknowledges that he or she is doing so on the Permittee's behalf and represents and warrants that he or she has the authority to legally bind the Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If the Permittee begins or completes a project different from the project the Agreement authorizes, the Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR Mr. Josh Sweet

Josh Sweet

Date

FOR DEPARTMENT OF FISH AND WILDLIFE

Gordon Leppig
Senior Environmental Scientist Supervisor

Date

EXHIBIT C

ARREST/INVESTIGATION REPORT

WPD 6a (10-98)

Region # WET

Page 1

DATE OF INCIDENT / OCCURANCE 11/02/17		TIME (2400) 0800	CITY/COUNTY/JUDICIAL DISTRICT Humboldt / Humboldt Superior Court	
"X" ONE <input type="checkbox"/> Arrest Report <input checked="" type="checkbox"/> Formal Complaint	"X" ONE <input type="checkbox"/> Self Initiated <input checked="" type="checkbox"/> Complaint	TYPE OF REPORT ("X" APPLICABLE) <input type="checkbox"/> Commercial Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Inland Pollution <input type="checkbox"/> CalTIP <input type="checkbox"/> Recreational Fishing <input type="checkbox"/> Trapping <input type="checkbox"/> Marine Pollution <input checked="" type="checkbox"/> Other		

Suspect Information

Name Suspect #1 (First, Middle, Last) Joshua Sweet		Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F	Date of Birth (MM/DD/YY) [REDACTED]	Citation Number
Suspect Address (Street, Apt., City, State, Zip Code) 773 Redwood Drive Suite E Garberville, CA 95542				Home Phone
Business Address (Street, Apt., City, State, Zip Code) N/A				Business Phone
Identification Type ("X" Applicable) <input checked="" type="checkbox"/> CDL/CID <input type="checkbox"/> Other State DL/ID <input type="checkbox"/> Other ID: Number: [REDACTED]	Suspect Description ("X" Applicable) <u>General:</u> <u>Hair:</u> <u>Eyes:</u> <u>Ethnicity:</u> Height: <input type="checkbox"/> Bln <input type="checkbox"/> Brn <input type="checkbox"/> Blk <input type="checkbox"/> Blk <input type="checkbox"/> Brn <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic Weight: <input type="checkbox"/> Gry <input type="checkbox"/> Red <input type="checkbox"/> None <input type="checkbox"/> Grn <input type="checkbox"/> Hzl <input type="checkbox"/> White <input type="checkbox"/> Other			
Vehicle Type ("X" Applicable) <input checked="" type="checkbox"/> Auto <input type="checkbox"/> Vessel <input type="checkbox"/> Other	Description (Make, Model, Year, Color) Toyota, Tacoma, Silver		License Plate Number /VIN	

Offenses and Charges

<input checked="" type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other Section 1602(a)	<input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input checked="" type="checkbox"/> Other H&S Section
Description: Substantially alter bed, bank, or channel of a creek	Description
<input checked="" type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other Section 5650(a)(6)	<input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other Section
Description: Deposit in, permit to pass into state waters any materials deleterious to aquatic life.	Description
<input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other Section	<input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other Section
Description:	Description

Evidence Seized

Evidence Description (Amount, Type, Serial Number, Etc.)	<input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input type="checkbox"/> Other	Photographed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Evidence Description (Amount, Type, Serial Number, Etc.)	<input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input type="checkbox"/> Other	Photographed? <input type="checkbox"/> Yes <input type="checkbox"/> No

Case Synopsis

See Narrative

See WPD 6b For Additional Suspect and Witness Information "X" ONE Yes No

Preparer's Name and Badge Number Kyle Shaw #846	Date 12/05/17	Reviewer's Name	Date
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X" APPLICABLE <input checked="" type="checkbox"/> Narrative <input type="checkbox"/> Arrest Report <input type="checkbox"/> Supplemental <input checked="" type="checkbox"/> Formal Complaint		TYPE OF REPORT ("X" APPLICABLE) <input type="checkbox"/> Commercial Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Inland Pollution <input type="checkbox"/> Incident Report <input type="checkbox"/> Recreational Fishing <input type="checkbox"/> Trapping <input type="checkbox"/> Marine Pollution <input checked="" type="checkbox"/> Other			
Location/Subject/Incident Name Sweet, Garberville			Arresting/Case Officer Kyle Shaw		Citation Number

On October 13th 2017 I spoke with Department of Fish and Wildlife Senior Environmental Scientist Supervisor Scott Bauer regarding a large suspected marijuana cultivation operation near Garberville. Bauer showed me a map of the site and told me to meet with Environmental scientist Dave Manthorne for more details on the site.

On October 16th 2017 I meet with Manthorne. He told me Josh Sweet of Shadow Light Ranch had hired a consulting company (Pacific watershed associates) to draft and submit plans for approximately 16 stream crossings, multiple stream diversions and several cultivation sites to CDFW. On the application they stated that the work to be done was on existing crossings. The plans/ application were submitted to the Department of Fish and Wildlife in November of 2015. Manthorne went to the site with Todd Kraemer of Pacific Watershed Associates on February 17, 2016 and discovered that the crossings were not existing. Manthorne told Sweet and Kraemer that the whole project would need CEQA. The Department of Fish and Wildlife requested the applicant (Joshua Sweet) submit the Project to Humboldt County so that as lead agency, they would draft an appropriate CEQA document. The Department never received the requested CEQA document prior to the Project being implemented. Manthorne told me Sweet hired a second consulting company (Manhard Consulting) which meet with Manthorne April 25, 2017 and told him Sweet had done all of the work without a Streambed alteration agreement with the Department of Fish and Wildlife.

On October 25th 2017 Warden Pilot Gavin Woelfel and I flew over the site. I observed and photographed several outdoor marijuana cultivation sites, 4 large greenhouses, and the large ponds on parcels 223-73-004 and 223-073-005.



Preparer's Name and Badge Number Kyle Shaw	Date 1/08/18	Reviewer's Name	Date
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Location/Subject/Incident Name Sweet, Garberville		Arresting/Case Officer Kyle Shaw		Citation Number

Joshua Sweet was contacted by the Humboldt County Building and planning Department to set up an inspection of his parcels and cultivation sites. The Department of Fish and Wildlife was informed of a consent inspection scheduled for November 2nd 2017 at 8:00am to be shown the property by Joshua Sweet.

On November 2nd 2017 at 8:00 am several regulatory agencies including the California Department of Fish and Wildlife, State Water Board, Regional Water board and the Humboldt County building and planning department, met Joshua Sweet at the property and preformed a consent inspection on 4 parcels. The parcels are located in unincorporated Humboldt County adjacent to Garberville, California. These parcels are further known to the Humboldt County Assessor's Office as Parcel Number ("APN") 223-073-004, 223-073-005, 223-061-038, and 223-061-043. All four Parcels are located on Unnamed Tributaries to Bear Canyon Creek and the South Fork Eel River near Garberville, CA. The South Fork of the Eel River is a spawning area for Coho and Chinook salmon as well as Steelhead.

I accompanied Environmental Scientist Dave Manthorne on the site inspection. I observed the following activities which are subject to Fish and Game Code (FGC) sections 1602 and 5650. I also observed evidence of marijuana cultivation (Multiple harvested marijuana cultivation sites) in conjunction with these activities.



(Standing Harvested Marijuana Plants)

The following photos and descriptions are from DFW Environmental scientist Dave Manthorne.

Preparer's Name and Badge Number Kyle Shaw	Date 1/08/18	Reviewer's Name	Date
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Location/Subject/Incident Name Sweet, Garberville			Arresting/Case Officer Kyle Shaw	Citation Number



Figure 1. Substantial obstruction of the natural flow and alteration of the bed, bank, and channel of an unnamed tributary to Bear Creek and the South Fork Eel River by the construction and use of a wet ford crossing. This feature is causing erosion of road and bank delivering sediment to Waters of the State.



Figure 2. Substantial obstruction of the natural flow and alteration of the bed, bank, and channel of an unnamed tributary to Bear Creek and the South Fork Eel River by the placement of a culvert and fill within the channel.

Preparer's Name and Badge Number Kyle Shaw	Date 1/08/18	Reviewer's Name	Date
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Figure 3A. Substantial discharge of sediment to Waters of the State from unpermitted grading that triggered slope instability leading to land sliding into the head of a Class III stream.



Figure 3B. Substantial discharge of sediment to Waters of the State from unpermitted grading that triggered slope instability leading to land sliding into the head of a Class III stream.

Preparer's Name and Badge Number Kyle Shaw	Date 1/08/18	Reviewer's Name	Date
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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
NARRATIVE/SUPPLEMENTAL

WPD 6a (10-98)

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TYPE OF REPORT ("X" APPLICABLE)				
<input type="checkbox"/> X] Narrative <input type="checkbox"/> X] Arrest Report <input type="checkbox"/> [] Formal Complaint <input type="checkbox"/> [] Supplemental		<input type="checkbox"/> [] Commercial Fishing <input type="checkbox"/> [] Hunting <input type="checkbox"/> [] Inland Pollution <input type="checkbox"/> [] Marine Pollution <input type="checkbox"/> [] Trapping <input type="checkbox"/> [] Other		
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Citation Number		Incident Report		



Figure 4. Substantial alteration of the bed, bank, and channel to an unnamed tributary to Bear Creek and the South Fork Eel River by placement of rip rap where the Class III channel meets the on-stream pond.



Figure 5A. Substantial discharge of sediment to Waters of the State from unpermitted grading and pond construction that removed vegetation and triggered slope instability leading to land sliding into the pond and then into the on stream pond.

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Location/Subject/Incident Name Sweet, Garberville		Arresting/Case Officer Kyle Shaw	Citation Number



Figure 5B. Substantial discharge of sediment to Waters of the State from unpermitted grading and pond construction that removed vegetation and triggered slope instability leading to land sliding into the pond and then into the on stream pond.



Figure 5C. Substantial discharge of sediment to Waters of the State from unpermitted grading and pond construction that removed vegetation and triggered slope instability leading to land sliding into the pond and then into the on stream pond.

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Figure 5D. Substantial discharge of sediment to Waters of the State from unpermitted grading and pond construction that removed vegetation and triggered slope instability leading to land sliding into the pond and then into the on stream pond.



Figure 6. Substantial obstruction of the natural flow and alteration of the bed, bank, and channel of an unnamed tributary to Bear Creek and the South Fork Eel River by the placement of a culvert and fill within the channel.

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Figure 7. Substantial obstruction of the natural flow and alteration of the bed, bank, and channel of an unnamed tributary to Bear Creek and the South Fork Eel River by the placement of a culvert and fill within the channel.



Figure 8. Substantial obstruction of the natural flow and alteration of the bed, bank, and channel of an unnamed tributary to Bear Creek and the South Fork Eel River by the placement of a culvert and fill within the channel.

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Figure 9. Substantial obstruction of the natural flow and alteration of the bed, bank, and channel of an unnamed tributary to Bear Creek and the South Fork Eel River by the placement of a culvert and fill within the channel.



Figure 10. Substantial alteration of the bed, bank, and channel of an unnamed tributary to Bear Creek and the South Fork Eel River by removal of vegetation and burning causing sediment delivery.

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Figure 11. Substantial discharge of sediment to Waters of the State from removal of vegetation causing substantial delivery of sediment and ash into the Class III stream.



Figure 12. Substantial obstruction of the natural flow and alteration of the bed, bank, and channel of an unnamed tributary to Bear Creek and the South Fork Eel River by the placement of a culvert and fill within the channel.

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Figure 13. Substantial obstruction of the natural flow and alteration of the bed, bank, and channel of an unnamed tributary to Bear Creek and the South Fork Eel River by the placement of a culvert and fill within the channel.



Figure 14. Substantial obstruction of the natural flow and alteration of the bed, bank, and channel of an unnamed tributary to Bear Creek and the South Fork Eel River by the placement of a culvert and fill within the channel.

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Figure 15. Substantial obstruction of the natural flow and alteration of the bed, bank, and channel of an unnamed tributary to Bear Creek and the South Fork Eel River by the placement of a culvert and fill within the channel.



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Figure 16. Substantial alteration of the bed, bank, and channel of an unnamed tributary to Bear Creek and the South Fork Eel River by construction and use of a wet ford crossing causing sediment delivery.



Figure 17. Substantial obstruction of the natural flow and alteration of the bed, bank, and channel of an unnamed tributary to Bear Creek and the South Fork Eel River for water diversion by impounding the channel with concrete and diverting water from a cistern located in the center of the channel.

Preparer's Name and Badge Number Kyle Shaw	Date 1/08/18	Reviewer's Name	Date
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Figure 18. Substantial obstruction of the natural flow and alteration of the bed, bank, and channel of an unnamed tributary to Bear Creek and the South Fork Eel River for water diversion by diverting the natural flow to an impoundment and then diverting water from a cistern located in the center of the impoundment.

Fish and Game Code (FGC) section 1602 requires a person to submit a written notification to the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Any person who engages in an activity subject to FGC section 1602 without first notifying the Department violates section 1602. FGC section 5650 makes it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. Notification and permitting under FGC section 1602 was required for the activities shown above because they substantially altered the banks and obstructed Unnamed Tributaries to Bear Creek. However, the Department did not permit these activities. The Department of Fish and Wildlife did not issued any Lake or Streambed alteration agreement for Josh Sweet or Shadow Light Ranch, all of the work has been done in violation of Fish and Game Code 1602. All of the potential stream crossings flow into Bear Canyon Creek which is a tributary to the South Fork of the Eel River. The South Fork of the Eel River is a spawning area for Coho and Chinook salmon as well as Steelhead.

During the inspection I spoke with Sweet and asked him who did the work on the property. He told me he paid someone to do the work. I asked him who he had hired to do the work for him and he would not tell me. I asked Sweet whether or not he had an agreement with the Department of Fish and Wildlife for the stream bed alterations. He told me his consultant should have taken care of it and didn't know why they had not completed the paperwork with Fish and Wildlife.

I asked Sweet what the water diversions are for. He told me the water being diverted from the streams is for watering his marijuana plants. Sweet told me the community is better off because he is growing marijuana. He stated when he was raising beef on his property he made a fraction of the money he is making growing and selling marijuana. Sweet also stated, he thinks cows are more destructive to the land than using the water for Marijuana cultivation.

Preparer's Name and Badge Number Kyle Shaw	Date 1/08/18	Reviewer's Name	Date
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All of the Water diversions shown above are being used to divert water from unnamed tributaries to Bear Canyon Creek and the South Fork of the Eel River for the purpose of cultivating marijuana plants. All of the culverts and stream crossings shown above were installed for the purpose of accessing marijuana cultivation sites.

On January 5, 2018 I spoke with Todd Kraemer of Pacific Watershed Associates regarding the project that had been submitted to the Department of Fish and Wildlife in November 2015 for Sweet. Kraemer told me he had gone on a site visit with Manthorne regarding the project. Kraemer told me he remembers hearing Manthorne tell him and Sweet that CEQA would have to be done through Humboldt County before the project to be started. Kraemer told me that Pacific Watershed only drafts plans for these types of projects and it's the landowner's responsibility to submit the paperwork. Kraemer told me that Sweet needed permits from many agencies before the project could be started. He didn't know if Sweet had followed through with any of the permits required for the project. He said Sweet knew that all permits for the project were the land owner's responsibility and that CEQA was required prior to starting the work.

On January 8, 2018 I spoke with Praj White of Manhard Consulting regarding Josh Sweets Project. He told me all of the work was completed prior to Manhard consulting being hired for this project. White told me all of the crossings were installed as maintenance from the LSA agreement that was completed by Pacific Watershed Associates (No LSA was Issued). I asked if Humboldt County had been contacted for the CEQA process prior to the work being completed. White told me when Sweet submitted his application to cultivate marijuana with Humboldt County in December 2016 that application started the CEQA process. He also stated when Sweet completed that application by Humboldt County's June 30, 2017 deadline it continued Sweet in the CEQA process. I asked White whether or not CEQA was required and he told me that Dave Manthorne was very vocal about needing CEQA for the project although he thought it wasn't necessary for existing cultivation sites. Praj White told me he believes all of the work done by Sweet was done prior to applying to Humboldt County for a permit to cultivate marijuana in December of 2016 and all of the work was done in violation of many regulations.

For additional information relating to aquatic recourses at risk see report from David Manthorne, Senior Environmental Scientist Specialist, Department of Fish and Wildlife

The Department of Fish and Wildlife would like to impose civil penalties for Fish and Game Code section 12025(b)(1)(A) and 12025(b)(1)(B) against Joshua Sweet of Shadow Light Ranch.

FGC 1602

Preparer's Name and Badge Number Kyle Shaw	Date 1/08/18	Reviewer's Name	Date
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Location/Subject/Incident Name Sweet, Garberville		Arresting/Case Officer Kyle Shaw
Citation Number		

(a) An entity shall not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless all of the following occur:

FGC 5650.

(a) Except as provided in subdivision (b), it is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this state any of the following:

- (1) Any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material or substance.
- (2) Any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, mill, or factory of any kind.
- (3) Any sawdust, shavings, slabs, or edgings.
- (4) Any factory refuse, lime, or slag.
- (5) Any cocculus indicus.
- (6) Any substance or material deleterious to fish, plant life, mammals, or bird life.

FGC 12025

(b) (1) In addition to any penalties imposed by any other law, a person found to have violated the code sections described in this subdivision in connection with the production or cultivation of a controlled substance on land that the person owns, leases, or otherwise uses or occupies with the consent of the landowner shall be liable for a civil penalty as follows:

- (A) A person who violates Section 1602 in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than eight thousand dollars (\$8,000) for each violation.
- (B) A person who violates Section 5650 in connection with the production or cultivation of a controlled substance is subject to a civil penalty of not more than twenty thousand dollars (\$20,000) for each violation.

Preparer's Name and Badge Number Kyle Shaw	Date 1/08/18	Reviewer's Name	Date
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EXHIBIT D



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 - Northern
619 2nd Street
Eureka, CA 95501
(707) 441-2075
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



November 22, 2017

Certified Mail:
#7011 3500 0002 2331 3148

Josh Sweet
773 Redwood Drive Suite E
Garberville, CA 95542

Subject: Notice of Violation of Fish and Game Code Sections 1602 and 5650 in
Conjunction with Marijuana Cultivation

Dear Mr. Sweet:

On November 2, 2017, Department of Fish and Wildlife (Department) staff visited your parcels (APN: 223-073-004, 223-073-005, 223-061-038, and 223-061-043) on Unnamed Tributaries to Bear Creek and the South Fork Eel River near Garberville, CA. During this visit, Department staff observed the activities described below (Table 1, Page 2), which are subject to Fish and Game Code (FGC) sections 1602 and 5650. Staff also observed evidence of marijuana cultivation in conjunction with these activities.

Fish and Game Code (FGC) section 1602 requires a person to submit a written notification to the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Hence, any person who engages in an activity subject to FGC section 1602 without first notifying the Department violates section 1602.

FGC section 5650 makes it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment.

In the Department's view, notification and permitting under FGC section 1602 was required because the activities substantially altered the banks and obstructed Unnamed Tributaries to Bear Creek. However, the Department did not permit these activities. The Department requested the applicant submit the Project to Humboldt County so that as lead agency, they would draft an

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appropriate CEQA document. The Department never received the requested CEQA document prior to the Project being implemented. In order to address these violations, you will need to immediately stop diverting water for cannabis cultivation.

Table 1. Violation location and description

Violation #	FGC Violation	Latitude/Longitude	Description
1	1602/5650	40.09562, -123.76236	Class III ford causing erosion and sediment delivery
2	1602	40.09814, -123.76484	Water diversion from an outlet of a wetland/Class II stream
3	1602	40.09605, -123.76775	New installation of 24" diameter culvert
4	5650	40.09533, -123.76810	Sediment delivery caused by road fill failure to Class III stream
5	1602	40.09304, -123.76868	Rip rap placed at Class III entrance to on-stream pond
6	1602	40.09306, -123.76877	18" diameter culvert overflow discharged to on stream pond
7	1602	40.09281, -123.76841	New installation of 24" diameter culvert that spills overflow directly to a tributary to Bear Creek
8	1602	40.09978, -123.76890	Installation of a new 60" diameter culvert on a Class II stream
9	1602	40.09992, -123.76846	Installation of a new 42" diameter culvert at the confluence of two Class III streams
10	1602	40.10068, -123.76978	Installation of a new 36" diameter culvert on a Class III stream, outlet is misaligned with channel
11	1602/5650	40.09991, -123.76841	Burn pile at edge of Class III stream with perched deliverable sediment
12	1602	40.10019, -123.77065	Installation of a new 60" diameter culvert on a Class II stream, misaligned at outlet
13	1602	40.09948, -123.77383	Installation of a new 60" diameter culvert on a Class II stream, misaligned at outlet
14	1602	40.09897, -123.77542	Installation of a new 60" diameter culvert on a Class II stream, misaligned at outlet
15	1602	40.10075, -123.76746	Installation of a new 24" diameter culvert on a Class III stream
16	5650	40.10101, -123.76726	Sediment discharge from road to Class III stream
17	1602	40.10183, -123.76343	Water diversion from a Class II stream/spring
18	1602	40.09982, -123.76006	Water diversion from a Class II spring located off parcel

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A person who violates FGC sections 1602 and 5650 in conjunction with the cultivation or production of marijuana is subject to significant penalties or fines. Specifically, the Department may impose civil penalties administratively against any person found by the Department to have violated these FGC sections in connection with the production or cultivation of marijuana following a complaint and, if requested, a hearing.

The Department may request a maximum civil penalty of \$8,000 for each violation of FGC section 1602, and \$20,000 for each violation of FGC section 5650. Each day the violation occurs or continues to occur constitutes a separate violation. (Fish & G. Code, § 12025, subds. (b)(1)(A), (2); (e).) Also, the District Attorney or the Attorney General may enforce a violation of FGC section 1602 and FGC section 5650 civilly. Specifically, under FGC sections 1615 and 5650.1, a person who violates FGC section 1602 or 5650 is subject to a maximum civil penalty of \$25,000 for each violation. The District Attorney or the Attorney General may also enforce a violation of FGC sections 1602, 5650, and 5652 criminally. Under FGC section 12000, each violation is a misdemeanor.

As a first step to address this matter, the Department requests you contact Fish and Wildlife Warden Kyle Shaw at kyle.shaw@wildlife.ca.gov or Senior Environmental Scientist Specialist David Manthorne at 707-441-5900 within 14 days of the date of this letter. The Department may propose certain actions to protect fish and wildlife resources that have been or could be affected by the activities described above, and may ask you to submit a written notification and fee for the activities. While the Department, District Attorney, or Attorney General may still decide to initiate an enforcement action against you if they determine these activities are in violation of FGC sections 1602 or 5650, we encourage you to respond to this notice so that we may better assess the activity and limit any damage to resources.

The Department appreciates your cooperation.

Sincerely,

Steve Zulliger #695 For LT. WHITE

Lieutenant Steve White
Watershed Enforcement Team

cc: California Department of Fish and Wildlife
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EXHIBIT E

State Water Resources Control Board

DIVISION OF WATER RIGHTS REPORT OF INSPECTION

Date of Inspection: 11/2/2017

Inspection Performed by: Chris Van De Wyngard and Michael Vella

Consent by or Search Warrant: Consent

Facility Owner Information

Facility Owner: Shadow Light Ranch LLC
Mailing Address: 773 Redwood Dr. Suite E
City: Garberville
Zip: 95542
Phone: N/A
Email: N/A
County: Humboldt

Water Rights Information

Statement: N/A
Registration: NA
Application: NA
Permit: NA
License: NA
UN: 001282

Additional Information: Shadow Light Ranch LLC purchase the properties on August 22nd, 2016. The property owner was present during the time of the inspection.

Parcel Number: 223-061-038-000, 223-061-043, 223-073-004-000, 223-073-005-000

Site Address: NA

Site City: NA

Site Zip: NA

Point of Diversion (POD) Information

Total Number of PODS: 6

POD ID: 1

Source Water: Unnamed Spring

Diversion Type: Point of Diversion to Offstream Storage

POD Lat/Long: 40.0948, -123.7628

POD Description: Point of Diversion (POD) 1 is an Unnamed Spring (picture 1-5). The Unnamed Spring was built with a concrete cistern. The concrete collection tank is approximately 2.5 feet diameter by 6 feet deep. The total storage water capacity is approximately 220 Gallons. The Unnamed Spring channel has defined bed and banks upstream and downstream of POD, which is tributary to South Fork Eel River. Humboldt County Assessor's Parcel Number (APN) 223-073-005-000 is owned by Shadow Light Ranch LLC and appears to be riparian to the Unnamed Spring channel. There was little to no water flowing in the Unnamed Spring channel during the time of inspection. According to Joshua Sweet the diversion was created on 2002. POD 1 collects water via polyvinylchloride pipe. Water is gravity feed to Residence 1.

POD ID: 2

Source Water: Unnamed Spring

Diversion Type: Point of Diversion to Offstream Storage

POD Lat/Long: 40.0981, -123.7648

POD Description: POD 2 is an Unnamed Spring (picture 6-9). The Unnamed Spring was built with a concrete collection tank. The concrete collection tank is approximately 2.5 feet diameter by 3 feet deep. The total amount of observed water in the concrete spring was approximately 92 Gallons. The Unnamed Spring channel has defined bed and banks upstream and downstream of POD, which is tributary to South Fork Eel River. The Unnamed Spring is located in a wetland with larger cattails plants around it. Humboldt County Assessor's Parcel Number (APN) 223-073-005-000 is owned by Shadow Light Ranch LLC and appears to be riparian to the Unnamed Spring channel. There was standing water on the wetland over the Unnamed Spring channel during the time of inspection. POD 2 collects water via polyvinylchloride pipe. Water is gravity feed to Tank 11-12, and then gravity feed to Tank 13-16.

POD ID: 3

Source Water: Unnamed Spring

Diversion Type: Point of Diversion to Offstream Storage

POD Lat/Long: 40.1018, -123.7635

POD Description: POD 3 is a shallow excavated Unnamed Spring (picture 10-13). The Unnamed spring is approximately 9 feet long by 4 feet wide and 1 foot deep. The total amount of observed water in the spring was approximately 108 Gallons. The Unnamed Spring is dammed with concrete blocks. The Unnamed Spring channel has defined bed and banks downstream of the POD, which is tributary to South Fork Eel River. Humboldt County Assessor's Parcel Number (APN) 223-073-005-000 is owned by Shadow Light Ranch LLC and appears to be riparian to the Unnamed Spring channel. There was water flowing in the Unnamed Spring channel during the time of inspection. According to Joshua Sweet, POD 3 is currently not being use.

POD ID: 4
Source Water: Unnamed Spring
Diversion Type: Point of Diversion to Offstream Storage
POD Lat/Long: 40.0997, -123.7601

POD Description: POD 4 is a shallow excavated Unnamed Spring (picture 14-16). The Unnamed spring is approximately 6 feet long by 3 feet wide and 1 foot deep. The total amount of observed water in the spring was approximately 54 Gallons. The Unnamed Spring is dammed with concrete blocks. The Unnamed Spring channel has defined bed and banks downstream of the POD, which is tributary to South Fork Eel River. It is a possible that the property boundary line may be shifted from actual property survey lines. Humboldt County Assessor's Parcel Number (APN) 223-073-004-000 is owned by Shadow Light Ranch LLC and appears to be riparian to the Unnamed Spring channel. POD 4 is located just north of APN 223-073-004-000. There was little to no water flowing in the Unnamed Spring channel during the time of inspection. According to Joshua Sweet, POD 4 is currently not being use.

POD ID: 5
Source Water: Unnamed Creek
Diversion Type: Point of Onstream Storage
POD Lat/Long: 40.093, -123.7692

POD Description: POD 5 is an on-stream reservoir (Reservoir 1) located on an Unnamed Creek (Picture 17-22). Joshua Sweet stated that Reservoir 1 was built on 2016. The reservoir dam was built with an earthen berm. The upstream slope of the dam is approximately 18 degrees. The top crest width of the dam is approximately 16 feet. The reservoir is approximately 0.5664 acres and 18 feet deep. The total water storage capacity is approximately 4.078 Acre-ft (1,328,846 Gallons). The Unnamed Creek has defined bed and banks upstream and downstream of the POD, which is tributary to South Fork Eel River. Reservoir 1 is connected to Reservoir 2 where the overflow water flows to Reservoir 2 via a stainless steel corrugated culvert that is approximately 18 inches in diameter (picture 19-20). There was no water flowing in the Unnamed Creek during the time of inspection. Joshua Sweet told Division staff that he pumps water out of Reservoir 1 and 2 to irrigate most of all of his cannabis grows. POD 5 is located within Humboldt County Assessor's Parcel Number (APN) 223-061-038-000 the parcel is owned by Shadow Light Ranch LLC and appears to be riparian to the Unnamed Creek.

POD ID: 6
Source Water: Unnamed Creek
Diversion Type: Point of Onstream Storage
POD Lat/Long: 40.0927, -123.7684

POD Description: POD 6 is an on-stream reservoir (Reservoir 2) located on an Unnamed Creek (Picture 23-30). The reservoir dam was built with an earthen berm. The top crest width of the dam is approximately 14 feet. The reservoir is approximately 0.2636 acres and 14 feet deep. The total water storage capacity is approximately 1.4762 Acre-ft (481,008 Gallons). The Unnamed Creek has defined bed and banks upstream and downstream of the POD, which is tributary to South Fork Eel River. Reservoir 2 has two water inlets, one is the Unnamed Creek and the second is the overflow from Reservoir 1. Reservoir 2 has two overflow outlets. One outlet is a double corrugated polyethylene culvert that is approximately 18 inches in diameter, and the second outlet is a single corrugated polyethylene culvert that is approximately 24 inches in diameter and 200 feet long. The second outlet ends at a larger Unnamed Creek that is tributary to South Fork Eel River. There was no water flowing in the Unnamed Creek during the time of inspection. Joshua Sweet told Division staff that he pumps water out of Reservoir 1 and 2 to

irrigate most of all of his cannabis grows. POD 6 is located within Humboldt County Assessor's Parcel Number (APN) 223-061-038-000 the parcel is owned by Shadow Light Ranch LLC and appears to be riparian to the Unnamed Creek.

Storage Information

Total Storage: 1,841,746 Gallons (5.65 acre-ft)

POD ID: 1
Storage ID: POD 1
Storage Type: Spring Impoundment
Storage Lat/Long: 40.0948, -123.7628
Storage Capacity (Gal): 220
Storage Description: POD 1 is an Unnamed Spring (picture 1-5). The Unnamed Spring was built with a concrete collection tank. The concrete collection tank is approximately 2.5 feet diameter by 6 feet deep. The total storage water capacity is approximately 220 Gallons. The total amount of observed water in the concrete spring was approximately 110 Gallons. The Unnamed Spring is located on Humboldt County Assessor's Parcel Number (APN) 223-073-005-000. POD 1 collects water via polyvinylchloride pipe. Water is gravity feed to Residence 1.

POD ID: 2
Storage ID: POD 2
Storage Type: Spring Impoundment
Storage Lat/Long: 40.0981, -123.7648
Storage Capacity (Gal): 110
Storage Description: POD 2 is an Unnamed Spring (picture 6-9). The Unnamed Spring was built with a concrete collection tank. The concrete collection tank is approximately 2.5 feet diameter by 3 feet deep. The total storage water capacity is approximately 110 Gallons. The total amount of observed water in the concrete spring was approximately 92 Gallons. The Unnamed Spring is located on Humboldt County Assessor's Parcel Number (APN) 223-073-005-000. POD 2 collects water via polyvinylchloride pipe. Water is gravity feed to Tank 11-12, and then gravity feed to Tank 13-16.

POD ID: 2
Storage ID: Tank 11
Storage Type: Tank
Storage Lat/Long: 40.0982, -123.7655
Storage Capacity (Gal): 1,100
Storage Description: Tank 11 (picture 37) is a 1,100 gallon green polyethylene tank. Tank 11 was full during the time of inspection. The tank receives water from POD 2, water is then gravity feed to Tank 13-16.

POD ID: 2
Storage ID: Tank 12
Storage Type: Tank
Storage Lat/Long: 40.0982, -123.7655
Storage Capacity (Gal): 500
Storage Description: Tank 12 (picture 38) is a 500 gallon black polyethylene tank. Tank 12 was full during the time of inspection. The tank receives water from POD 2, water is then gravity feed to Tank 13-16.

POD ID: 2
Storage ID: Tank 13
Storage Type: Tank
Storage Lat/Long: 40.0982, -123.7658
Storage Capacity (Gal): 500
Storage Description: Tank 13 (picture 39) is a 500 gallon black polyethylene tank. Tank 13 was empty during the time of inspection. The tank was disconnected and inactive during the time of inspection.

POD ID: 2
Storage ID: Tank 14
Storage Type: Tank
Storage Lat/Long: 40.0982, -123.7658
Storage Capacity (Gal): 2,500
Storage Description: Tank 14 (picture 39) is a 2,500 gallon black polyethylene tank. Tank 14 was full during the time of inspection. The tank receives water from Tank 11-12, water is then gravity feed to OG 3-5 and GH 4-5.

POD ID: 2
Storage ID: Tank 15
Storage Type: Tank
Storage Lat/Long: 40.0982, -123.7658
Storage Capacity (Gal): 550
Storage Description: Tank 15 (picture 39-40) is a 550 gallon black polyethylene tank. Tank 15 was full during the time of inspection. The tank receives water from Tank 11-12, water is then gravity feed to OG 3-5 and GH 4-5.

POD ID: 2
Storage ID: Tank 16
Storage Type: Tank
Storage Lat/Long: 40.0982, -123.7658
Storage Capacity (Gal): 550
Storage Description: Tank 16 (picture 39-40) is a 550 gallon black polyethylene tank. Tank 16 was approximately $\frac{1}{4}$ full during the time of inspection. The tank receives water from Tank 11-12, water is then gravity feed to OG 3-5 and GH 4-5.

POD ID: 2
Storage ID: Tank 17
Storage Type: Tank
Storage Lat/Long: 40.1006, -123.7761
Storage Capacity (Gal): 550
Storage Description: Tank 17 (picture 41) is a 550 gallon green polyethylene tank. Tank 17 was full during the time of inspection. The tank receives water from Tank 16, water is then gravity feed to OG6.

POD ID: 3
Storage ID: POD 3
Storage Type: Spring Impoundment
Storage Lat/Long: 40.1018, -123.7635
Storage Capacity (Gal): 108
Storage Description: POD 3 is a shallow excavated Unnamed Spring (picture 10-13). The Unnamed spring is approximately 9 feet long by 4 feet wide and 1 foot deep. The spring was at its maximum storage water capacity. The total amount of observed water in the spring was approximately 108 Gallons. The Unnamed Spring is located on Humboldt County Assessor's Parcel Number (APN) 223-073-005-000. According to Joshua Sweet, POD 3 is currently not being use.

POD ID: 4
Storage ID: POD 4
Storage Type: Spring Impoundment
Storage Lat/Long: 40.0997, -123.7601
Storage Capacity (Gal): 108
Storage Description: POD 4 is a shallow excavated Unnamed Spring (picture 14-16). The Unnamed spring is approximately 6 feet long by 3 feet wide and 1 foot deep. The spring was at its maximum storage water capacity. The total amount of observed water in the spring was approximately 54 Gallons. There is a possibility of the property boundary line being slightly shifter. The Unnamed Spring is located on the north of Humboldt County Assessor's Parcel Number (APN) 223-073-004-000. According to Joshua Sweet, POD 4 is currently not being use.

POD ID: 5-6
Storage ID: Tank 1
Storage Type: Tank
Storage Lat/Long: 40.0947, -123.7634
Storage Capacity (Gal): 5,000
Storage Description: Tank 1 (picture 31) is a 5,000 gallon black polyethylene tank. Tank 1 was full and overflowing during the time of inspection. Tank 1 receives water from POD 5 & 6, water is then gravity feed to tank 2.

POD ID: 5-6
Storage ID: Tank 2
Storage Type: Tank
Storage Lat/Long: 40.095, -123.7634
Storage Capacity (Gal): 2,500
Storage Description: Tank 2 (picture 32) is a 2,500 gallon green polyethylene tank. Tank 2 was full during the time of inspection. Tank 2 receives water from Tank 1, water is then pumped to Tank 3-9.

POD ID: 5-6
Storage ID: Tank 3-4 & 6-8
Storage Type: Tank
Storage Lat/Long: 40.0939, -123.7619
Storage Capacity (Gal): 550
Storage Description: Tank 3-4 and Tank 6-8 (picture 34-35) are all 550 gallon black polyethylene tanks. Tank 3-4 were empty and Tank 6-8 were full during the time of inspection. The tanks receives water from Tank 2, water is then gravity feed to Outdoor Grow (OG) 1 and Greenhouse (GH) 1-3.

POD ID: 5-6
Storage ID: Tank 5 & 9
Storage Type: Tank
Storage Lat/Long: 40.0939, -123.7619
Storage Capacity (Gal): 550
Storage Description: Tank 5 and Tank 9 (picture 34-35) are both 500 gallon black polyethylene tanks. Tank 5 was empty and Tank 9 was approximately $\frac{3}{4}$ full during the time of inspection. The tanks receives water from Tank 2, water is then gravity feed to Outdoor Grow (OG) 1 and Greenhouse (GH) 1-3.

POD ID: 5-6
Storage ID: Tank 10
Storage Type: Tank
Storage Lat/Long: 40.0945, -123.7617
Storage Capacity (Gal): 350
Storage Description: Tank 10 (picture 36) is a 350 gallon black polyethylene tank. Tank 10 was approximately $\frac{3}{4}$ full during the time of inspection. The tank receives water from Tank 2, water is then gravity feed to Outdoor Grow (OG) 1 and Greenhouse (GH) 1-3. According to Joshua Sweet the tank is inactive, no longer in use.

POD ID: 5-6
Storage ID: Tank 18
Storage Type: Tank
Storage Lat/Long: 40.0977, -123.7601
Storage Capacity (Gal): 5,000
Storage Description: Tank 18 (picture 42) is a 5,000 gallon green polyethylene tank. Tank 18 was full during the time of inspection. The tank receives water from Tank 21, water is then gravity feed to OG2.

POD ID: 5-6
Storage ID: Tank 19
Storage Type: Tank
Storage Lat/Long: 40.0977, -123.7601
Storage Capacity (Gal): 5,000
Storage Description: Tank 19 (picture 42) is a 5,000 gallon green polyethylene tank. Tank 19 was empty during the time of inspection. The tank receives water from Tank 21, water is then gravity feed to Tank 3-9.

POD ID: 5-6
Storage ID: Tank 20
Storage Type: Tank
Storage Lat/Long: 40.0977, -123.7601
Storage Capacity (Gal): 3,000
Storage Description: Tank 20 (picture 42) is a 3,000 gallon green polyethylene tank. Tank 20 was empty during the time of inspection. The tank receives water from Tank 21, water is then gravity feed to Tank 3-9.

POD ID: 5-6
Storage ID: Tank 21
Storage Type: Tank
Storage Lat/Long: 40.0991, -123.7602
Storage Capacity (Gal): 550
Storage Description: Tank 21 (picture 43) is a 550 gallon green polyethylene tank. Tank 21 was empty during the time of inspection. The tank receives water from Tank 2, water is then gravity feed to Tank 18-20.

POD ID: 5
Storage ID: Reservoir 1
Storage Type: Reservoir
Storage Lat/Long: 40.093, -123.7692
Storage Capacity (Gal): 1,328,846.45
Storage Description: POD 5 is an on-stream reservoir (Reservoir 1) located on an Unnamed Creek (Picture 17-22). The reservoir dam was built with an earthen berm. The upstream slope of the dam is approximately 18 degrees. The top crest width of the dam is approximately 16 feet. The reservoir is approximately 0.5664 acres and 18 feet deep. The total water storage capacity is approximately 4.078 Acre-ft (1,328,846 Gallons). The reservoir was approximately 2/3 full during the time of inspection. Reservoir 1 is connected to Reservoir 2 where the overflow water flows to Reservoir 2 via a stainless steel corrugated culvert that is approximately 18 inches in diameter (picture 19-20). Joshua Sweet told Division staff that he pumps water out of Reservoir 1 and 2 to irrigate most of all of his cannabis grows. POD 5 is located within Humboldt County Assessor's Parcel Number (APN) 223-061-038-000.

POD ID: 6
Storage ID: Reservoir 2
Storage Type: Reservoir
Storage Lat/Long: 40.0927, -123.7684
Storage Capacity (Gal): 481,008

Storage Description: POD 6 is an on-stream reservoir (Reservoir 2) located on an Unnamed Creek (Picture 23-30). The reservoir dam was built with an earthen berm. The top crest width of the dam is approximately 14 feet. The reservoir is approximately 0.2636 acres and 14 feet deep. The total water storage capacity is approximately 1.4762 Acre-ft (481,008 Gallons). The reservoir was approximately $\frac{3}{4}$ full during the time of inspection. Reservoir 2 has two water inlets, one is the Unnamed Creek and the second is the overflow from Reservoir 1. Reservoir 2 has two overflow outlets. One outlet is a double corrugated polyethylene culvert that is approximately 18 inches in diameter, and the second outlet is a single corrugated polyethylene culvert that is approximately 24 inches in diameter and 200 feet long. The second outlet ends at a larger Unnamed Creek that is tributary to South Fork Eel River. Joshua Sweet told Division staff that he pumps water out of Reservoir 1 and 2 to irrigate most of all of his cannabis grows. POD 6 is located within Humboldt County Assessor's Parcel Number (APN) 223-061-038-000.

Place of Use (POU) Information:

POD ID: 1
POU ID: Residence 1
POU Lat/Long: 40.0923, -123.7648
POU Type: Domestic

POU Description: Residence 1 (no photos). Residence 1 receives water from POD 1. Two people reside on the residence according to Joshua Sweet.

POD ID: 2
POU ID: OG 3
POU Lat/Long: 40.0981, -123.7663
POU Type: Irrigation

POU Description: OG 3 (picture 47) had a total area of approximately 0.1108 acres. A total of 72 plants were observed. OG 3 receives gravity feed water from Tank 14-15 for irrigation. OG 3 is located within Humboldt County Assessor's Parcel Number (APN) 223-073-005-000.

POD ID: 2
POU ID: OG 4
POU Lat/Long: 40.0965, -123.766
POU Type: Irrigation

POU Description: OG 4 (picture 48) had a total area of approximately 0.2450 acres. A total of 123 plants were observed. OG 4 receives gravity feed water from Tank 14-15 for irrigation. OG 4 is located within Humboldt County Assessor's Parcel Number (APN) 223-073-005-000.

POD ID: 2
POU ID: OG 5
POU Lat/Long: 40.0968, -123.7674
POU Type: Irrigation
POU Description: OG 5 (picture 49) had a total area of approximately 0.0586 acres. A total of 39 plants were observed. OG 5 receives gravity feed water from Tank 14-15 for irrigation. OG 5 is located within Humboldt County Assessor's Parcel Number (APN) 223-061-043 and 223-073-005-000.

POD ID: 2
POU ID: OG 6
POU Lat/Long: 40.0997, -123.7767
POU Type: Irrigation
POU Description: OG 6 (picture 50) had a total area of approximately 0.1514 acres. A total of 80 plants were observed. OG 6 receives gravity feed water from Tank 17 for irrigation. OG 6 is located within Humboldt County Assessor's Parcel Number (APN) 223-061-043 and 223-073-005-000.

POD ID: 2
POU ID: GH 4-5
POU Lat/Long: 40.0968, -123.7674
POU Type: Irrigation
POU Description: GH 4-5 (picture 55-57) had a total area of approximately 0.0992 acres. There were no plants in the greenhouses during the time of inspection. GH 4-5 receives water pumped from Tank 14-15 for irrigation. GH 4-5 is located within Humboldt County Assessor's Parcel Number (APN) 223-061-043 and 223-073-005-000.

POD ID: 5-6
POU ID: OG 1
POU Lat/Long: 40.093, -123.7623
POU Type: Irrigation
POU Description: OG 1 (picture 44-45) had a total area of approximately 0.9061 acres. A total of 256 plants were observed. OG 1 receives gravity feed water from Tank 3-9 for irrigation. OG 1 is located within Humboldt County Assessor's Parcel Number (APN) 223-073-004-000 and 223-073-005-000.

POD ID: 5-6
POU ID: OG 2
POU Lat/Long: 40.0954, -123.7621
POU Type: Irrigation
POU Description: OG 2 (picture 46) had a total area of approximately 0.1797 acres. A total of 84 plants were observed. OG 2 receives gravity feed water from Tank 18 for irrigation. OG 2 is located within Humboldt County Assessor's Parcel Number (APN) 223-073-004-000.

POD ID: 5-6
POU ID: GH 1-3
POU Lat/Long: 40.093, -123.7623
POU Type: Irrigation

POU Description: GH 1-3 (picture 51-54) had a total area of approximately 0.1067 acres. A total of 2 plants were observed. GH 1-3 receives water pumped from Tank 3-9 for irrigation. GH 1-3 is located within Humboldt County Assessor's Parcel Number (APN) 223-073-004-000 and 223-073-005-000.

Facility Violations:

POD ID: 5-6

Violation: Failure to File a Statement of Water Diversion and Use

APN: 223-061-039-000

Violation Description: Public records indicate that Shadow Light Ranch LLC purchased the property on August 22, 2016. California Water Code sections 5100-5107 establish a program requiring persons who divert water from a surface stream or a subterranean stream flowing through a known and definite channel (with a few limited exceptions), to file statements of their water diversion and use (Statement). Failure to file a Statement reporting water diversion and use from POD 5-6 on the property that occurred after January 1, 2009 may be subject to monetary penalties. (Water Code, § 5107.). Joshua Sweet stated during the inspection that Reservoir 1 was built on 2016, and aerial photographs of the property from Google Earth Pro, show Reservoir 2 was built on 2006. A Statement for the water diverted and used in 2016 was required to be reported by June 30, 2017. At this time there are no Statements on file for the property.

POD ID: 5-6

Violation: Unauthorized Diversion or Use of Water

APN: 223-061-039-000

Violation Description: POD 5-6 diverts water from an Unnamed Creek, which is tributary to South Fork Eel River. The Unnamed Creek is an intermittent creek with defined bed and banks upstream and downstream of the point of diversion. Reservoir 1 and Reservoir 2 are connected. Water diverted and used from POD 5-6 is an unauthorized diversion and use of water. Direct diversion and use from the Unnamed Creek could occur under a riparian right. A riparian right, however, does not include a right to divert water for later use. The diversion of water from the Unnamed Creek to on-stream storage for later use at a time when the Unnamed Creek is not flowing or that is carried over to the next season is an unauthorized diversion and use of water in violation of Water Code section 1052.

The following is a list of corrective actions and compliance options that you shall take to come into compliance with the California Water Code:

- File a Statement of Diversion and Use of Water
- Submit an application to appropriate water in 30-days

Corrective Action Description:

Failure to File a Statement of Water Diversion and Use (Statement): You must file (2) Statements within 30 days from the date of the notice letter. The Statements must be filled for all points of water diversion on the property including but not limited to POD 5-6 as required by Water Code section 5101 through 5107. Water Code section 5101 requires, with limited exceptions, that a person who diverts water from a stream in the absence of a permit, license, or registration must file a Statement with the State Water Board. The Statements for POD 1-4 have already been filed with the Division.

The State Water Board may administratively impose a civil liability in the amount of \$1,000 for the failure to file a Statement for diversions that have occurred since 2009, plus \$500 per day for each additional day on which the violation continues if the person fails to file a Statement within 30 days after the State Water Board has called the violation to the attention of that person. (Water Code § 5107, subdivision. (c)(1).) This Report of inspection constitutes your notice that you are in violation of the Statement filing requirements. If your Statements are not received within 30 days from the date of the notice letter, then you are subject to an additional \$500 per day potential liability for each additional day the violation continues, in accordance with California Water Code section 5107, subdivision (c)(1).

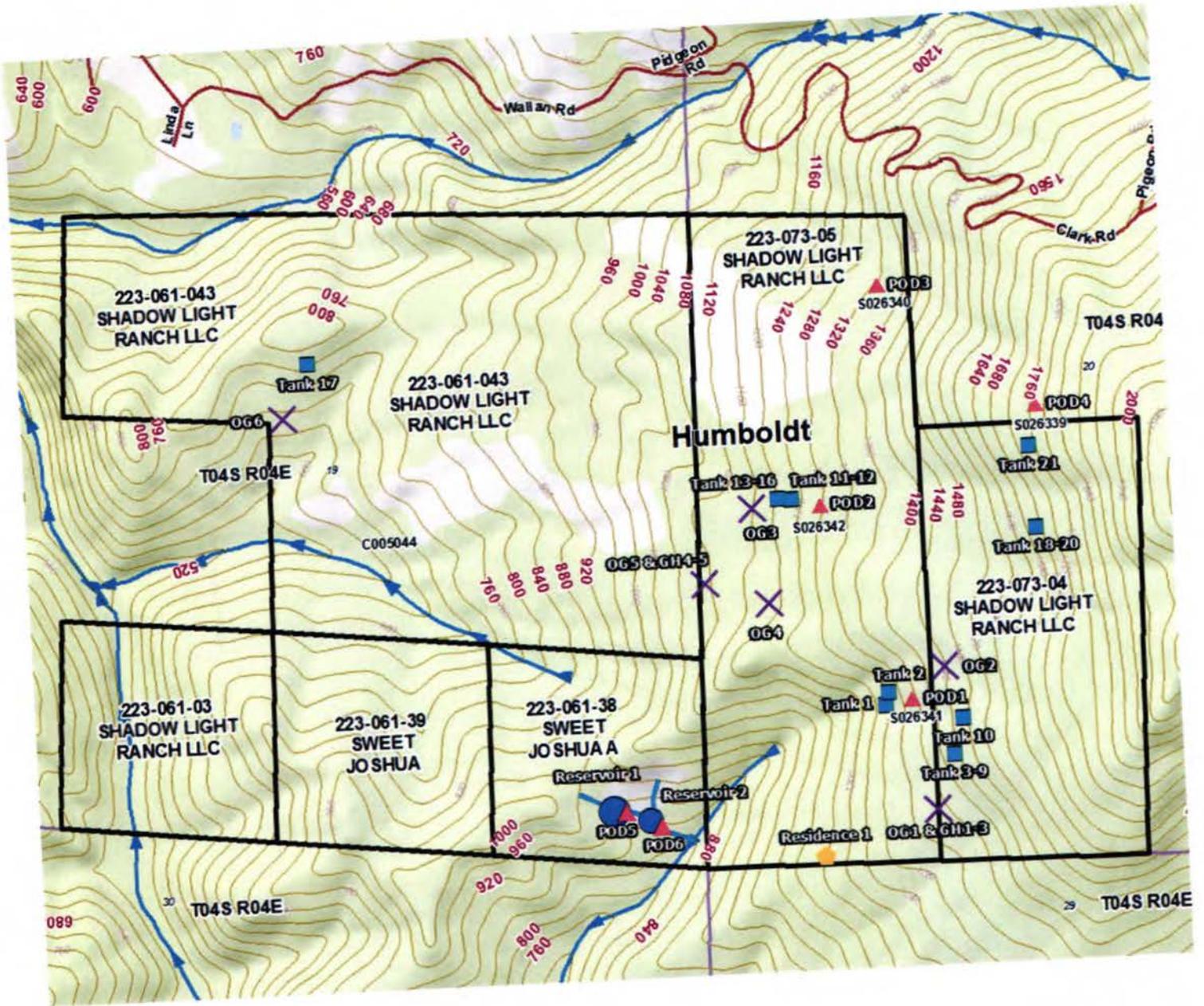
Unauthorized Diversion and Use of Water: The seasonal storage of water in a water storage container without an existing water right is considered an unauthorized diversion of water. Based on staff findings, you are required within 30 days from the date of the notice letter to either: (1) provide evidence satisfactory to the State Water Board that demonstrates water storage containers do not seasonally store water, or can be operated without storing water subject to the State Water Board's permitting authority; (2) render reservoirs incapable of seasonally storing water; or (3) file for an appropriative water right with the State Water Board, and you must cease any unauthorized diversion of water to the reservoirs until the necessary permit or registration is obtained.

There are four types of applications that can be filed: (1) a "standard application" to appropriate water by permit; (2) an application for Livestock Stockpond Registration; and (3) an application for Small Domestic Registration (4) an application for Small Irrigation Use Registration. The forms for filing each type of application with necessary information regarding their applicability are available upon request or from our website at: <http://www.waterboards.ca.gov/waterrights/>.

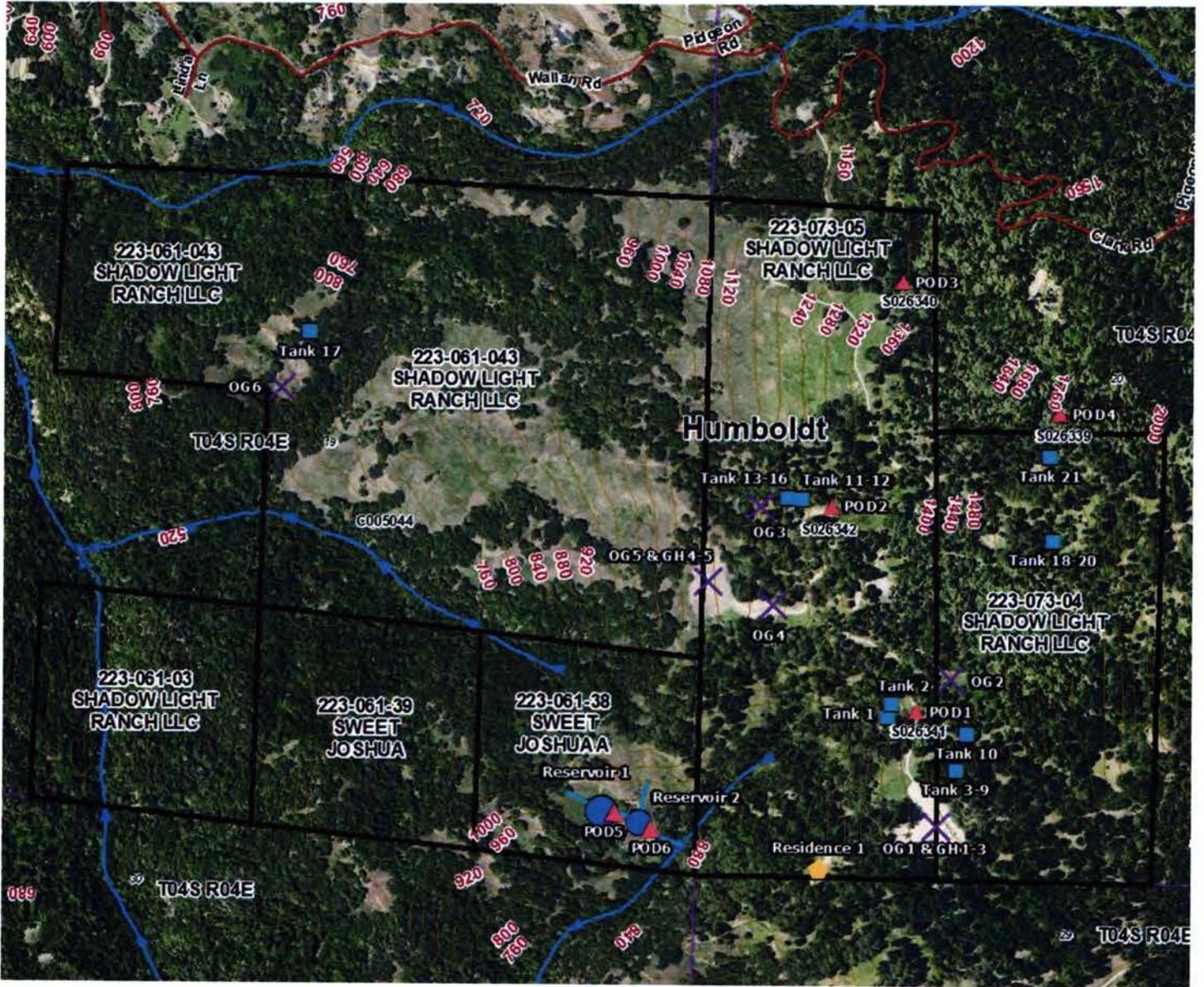
Any unauthorized diversion of water constitutes a trespass against the State for which the State Water Board may generally impose a civil liability in an amount not to exceed \$500 for each day that a trespass occurs (Water Code § 1052, et seq.). During the current state of emergency based on drought condition, however, the State Water Board may impose an alternative civil liability of up to \$1,000 for each day the trespass occurs and \$2,500 for each acre-foot of water diverted or used in excess of that diverter's water right. (Water Code § 1052, subd. (c)(1)).

The State Water Board retains the authority and discretion to take an enforcement action based on the facts and allegations contained herein and may initiate enforcement action without further notice. Within 30 days of the date of this letter, you should take all the recommended actions described above or otherwise submit a response indicating any course of action you intend to take and include an implementation plan with a schedule. The State Water Board will take into consideration any corrective actions taken.

Shadow Light Ranch LLC
Humboldt County Assessors Parcel Number
(APN) 223-061-(38,43) & 223-073-(04,05)
November 2, 2017 Inspection Maps & Photos



National Agriculture Imagery Program, Humboldt County, 2016 Aerial Imagery



Point of Diversion (POD) 1-2



Picture 1: POD 1 – Unnamed Spring.



Picture 2: POD 1 – Inside of Unnamed Spring.



Picture 3: POD 1 – Upstream of Unnamed Spring.



Picture 4: POD 1 – Close up view of Upstream of Unnamed Spring..



Picture 5: POD 1 – Downstream of Unnamed Spring into the dirt road.



Picture 6: POD 2 – Unnamed Spring with open lid.

POD 2 - 3



Picture 7: POD 2 – Measurement of Unnamed Spring.



Picture 8: POD 2 – Upstream of Unnamed Spring.



Picture 9: POD 2 – Downstream of Unnamed Spring with cattails spread throughout the wetland.



Picture 10: POD 3 – Unnamed Spring.



Picture 11: POD 3 – Upstream of Unnamed Spring.



Picture 12: POD 3 – Downstream of Unnamed Spring.

POD 3 - 4



Picture 13: POD 3 – Unnamed Spring's dam impoundment.



Picture 14: POD 4 – Unnamed Spring.



Picture 15: POD 4 – Upstream of Unnamed Spring.



Picture 16: POD 4 – Downstream of Unnamed Spring.



Picture 17: POD 5 – Unnamed Reservoir 1 (Reservoir 1).



Picture 18: POD 5 – Dam Impoundment.

POD 5 - 6



Picture 19: POD 5 – Reservoir 1 downstream outlet – facing south.



Picture 20: POD 5 – Reservoir 1 outlet into Reservoir 2 – facing north.



Picture 21: POD 5 – Upstream of Reservoir 1.



Picture 22: POD 5 – Upstream of Reservoir 1 – Closer view.



Picture 23: POD 6 – Unnamed Reservoir 2 (Reservoir 2).



Picture 24: POD 6 – Dam Impoundment.

POD 6



Picture 25: POD 6 – Reservoir 2 downstream outlet 1 (double culvert) – facing south.



Picture 26: POD 6 – Reservoir 2 outlet 1 – facing north.



Picture 27: POD 6 – Reservoir 2 downstream outlet 2 (single culvert) – facing south.



Picture 28: POD 6 – Reservoir 2 outlet 2 into Unnamed Creek – facing south.



Picture 29: POD 6 – Upstream of Reservoir 2.



Picture 30: POD 6 – Upstream of Reservoir 2 – Closer view.

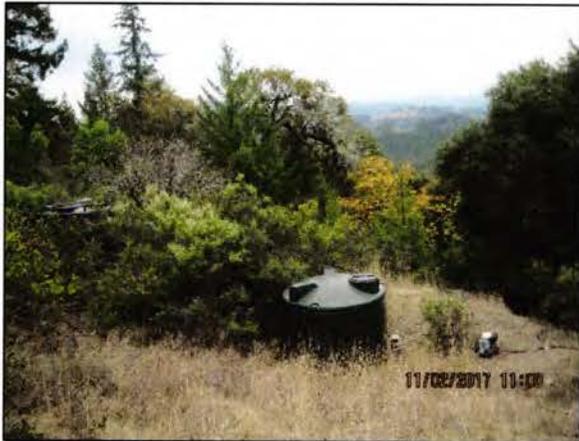
Tanks 1-10



Picture 31: Tank 1.



Picture 32: Tank 2.



Picture 33: Tank 1-2.



Picture 34: Tank 3-6.



Picture 35: Tank 5-9.



Picture 36: Tank 10.

Tanks 11-20



Picture 37: Tank 11.



Picture 38: Tank 12.



Picture 39: Tank 13-16.



Picture 40: Tank 15-16.



Picture 41: Tank 17.



Picture 42: Tank 18-20.

Tanks 21



Picture 43: Tank 21.

Place of Use



Picture 44: Outdoor Grow (OG) 1 – North Portion.



Picture 45: OG 1 – South Portion.



Picture 46: OG 2.



Picture 47: OG 3.



Picture 48: OG 4.



Picture 49: OG 5.

Place of Use (Continuation)



Picture 50: OG 6.



Picture 51: Greenhouse (GH) 1-3.



Picture 52: GH 1.



Picture 53: GH 2.



Picture 54: GH 3.



Picture 55: GH 4-5.

Place of Use (Continuation)



Picture 56: GH 4.



Picture 57: GH 5.

EXHIBIT F

North Coast Regional Water Quality Control Board

Shadow Light Ranch LLC Property
CIWQS Place ID No. 825542
Inspection Date November 2, 2017
WDID No. 1B16868CHUM

Property Information

Inspection Date: November 2, 2017
Time: 0900 – 1530 hours

Humboldt County Assessor Parcel Numbers (APNs):
 223-073-004-000, 223-073-005-000, 223-061-003-000, 223-061-038-000, 223-061-039-000, 223-061-043-000, 223-061-046-000 (together hereinafter referred to as the Property)

Property Representative Information

Consent Provided?
 YES

Notified of Inspection?
 YES

Names of On-Site Representatives and Consenting Parties:

Joshua Sweet, principal owner of Shadow Light Ranch, LLC and enrollee under Order R1-2015-0023 (hereafter referred to as Responsible Party)

Elan Puno, business services consultant for Shadow Light Ranch, LLC

Property Owner: Shadow Light Ranch LLC (ParcelQuest)

Mailing Address:

773 Redwood Dr., Ste E, Garberville, CA 95542 (Shadow Light Ranch LLC) (LandVision)

P.O. Box 250, Garberville, CA 95542 (per Notice of Intent for enrollment under Order No. R1-2015-0023)

Attending Agency Representatives:

Shannon Utley, Engineering Geologist, North Coast Regional Water Quality Control Board (Regional Water Board)

David Manthorne, Senior Environmental Scientist Specialist, CA Department of Fish and Wildlife (CDFW)

Kyle Shaw, Game Warden, CDFW

Brian Bowes, County of Humboldt Planning and Building Department

John Ford, Director, County of Humboldt Planning and Building Department

Christopher Van de Wyngard, Water Resource Control Engineer State Water Resources Control Board (State Water Board), Division of Water Rights (DIV)

Michael Vella, Environmental Scientist, State Water Board, DIV

Inspection Report Information

Report Prepared By: Shannon Utley, Engineering Geologist, Regional Water Board

Report Reviewed By: Kason Grady, Senior Water Resource Control Engineer, Regional Water Board

Photos Taken: All photographs taken by Shannon Utley unless labeled otherwise and are included in Attachment A

California Integrated Water Quality System (CIWQS) Inspection ID: 30771447

Enrollment Status

Property Enrolled Under Regional Water Board Order No. R1-2015-0023 (Regional Cannabis Order): Yes

Enrollment Date: 6/16/2016

Pre-Inspection Compliance Status: 3/31/2017 Annual Report identified anticipated compliance dates¹ for Standard Conditions 1 (12/2020), 2 (12/2020), 5 (12/2018), 7 (3/31/2017), 8 (3/31/2017), 9 (3/31/2017), and 11 (3/31/2018). The Annual Report also identified anticipated disturbance of a stream or wetland.

1. Enrollee self-reported anticipated compliance dates for each Standard Condition shown above, in parentheses.

Enrolled Cultivation Area: initially enrolled for ">5,000 sq ft", then enrolled for 10,000 square feet

Inspected Property Background

Parcel Ownership Information: Property purchased on 11/22/2006 by Joshua Sweet and transferred to Shadow Light Ranch, LLC on 8/22/2016 (ParcelQuest)

Historic Imagery Reviewed: Google Earth images dated 6/12/1993, 11/4/2004, 12/31/2004, 10/12/2006, 5/24/2009, 4/24/2010, 8/23/2012, and 5/28/2014. NAIP imagery dated 2005, 2009, 2010, 2012, 2014, 2016 (CDFW GIS Services)

Site Development: The large upper pond (POND1 on Site Map) is not visible on available Google Earth images through May 28, 2014, and is not visible on 2016 NAIP imagery. The smaller lower pond (POND2) is first visible in the 10/12/2006 Google Earth imagery. In the next available Google Earth image (5/24/2009), POND2 appears to be full of water. The smallest pond (POND3) is visible in all available Google Earth images (6/12/1993 through 5/28/2014) and NAIP imagery (2005 through 2016). Following the inspection, CDFW staff provided images taken October 27, 2017, of POND1 and POND2 (Photo 1).

Previous Site Inspections: On January 29, 2016, Regional Water Board staff inspected the Shadow Light Ranch, LLC Property (then owned by Mr. Sweet) and observed an on-stream wetland area (identified as WET on Figures 1 and 2, below), which Mr. Sweet reportedly wanted to turn into a recreational pond.

Watershed	Section 303 d Listings	TMDL Development:
Eel River Hydrologic Unit; South Fork Eel River Hydrologic Area; Benbow Hydrologic Subarea 111.32 Ohman Creek HUC-12: 1801060403 CalWater: 1111.320806	South Fork Eel River: Sediment and Temperature	South Fork Eel River Sediment and Temperature TMDL December 1999

Beneficial Uses and Threatened and Endangered Species

Listed Species:

The South Fork Eel River watershed is within the following evolutionarily significant units (ESU) and distinct population segment (DPS): the Southern Oregon and Northern California Coast Coho Salmon ESU; and the Northern California Steelhead DPS. The National Oceanic and Atmospheric Administration National Marine Fisheries Service define these ESUs and DPSs for salmonid species listed on the U. S. Endangered Species Act (ESA).

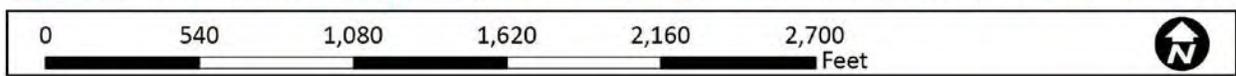
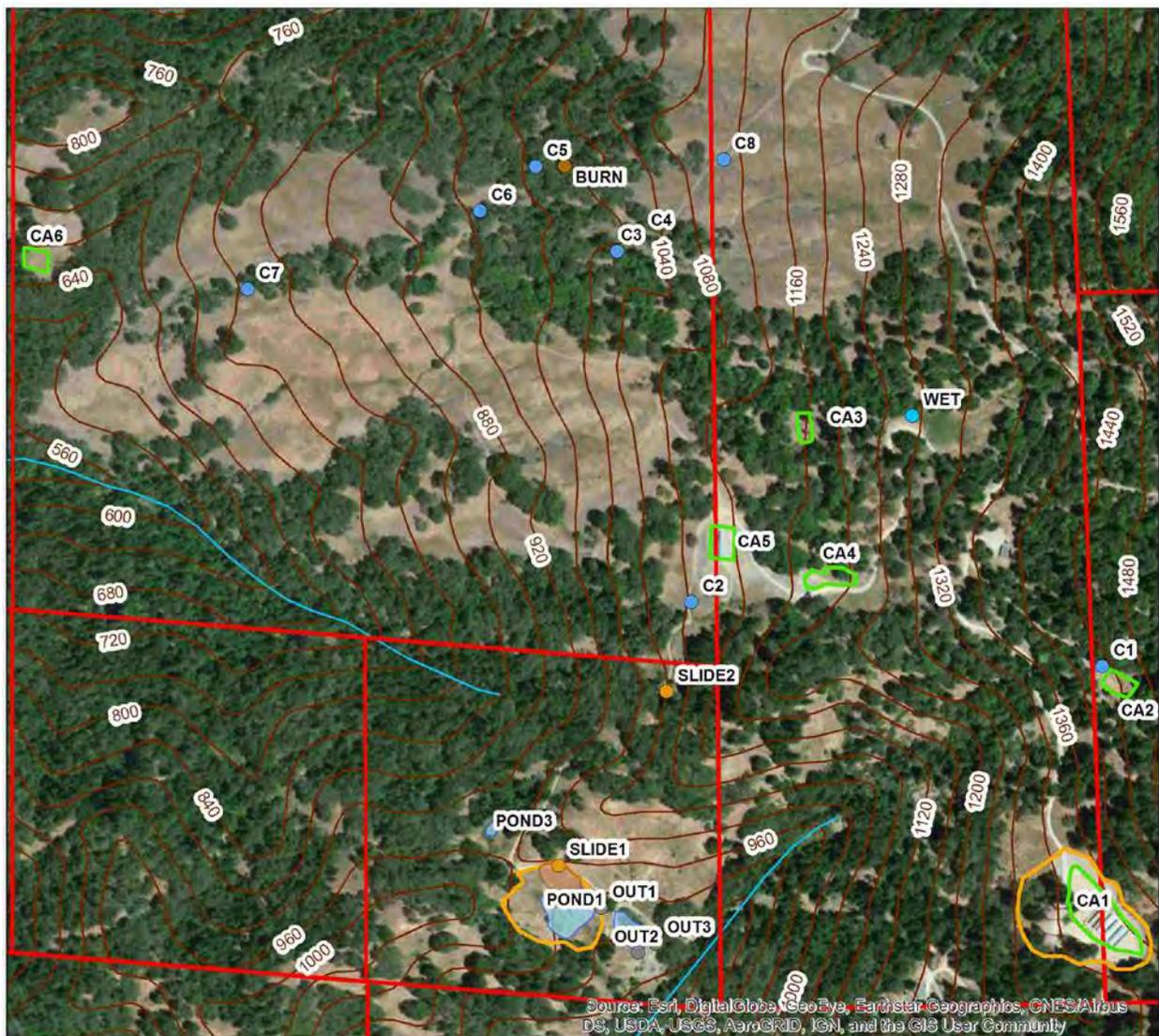
Inspection Findings Summary:

On November 2, 2017, I inspected the Property as part of a multi-agency inspection team. During the inspection, I observed a recently constructed pond (identified by DIV staff as being an on-stream pond) that outflows to a lower on-stream pond and subsequently to a Class II watercourse (as classified by CDFW). Construction of the new pond (POND1 on Figures 1 and 2, below) disturbed more than one acre of soil, including streams and/or wetlands. POND1 is considered a water of the State. There is no record of Regional Water Board permitting for this work. Applicable necessary permitting includes Clean Water Act section 401 Water Quality Certification for work within or adjacent to surface waters and Order No. 2009-0009-DWQ (hereinafter the Construction General Permit or CGP¹) for disturbance of an acre or more of soil.

In enrollment documents filed for coverage under the Regional Cannabis Order, Mr. Sweet executed documents that identified ">5,000 sq ft" of cultivation area, then subsequently enrolled for 10,000 square feet of cannabis cultivation on the Property. The 2016 annual monitoring report, received March 31, 2017, also reports 10,000 square feet of cannabis cultivation. During the inspection, I observed more than an acre of cannabis cultivation. I also observed newly installed stream crossing culverts that were poorly installed or misaligned with the stream channel (C2 through C8 on Figures 1 through 3). Following the inspection, in a December 14, 2017, email, Ms. Elan Puno (who we understand to be a consultant for Shadow Light Ranch, LLC) provided information regarding pond and culvert construction. Specifically, Ms. Puno reported that Curran Equipment had constructed the upper pond (POND1) and stream crossings (see Figures 1 through 3, below) between June and September 2016, using designs developed by Manhard Consulting.

During the inspection, Ms. Puno advised us that Pacific Watershed Associates had prepared a CDFW Lake or Streambed Alteration (LSA) application. CDFW staff stated that they had received the LSA in 2015, and had directed the Responsible Party to work with Humboldt County to meet California Environment Quality Act (CEQA) requirements prior to doing any work. Humboldt County staff present on the inspection told us that the Responsible Party had not applied for the CEQA compliance process before doing project work.

¹ Order No. 2009-0009-DWQ: National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities



Site Map of the Shadow Light Ranch, LLC Property

2/23/2018

- | | |
|--------------------------|------------------|
| Burn Pile | Landslide |
| Landslide | Pond |
| Pond Outflow | Cultivation area |
| Stream Crossing | Disturbed area |
| Wetland Area | Parcel Boundary |
| Topographic Contours (m) | Watercourse |



CALIFORNIA
Water Boards
 STATE WATER RESOURCES CONTROL BOARD
 REGIONAL WATER QUALITY CONTROL BOARD

Note: Imagery is provided by
 ArcGIS online server.
 Contours provided by the USGS.
 Points of interest may be drawn in by hand.

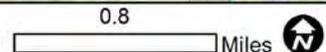
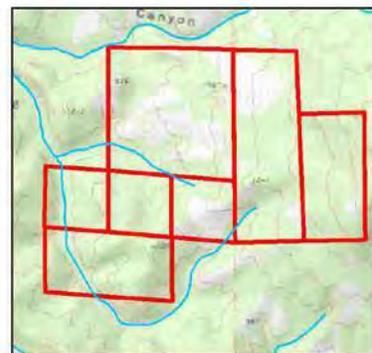


Figure 1: Site map of Shadow Light Ranch, LLC Property

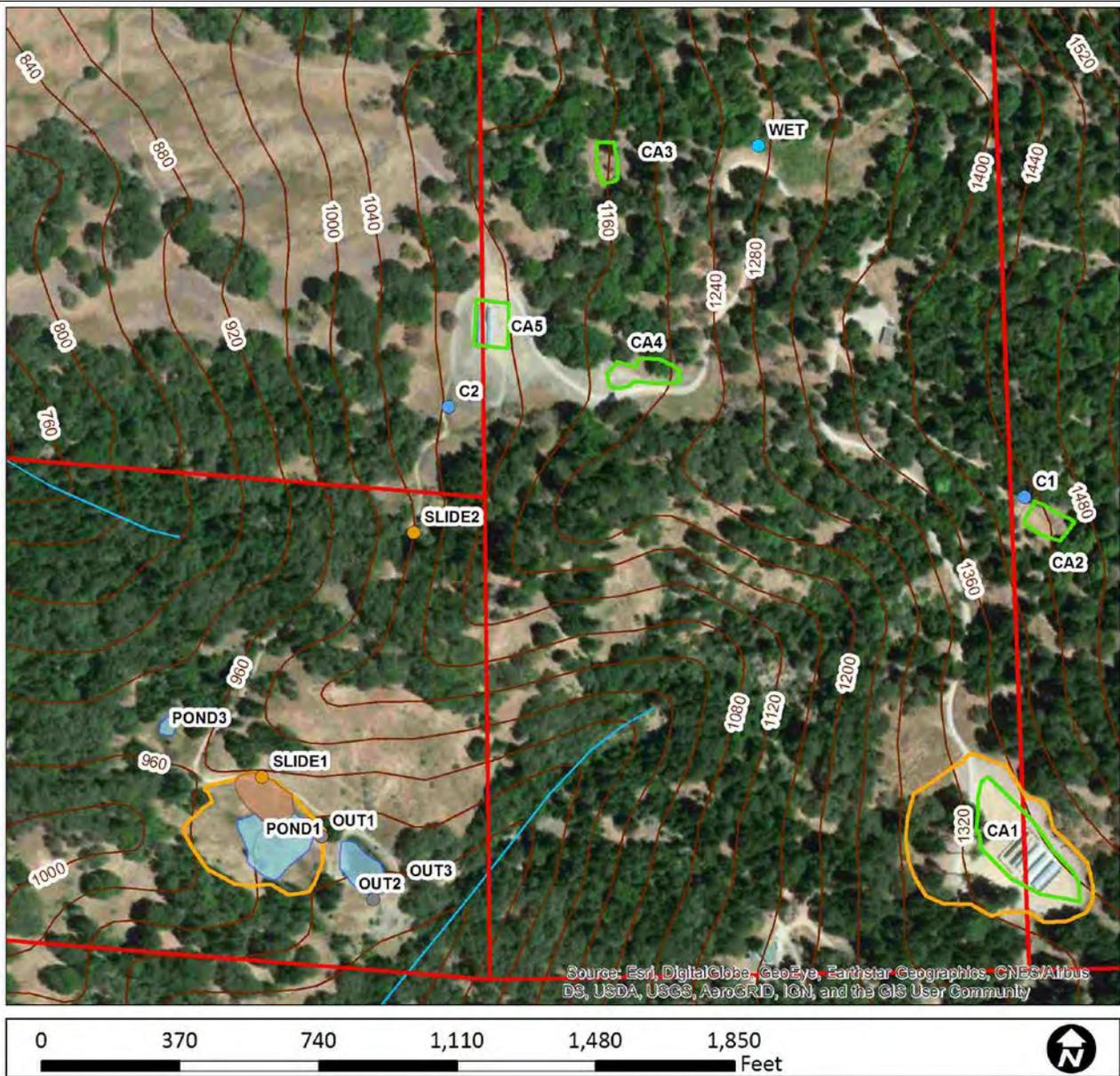


Figure 2: Site map of southern portion of Shadow Light Ranch, LLC Property

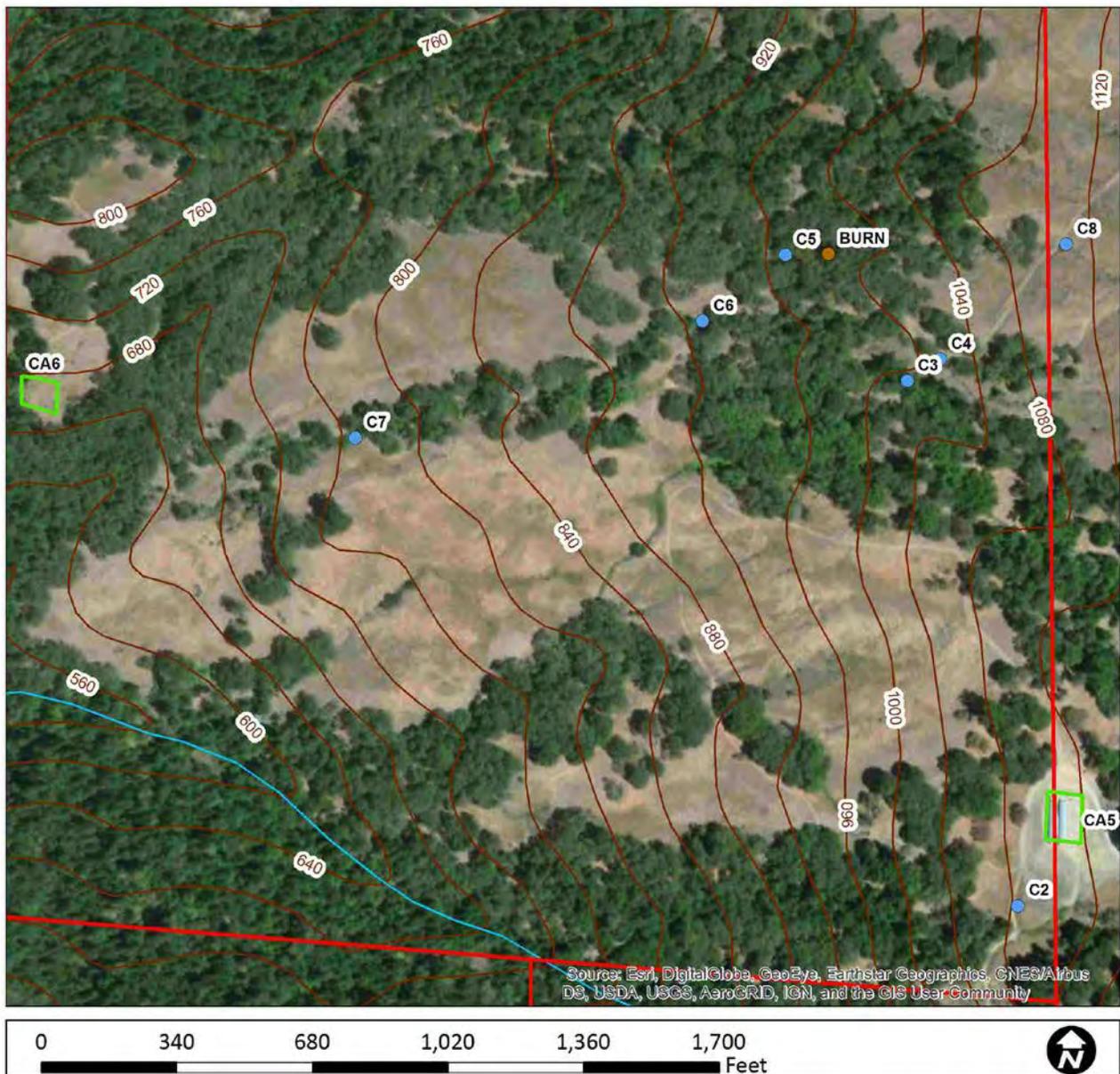


Figure 3: Site map of northern portion of the Shadow Light Ranch, LLC Property.

Note: Stream lines depicted on Figures 1, 2, and 3 come from the United States Geological Survey National Hydrography Dataset and are not reflective of all streams on the property or the full lengths of the respective streams depicted. For example, the blue line stream on Figure 2 was observed by staff to extend up to, through, and past C1.

Inspection Observations:

Upper Pond

During the inspection, I observed a large newly constructed pond with an earthen berm presumably constructed from material excavated to deepen the pond (POND1 on Figures 1 and 2). DIV staff estimated POND1 to be approximately 24,670 square feet (0.5 acre), up to 18 feet deep, and two thirds full at the time of inspection (Photos 1 through 12). Pond construction resulted in disturbance of approximately 87,000 square feet (2 acres) of possible wetland area based on the 2016 NAIP imagery, which shows the pre-pond area to have been well-vegetated with denser, darker vegetation on the northwest side of the pond (Photo 4 and Figure 2).

Pond construction reactivated a portion of a historic landslide amphitheater complex of approximately 15,000 square feet (SLIDE1 on Figure 1 and 2), which delivered sediment into POND1, and damaged the access road to the lower pond to make it impassable by any motorized vehicle (Photos 3 and 4). Mr. Sweet indicated that prior to pond construction, there had been a topographic knob-like feature that Mr. Sweet had requested to be removed for aesthetic reasons. Removal of this topographic knob, along with a particularly wet winter, caused this portion of the landslide complex to activate and deliver earthen material into the pond. The slide material in the pond reduced the pond capacity and likely resulted in increased sediment discharges from POND1 into the lower pond (POND2).

The outflow pipe from POND1 (OUT1) is a 24-inch corrugated metal culvert set into an earthen berm (Photos 5 and 6). Water from POND1 flows through OUT1 (Photos 7 through 10) into the older, lower, on-stream pond (POND2 on Figures 1 and 2), which in turn outflows to a Class II watercourse.

Lower Pond

The lower older onstream pond (POND2 on Figures 1 and 2) is first visible in the available aerial imagery in October 2006 and the Regional Water Board has no record of an application for, or issuance of, the required permit(s) for this pond. As noted above, the Responsible Party purchased the Property in November 2006. DIV staff estimated POND2 to be approximately 11,480 square feet (0.25 acres), up to 14 feet deep, three quarters full during the inspection, and fed by a combination of outflow from POND1, a Class III watercourse, rainwater, and stormwater runoff (Photo 1 and Photos 7 through 18). I observed two outflow features for POND2; one was a single 24-inch corrugated plastic pipe (OUT3) that flows to a Class II watercourse (Photos 13 through 16); the other outflow was a set of two 24-inch corrugated plastic pipes (OUT2) that flows to a wetland-type area and then to the Class II watercourse (Photos 17 and 18) and was constructed between June and September 2016.

Smallest Pond

During the inspection I observed a third pond (POND3) located on the opposite side of the ridgeline from POND1 and POND2. This on-stream pond is much smaller (approximately 3,000 square feet) than either POND1 and POND2 and was dry during the inspection (Photo 55). POND3 is visible in all of the available imagery dating back to June 1993 (Google Earth image dated 6/12/1993).

Cultivation Areas

During the inspection, I observed six cannabis cultivation areas across the Property totaling approximately 80,000 square feet of cultivation area, based on measurements provided by DIV staff (CA1 through CA6 on Figures 1 through 3) (Photos 19 through 30).

Cultivation area CA1 is a large, graded pad, approximately 150,000 square feet, with approximately 44,100 square feet of cannabis cultivation (Photos 19 through 22, and Figures 1 and 2). I observed several minor erosional areas associated with slope failures along the graded hillside and the constructed drainage ditch to convey irrigation and storm water runoff to a bio-swale (Photo 22).

Outdoor cultivation area CA2 is located approximately 28 feet from a Class III watercourse and stream crossing C1 (Photos 23, 33, and 34).

Wetland-Pond Area

During the inspection, I observed a wetland area (WET on Figures 1 and 2) with standing water, dominated by cattails (Photos 31 and 32). Mr. Sweet indicated that he would like to “clean up” the area by removing the swampy vegetation and re-digging the pond to improve the aesthetics. Any proposed work in this area would require compliance with the California Environmental Quality Act and an authorization through an individual Clean Water Act section 401 water quality certification, which requires avoidance and minimization of impacts and mitigation for any unavoidable impacts. Regional Water Board staff have previously informed Mr. Sweet and Ms. Puno of permitting requirements for dredge/fill in wetlands during a January 2016 site inspection and during a phone call with Ms. Puno in approximately August 2017. Staff again advised Mr. Sweet and Ms. Puno of these permitting requirements during the November 2017 site inspection.

Stream Crossings

During the inspection, I observed eight stream crossings, depicted as inspection features C1 through C8 on Figures 1 through 3 (Photos 33 through 49) that were causing discharges or threatened discharges of sediment to waters of the State (dimensions of stream bank erosion were taken by CDFW staff during the inspection and are available separately). During the inspection, Mr. Sweet and Ms. Puno informed staff that the stream crossings were installed at the same time as POND1, between June and September 2016 without the required permits (e.g., Water Quality Certification). According to the Water Resource Protection Plan, submitted December 14, 2017, via an email from Ms. Elan Puno, the Property contains twenty-three stream crossings. In that same email, Ms. Puno indicated that Curran Equipment completed all work associated with the pond, road, and culvert development between June and September 2016.

Stream crossing C1 consists of fill placed in the stream channel for an ATV trail approximately 28 feet away from outdoor cultivation area CA2 (Photos 33 and 34). Culverts C5 and C7 are Class III stream crossings, neither installed at the grade of the stream channel of the respective Class III streams (Photos 47, 48, 51, and 52). Stream crossing C6 is on a Class II stream and was not placed in alignment with the natural stream channel, increasing the erosion of the stream channel causing sediment delivery (Photos 49 and 50).

Summary/Discussion/Preliminary Violation Assessment

Comparison of Observed Site Conditions to the Standard Conditions of Order No. R1-2015-0023

- 1) Site Maintenance, Erosion Control and Drainage Features: The majority of the road surfaces had some erosion and drainage issues with surface ruts, gullies and surface erosion where there was evidence of discharge, hydrologic connectivity, and slope failure (e.g., SLIDE2) and threatened discharges to surface waters in others (Photos 37 through 42). The Order requires, among other requirements, road maintenance to avoid developing surface ruts that results in sediment delivery to surface waters (I.A.1.a); drainage away from unstable slopes and engineered structures where drainage controls are insufficient to prevent slope failure (I.A.1.c); maintenance to hydrologically disconnect site features from surface waters (I.A.1.d).
- 2) Stream Crossing Maintenance: All eight stream crossings observed during the inspection were improperly sized, designed, installed, and/or maintained. The Order requires, among other requirements, stream crossings to be sized to pass the expected 100-year peak streamflow (I.A.2.a); to be designed and maintained to address debris associated with the expected 100-year peak streamflow (I.A.2.b); to allow passage of aquatic organisms on perennial or intermittent streams (I.A.2.c); to be maintained to prevent or minimize erosion from exposed surfaces adjacent to and in the channel and on the banks (I.A.2.d); to be aligned with the stream grade and natural stream channel at the inlet and outlet (I.A.2.e); and be maintained to prevent stream diversion including employment of critical dips (I.A.2.f).
- 3) Riparian and Wetland Protection and Management: Cultivation area CA2 is located 28 feet from a Class III watercourse at C1 (Photos 23, 33, and 34). The Order requires cultivation areas to be located at least 50 feet away from any Class III watercourse or wetland.
- 4) Spoils Management: I observed one burn pile (BURN on Figure 1 and Figure 3) located adjacent to a Class III watercourse upstream of stream crossing C5, with no containment or cover to prevent it from entering or being transported into the watercourse (Photo 54).
- 5) Water Storage and Use: Water storage for the Property consists of two ponds (POND1 and POND2) each with points of diversion, a ponded wetland area (WET) with a point of diversion, twenty-one plastic water storage tanks scattered around the Property, and other points of diversion, see the Division of Water Rights inspection report. POND1 and POND2 are on-stream ponds and discharge to waters of the State (Photos 1 through 18). The Order prohibits the placement of earthen materials into any stream or watercourse or in a location where they may discharge into streams or watercourses. Additionally, any new site development involving dredge or fill in waters of the United States must apply for and receive coverage under Clean Water Act section 401 water quality certification.
- 6) Irrigation Runoff: The cultivation areas all had minor irrigation, nutrient, and soil amendment runoff issues that could be easily addressed by better cultivation practices such as implementation of water conservation measures and applying water and nutrients at agronomic rates (Photos 22 through 30).

- 7) Fertilizers and Soil Amendments: Fertilizers and soil amendments were appropriately stored in a shed and not exposed to the elements.
- 8) Pesticides/Herbicides: I did not observe any pesticides or herbicides during the inspection.
- 9) Petroleum Products and Other Chemicals: Petroleum products were stored appropriately.
- 10) Cultivation-related Wastes: The small amount of cultivation related waste I observed onsite during the inspection was properly managed and in compliance with the Order.
- 11) Refuse and Human Waste: We observed two portable toilets on the Property, and Mr. Sweet told us that the residence near cultivation area CA1 had a septic system.
- 12) Remediation, Cleanup, and Restoration Activities: The two landslides near the ponds will require remediation (SLIDE1 and SLIDE2) because onsite development and activities are influencing these features, resulting in adverse impacts to waters of the State (Photos 1 through 4, and 37 through 42). The stream crossings discussed in detail above (C1, C5, C6, and C7) will likely need to be reconstructed or decommissioned.

Discussion

Site conditions that I observed on November 2, 2017, were not consistent with those described in initial enrollment documents, the revised Reporting Form for enrollment, and the 2016 annual monitoring report (the latter two prepared by different parties and submitted on the same date, March 31, 2017). The Water Resource Protection Plan submitted for the site on December 14, 2017, does not adequately characterize/address site conditions with respect to standard conditions, but rather appears to be an incomplete collection of information about various aspects of the site and operation.

Recent development and construction on the site, including development of cultivation areas, and construction/replacement of watercourse crossings and pond construction occurred without required permitting or environmental review. Work associated with stream crossings and ponds (C1 through C8, POND1, and POND2/OUT3) constructed without the appropriate permits for dredge and fill activities within waters of the State resulted in discharges of sediment to waters of the State. Stream crossings C5, C6, and C7 continued to represent threats to water quality based on the improper installation of the culverts. . There are various features that may need to be removed altogether with restoration of impacted surface waters and mitigation for temporal/permanent impacts.

Potential Water Quality Violations

Conditions observed by staff and reported above represent potential water quality violations of the Regional Cannabis Order, the Water Quality Control Plan for the North Coast Region, the Water Code, and Clean Water Act.

Recommendations

Developed Areas, Roads, and Crossings: Retain a licensed professional to inventory, assess, and develop a workplan and schedule to implement measures to ensure that all

developed features, roads, and crossings throughout the parcel are corrected, restored, and/or maintained to prevent or minimize erosion, sediment transport/delivery, and adverse impacts to water quality and beneficial uses. Include measures to ensure that unstable features caused or affected by onsite development and operations are removed or otherwise protected to minimize the potential for these features to cause adverse impacts to water quality and beneficial uses. Dispose of or stabilize all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters. As a reference for the goal of this recommendation, review Standard Conditions 1, 2, 3, and 4 of the Order.

Prepare a restoration and protection plan that includes plans for removal of both POND1 and POND2, delineation of wetland extent prior to pond development, and restoration of natural stream and wetland conditions including mitigation for temporal impacts and an immediate stability analysis of the ponds assessing the threat to water quality from potential failure of POND1 and POND2.

Obtain approval from the Water Boards through a Water Quality Certification for any proposed work in streams or wetlands prior to doing any such work.

Refuse: Immediately contain and properly dispose of all refuse, including burned refuse/waste consistent with standard conditions 10 and 11 of the Order.

Enrollment Documentation: Submit revisions to enrollment documents as appropriate to reflect actual site conditions.

WRPP: Revise WRPP as appropriate to reflect actual site conditions. Ensure that WRPP identifies all features not meeting standard conditions, specifies necessary corrective actions for each of these features, and provides a schedule to implement these corrective actions, including first securing any necessary permits and/or approvals. Ensure that WRPP describes manage practices/measures to be implemented to ensure that the Property and onsite operations are maintained and conducted in a manner consistent with standard conditions.

North Coast Regional Water Quality Control Board

Attachment A:
Photographic Record of November 2, 2017, Inspection of
Shadow Light Ranch, LLC (formerly Joshua Sweet) Property including Humboldt County
Assessor's Parcel Numbers 223-073-004-000, 223-073-005-000, 223-061-003-000, 223-
061-038-000, 223-061-039-000, 223-061-043-000, 223-061-046-000 (All pictures taken
by Shannon Utley during November 2, 2017, inspection unless otherwise noted)



Photo 1: Image taken on October 25, 2017, by Warden Kyle Shaw provided by California Department of Fish and Wildlife (CDFW) showing large upper pond with landslide and smaller lower pond.



Photo 2: Image taken on November 2, 2017 by Chris Van de Wyngard provided by the Division of Water Rights of large upper pond (POND1) looking downhill. Landslide delivery to pond seen on left side of image.



Photo 3: View uphill of upper pond (POND1) from earthen berm. Landslide into pond seen on right side of image (see orange circle).



Photo 4: Closer view of landslide scarp (SLIDE1) and delivery into POND1. Blue arrow shows location of possible wetland area.



Photo 5: Image taken on November 2, 2017, by Chris Van de Wyngard provided by the Division of Water Rights of earthen berm (BERM) containing upper pond (POND1) on left and lower pond (POND2) on right.



Photo 6: View of POND1 earthen berm (BERM) from western side of POND2.



Photo 7: POND1 outflow pipe (OUT1), which delivers into POND2 below.



Photo 8: Closer view of POND1 outflow pipe (OUT1) with a layer of sediment covering the bottom of intake.



Photo 9: Image taken November 2, 2017, by Chris Van de Wyngard provided by the Division of Water Rights of POND1 outflow pipe (OUT1) into POND2.



Photo 10: Closer view of POND1 outflow pipe outlet (OUT1) set on rip-rap into POND2.



Photo 11: View downhill at lower pond (POND2) from POND1 berm with outflow (OUT1) from POND1 on left of image.



Photo 12: View uphill of POND2 and Class III watercourse (blue arrow shows Class III channel) from downhill side of pond.



Photo 13: View of single outflow pipe from POND2 (blue arrow shows outflow pipe) (OUT3).



Photo 14: View of single outflow pipe below POND2 (OUT3).



Photo 15: Image taken November 2, 2017, by Chris Van de Wyngard provided by the Division of Water Rights of single outflow pipe set into Class II channel looking upstream (OUT3).



Photo 16: Image taken on November 2, 2017, by Chris Van de Wyngard provided by the Division of Water Rights of single outflow pipe set into Class II channel looking downstream (OUT3).



Photo 17: Image of double outflow pipes from POND2 into wetland type area (OUT2).



Photo 18: Closer view of wetland area below double outflow pipes from POND2 (OUT2).



Photo 19: Image of graded area with timber removal adjacent to large outdoor cultivation area CA1 looking northwest. Disturbed area is shown on Site Map as disturbed area surrounding CA1 (approximately 150,000 square feet of disturbed area).



Photo 20: Image taken on November 2, 2017, by Chris Van de Wyngard provided by the Division of Water Rights of cultivation area CA1 (approximately 44,100 square feet).



Photo 21: Image of large outdoor cultivation area CA1 grow bags with grass growing around the bases from potential over watering of cannabis plants.



Photo 22: Image of drainage trench at outdoor cultivation area CA1. Image also shows fiber rolls disturbed by soil slumps caused by vegetation removal and erosion of the graded hillside. The fiber rolls were not functioning.



Photo 23: Image of outdoor cultivation area CA2 (approximately 7,800 square feet) located 28 feet from Class III watercourse at stream crossing C1.



Photo 24: Image of outdoor cultivation area CA3 (approximately 4,800 square feet).



Photo 25: Image taken on November 2, 2017, by Chris Van de Wyngard provided by the Division of Water Rights of outdoor cultivation area CA4 (approximately 10,600 square feet).



Photo 26: Image of cultivation area CA5 (approximately 7,000 square feet).



Photo 27: Image of cultivation area CA5 greenhouses (approximately 7,000 square feet).



Photo 28: Image of potting soil on the ground at cultivation area CA5 that has been transported across the fence line by runoff.



Photo 29: Image of muddy bare soil between greenhouses at cultivation area CA5.



Photo 30: Image of outdoor cultivation area CA6 (approximately 6,500 square feet).



Photo 31: Image of wetland-pond area (WET on Figure 1 and 2) dominated by cattails.



Photo 32: Closer view of wetland-pond area showing standing water and wetland-pond vegetation.



Photo 33: Image of ATV stream crossing C1 blocking Class III watercourse located approximately 28 feet from outdoor cultivation area CA2.



Photo 34: Image of downstream side of stream crossing C1 blocking Class III watercourse and showing erosion of the streambank.



Photo 35: Image of upstream side of stream crossing C2.



Photo 36: Image of downstream side of stream crossing C2 showing streambank erosion and stream bed armoring.



Photo 37: Image of landslide slope failure (SLIDE2) upgradient of the road, located between stream crossing C2 and POND1 caused by road development, grading and surface runoff.



Photo 38: Image of landslide (SLIDE2) downgradient of the road located between stream crossing C2 and POND1 caused by road development, grading and surface runoff.



Photo 39: Image of SLIDE2 looking downgradient



Photo 40: Image of transported sediment downgradient of SLIDE2 looking upgradient.



Photo 41: Image of transported sediment from SLIDE2 discharging into a headwaters stream at a headcut.



Photo 42: Image downslope of SLIDE2 showing stream channel degradation influenced by the SLIDE2 discharge to the Class III stream channel and hydrologic connectivity of the road network.



Photo 43: Image of upstream side of stream crossing C3 showing erosion of streambanks and armoring of streambed.



Photo 44: Image of downstream side of stream crossing C3 showing armoring of streambed and streambank.



Photo 45: Image of upstream side of stream crossing C4 showing armoring of streambed and banks.



Photo 46: Image of downstream side of stream crossing C4 showing armoring of streambed and banks.



Photo 47: Image of upstream side of stream crossing C5 showing erosion of streambed.



Photo 48: Image of downstream side of stream crossing C5 showing the culvert not set to the grade of the streambed.



Photo 49: Image of upstream side of stream crossing C6 armoring of streambank of Class II watercourse.



Photo 50: Image of downstream side of stream crossing C6 showing culvert was not placed in alignment with the Class II stream channel.



Photo 51: Image of upstream side of stream crossing C7 showing armoring of stream channel.



Photo 52: Image of downstream side of stream crossing C7 showing culvert was not set to the grade of the stream channel.



Photo 53: Image of downstream side of stream crossing C8 showing armoring of stream channel.



Photo 54: Image showing burn pile (BURN) located adjacent to stream channel upstream of stream crossing C5 (blue arrow is placed above stream channel and shows flow direction).



Photo 55: Image of oldest onstream pond (POND3).

EXHIBIT G



State Water Resources Control Board

DEC 27 2017

CERTIFIED MAIL

Shadow Light Ranch LLC
773 Redwood Dr. Suite E
Garberville, CA 95542

CERTIFIED MAIL NO 7003 1680 0000 2965 4232

**DIVISION OF WATER RIGHTS REPORT OF INSPECTION OF TRINITY COUNTY
APN 223-061-038-000, 223-061-043, 223-073-004-000, 223-073-005-000.**

Shadow Light Ranch LLC,

On November 2, 2017, staff from the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), California Regional Water Quality Control Board (Regional Board), and the California Department of Fish and Wildlife (CDFW) conducted an inspection of the property referenced above (Property). The purpose of the inspection was to observe site conditions, including erosion and storm water drainage controls, grading issues, site maintenance, and water diversions and use occurring on the Property to evaluate potential impacts to South Fork Eel River.

Enclosed is the Division's Report of Inspection for the Property listed above. The Regional Water Board, and CDFW will contact you separately if their inspection found concerns that require corrective actions. Please review the enclosed inspection report thoroughly. Violations of the Water Code are alleged in this report and this matter requires your immediate attention.

Water Rights Inspection Report

This letter and the attached Report of Inspection serve as formal notice that you are in violation of California Water Code sections 5101 *et seq.*, which require you to file a Statement of Water Diversion and Use (Statement) with the Division. California Water Code section 5107 authorizes the State Water Board to administratively impose an initial \$1,000 civil liability for failure to file a Statement, plus \$500 per day for each additional day on which the violation continues if the person fails to file a Statement after the State Water Board has called the violation to the attention of that person. Accordingly, you must file two Statements within 30 days of the date of this letter or you could be subject to additional liability.

Further details about filing an Initial Statement form can be located on the State Water Board's website at:
http://www.swrcb.ca.gov/waterrights/water_issues/programs/diversion_use/

The Property also includes reservoirs that constitute an unauthorized diversion, or a threat of unauthorized diversion and use of water in violation of Water Code section 1052. Division staff has determined there is no record of an appropriate water right on file authorizing the diversion of water to storage.

FELICIA MARCUS, CHIEF | EILEEN SOBEEK, EXECUTIVE DIRECTOR

DEC 27 2017

California Water Code 1831 (a) states when the board determines that any person is violating, or threatening to violate, any requirement described in subdivision (d), the board may issue an order to that person to cease and desist from that violation. Subdivision (d) states the board may issue a cease and desist order in response to a violation or threatened violation of any of the following: (1) the prohibition set forth in Section 1052 against the unauthorized diversion or use of water subject to this division.

An unauthorized diversion and use of water constitutes a trespass against the State and the State Water Board may impose a civil liability in an amount not to exceed \$500 for each day that a trespass occurs. (Wat. Code, § 1052, et seq.)

Cumulative direct diversion of water and diversion to storage can lead to dewatering of stream channels. The Division is trying to protect senior water right holders and fishery resources from unauthorized diversions by ensuring that all storage facilities are operating legally. Accordingly, you are required to either: (1) provide evidence satisfactorily to the State Water Board that demonstrates the reservoirs do not seasonally store water, or can be operated without storing water subject to the State Water Board's permitting authority; (2) render reservoirs incapable of storing water; or (3) file an application and/or registration with the State Water Board seeking permission to appropriate water, and cease your unauthorized diversion of water to the reservoirs until the necessary permit or registration is obtained.

Please note that the State Water Board retains the authority and discretion to take an enforcement action based on the facts and allegations contained herein and you may be subject to further enforcement action before the State Water Board. Therefore, this matter requires your immediate attention and diligence. Within 30 day of the date of this letter, you should take all the recommended actions described above and in the attached Report of Inspection, or otherwise submit a response indicating any course of action you intend to take and include an implementation schedule.

If you have questions concerning the Water Rights Report of Inspection, please contact me by phone at (916) 341-5391, or by email at christopher.vandewyngard@waterboards.ca.gov. Written correspondence should be addressed and submitted as follows: State Water Resources Control Board, Division of Water Rights, Attn: Christopher Van de Wyngard, P.O. Box 100, Sacramento, CA 95812-0100.

Sincerely,



Christopher Van de Wyngard, Water Resource Control Engineer
North Coast Enforcement Unit
Division of Water Rights

Enclosure: Water Rights Report of Inspection

Ec on next page.

Ec (w/enclosure): **California Department of Fish and Wildlife**

Steve White,
Steve.White@wildlife.ca.gov

Kyle Shaw,
Kyle.Shaw@wildlife.ca.gov

Scott Bauer,
Scott.Bauer@wildlife.ca.gov

David Manthorne,
David.Manthorne@wildlife.ca.gov

North Coast Regional Water Quality Control Board

Kason Grady,
Kason.Grady@waterboards.ca.gov

State Water Resources Control Board

Yvonne West,
Yvonne.West@waterboards.ca.gov

EXHIBIT H

State Water Resources Control Board

DIVISION OF WATER RIGHTS REPORT OF INSPECTION

Date of Inspection: 5/10/2018

Inspection Performed by: Chris Van De Wyngard and David Rosas

Consent by or Search Warrant: Joshua Sweet

Facility Owner Information

Facility Owner: Shadow Light Ranch LLC
Mailing Address: 773 Redwood Dr. Suite E
City and State: Garberville, CA
Zip: 95542
Phone: N/A
Email: N/A
County: Humboldt

Water Rights Information

Statement: S026340, S026342, S026341, S026339
Registration: C005044
Application: N/A
Permit: N/A
License: N/A

Property Information

Parcel Number: 223-061-038-000, 223-061-043, 223-073-004-000, 223-073-005-000
Site Address: NA
Site City: NA
Site Zip: NA

Additional Property Information: Joshua Sweet purchase the properties on November 22nd, 2006. The properties were transferred to Shadow Light Ranch LLC on August 22, 2016. Mr. Sweet, Skyler Twohig from Tiberland Resource Consultants, and Gary Simpson from SHN were present during the of inspection. **Note:** Tanks 1- 21, POD 3-4 and OG 2,3, and 6 were not observed during this inspection as was previously document during the first inspection on November 2, 2017. Mr. Sweet stated that there were no changes to the water storage located on the properties. Total water storage was calculated for all storage on property observed during first and second inspection.

Point of Diversion (POD) Information

Total Number of PODS: 7

POD ID: 1
Source Water: Unnamed Spring
Diversion Type: Point of Diversion to Offstream Storage
POD Lat/Long: 40.0948, -123.7628

POD Description: Point of Diversion (POD) 1 is a cistern located within an Unnamed Spring (picture 1-3). The cistern is a concrete collection tank approximately 2.5 feet in diameter by 6 feet deep. The total water capacity in the cistern is approximately 220 Gallons. The Unnamed Spring channel has defined bed and banks upstream and downstream of POD, which is tributary to South Fork Eel River. Humboldt County Assessor's Parcel Number (APN) 223-073-005-000 is owned by Shadow Light Ranch LLC and appears to be riparian to the Unnamed Spring channel. There was little to no water flowing in the Unnamed Spring channel during the time of inspection. According to Joshua Sweet the diversion was created on 2002. POD 1 collects water via polyvinylchloride pipe. Water is gravity fed to Residence 1. Additional polyvinylchloride pipes were observed above POD 1 and Mr. Sweet stated that the pipes are for emergency use to irrigate the cannabis cultivation.

POD ID: 2
Source Water: Unnamed Spring
Diversion Type: Point of Diversion to Offstream Storage
POD Lat/Long: 40.0981, -123.7648

POD Description: POD 2 is a concrete cistern located within an Unnamed Spring (picture 4-7). The concrete cistern is approximately 2.5 feet in diameter by 3 feet deep. The approximate amount of water observed water in the concrete cistern was 92 Gallons. The Unnamed Spring channel has defined bed and banks upstream and downstream of POD 2, which is tributary to South Fork Eel River. The Unnamed Spring is located in a wetland area with hydrophyte vegetation such as large cattails plants around the Unnamed Spring. Humboldt County Assessor's Parcel Number (APN) 223-073-005-000 is owned by Shadow Light Ranch LLC and appears to be riparian to the Unnamed Spring. Water was flowing into and out of the wetland during the time of inspection. There was also standing water in the wetland over the Unnamed Spring channel during the time of inspection. POD 2 collects water via polyvinylchloride pipe and is gravity fed to Tanks 11-12, and 13-16. According to Mr. Sweet, POD 2 is currently in use for cannabis cultivation.

POD ID: 5
Source Water: Unnamed Creek
Diversion Type: Point of Onstream Storage
POD Lat/Long: 40.093, -123.7692

POD Description: POD 5 is an on-stream reservoir (Reservoir 1) located on an Unnamed Creek (Picture 8-23). Joshua Sweet stated that Reservoir 1 was built on 2016. The reservoir dam was built with an earthen berm. The upstream slope of the dam is approximately 18 degrees. The top crest width of the dam is approximately 16 feet. Reservoir 1's surface area was approximately 0.5664 acres by 18 feet deep. The estimated water storage capacity for the reservoir is approximately 4.078 Acre-ft (1,328,846 Gallons). The Unnamed Creek has defined bed and banks upstream and downstream of Reservoir 1, which is tributary to South Fork Eel River. Reservoir 1 is connected to Reservoir 2 by a 18 inch diameter stainless steel corrugated culvert

that conveys overflow water from Reservoir 1 (picture 11). There was water seeping through the earthen berm (picture 19-21). Division staff did not observe water flowing in the Unnamed Creek during the time of inspection. Mr. Sweet stated to Division staff that he pumps water out of Reservoir 1 and 2 to irrigate most of all of his cannabis grows. Reservoir 1 is located within Humboldt County Assessor's Parcel Number (APN) 223-061-038-000 and is owned by Shadow Light Ranch LLC and the property appears to be riparian to the Unnamed Creek.

POD ID: 6
Source Water: Unnamed Creek
Diversion Type: Point of Onstream Storage
POD Lat/Long: 40.0927, -123.7684

POD Description: POD 6 is an on-stream reservoir (Reservoir 2) located on an Unnamed Creek (Picture 24-31). The Reservoir 2's dam is with a top crest width of approximately 14 feet. Reservoir 2's surface area is approximately 0.2636 acres and 14 feet depth. The estimated water storage capacity of Reservoir 2 is approximately 1.4762 Acre-ft (481,008 Gallons). The Unnamed Creek has defined bed and banks upstream and downstream of the POD, which is tributary to South Fork Eel River. Reservoir 2 has two water inlets, one is the Unnamed Creek and the second is the overflow from Reservoir 1. Reservoir 2 has two overflow outlets. One outlet is constructed with two 18-inch diameter corrugated polyethylene culverts and the second outlet is a single 24 inch in diameter corrugated polyethylene culvert approximately 200 feet long. The second outlet conveys spill water from Reservoir 2 to the Unnamed Creek that is tributary to South Fork Eel River. There was no water flowing in the Unnamed Creek during the time of inspection. Mr. Sweet stated to Division staff that he pumps water out of Reservoir 1 and 2 to his cannabis grows. POD 6 is located within Humboldt County Assessor's Parcel Number (APN) 223-061-038-000 the parcel is owned by Shadow Light Ranch LLC and appears to be riparian to the Unnamed Creek.

POD ID: 7
Source Water: Unnamed Creek
Diversion Type: Point of Onstream Storage
POD Lat/Long: 40.0939, -123.7704

POD Description: POD 7 is an on-stream reservoir (Reservoir 3) located on an Unnamed Creek (Picture 32-36). The reservoir dam is an earthen berm. Reservoir 3's surface area is approximately 0.0642 acres and 5 feet in depth. The total water storage capacity is approximately 0.1284 Acre-ft (41,839 Gallons). The Unnamed Creek has defined bed and banks upstream and downstream of the POD, which is tributary to South Fork Eel River. Reservoir 3 is located on the other side of the ridge from Reservoir 1 and 2. There was no surface water observed flowing in the Unnamed Creek during the time of inspection but water was seeping through the dam. Mr. Sweet stated to Division staff that Reservoir 3 is not currently used. POD 7 is located within Humboldt County Assessor's Parcel Number (APN) 223-061-038-000 the parcel is owned by Shadow Light Ranch LLC and appears to be riparian to the Unnamed Creek

Storage Information

Total Storage: 1,883,585 Gallons (5.78 acre-ft)

POD ID: 1
Storage ID: POD 1
Storage Type: Unnamed Impoundment
Storage Lat/Long: 40.0948, -123.7628
Storage Capacity (Gal): 220
Storage Description: POD 1 is concrete collection tank located within an Unnamed Spring (picture 1-3). The concrete collection tank is approximately 2.5 feet in diameter by 6 feet deep. The total water storage capacity is approximately 220 Gallons. The total amount of observed water in the concrete spring was approximately 110 Gallons. The Unnamed Spring is located on Humboldt County Assessor's Parcel Number (APN) 223-073-005-000. POD 1 collects water via gravity in a black polyvinylchloride pipe. Water is gravity fed to Residence 1 and for emergency cannabis irrigation at OG 1-2 and GH 1-3.

POD ID: 2
Storage ID: POD 2
Storage Type: Unnamed Impoundment
Storage Lat/Long: 40.0981, -123.7648
Storage Capacity (Gal): 110
Storage Description: POD 2 is a concrete collection tank located in an Unnamed Spring (picture 4-7). The concrete collection tank is approximately 2.5 feet diameter by 3 feet deep. The total storage water capacity is approximately 110 Gallons. The total amount of observed water in the concrete spring was approximately 92 Gallons. The Unnamed Spring is located on Humboldt County Assessor's Parcel Number (APN) 223-073-005-000. POD 2 collects water via polyvinylchloride pipe. Water is gravity fed to Tank 11-12, and then gravity fed from POD 2 to Tank 13-16.

POD ID: 5
Storage ID: Reservoir 1
Storage Type: Reservoir
Storage Lat/Long: 40.093, -123.7692
Storage Capacity (Gal): 1,328,846.45
Storage Description: POD 5 is an on-stream reservoir (Reservoir 1) located on an Unnamed Creek (Picture 8-23). The reservoir dam was built with an earthen berm. The upstream slope of the dam is approximately 18 degrees. The top crest width of the dam is approximately 16 feet. The reservoir is approximately 0.5664 acres and 18 feet deep. The total water storage capacity is approximately 4.078 Acre-ft (1,328,846 Gallons). The reservoir was full during the time of inspection. Reservoir 1 spills to Reservoir 2 with the overflow water via a stainless steel corrugated culvert that is approximately 18 inches in diameter (picture 19-20). Joshua Sweet stated to Division staff that he pumps water out of Reservoir 1 and 2 to irrigate most of all of his cannabis grows. POD 5 is located within Humboldt County Assessor's Parcel Number (APN) 223-061-038-000.

POD ID: 6
Storage ID: Reservoir 2
Storage Type: Reservoir
Storage Lat/Long: 40.0927, -123.7684
Storage Capacity (Gal): 500
Storage Description: POD 6 is an on-stream reservoir (Reservoir 2) located on an Unnamed Creek (Picture 24-31). The reservoir dam was built with an earthen berm. The top crest width of the dam is approximately 14 feet. The reservoir is approximately 0.2636 acres and 14 feet deep. The total water storage capacity is approximately 1.4762 Acre-ft (481,008 Gallons). The reservoir was approximately $\frac{3}{4}$ full during the time of inspection. Reservoir 2 has two water inlets, one is the Unnamed Creek and the second is the spill water from Reservoir 1. Reservoir 2 has two overflow outlets. One outlet is a double corrugated polyethylene culvert that is approximately 18 inches in diameter, and the second outlet is a single corrugated polyethylene culvert that is approximately 24 inches in diameter and 200 feet long. The second outlet terminates at a larger Unnamed Creek that is tributary to South Fork Eel River. Joshua Sweet stated to Division staff that he pumps water out of Reservoir 1 and 2 to irrigate most of all of his cannabis grows. POD 6 is located within Humboldt County Assessor's Parcel Number (APN) 223-061-038-000.

POD ID: 7
Storage ID: Reservoir 3
Storage Type: Reservoir
Storage Lat/Long: 40.0939, -123.7705
Storage Capacity (Gal): 33,562
POD Description: POD 7 is an on-stream reservoir (Reservoir 3) located on an Unnamed Creek (Picture 32-36). The reservoir is approximately 0.0642 acres and 5 feet deep. The total water storage capacity is approximately 0.1284 Acre-ft (41,839 Gallons). There was no surface water observed flowing in the Unnamed Creek into the reservoir during the time of inspection but water was seeping through the dam. The reservoir was full during the time of inspection. POD 7 is located within Humboldt County Assessor's Parcel Number (APN) 223-061-038-000 the parcel is owned by Shadow Light Ranch LLC and appears to be riparian to the Unnamed Creek.

Place of Use (POU) Information:

POD ID: 2
POU ID: OG 4
POU Lat/Long: 40.0965, -123.766
POU Type: Irrigation
POU Description: OG 4 (picture 31-32) had a total area of approximately 0.2450 acres. A total of 123 plants were observed. OG 4 receives water by gravity feed from Tank 14-15 for irrigation. OG 4 is located within Humboldt County Assessor's Parcel Number (APN) 223-073-005-000.

POD ID: 2
POU ID: OG 5
POU Lat/Long: 40.0968, -123.7674
POU Type: Irrigation
POU Description: OG 5 (picture 41) had a total area of approximately 0.0586 acres. A total of

39 plants were observed. OG 5 receives water by gravity feed from Tank 14-15 for irrigation. OG 5 is located within Humboldt County Assessor's Parcel Number (APN) 223-061-043 and 223-073- 005-000.

POD ID: 2
POU ID: GH 4-5
POU Lat/Long: 40.0968, -123.7674
POU Type: Irrigation
POU Description: GH 4-5 (picture 47-50) had a total area of approximately 0.0992 acres. There were no plants in the greenhouses during the time of inspection. GH 4-5 receives water pumped from Tank 14-15 for irrigation. GH 4-5 is located within Humboldt County Assessor's Parcel Number (APN) 223-061-043 and 223-073-005-000.

POD ID: 5-6
POU ID: OG 1
POU Lat/Long: 40.093, -123.7623
POU Type: Irrigation
POU Description: OG 1 (picture 37-38) had a total area of approximately 0.9061 acres. A total of 256 plants were observed. OG 1 receives water by gravity feed from Tank 3-9 for irrigation. OG 1 is located within Humboldt County Assessor's Parcel Number (APN) 223-073-004-000 and 223-073-005-000.

POD ID: 5-6
POU ID: OG 7
POU Lat/Long: 40.097, -123.7637
POU Type: Irrigation
POU Description: OG 7 (picture 42) had a total area of approximately 0.0792 acres. A total of approximately 1,800 plants were observed. OG 7 receives water by gravity feed from Tank 18-20 for irrigation. OG 7 is located within Humboldt County Assessor's Parcel Number (APN) 223-073- 005-000.

POD ID: 5-6
POU ID: GH 1-3
POU Lat/Long: 40.093, -123.7623
POU Type: Irrigation
POU Description: GH 1-3 (picture 43-46) had a total area of approximately 0.1067 acres. A total of 2 plants were observed. GH 1-3 receives water pumped from Tank 3-9 for irrigation. GH 1-3 is located within Humboldt County Assessor's Parcel Number (APN) 223-073-004-000 and 223-073-005-000.

Facility Violations:

POD ID: 5-7
Violation: Failure to File a Statement of Water Diversion and Use
APN: 223-061-039-000
Violation Description: Public records indicate that Shadow Light Ranch LLC purchased the property on August 22, 2016. California Water Code sections 5100-5107 establish a program requiring persons who divert water from a surface stream or a subterranean stream flowing

through a known and definite channel (with a few limited exceptions), to file statements of their water diversion and use (Statement). Mr. Sweet stated during the inspection that Reservoir 1 was constructed in 2016, and aerial photographs of the property from Google Earth Pro, show Reservoir 2 was constructed in 2006 and Reservoir 3 was present or constructed before 2007. A Statement for the water diverted and used in 2016 was required to be reported by June 30, 2017. At this time there are no Statements on file.

POD ID: 5-7

Violation: Unauthorized Diversion or Use of Water

APN: 223-061-039-000

Violation Description: POD 5-7 diverts water from an Unnamed Creek, which is tributary to South Fork Eel River. The Unnamed Creek is an intermittent creek with defined bed and banks upstream and downstream from the point of diversion. Reservoir 1 and Reservoir 2 are connected. Reservoir 3 is located on the other side of the hill's ridge line from Reservoir 1 and 2. POD 5-7 is an unauthorized diversion and use of water that seasonally stores water. The direct diversion and use from the Unnamed Creek can occur under a riparian right. A riparian right, however, does not include a right to divert water for later use. The diversion of water from the Unnamed Creek to on-stream storage for later use at a time when the Unnamed Creek is not flowing or that is carried over to the next season is an unauthorized diversion and use of water in violation of California Water Code section 1052. There is no existing water right on file with the Division that would authorized the diversion and use of water diverted at POD 5-7.

POD ID: 1-2

Violation: Violation of Cannabis Policy Principle and Guidelines

APN: 223-073-05

Violation Description: POD 1-2 divert water from separate Unnamed Springs. The Unnamed Springs have defined bed and banks upstream and downstream of the point of diversion. POD 1-2 use concrete collection tanks to divert water for cannabis cultivation and other uses. Mr. Sweet stated that he was diverting water during the time of the inspection. Cannabis Policy Attachment A: Narrative Flow Requirement 4 requires cannabis cultivators to comply with a forbearance period from April 1 – October 31. Both Springs were in violation of the forbearance period and therefore were in violation of California Water Code 1847.

The following is a list of corrective actions and compliance options that you shall take to come into compliance with the California Water Code:

- File a Statement of Diversion and Use of Water
- Submit an application to appropriate water in 30-days

Corrective Action Description:

Failure to File a Statement of Water Diversion and Use (Statement): You must file (3) Statements within 30 days from the date of the notice letter. The Statements must be filled for all points of water diversion on the property including but not limited to POD 5-7 as required by California Water Code section 5101 through 5107. California Water Code section 5101 requires, with limited exceptions, that a person who diverts water from a stream in the absence of a permit, license, or registration must file a Statement with the State Water Board. The Statements for POD

1-4 have already been filed with the Division.

The State Water Board may administratively impose a civil liability in the amount of \$1,000 for failing to file a Statement for diversions that have occurred since 2009, plus \$500 per day for each additional day on which the violation continues if the person fails to file a Statement within 30 days after the State Water Board has called the violation to the attention of that person (California Water Code § 5107, (c)(1).) This Report of inspection constitutes your second notice that you are in violation of the Statement filing requirements your first notice was provide in the Division's Report of Inspection mailed to you on December 27, 2017. You must file your statements for POD 5-7 immediately to avoid additional per day liability of \$500 per day pursuant to California Water Code section 5107, subdivision (c)(1).

Unauthorized Diversion and Use of Water: The seasonal storage of water in a water storage container or reservoir without an existing water right constitutes an unauthorized diversion of water. Based on staff findings, you are required within 30 days from the date of the notice letter to either: (1) provide evidence satisfactory to the State Water Board that demonstrates water storage containers do not seasonally store water, or can be operated without storing water subject to the State Water Board's permitting authority; (2) render reservoirs incapable of seasonally storing water; or (3) file for an appropriative water right with the State Water Board, and you must cease any unauthorized diversion and use of water until the necessary permit or registration is obtained.

Any unauthorized diversion of water constitutes a trespass against the State for which the State Water Board may generally impose a civil liability in an amount not to exceed \$500 for each day that a trespass occurs (California Water Code § 1052, et seq.). During the current state of emergency based on drought condition, however, the State Water Board may impose an alternative civil liability of up to \$1,000 for each day the trespass occurs and \$2,500 for each acre-foot of water diverted or used in excess of that diverter's water right. (California Water Code § 1052, subd. (c)(1)).

There are four types of appropriative water rights that can be filed: (1) a "standard application" to appropriate water by permit; (2) an application for Livestock Stockpond Registration; and (3) an application for Small Domestic Registration (4) an application for Small Irrigation Use Registration. If you continue to divert and use water for the purpose of cannabis irrigation you may be limited to option 1 for compliance with California Water Code. The forms for filing each type of application with necessary information regarding their applicability are available upon request or from our website at: <http://www.waterboards.ca.gov/waterrights/>.

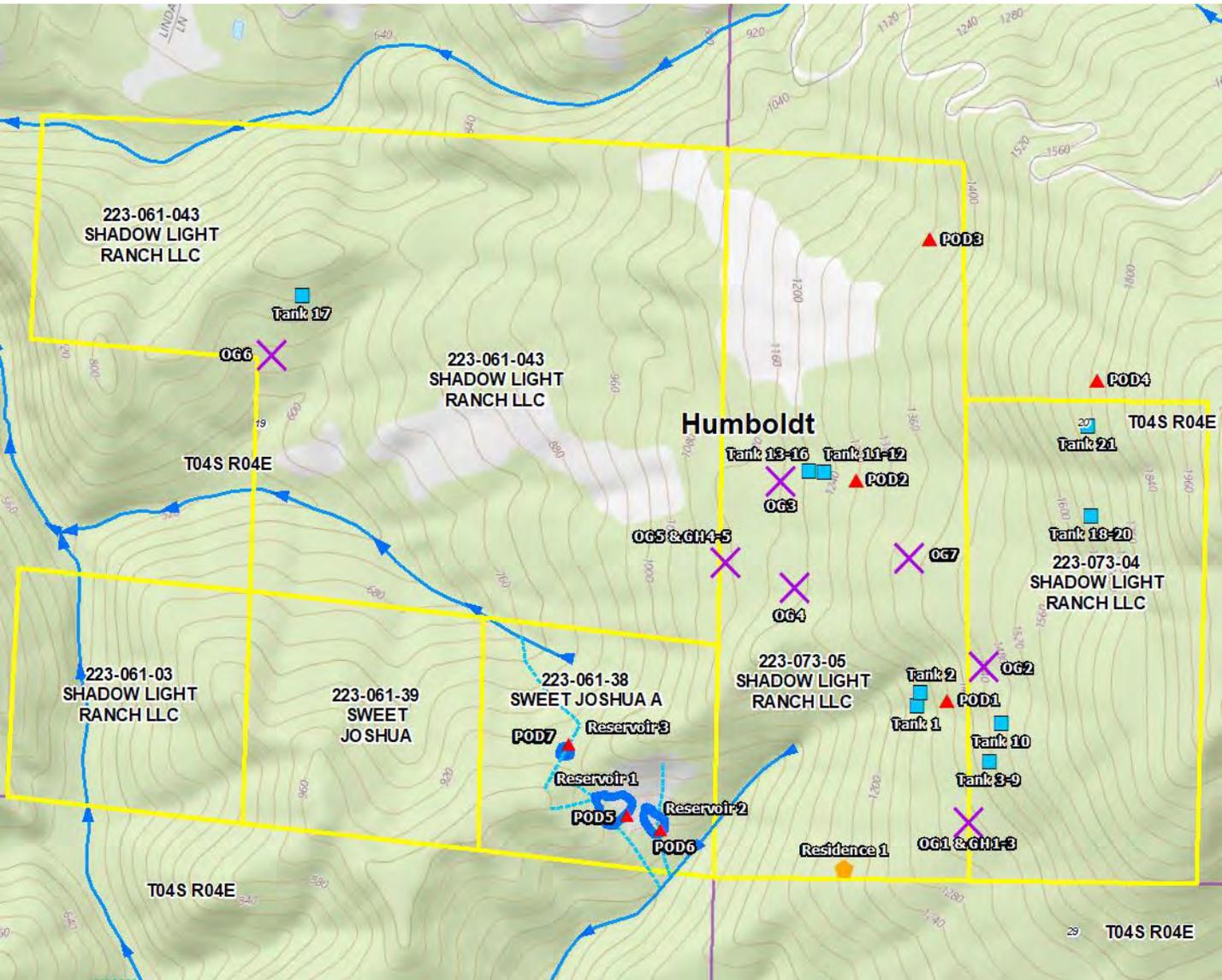
Violation of the Cannabis Policy's Forbearance Period: The Cannabis Cultivation Policy Principles and Guidelines for Cannabis Cultivation (California Water Code 13149) is enforceable under California water code 1847. Cannabis cultivators can not divert surface water for cannabis cultivation activities at any time from April 1 through October 31 of each calendar year. Based on staff findings, you are required within 30 days from the date of the notice letter to either: (1) provide evidence satisfactory to the State Water Board that demonstrates your springs are complying with the forbearance period or exempt from compliance; (2) render your springs incapable of diverting surface water for cannabis cultivation activities; or (3) file for a Cannabis Small Irrigation User Registration (SIUR) or submit an application to appropriative with the State Water Board, and you must cease any unauthorized diversion of water from the springs until the necessary permit or registration is obtained. If you continue to divert and use water for the purpose of cannabis irrigation using an onstream reservoir you may be limited to a "standard application" to appropriate water by permit. The forms for filing an application with necessary

information regarding their applicability are available upon request or from our website at:
<http://www.waterboards.ca.gov/waterrights/>.

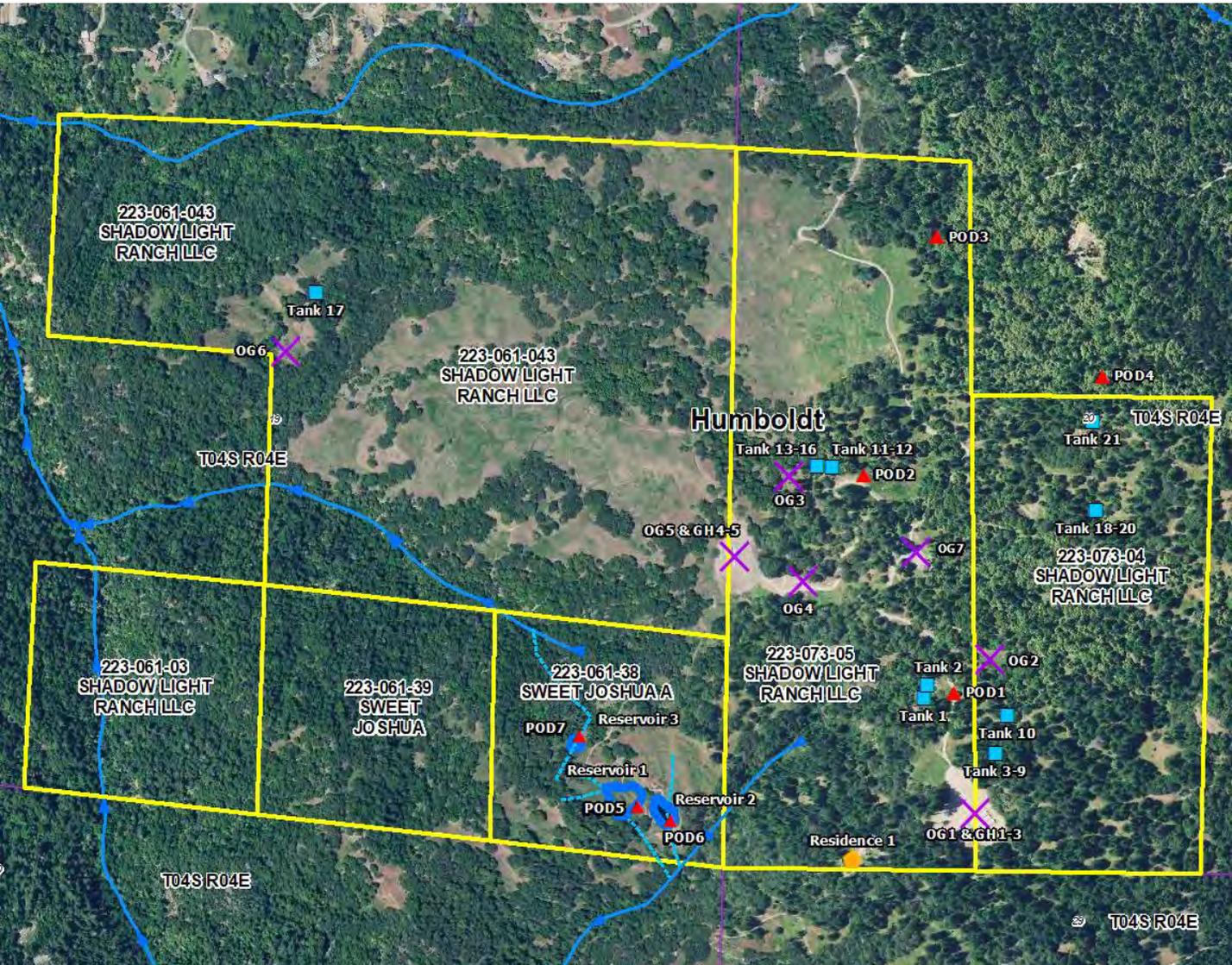
The State Water Board may administratively impose a civil liability in the amount of \$500 for violation of the requirements established by California water code 13149, plus \$250 for each additional day on which the violation continues if the person fails to correct the violation within 30 days after the board has called the violation to the attention of that person. Additionally, \$2,500 can be imposed for each acre-foot of water diverted or used in violation of the applicable requirements.

The State Water Board retains the authority and discretion to take an enforcement action based on the facts and allegations contained herein and may initiate enforcement action without further notice. Within 30 days of the date of this notice, you should take all the recommended actions described above or otherwise submit a response indicating any course of action you intend to take and include an implementation plan with a schedule. The State Water Board will take into consideration any corrective actions taken.

Shadow Light Ranch LLC
Humboldt County Assessors Parcel Number
(APN) 223-061-(38,43) & 223-073-(04,05)
May 10, 2018 Inspection Maps & Photos



National Agriculture Imagery Program, Humboldt County, 2016 Aerial Imagery



Point of Diversion (POD) 1-2



Photo 1: POD 1 – Unnamed Spring.



Photo 2: POD 1– Downstream of unnamed spring.



Photo 3: POD 1 – Upstream of unnamed spring.



Photo 4: POD 2 – Unnamed Spring.



Photo 5: POD 2- Downstream of unnamed spring.



Photo 6: POD2- Upstream of unnamed stream closer view

POD 2 & 5-6



Photo 7: POD 2 – Upstream of unnamed spring



Photo 8: POD 5- Reservoir 1.



Photo 9: POD 5– Dam Impoundment.



Photo 10: POD 5 – Reservoir 1 downstream outlet



Photo 11: POD 5 & 6 - Reservoir 1 outlet into Reservoir 2- facing south.



Photo 12: POD 5 – Reservoir 1 and Upstream of Reservoir 1.

POD 5



Photo 13: POD 5 – Upstream of Reservoir 1 – Facing West.



Photo 14: POD 5 – Upstream of Reservoir 1 – Facing Southeast.



Photo 15: POD 5 – Reservoir 1 upstream channel.



Photo 16: POD 5 – Reservoir 1 upstream channel.



Photo 17: POD 5 - Reservoir 1 upstream channel – Facing Northwest.



Photo 18: POD 5- Reservoir 1 upstream channel – Facing Southeast.

POD 5-6



Photo 19: POD 5 –Reservoir 1 overflow channel.



Photo 20: POD 5– Reservoir 1 dam- downstream side channel.



Photo 21: POD 5 – Reservoir 1 dam- downstream side channel closer view.



Photo 22: POD 5 - Downstream of Reservoir 1.



Photo 23: POD 5 – Downstream of Reservoir 1 - Unnamed Creek flowing into a larger Unnamed Creek.



Photo 24: POD 6 - Reservoir 2.

POD 6



Photo 25: POD 6– Dam Impoundment of Reservoir 2



Photo 26: POD 6 –Reservoir 2 downstream outlet 1 (double culvert) –facing south.



Photo 27: POD 6– Reservoir 2 outlet 1 –facing north.



Photo 28: POD 6– Reservoir 2 downstream outlet 2 (single culvert) –facing south



Photo 29: POD 6- Reservoir 2 outlet 2 into Unnamed Creek – Facing south



Photo 30: POD 6- Upstream of Reservoir 2 – Facing North.

POD 6&7



Photo 31: POD 6– Upstream of Reservoir 2- Closer view facing south.



Photo 32: POD 7 – Reservoir 3.



Photo 33: POD 7 – Reservoir 3 Upstream



Photo 34: POD 7- Reservoir 3 upstream- Facing North



Photo 35: POD 7 - Reservoir 3 downstream



Photo 36: POD 7 - Reservoir 3 downstream- Closer view.

Place of Use



Photo 37: Outdoor Grow (OG)1- North Portion.



Photo 38: OG 1- South Portion



Photo 39: OG 4



Photo 40: OG 4 close view



Photo 41: OG 5



Photo 42: OG 7

Place of Use



Photo 43: Greenhouse (GH) 1-3.



Photo 44: GH 1



Photo 45: GH 2



Photo 46: GH 3



Photo 47: GH 4-5



Photo 48: GH 4

Place of Use



Photo 49: GH 5



Photo 50: GH 5 closer view of plant

EXHIBIT I

North Coast Regional Water Quality Control Board

Shadow Light Ranch LLC Property
CIWQS Place ID No. 825542
Inspection Date May 10, 2018
WDID No. 1B16868CHUM

Property Information

Inspection Date: May 10, 2018
Time: 0900-1330 hours

Humboldt County Assessor Parcel Numbers (APNs):
 223-073-004-000, 223-073-005-000, 223-061-003-000, 223-061-038-000, 223-061-039-000, 223-061-043-000, 223-061-046-000 (together hereinafter referred to as the Property)

Property Representative Information

Consent Provided?
 YES

Notified of Inspection?
 YES

Names of On-Site Representatives and Consenting Parties:

Joshua Sweet, principal owner of Shadow Light Ranch, LLC and enrollee under Order R1-2015-0023 (hereafter referred to as Responsible Party)
 Elan Puno, business services consultant for Shadow Light Ranch, LLC
 Gary Simpson, CEG, SHN Consulting Engineers and Geologists;
 Skyler Twohig, Timberland Resource Consultants

Property Owner: Shadow Light Ranch LLC (ParcelQuest)

Mailing Address:

773 Redwood Dr., Ste E, Garberville, CA 95542 (Shadow Light Ranch LLC) (LandVision)
P.O. Box 250, Garberville, CA 95542 (per Notice of Intent for enrollment under Order No. R1-2015-0023)

Attending Agency Representatives:

Shannon Utley, Engineering Geologist, North Coast Regional Water Quality Control Board (Regional Water Board)

David Manthorne, Senior Environmental Scientist Specialist, CA Department of Fish and Wildlife (CDFW)

Christopher Van de Wyngard, Water Resource Control Engineer State Water Resources Control Board (State Water Board), Division of Water Rights (DIV)

David Rosas, Environmental Scientist, State Water Board, DIV

Inspection Report Information

Report Prepared By: Shannon Utley, Engineering Geologist, Regional Water Board

Report Reviewed By: Kason Grady, Senior Water Resource Control Engineer, Regional Water Board

Photos Taken: All photographs taken by Shannon Utley unless labeled otherwise and available in Attachment A.

California Integrated Water Quality System (CIWQS) Inspection ID: 32532885

Enrollment Status

Parcel Enrolled Under Regional Water Board Order No. R1-2015-0023: Yes

Enrollment Date: 6/16/2016

Pre-Inspection Compliance Status: 4/13/2018 dated Annual Report identified anticipated compliance dates¹ for Standard Conditions 1 (10/2018), 2 (10/2018), and 5 (10/2018). The Annual Report did not identify any anticipated disturbance of a stream or wetland.

1. Enrollee self-reported anticipated compliance dates for each Standard Condition shown above, in parentheses.

Enrolled Cultivation Area: initially enrolled for ">5,000 sq ft", then enrolled for 10,000 square feet, now enrolled for 57,300 square feet (per 4/13/2018 Annual Report)

Inspected Property Background

Parcel Ownership Information: Property purchased on 11/22/2006 by Joshua Sweet and transferred to Shadow Light Ranch LLC on 8/22/2016 (ParcelQuest)

Historic Imagery Reviewed: Google Earth images dated 6/12/1993, 11/4/2004, 12/31/2004, 10/12/2006, 5/24/2009, 4/24/2010, 8/23/2012, and 5/28/2014. NAIP imagery dated 2005, 2009, 2010, 2012, 2014, 2016 (CDFW GIS Services)

Site Development: The large upper pond (POND1 on Site Map) is not visible on available Google Earth images through May 28, 2014, and is not visible on 2016 NAIP imagery. The smaller lower pond (POND2) is first visible in the 10/12/2006 Google Earth imagery. In the next available Google Earth image (5/24/2009), POND2 appears to be full of water. The smallest pond (POND3) is visible in all available Google Earth images (6/12/1993 through 5/28/2014) and NAIP imagery (2005 through 2016). Following the November inspection, CDFW staff provided images taken October 27, 2017, of POND1 and POND2 (see November 2, 2017, inspection report for image).

Previous Site Inspections:

Regional Water Board staff inspected the Shadow Light Ranch, LLC property (then owned by Mr. Sweet) on January 29, 2016, and observed an on-stream wetland area (identified as WET on the Site Map, below), which Mr. Sweet reportedly wanted to turn into a recreational pond.

Regional Water Board staff inspected the Shadow Light Ranch, LLC property on November 2, 2017, and observed eight stream crossings, three on-stream ponds, and six cultivation areas with approximately 80,000 square feet of cultivation, and various water quality violations.

Watershed	Section 303 d Listings	TMDL Development:
<p>Eel River Hydrologic Unit; South Fork Eel River Hydrologic Area; Benbow Hydrologic Subarea 111.32 Ohman Creek HUC-12: 1801060403 CalWater: 1111.320806</p>	<p>South Fork Eel River: Sediment and Temperature</p>	<p>South Fork Eel River Sediment and Temperature TMDL December 1999</p>

Beneficial Uses and Threatened and Endangered Species

Listed Species:

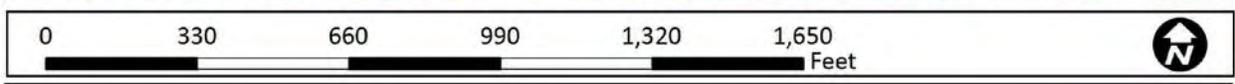
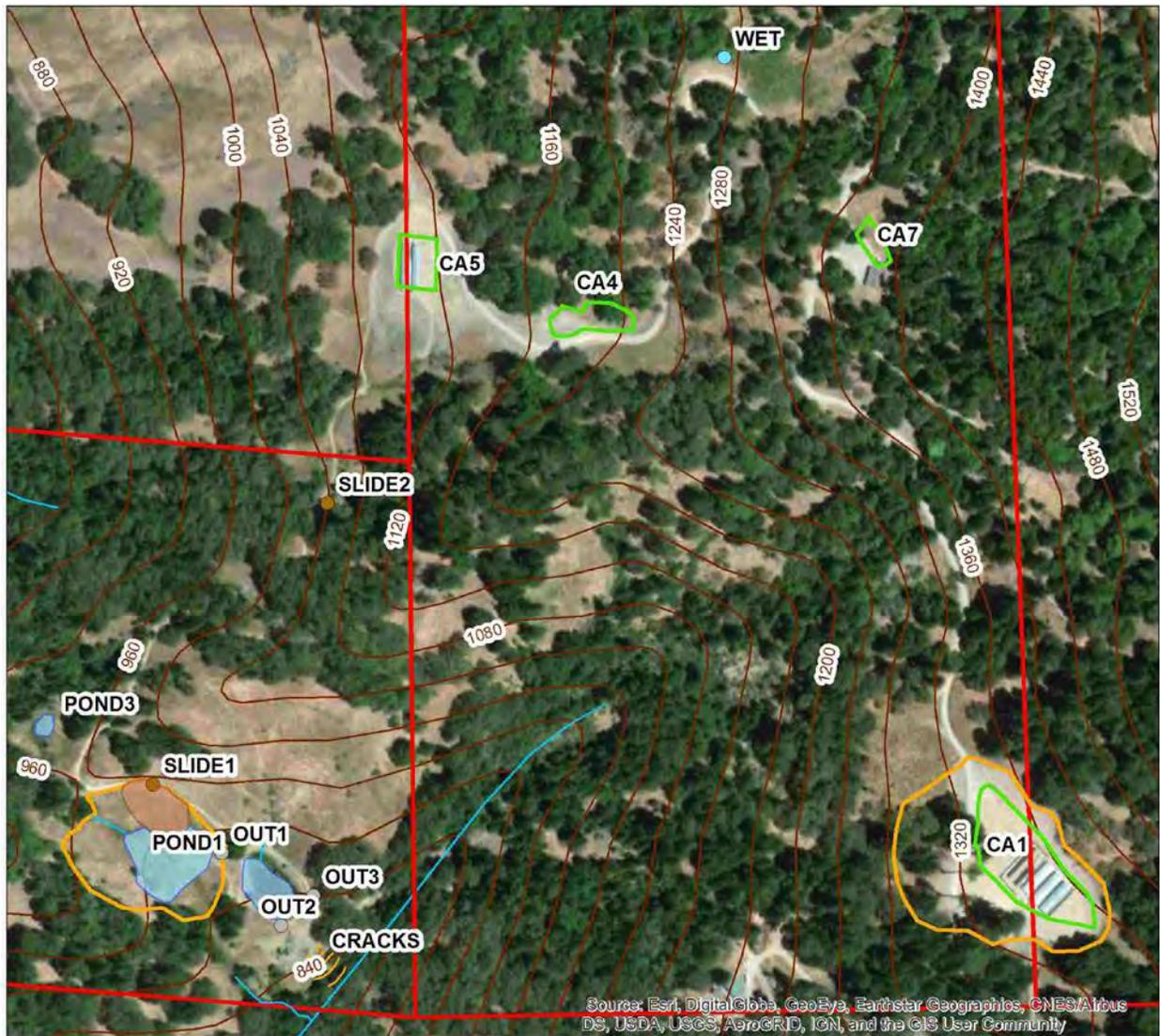
The South Fork Eel River watershed is within the following evolutionarily significant units (ESU) and distinct population segment (DPS): the Southern Oregon and Northern California Coast Coho Salmon ESU; and the Northern California Steelhead DPS. The National Oceanic and Atmospheric Administration National Marine Fisheries Service define these ESUs and DPSs for salmonid species listed on the U. S. Endangered Species Act (ESA).

Inspection Findings Summary:

On May 10, 2018, I inspected the Property as part of a multi-agency inspection team. During the inspection I observed a portion of the Property previously documented during the November 2, 2017, inspection (hereafter the November inspection). The portion of Property visited during this inspection is shown on the Site Map below. During this inspection I re-observed three on-stream ponds, an on-stream wetland, two existing landslides, three pre-existing cultivation areas and one new cultivation area.

During the inspection I observed channelized surface flow into the newer upper on-stream pond (POND1) from an upgradient swale and flow in an established stream channel below the disturbed area of POND1, and observed the condition of the existing landslide. At the older lower on-stream pond (POND2) I observed numerous lateral surface cracks, some approximately 24-inches deep, below POND2 and adjacent to a Class II stream. This type of ground surface cracking is indicative of mass movement and therefore structural instability of POND2.

During the inspection, I observed active cannabis cultivation at previously observed cultivation areas CA1, CA4, and CA5 (on Site Map) and at a new location CA7. These cultivation areas contained a total of 65,300 square feet of cultivation. I had previously observed approximately 80,000 square feet of cultivation during the November 2017 inspection. Assuming no change in the size of the cultivation areas observed in November 2017, CA7 brings the total cultivation area to approximately 83,600 square feet observed during this inspection. The 2017 annual monitoring report, received April 13, 2018, reports 57,300 square feet of cannabis cultivation for 2017.



Site Map of Shadow Light Ranch LLC Property

5/22/2018

● Landslide	□ Cultivation Area	<p>CALIFORNIA Water Boards <small>STATE WATER RESOURCES CONTROL BOARD REGIONAL WATER QUALITY CONTROL BOARD</small></p> <p>Note: Imagery provided by ArcGIS online server. Contours provided by the USGS. Points of interest may be drawn in by hand.</p>
● Pond Outflow	□ Disturbed Area	
● Wetland Area	■ Landslide	
— Surface Cracks	■ Pond	
— Watercourse	□ Parcel Boundary	<p>0.8 Miles</p>
— Topographic Contours (m)		

Note: All points and shapes except those associated with Surface Cracks (CRACKS) and Cultivation Area CA7 were generated during the November 2, 2017, inspection and associated report writing.

Inspection Observations:

Upper Pond (POND1)

During the inspection, I re-observed a large on-stream pond (POND1) with a berm located in a topographic swale (Photos 1 through 9). DIV staff estimated POND1 to be approximately 24,670 square feet (0.5 acre), and up to 18 feet deep. Pond construction resulted in disturbance of approximately 87,000 square feet (2 acres) (Photos 1 and 2).

The pond construction disturbed a possible wetland located in a topographic swale based on the 2016 NAIP imagery and Photo 1, which shows the pre-pond area to have been well-vegetated with denser, darker vegetation on the northwest side of the pond. During the inspection, I observed rills at the top of the swale close to the ridgeline caused by erosion of the previously graded area that were actively transporting water downhill to POND1 (Photos 3 and 4).

The outflow pipe from POND1 (OUT1) is a 24-inch corrugated metal culvert (Photos 5 and 6). Water from POND1 flows through OUT1 (Photo 11) into the older, lower, on-stream pond (POND2 on Site Map), which in turn outflows to a Class II watercourse. During the inspection I did not observe any active overflow from POND1 to POND2, although the edge of the pond water was within two feet of OUT1 (Photo 5).

Below the berm for POND1, during the inspection I observed an established Class III stream channel (Photos 8 and 9) that discharges to the Class II stream below. This stream channel connects to the Class II stream downstream of the outflows of POND2 (see Site Map). Based on the topography, available NAIP and Google Earth imagery showing potential wetland features, the active transport and channelized flow of water into POND1 from the upgradient swale, and pre-POND1 photo provided by Mr. Sweet, the water collected in POND1 would have made its way into the Class II stream and therefore POND1 is considered an on-stream pond and a water of the State. As described in the report for the November 2017 inspection the Responsible Party constructed POND1 without the appropriate permits from the Regional Water Board.

Upper Pond Landslide (SLIDE1)

Pond construction reactivated a portion of a historic landslide amphitheater complex of approximately 15,000 square feet (SLIDE1 on Site Map), which delivered sediment into POND1, and damaged the access road to the lower pond to make it impassable by any motorized vehicle (Photo 10). The landslide material in the pond has reduced the pond capacity and likely resulted in increased discharges from POND1 into the lower pond (POND2). Since the November 2017 inspection the landslide scarp and disturbed area associated with the slope failure has continued to revegetate with grasses.

Lower Pond (POND2)

The lower older pond (POND2 on Site Map) is first visible in the available aerial imagery in October 2006. As noted, above, Mr. Sweet purchased the Property in November 2006. The DIV estimated POND2 to be approximately 11,480 square feet (0.25 acres) and up to 14 feet deep (Photo 11).

I re-observed one of the two outflow features for POND2, a set of two 24-inch corrugated plastic pipes (OUT2) that flows to a wetland-type area and then to the Class II watercourse (Photos 13 and 14). These outflow pipes were disconnected from the pond when the new outflow OUT3 was installed prior to the November inspection. The wetland-type area below OUT2 appears to be

associated with leakage through or under the pond berm, or overflow from OUT2 based on topography and vegetation. I also observed surface cracking on the top of the POND2 berm (Photo 12).

During the inspection I observed numerous lateral surface cracks (CRACKS) parallel to hillslope contours (Photos 15 and 16), some approximately 24-inch deep, below POND2 and adjacent to the Class II stream. This type of ground surface cracking is indicative of mass movement and, therefore, potential structural instability in the pond and presents a threatened discharge to surface waters.

Smallest Pond (POND3)

The third on-stream pond (POND3) located on the opposite side of the ridgeline from POND1 and POND2 was full during this inspection (Photo 29). This on-stream pond is much smaller (approximately 3,000 square feet) than either POND1 and POND2. POND3 is visible in all of the available imagery dating back to June 1993 (Google Earth image dated 6/12/1993).

Roadside Landslide (SLIDE2)

The roadside landslide (SLIDE2) (Photo 17) located between stream crossing C2 and POND1 is downgradient of the road and appears to have been caused by road development, grading, and surface runoff. During the November 2017 inspection, I observed stream channel degradation influenced by the SLIDE2 sediment discharge to a Class III headwater stream channel and hydrologic connectivity of the road network downslope of SLIDE2. During this inspection, I observed that the landslide was continuing to re-vegetate with grasses and, therefore, reducing the threat of sediment discharge to the Class III stream below the slide.

Wetland-Pond Area

During the inspection, I observed a wetland area (WET on Site Map) with standing water, dominated by cattails (Photo 18). The appearance of this feature is similar to that observed during the November inspection and without any significantly noticeable differences.

Cultivation Areas

During the inspection, I re-observed three of the six cultivation areas (CA1, CA4, and CA5) that I previously observed during the November inspection and one new cultivation area (CA7) (Photos 27 through 36). During this inspection, I observed active cannabis cultivation at cultivation areas CA1, CA5 and CA7 (see Site Map).

Cultivation area CA1 is a large, graded pad, approximately 150,000 square feet, with approximately 44,100 square feet of cannabis cultivation with cultivation taking place outdoor in smart pots placed on the ground surface and inside three greenhouses, which were all planted with young plants in raised beds (Photos 19 through 22). The appearance of this cultivation area is similar to that observed during the November inspection and without any significantly noticeable differences.

Cultivation area CA4 is approximately 10,600 square feet outdoor cultivation with cultivation taking place within smart pots placed on the ground surface (Photos 23 and 24). The appearance of this cultivation area is similar to that observed during the November inspection and without any significantly noticeable differences.

Cultivation area CA5 is approximately 7,000 square feet of cultivation with cultivation taking place outdoor in smart pots and inside two greenhouses with young plants planted in raised beds

(Photos 25 and 26). The appearance of this cultivation area is similar to that observed during the November inspection and without any significantly noticeable differences.

Cultivation area CA7 is a new cultivation area not previously developed during the November inspection and located next to the Property's drying shed and main parking area (see Site Map). CA7 is approximately 3,600 square feet of young plants in plastic pots placed on the ground surface (Photos 27 and 28). Mr. Sweet indicated that this was a temporary nursery location and that the plants would be moved.

Recommendations

Violations observed during the November 2017 inspection continue as violations following this inspection, with the addition of the potential discharge to waters of the State caused by the instability observed at POND2.

Retain a licensed professional to inventory, assess, and develop a workplan and schedule to implement measures to ensure that all developed features, roads, and crossings throughout the parcel are corrected, restored, and/or maintained to prevent or minimize erosion, sediment transport/delivery, and adverse impacts to water quality and beneficial uses. Include measures to ensure that unstable features caused or affected by onsite development and operations are removed or otherwise protected to minimize the potential for these features to cause adverse impacts to water quality and beneficial uses. Dispose of or stabilize all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters. As a reference for the goal of this recommendation, review Standard Conditions 1, 2, 3, and 4 of the Order.

Prepare a restoration and protection plan that includes plans for removal of both POND1 and POND2, delineation of wetland extent prior to pond development, and restoration of natural stream and wetland conditions including mitigation for temporal impacts and an immediate stability analysis of the ponds assessing the threat to water quality from potential pond failure.

Submit revisions to enrollment documents as appropriate to reflect actual site conditions, such as size of cultivation areas.

Revise your WRPP as appropriate to reflect actual site conditions. Ensure that the WRPP identifies all features not meeting standard conditions, specifies necessary corrective actions for each of these features, and provides a schedule to implement these corrective actions, including first securing any necessary permits and/or approvals. Ensure that WRPP describes manage practices/measures to be implemented to ensure that the Property and onsite operations are maintained and conducted in a manner consistent with standard conditions.

Obtain approval from the Water Boards through a Water Quality Certification for any proposed work in streams or wetlands prior to doing any such work.

North Coast Regional Water Quality Control Board

Attachment A:
Photographic Record of May 10, 2018, Inspection of
Shadow Light Ranch LLC (formerly Joshua Sweet) Property including Humboldt County
Assessor's Parcel Numbers 223-073-004-000, 223-073-005-000, 223-061-003-000, 223-
061-038-000, 223-061-039-000, 223-061-043-000, 223-061-046-000 (All photos taken by
Shannon Utley during the May 2018 inspection, unless otherwise noted)

	
<p>Photo 1: Pre-POND1 construction image looking northwest from POND2 towards the future site of POND1 (photo taken by Joshua Sweet on unknown date and provided by Mr. Sweet on May 17, 2018).</p>	<p>Photo 2: Image looking northwest from POND2 towards POND1. Orange arrow on Photo 1 and Photo 2 shows location of rills and upgradient swale.</p>



Photo 3: Image of POND1 showing the upgradient topographic swale. Orange arrow shows location of rills and upgradient swale.



Photo 4: Close up of upgradient topographic swale in Photo 4 showing rills and disturbance of straw wattles.



Photo 5: Image of POND1 showing the inlet for the pond outflow (OUT1).



Photo 6: Image of POND1 showing a closer view of OUT1.



Photo 7: Image of POND1 berm.



Photo 8: Image of headwaters of stream below POND1 berm. Orange arrow shows location of beginning of stream channel.



Photo 9: Image of stream channel between POND1 berm (upper left) and Class II stream channel below (bottom right).



Photo 10: Image of SLIDE showing part of the headscarp and displaced wattles.



Photo 11: Image of POND2.



Photo 12: Image of surface cracking within top of POND2 berm



Photo 13: Image of OUT2.



Photo 14: Image of wetland area below OUT2.



Photo 15: Image of lateral surface cracking below POND2. Orange line is below the lateral crack.



Photo 16: Image of lateral surface cracking below POND2. Orange line is below the lateral crack.



Photo 17: Image of SLIDE2.

Photo 18: Image of WET.



Photo 19: Image of cultivation area CA1 looking east.

Photo 20: Image of CA1 looking north-northeast.



Photo 21: Image of the three fully planted greenhouses at CA1.



Photo 22: Image of young plants inside one of the CA1 greenhouses.



Photo 23: Image of CA4 showing extent of cultivation area and recent weed-whacking.



Photo 24: Image of CA4 temporary licences attached to fence, smart pots, and drip lines.



Photo 25: Image of CA5 showing the extent of the cultivation area.



Photo 26: Image of young plants inside of the two greenhouses at CA5.



Photo 27: Image of CA7 showing extent of temporary cultivation area.



Photo 28: image of sign showing County application number and State licence numbers.



Photo 29: Image of POND3.

EXHIBIT J



North Coast Regional Water Quality Control Board

NOTICE OF VIOLATION

June 27, 2018

Certified Mail Number 7016-2710-0000-2635-8592

Shadow Light Ranch, LLC
c/o Mr. Joshua Sweet
P.O. Box 250
Garberville, CA 95542

Dear Mr. Sweet:

Subject: Notice of Violation, Directive to Comply with Cannabis Waste Discharge Regulatory Program Requirements, and Transmittal of Inspection Reports for Humboldt County APNs 223-073-004-000, 223-073-005-000, 223-061-003-000, 223-061-038-000, 223-061-039-000, 223-061-043-000, 223-061-046-000

File: Shadow Light Ranch, LLC, WDID No. 1B16868CHUM

Please be advised that the subject parcels identified above (collectively, Property) have conditions or features violating the Water Quality Control Plan for the North Coast Region (Basin Plan), due to discharges or threatened discharges of earthen material into waters of the state and failure to comply with Cannabis Waste Discharge Regulatory Program requirements as set forth in the North Coast Cannabis General Order, Order No. 2015-0023 (Order). This letter requires that within 30 days, you provide us with a revised Water Resource Protection Plan (WRPP) that includes a description of proposed work and a schedule to correct those violations.

Background

On November 2, 2017, staff from the North Coast Regional Water Quality Control Board (Regional Water Board), the State Water Resources Control Board Division of Water Rights (DIV), and the California Department of Fish and Wildlife (CDFW), inspected the Property.

David M. Nurnyi, Chair | Matthias St. John, Executive Officer

5550 Skylark Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/nrc/wqcb/



Staff thanks you for consenting to the site visit, and for taking the time and effort to facilitate the inspection. The purpose of the inspection was to observe site conditions, including roads and developed areas, onsite activities and overall site maintenance, as well as water diversion and use on the Property, to evaluate impacts and potential impacts to the water quality and beneficial uses of receiving waters in the Ohman Creek watershed, tributary to the South Fork Eel River. On May 10, 2018, staff of the Regional Water Board, DIV, and CDFW re-inspected the Property with your consent.

Attached are copies of the water quality inspection reports. The DIV and CDFW will contact you separately if their inspection of the Property raised any concerns for those agencies. Please review the enclosed inspection reports carefully and completely.

Based upon observations made during the inspections, water quality staff identified several locations with conditions that represent water quality violations or threatened violations requiring corrective action, including the following:

Work Performed without Required Permits

1. Order Sections I.B and IV.A, Basin Plan, and Water Code: Staff verified that work occurred between June and September 2016 including dredge and/or placement of earthen materials into streams and/or wetlands at C2 through C8 and POND1 and POND2/OUT3 without the required preauthorization via Water Quality Certification. If work was done in streams or wetlands on the portions of the Property without a Water Quality Certification that would also constitute a violation (e.g. culvert crossings C1 and C9-C23 as identified in the WRPP). Additionally, no application was submitted for water quality certification (e.g. Appendix D Instream Workplan or another individual or general Clean Water Act section 401 application).
2. Order Section III.D: Disturbance of more than one acre of soil associated with new site preparation and development of cultivation areas and ponds throughout the Property, without coverage under General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ).

Standard Conditions out of Compliance

1. Order Section I.A.2.d: Insufficient maintenance at stream crossings C1, C2, C3, and C5 as demonstrated by the associated erosion from exposed surfaces adjacent to, and in the channel and on the banks.
2. Order Section I.A.2.e: Culverts C6 and C7 were not aligned with the stream grade or natural stream channel at the inlet and outlet.
3. Order Section I.A.3.a: Cultivation area CA2 is located within the minimum 50-foot riparian setback from the nearby Class III watercourse.
4. Order Section I.A.1.d: Evidence of discharge and hydrologic connection of the road system between stream crossing C2 and POND1 associated with SLIDE2 discharging to the unnamed Class III stream as observed on November 2, 2017, and May 10, 2018.

Enrollment Document Discrepancies and Deficiencies

1. Order Section I.D: Discrepancies of reporting information submitted to comply with the Monitoring and Reporting Program pursuant to Water Code section 13267.
2. Order Section I.B: The WRPP was not made available for review upon request while staff was on site. The WRPP was provided late on December 14, 2017, and is considered inadequate regarding deficient description of historical site development, stream crossing status and construction, and assessment of compliance with Standard Conditions.

The enclosed inspection reports document these violations and recommend actions for you to take in order to correct them. The Regional Water Board is in the process of assessing these violations and retains its full enforcement authority and discretion to bring formal enforcement for all violations and threatened violations.

Revised WRPP

Please submit to this office a revised, complete, and accurate WRPP that addresses the violations and/or threat of future discharge documented in the attached inspection reports within **30 days** of the receipt of this letter. The WRPP shall address both interim and long-term measures, a site map, and a timeline of completion for the proposed actions.

Future correspondence regarding this matter will be sent to you at this address unless an alternative address is provided to the Regional Water Board. Failure to accept mail from the Regional Water Board is not a valid excuse for non-compliance with any future enforcement orders, and a failure to respond or otherwise appear at a future enforcement proceeding could subject you to a default order and the imposition of administrative civil liability.

Finally, as discussed in the inspection reports, we are aware of several locations on the Property where you and/or parties working on your behalf, have engaged in unauthorized disturbance to waters of the State. In addition, you have discussed with staff your plans to engage in further activities that will disturb waters of the State. Please be advised that for ANY work located within or adjacent to waters of the State that may directly or indirectly impact those waters, you must apply for a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) and receive approval prior to commencing work. State and federal, when applicable, rules and regulations apply to all waters of the State, including isolated wetlands and stream channels that may be dry during much of the year, have been modified in the past, look like a depression or drainage ditch, have no riparian corridor, or are on private land.

For any questions on this matter, please contact Shannon Utley at (707) 576-2684 or Shannon.Utley@waterboards.ca.gov.

We are available to meet with you if you wish to discuss this letter, the inspection report, or our cannabis program in further detail.

Sincerely,



Digitally signed by Kason

Grady

Date: 2018.06.27

12:22:28 -07'00'

Kason Grady, Division Chief
Cannabis and Compliance Assurance

180627_SMU_dp_Sweet_NOV

Enclosures: November 2017 Inspection Report and Photographic Record
May 2018 Inspection Report and Photographic Record

cc: Taro Murano, State Water Board, Division of Water Rights, Sacramento,
taro.murano@waterboards.ca.gov
Dan Kippen, State Water Board, Office of Enforcement, Sacramento,
Dan.Kippen@Waterboards.ca.gov
David Manthorne, CDFW, Watershed Enforcement Team, Northern Region,
David.Manthorne@wildlife.ca.gov
John Ford, Director, County of Humboldt Planning and Building Department,
JFord@co.humboldt.ca.us
Elan Puno, King Range and Co., elan@kingrangeandco.com

EXHIBIT K

State Water Resources Control Board

DIVISION OF WATER RIGHTS INSPECTION REPORT

Date of Inspection: 06/17/2020 9:00 AM
Report Author: Christopher Van de Wyngard
Inspection Performed By: Christopher Van de Wyngard, Zach Gomer
Inspection Type: Consent
Other Agencies Present: Regional Water Quality Control Board, California
Department of Food and Agriculture

Owner Information

Name: Shadow Light Ranch, LLC
Mailing Address: 773 Redwood Dr #E, Garberville, CA 95542
Phone: N/A
Email: N/A

LLC Member

Name: Joshua Sweet
Mailing Address: 773 Redwood Dr #E, Garberville, CA 95542

Property Information

Parcel #: 223-061-038-000, 223-061-043-000, 223-073-004-000,
223-073-005-000
Site Address: N/A
County: Humboldt
Water Right: C005044, S026339, S026340, S026341, S026342,
S027729, S027730, S027908, S027909
Investigation ID no.: 11943

Site Observations

Cannabis Plant Count: 7,895 living plants
Cultivation Area (Sq. ft.): 75,610 (1.73 acres)
Water Storage Capacity: 1,925,412 gallons (5.908 acre-ft)
Water Storage Active: 1,318,473 gallons (4.046 acre-ft)
Points of Diversion: 7

Summary of Violations:

California Water Code (WC) section 5101 - Failure to File an Initial Statement of Water Diversion and Use (Statement)

WC section 1052 - Unauthorized diversion or use of water

Violations of a Principle, Guideline, or Requirement established in the State Water Board's Cannabis Policy, Attachment A., pursuant to WC section 13149:

- Cannabis Cultivation Policy, Section 2, Term 69 - Diversion of surface water not in accordance with an existing water right.
- Cannabis Cultivation Policy, Section 2, Term 82 - Failure to Install Water Measuring Device or Maintain Diversion Records
- Cannabis Cultivation Policy, Section 2, Term 83 – Failure to install onstream reservoir measuring device or maintain diversion records

Inspection Summary

On June 17, 2020, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), North Coast Regional Water Quality Control Board, and California Department of Food and Agriculture (CDFA) took part in a consent inspection. The Division took part in the consent inspection to assess the cannabis cultivation activities for compliance with the WC and the State Water Board's Cannabis Cultivation Policy (Policy). Shadow Light Ranch, LLC representative, Elan Puno (Joshua Sweet's business representative), and Forrest Hansen with Timberland Resource Consultants, were present during the time of the inspection.

Division staff reviewed the Humboldt County Assessor Office records from LandVision, and determined that Shadow Light Ranch, LLC purchased the Property, Assessor Parcel Number (APN) 223-061-038-000, 223-061-043-000, 223-073-004-000, 223-073-005-000 on August 21, 2016.

Based on LandVision aerial imagery from June 16, 2010 through February 14, 2020, depicting graded areas; greenhouses structures; and plant size, color, and spacing that is indicative of cannabis cultivation, Division staff find that cannabis cultivation on the property likely began in 2010.

Prior to the inspection on May 27, 2020 and again on August 4, 2020, Division staff confirmed by a search of the California Department of Food and Agriculture (CDFA)

license database and State Water Board water rights database, that Shadow Light Ranch, LLC through the legal business name of The Hills, LLC has a CDFA license to cultivate cannabis but does not have the required water right for the onstream seasonal storage of water for cannabis cultivation.

During the inspection, Division staff observed how water is diverted and how water is conveyed to water storage infrastructure and then used for cannabis cultivation. Division staff found on the Property 7 Point of Diversions (POD) used to irrigate 11 Places of Use (POU) for cannabis cultivation. Division staff observed approximately 7,895 cannabis growing plants on site at the time of inspection. The POD observed during the inspection was directly diverting from unnamed stream tributary of South Fork Eel River.

Statement of Diversion and Use (Statement), S027729 reported that no water was diverted during 2016. The 2017 supplemental statement for S027729 reported 435,000 gallons of water was diverted and used for cannabis irrigation. The 2018 supplemental statement for S027729 reported no water was diverted. The 2019 supplemental statement for S027729 has not been submitted but was due by June 30, 2020.

Statement S027908 reported 125,000 gallons of water was diverted and used for cannabis irrigation during 2016. The 2017 supplemental statement for S027908 reported 435,000 gallons of water was diverted and used for cannabis irrigation. The 2018 supplemental statement for S027908 reported 2.716 acre-feet of water was diverted and used for cannabis irrigation. The 2019 supplemental statement for S027908 reported 2.275 acre-feet of water was diverted and used for cannabis irrigation.

Statement S027730 reported 114,000 gallons of water was diverted and used for cannabis irrigation during 2016. The 2017 supplemental statement for S027730 reported 217,500 gallons of water was diverted and used for cannabis irrigation. The 2018 supplemental statement for S027730 reported no water was diverted. The 2019 supplemental statement for S027730 has not been submitted but was due by June 30, 2020.

Statement S027909 reported 125,000 gallons of water was diverted and used for cannabis irrigation during 2016. The 2017 supplemental statement for S027909 reported 217,000 gallons of water was diverted and used for cannabis irrigation. The 2018 and 2019 supplemental statement for S027909 reported no water was diverted.

Statement S026337 reported 65,000 gallons of water was diverted and used for cannabis irrigation during 2016. The 2017 supplemental statement for S026337 reported 1.74 acre-feet of water was diverted and used for cannabis irrigation. The

2018 supplemental statement for S026337 reported 0.37 acre-feet of water was diverted and used for cannabis irrigation.

The 2018 and 2019 supplemental statement for S026339 and S026340 reported no water was diverted during both years.

The 2018 supplemental statement for S026341 reported 0.184 acre-feet of water was diverted for domestic use for two people. The 2019 supplemental statement for S026341 reported 0.155 acre-feet of water was diverted for domestic use for two people and livestock.

The 2018 supplemental statement for S026342 reported 0.046 acre-feet of water was diverted for stockwatering. The 2019 supplemental statement for S026342 reported no water was diverted during that year.

Point of Diversion (POD) Information

POD ID: POD1

Lat/Long: 40.09775, -123.76122

Water Source: Groundwater well

Watercourse: N/A

Diversion Type: Percolating GW Well

Description: POD1 is a groundwater well (Photos 1 - 5). POD1 is approximately 820 feet away from an unnamed stream tributary of South Fork Eel River. The total depth of the well is 240 feet. Water from POD1 is pumped to Point of Storage 1 (POS1) and POS2. Water diverted from POD1 is used for cannabis cultivation irrigation at Place of Use (POU) 1-11.

The well was completed on October 31, 2019. The well yield is 50 gallons per minute (GPM) according to the well completion report (WCR2019-016356). POD1 is located within APN 223-073-004-000 owned by Shadow Light Ranch, LLC.

POD ID: POD2

Lat/Long: 40.09971, -123.75997

Water Source: unnamed stream

Watercourse: Perennial

Diversion Type: Point of Diversion to Off-Stream Storage

Description: POD2 is a point of diversion to off-stream storage located on an unnamed stream that is a tributary of South Fork Eel River (Photos 6 - 9). The unnamed stream has an impoundment of 5 feet wide and one foot high made out of earthen materials that allows water to pool behind the earthen dam. The pool is approximately 5 feet wide, 8 feet long, and one foot deep. The unnamed stream has defined bed and banks upstream and downstream from POD2 and water was flowing

into the diversion structure but not out of the diversion structure at the time of the inspection. POD2 is an inactive diversion and was not in use at the time of inspection. POD2 is located near or within APN 223-073-004-000, owned by Shadow Light Ranch, LLC and appears to be riparian to the unnamed stream. A parcel boundary survey might need to be done to formally identify whether POD2 is located within property boundaries or not. Property owner reported in the Initial Statement (S026339) that they been diverting from POD2 since 2002.

POD ID: POD3

Lat/Long: 40.09482, -123.76295

Water Source: unnamed spring

Watercourse: Spring

Diversion Type: Point of Diversion to Off-Stream Storage

Description: POD3 is a point of diversion to off-stream storage located on an unnamed spring that is a tributary of South Fork Eel River (Photos 10 - 12). The unnamed spring has defined bed and banks downstream from POD3 and water was not flowing at the time of the inspection. The POD3 was not actively diverting water during the inspection. Water from POD3 is piped by gravity to POS9. Water diverted from POD3 is used for domestic use. POD3 is located within APN 223-073-005-000, owned by Shadow Light Ranch, LLC and appears to be riparian to the unnamed spring. Property owner reported in the Initial Statement (S026341) that they been diverting from POD3 since 2002.

POD ID: POD4

Lat/Long: 40.09821, -123.7649

Water Source: unnamed stream

Watercourse: Perennial

Diversion Type: Point of Diversion to Off-Stream Storage

Description: POD4 is a point of diversion to off-stream storage located on an unnamed stream that is a tributary of South Fork Eel River (Photos 13 - 16). The unnamed stream has defined bed and banks upstream and downstream from POD4 and water was flowing into and out of the diversion cistern structure at the time of the inspection. The POD4 was not actively diverting water during the inspection. Water from POD4 is piped by gravity through a 1 ½ inch polyethylene water supply line to POS10. Water diverted from POD4 is used for cannabis cultivation irrigation at POU 7-11. Division staff did not observe a water measuring device at or near POD4. POD4 is located within APN 223-073-005-000, owned by Shadow Light Ranch, LLC and appears to be riparian to the unnamed stream. Property owner reported in the Initial Statement (S026342) that they been diverting from POD4 since 2002.

POD ID: POD5

Lat/Long: 40.09292, -123.76934

Water Source: unnamed stream

Watercourse: Intermittent

Diversion Type: Point of Onstream Storage

Description: POD5/POS12 is an on-stream reservoir (Reservoir 1, Upper Pond) located on an unnamed stream (Photos 17 - 21) with an earthen berm constructed in the stream channel. The reservoir is spring fed by an unnamed spring located approximately 150 feet northwest from the reservoir. The upstream slope of the dam is approximately 30 degrees. The top crest width of the dam is approximately 14 feet and the length is approximately 220 feet. The reservoir surface area is approximately 0.6198 acres (27,000 square feet) with a depth of 16.84 feet. The total calculated water storage capacity based on Division staff field measurements is approximately 4.1752 Acre-ft (136,0497 Gallons). The approximate surface area of the current water level is 0.4637 acres (20,200 square feet) and 12.84 feet deep. The calculated current active water storage based on Division staff field measurements is approximately 2.3817 Acre-ft (776,083 Gallons). The unnamed stream has defined bed and banks upstream and downstream from POD5 and is tributary of South Fork Eel River. Water was not flowing at the time of the inspection. POD5 was not actively diverting water during the inspection. There has been a substantial amount of grading alteration and disturbance below Reservoir 1 that covers most of the downstream channel. Water from POD5/POS12 is pumped to POS7. Division staff did observe a water measuring device from POD5/POS12 located near POS7 that showed 115,300 gallons of water was diverted from POD5/POS12. Water diverted from POD5 is used for cannabis cultivation irrigation at POU2-6. POD5 is located within APN 223-061-038-000, owned by Shadow Light Ranch, LLC and appears to be riparian to the unnamed stream and its downstream channel. Property owner reported in his 2016 Initial Statement (S027908) that he has been diverting from POD5/POS12 since 2016. Based on LandVision aerial imagery dated March 12, 2017, Reservoir 1 was constructed on or before 2017, and water has been diverted from POD5 since 2017 or before. Joshua Sweet stated to Division staff during the inspection on November 2, 2017 that Reservoir 1 was constructed in 2016.

POD ID: POD6

Lat/Long: 40.09263, -123.76871

Water Source: unnamed stream

Watercourse: Intermittent

Diversion Type: Point of Onstream Storage

Description: POD6/POS13 is an on-stream reservoir (Reservoir 2, Lower Pond) located on an unnamed stream (Photos 22 - 25). The reservoir diverts water with an earthen berm constructed in the stream channel. The upstream slope of the dam is approximately 35 degrees. The top crest width of the dam is approximately 8 feet and the length is approximately 180 feet. The reservoir surface area approximately 0.2973

acres (12,950 square feet) with a depth of 12.667 feet. The total calculated water storage capacity based on Division staff field measurements is approximately 1.5063 Acre-ft (490,834 Gallons). The unnamed stream has defined bed and banks upstream and downstream from POD6 and is tributary of South Fork Eel River. POD6/POS13 also receives overflow water from POD5/POS12. Water was not flowing at the time of the inspection. POD6 was not actively diverting during the inspection. Water from POD6 is used for livestock. POD6/POS13 is located within APN 223-061-038-000, owned by Shadow Light Ranch, LLC and appears to be riparian to the unnamed stream and its downstream channel. Based on Google Earth Pro aerial imagery dated October 12, 2006, Reservoir 2 was constructed in 2006, and water has been diverted from POD6/POS13 since 2006.

POD ID: POD7
Lat/Long: 40.09394, -123.77035
Water Source: unnamed stream
Watercourse: Intermittent
Diversion Type: Point of Onstream Storage
Description: POD7/POS14 is an on-stream reservoir (Reservoir 3, Small Pond) located on an unnamed stream (Photos 26 - 29). The reservoir dam diverts water with an earthen berm constructed in the stream channel. The upstream slope of the dam is approximately 25 degrees. The top crest width of the dam is approximately 8 feet and the length is approximately 45 feet. The reservoir surface area is approximately 0.0455 acres (1,980 square feet) with a depth of 3.593 feet. The total calculated water storage capacity based on Division staff field measurements is approximately 0.0653 Acre-ft (21,286 Gallons). POD7/POS14 was full at the time of inspection. The unnamed stream has defined bed and banks upstream and downstream from POD7/POS14 and is tributary of South Fork Eel River. Water was not flowing in the channel and POD7 was not actively diverting water during the inspection. Water from POD7/POS14 is used for Livestock. POD7/POS14 is located within APN 223-061-038-000, owned by Shadow Light Ranch, LLC and appears to be riparian to the unnamed stream and its downstream channel. Based on Google Earth Pro aerial imagery from June 12, 1993 shows Reservoir 3 was constructed in 1993, and water has been diverted from POD7 since 1993 or before.

Point of Storage (POS) Information

POS ID: POS1
POD ID: POS1 receives water from POD1
POU ID: POU 7-11
Lat/Long: 40.09785, -123.76152
Type: Tank
Capacity (Gal): 3,000 (750 – Active Storage)

Water Level: 25%
Container Color: Green
Description: POS1 (Photos 30 - 31) is a 3,000-gallon ¼ full polyethylene water tank (Tank 1). The total storage capacity for POS1 is 3,000 gallons and the total active storage volume was approximately 750 gallons. POS1 receives water from POD1 and had an installed overflow preventive system. Water from POS1 is piped by gravity to POS10 for cannabis irrigation. POS1 is located on APN 223-073-004-000, owned by Shadow Light Ranch, LLC.

POS ID: POS2
POD ID: POS2 receives water from POD1
POU ID: POU 1-6
Lat/Long: 40.09758, -123.76037
Type: 3 Tanks
Capacity (Gal): 13,000 (3,250 – Active Storage)
Water Level: 25%
Container Color: Green.
Description: POS2 (Photos 32 - 35) describes three green polyethylene water tanks (Tanks 2-4). The storage capacity for Tank 2 and Tank 3 is 5,000 gallons for each tank and were approximately ¼ full. Tank 4 has a 3,000 gallons storage capacity and was approximately ¼ full. The total storage capacity for POS2 is 13,000 gallons and had a total active storage volume of approximately 3,250 gallons. POS2 receives water from POD1 and had an overflow preventive system installed. The outlet and inlet water lines of the tanks were interconnected in a series at the time of the inspection. A charged waterline from POS3 was located behind the tank cluster (Tanks 3-4) and was charged with water but the waterline was disconnected from the POS2 at the time of inspection. Water from POS2 is piped by gravity to POS4 for cannabis irrigation. POS2 is located on APN 223-073-004-000, owned by Shadow Light Ranch, LLC.

POS ID: POS3
POD ID: N/A (Disconnected)
POU ID: N/A (Disconnected)
Lat/Long: 40.09905, -123.76028
Type: Tank
Capacity (Gal): 550 (0 - Active Storage)
Water Level: 0%
Container Color: Green
Description: POS3 (Photos 36 - 37) is a 550-gallon empty polyethylene water tank (Tank 5). The total storage capacity for POS3 is 550 gallons with no active storage. POS3 appears to have received water from POD2 but at the time of inspection POD2 was inactive with no waterlines were coming out of it. POS3 is located on 223-073-004-000, owned by Shadow Light Ranch, LLC.

POS ID: **POS4**
POD ID: POS4 receives water from POS2 (via POD1)
POU ID: POU 1-6
Lat/Long: 40.09648, -123.76166
Type: Tank
Capacity (Gal): 3,000 (750 – Active Storage)
Water Level: 25%
Container Color: Green
Description: POS4 (Photo 38) is a 3,000-gallon ¼ full polyethylene water tank (Tank 6). The total storage capacity for POS4 is 3,000 gallons and had a total active storage volume of approximately 750 gallons. POS4 receives water from POS2 (via POD1). Water from POS4 is piped by gravity to POS5 for cannabis irrigation. POS4 is located on APN 223-073-004-000, owned by Shadow Light Ranch, LLC.

POS ID: **POS5**
POD ID: POS5 receives water from POS4 (via POD1)
POU ID: POU 1-7
Lat/Long: 40.09634, -123.76125
Type: Tank
Capacity (Gal): 3,000 (3,000 – Active Storage)
Water Level: 100%
Container Color: Green
Description: POS5 (Photos 39 - 40) describes a 3,000-gallon full polyethylene water tank (Tank 7). The total storage capacity for POS5 is 3,000 gallons and the total active storage volume was full. POS5 receives water from POS4 (via POD1). Water from POS5 is piped by gravity to POU1 for cannabis irrigation. POS5 is located on APN 223-073-004-000, owned by Shadow Light Ranch, LLC.

POS ID: **POS6**
POD ID: N/A (Disconnected)
POU ID: N/A (Disconnected)
Lat/Long: 40.09591, -123.76144
Type: Tank
Capacity (Gal): 550 (0 - Active Storage)
Water Level: 0%
Container Color: Green
Description: POS6 (Photos 41 - 42) is a 550-gallon empty polyethylene water tank (Tank 8). The total storage capacity for POS6 is 550 gallons without water in active storage. POS6 was disconnected and the waterlines were cut off. POS6 is located on APN 223-073-004-000, owned by Shadow Light Ranch, LLC.

POS ID: **POS7**
POD ID: POS7 receives water from POD5 and POS5 (via POD1)
POU ID: POU 2-6
Lat/Long: 40.09465, -123.76189
Type: Tank
Capacity (Gal): 12,000 (6,000 – Active Storage)
Water Level: 50%
Container Color: Green.
Description: POS7 (Photo 43 - 44) describes four polyethylene water tanks (Tank 9-12). The storage capacity for Tank 9 is 3,000 gallon and was approximately $\frac{1}{4}$ full. Tank 10 is a 3,000 gallon capacity tank and was full to capacity. Tank 11 is 3,000 gallon capacity tank and was approximately $\frac{1}{2}$ full. Tank 12 is 3,000 gallon capacity tank and was approximately $\frac{1}{4}$ full. The total storage capacity for POS7 is 12,000 gallons and had a total active storage volume of approximately 6,000 gallons at the time of the inspection. POS7 receives water from POD5 and POS5 (via POD1). The outlet lines of the tanks were connected at a manifold (point where lines are all connected together) at the time of the inspection. Water from POS7 is piped by gravity to POU 2-6 for cannabis irrigation. POS7 is located on APN 223-073-004-000, owned by Shadow Light Ranch, LLC.

POS ID: **POS8**
POD ID: N/A (Disconnected)
POU ID: N/A (Disconnected)
Lat/Long: 40.09378, -123.76196
Type: Tank
Capacity (Gal): 1,000 (875 – Active Storage)
Water Level: 87.5%
Container Color: Black.
Description: POS8 (Photos 45 - 46) describes two polyethylene water tanks (Tanks 13-14). The storage capacity for Tank 13 is 500 gallons and was approximately $\frac{3}{4}$ full. Tank 14 is a 500 gallon capacity tank and was full of water. The total storage capacity for POS8 is 1,000 gallons and had a total active storage volume of approximately 875 gallons at the time of inspection. POS8 was disconnected, the inlet and outlet waterlines for both tanks were cut. POS8 is located on APN 223-073-004-000, owned by Shadow Light Ranch, LLC.

POS ID: POS9
POD ID: POS9 receives water from POD3
POU ID: Residence
Lat/Long: 40.09492, -123.76334
Type: Tank
Capacity (Gal): 6,000 (6,000 – Active Storage)
Water Level: 100%
Container Color: Tank 15 is green, and Tank 16 is black.
Description: POS9 (Photo 47) describes two (100% full POS) polyethylene water tanks (Tanks 15-16). The storage capacity for Tank 15 is 2,500 gallons and was full. Tank 16 is a 3,500 gallon capacity tank and was full. The total storage capacity for POS9 is 6,000 gallons had a total active storage volume of approximately 6,000 gallons. POS9 receives water from POD3. Water from POS9 is piped by gravity to the Residence south of the property for two residents. POS9 is located on APN 223-073-005-000, owned by Shadow Light Ranch, LLC.

POS ID: POS10
POD ID: POS10 receives water from POD4 and POS1 (via POD1)
POU ID: POU 7-11
Lat/Long: 40.09814, -123.76544
Type: Tank
Capacity (Gal): 3,000 (2,500 – Active Storage)
Water Level: 83.3%
Container Color: Tank 17 is green, and Tank 18 is black.
Description: POS10 (Photo 48) describes two polyethylene water tanks (Tanks 17-18). The storage capacity for Tank 17 is 2,500 gallons and was full. Tank 18 is a 500 gallon storage tank and was empty. The total storage capacity for POS10 is 3,000 gallons and had a total active storage of approximately 2,500 gallons. POS10 receives water from POD4 and POS1 (via POD1). Water from POS10 is piped by gravity to POS11 for cannabis irrigation. POS10 is located on APN 223-073-005-000, owned by Shadow Light Ranch, LLC.

POS ID: POS11
POD ID: POS11 receives water from POS10 (via POD4 and POD1)
POU ID: POU 7-11
Lat/Long: 40.09816, -123.76575
Type: Tank
Capacity (Gal): 4,700 (4,700 – Active Storage)
Water Level: 100%
Container Color: Tanks 19-21 are green, and Tank 22 is black.
Description: POS11 (Photo 49 - 51) describes four polyethylene water tanks (Tank 19-22). The storage capacity for Tank 19 is 1,100 gallons and was full. Tank 20 is a 2,500 gallon storage tank and was full. Tank 21 and Tank 22 are 550 gallon storage

tanks and each tank was full. The total storage capacity for POS11 is 4,700 gallons had a total active storage volume of approximately 4,700 gallons. POS11 receives water from POS10 with an overflow preventive system. Water from POS11 is piped by gravity to POS15 and POU 7-10 for cannabis irrigation. POS11 is located on APN 223-073-005-000, owned by Shadow Light Ranch, LLC.

POS ID: POS12

POD ID: POS12 receives water from POD5
POU ID: POU 2-6
Lat/Long: 40.09294, -123.76908
Type: Reservoir
Capacity (Gal): 1,360,497 (776,083 – Active Storage)
Water Level: 57%
Container Color: N/A

Description: POS12/POD5 is an on-stream reservoir (Reservoir 1) located on an unnamed stream (Photo 52). The reservoir is approximately 0.6198 acres (27,000 square feet) and 16.84 feet deep. The total water storage capacity is approximately 4.1752 Acre-ft (1,360,497 Gallons). The approximate surface area of the current water level during the inspection was 0.4637 acres (20,200 square feet) and approximately 12.84 feet deep. The current active water storage volume was calculated to be approximately 2.3817 Acre-ft (776,083 Gallons) during the inspection. Reservoir 1 was in use for cannabis irrigation during the inspection. POS12/POD5 is located on APN 223-061-038-000, owned by Shadow Light Ranch, LLC.

POS ID: POS13

POD ID: POS13 receives water from POD6
POU ID: Livestock
Lat/Long: 40.09281, -123.76885
Type: Reservoir
Capacity (Gal): 490,796 (490,796 – Active Storage)
Water Level: 100%
Container Color: N/A

Description: POS13/POD6 is an on-stream reservoir (Reservoir 2) located on an unnamed stream (Photo 53). The reservoir is approximately 0.2973 acres (12950 square feet) and 12.666 feet deep. The total water storage capacity is approximately 1.5062 Acre-ft (490796.0195 Gallons). The reservoir was full during the time of inspection. Reservoir 2 is use for livestock. POS13/POD6 is located on APN 223-061-038-000, owned by Shadow Light Ranch, LLC.

POS ID: **POS14**
POD ID: POS14 receives water from POD7
POU ID: Livestock
Lat/Long: 40.09386, -123.77036
Type: Reservoir
Capacity (Gal): 21,269 (21,269 – Active Storage)
Water Level: 100%
Container Color: N/A
Description: POS14/POD7 is an on-stream reservoir (Reservoir 3) located on an unnamed stream (Photo 54). The reservoir is approximately 0.0455 acres (1980 square feet) and 3.59 feet deep. The total water storage capacity is approximately 0.0653 Acre-ft (21269 Gallons). The reservoir was full during the time of inspection. Reservoir 3 is used for livestock. POS14/POD7 is located on APN 223-061-038-000, owned by Shadow Light Ranch, LLC.

POS ID: **POS15**
POD ID: POS15 receives water from POS11 (via POD4 and POD1)
POU ID: POU11
Lat/Long: 40.1007, -123.77623
Type: Tank
Capacity (Gal): 3,050 (2,500 – Active Storage)
Water Level: 82%
Container Color: Green.
Description: POS15 (Photos 55 - 56) describes two polyethylene water tanks (Tanks 23-24). The storage capacity for Tank 23 is 2,500 gallons and was full. Tank 24 is a 550 gallon capacity tank and was empty. The total storage capacity for POS15 is 3,050 gallons and had a total active storage volume of approximately 2,500 gallons. POS15 receives water from POS11. Water from POS15 is piped by gravity to POU11 for cannabis irrigation. POS15 is located on APN 223-061-043-000, owned by Shadow Light Ranch, LLC.

Place of Use (POU) Information

POU ID: **POU1**
POD ID: POD1
POS ID: POS5
Lat/Long: 40.09558, -123.76205
Type: Outdoor
Size (Sq. ft.): 7,200
Description: POU1 (Photo 57) is an outdoor cannabis cultivation area composed of one outdoor grow (OG 1). The total cannabis cultivation size was 7,200 sq. ft., with 112 plant pots with no cannabis plants observed at POU1 at the time of inspection.

POU1 receives water from POS5 (via POD1) for cannabis irrigation. POU1 is located on APN 223-073-004-000, owned by Shadow Light Ranch, LLC.

POU ID: POU2
POD ID: POD1 and POD5
POS ID: POS7
Lat/Long: 40.09326, -123.76237
Type: Greenhouse
Size (Sq. ft.): 20,680
Description: POU2 (Photos 58 - 59) are cannabis greenhouse structures for cannabis cultivation that is composed of 19 greenhouse structures (GH 1-19). The cannabis cultivation size for GH 1 is approximately 730 sq. ft. (measured approximately 10 feet by 73 feet) and it contained approximately 195 plants. GH 2 is approximately 750 sq. ft. (measured approximately 10 feet by 75 feet) and it contained approximately 230 plants. GH 3 is approximately 820 sq. ft. (measured approximately 10 feet by 82 feet) and it contained approximately 255 plants, GH 4 is approximately 1,130 sq. ft. (measured approximately 10 feet by 113 feet) and it contained approximately 290 plants. GH 5-19 are approximately 1,150 sq. ft. for each greenhouse (measured approximately 10 feet by 115 feet) and each contained approximately 300 plants. The total cannabis cultivation greenhouse areas is approximately 20,680 sq. ft. with a total amount cannabis plant count of 5,470 plants at the time of inspection. POU2 receives water from POS7 (via POD1 and POD5) for cannabis irrigation. POU2 is located on APN 223-073-004-000 and 223-073-005-000, owned by Shadow Light Ranch, LLC.

POU ID: POU3
POD ID: POD1 and POD5
POS ID: POS7
POD ID: POS7
Lat/Long: 40.09295, -123.7621
Type: Greenhouse
Size (Sq. ft.): 6,210
Description: POU3 (Photo 60) are cannabis cultivation greenhouses composed of two greenhouse structures (GH 20-21). The cannabis cultivation size for GH 20-21 is approximately 6,210 sq. ft. (measured approximately 54 feet by 115 feet) and each greenhouse contained approximately 504 plants each. The total cannabis cultivation size area is approximately 6,210 sq. ft. with a total cannabis plant count of 1008 plants at the time of inspection. POU3 receives water from POS7 (via POD1 and POD5) for cannabis irrigation. POU3 is located on APN 223-073-004-000, owned by Shadow Light Ranch, LLC.

POU ID: POU4

POD ID: POD1 and POD5

POS ID: POS7

Lat/Long: 40.09341, -123.76271

Type: Outdoor

Size (Sq. ft.): 2,700

Description: POU4 (Photo 61) is a cannabis cultivation area composed of one outdoor grow (OG 2). The total cannabis cultivation size is 2,700 sq. ft. with a total cannabis plant count of 28 plants at the time of inspection. POU4 receives water from POS7 (via POD1 and POD5) for cannabis irrigation. POU4 is located on APN 223-073-005-000, owned by Shadow Light Ranch, LLC.

POU ID: POU5

POD ID: POD1 and POD5

POS ID: POS7

Lat/Long: 40.09302, -123.76265

Type: Outdoor

Size (Sq. ft.): 1,400

Description: POU5 (Photos 62 - 63) is a cannabis cultivation area composed of one outdoor grow (OG 3). The total cannabis cultivation area is 1,400 sq. ft. with a total cannabis plant count of 26 plants at the time of inspection. POU5 receives water from POS7 (via POD1 and POD5) for cannabis irrigation. POU5 is located on APN 223-073-005-000, owned by Shadow Light Ranch, LLC.

POU ID: POU6

POD ID: POD1 and POD5

POS ID: POS7

Lat/Long: 40.09271, -123.76187

Type: Outdoor

Size (Sq. ft.): 6,785

Description: POU6 (Photos 64 - 65) is a cannabis cultivation area composed of one outdoor grow (OG 4). The total cannabis cultivation area is 6,785 sq. ft. with a total cannabis plant count of 140 plants at the time of inspection. POU6 receives water from POS7 (via POD1 and POD5) for cannabis irrigation. POU6 is located on APN 223-073-004-000, owned by Shadow Light Ranch, LLC.

POU ID: POU7

POD ID: POD1 and POD4

POS ID: POS11

Lat/Long: 40.09779, -123.76644

Type: Outdoor

Size (Sq. ft.): 5,265

Description: POU7 (Photos 66 - 67) is a cannabis cultivation area composed of one outdoor grow (OG 5). The total cannabis cultivation area is 5,265 sq. ft. with a total cannabis plant count of 95 plants at the time of inspection. POU7 receives water from POS11 (via POD1 and POD4) for cannabis irrigation. POU7 is located on APN 223-073-005-000, owned by Shadow Light Ranch, LLC.

POU ID: POU8

POD ID: POD1 and POD4

POS ID: POS11

Lat/Long: 40.09634, -123.76603

Type: Outdoor

Size (Sq. ft.): 13,300

Description: POU8 (Photos 68 - 69) is a cannabis cultivation area composed of one outdoor grow (OG 6). The total cannabis cultivation area is 13,300 sq. ft. with a total cannabis plant count of 250 plants at the time of inspection. POU8 receives water from POS11 (via POD1 and POD4) for cannabis irrigation. POU8 is located on APN 223-073-005-000, owned by Shadow Light Ranch, LLC.

POU ID: POU9

POD ID: POD1 and POD4

POS ID: POS11

Lat/Long: 40.09699, -123.76715

Type: Outdoor

Size (Sq. ft.): 3,920

Description: POU9 (Photos 70 - 71) are cannabis cultivation areas composed of one outdoor grow (OG 7). The total cannabis cultivation area is 3,920 sq. ft. with a total cannabis plant count of 78 plants at the time of inspection. POU9 receives water from POS11 (via POD1 and POD4) for cannabis irrigation. POU9 is located on APN 223-073-005-000, owned by Shadow Light Ranch, LLC.

POU ID: **POU10**
POD ID: POD1 and POD4
POS ID: POS11
Lat/Long: 40.09701, -123.76731
Type: Greenhouse
Size (Sq. ft.): 5,150
Description: POU10 (Photos 72 - 74) are cannabis cultivation greenhouses composed of two greenhouse structures (GH 22-23). The cannabis cultivation greenhouse area for GH 22-23 is approximately 2,575 sq. ft. for each greenhouse (measured approximately 25 feet by 103 feet) with each greenhouse containing approximately 400 plants each. The total cannabis cultivation greenhouse areas for both GH 22-23 is approximately 5,150 sq. ft. with a total cannabis plant count of 800 plants at the time of inspection. POU10 receives water from POS11 (via POD1 and POD4) for cannabis irrigation. POU10 is located on APN 223-073-005-000, owned by Shadow Light Ranch, LLC.

POU ID: **POU11**
POD ID: POD1 and POD4
POS ID: POS15
Lat/Long: 40.09971, -123.77663
Type: Outdoor
Size (Sq. ft.): 3,000
Description: POU11 (Photo 75) is a cannabis cultivation area composed of one outdoor grow (OG 8). The total cannabis cultivation area is 3,000 sq. ft., with 91 plant pots with no cannabis plants at the time of inspection. POU11 receives water from POS15 (via POD1 and POD4) for cannabis irrigation. POU11 is located on APN 223-061-043-000, owned by Shadow Light Ranch, LLC.

Violations and Corrective Actions

The information below describes the alleged WC violations committed by the Owner and the corrective actions necessary to bring the cannabis cultivation activities into compliance with the WC and the State Water Board's Cannabis Policy requirements. Division staff's observations were made during the inspection on June 17, 2020.

On June 17, 2020, Division staff observed and documented seven surface water diversions and approximately 7,895 cannabis plants growing during the June 17, 2020 inspection of the Property.

Prior to the inspection and, as of August 13, 2020, the Owner does not have an appropriative water right on file with the Division that would authorize the diversion or use of water for cannabis cultivation.

Violation: WC section 5101 - Failure to File a Statement of Water Diversion and Use (Statement)

No. of Violations: 1

Description:

The Owner is alleged to be in violation of WC section 5101, which requires the following: *Each Person who, after December 31, 1965, diverts water shall file with the board, prior to July 1 of the succeeding year, a statement of his or her diversion and use...*

As described in WC 5107(c) and 5107 (d), the State Water Board may administratively impose a civil liability in the amount of \$1,000 for the failure to file a Statement for each point of diversion, plus \$500 per day for each additional day on which the violation continues if the person fails to file a Statement within 30-days after the State Water Board has called the violation to the attention of that person. (WC § 5107 (c)(1).)

LandVision records for Humboldt County Assessor's Office parcel ownership identifies that Shadow Light Ranch, LLC purchased the Property on August 21, 2016. POD7 diverts from a surface water source that is subject to the State Water Board's jurisdiction and was identified by Division staff during the inspection to be the source of water for livestock on the Property. The State Water Board does not have an Initial Statement of Water Diversion and Use (Initial Statement) on file for POD7 as of August 13, 2020.

A Google Earth Pro aerial imagery dated June 12, 1993 shows POD7/POS14 (Reservoir 3, Small Pond) was constructed in sometime in 1993, and has diverted since 1993. Failure to file Initial Statements for POD7 constitutes a violation for the failure to file an Initial Statement pursuant to WC 5101.

Corrective Action:

An Initial Statement must be filed for all points of water diversion on the Property including but not limited to POD7. You currently have one outstanding Initial Statement filing violation for POD7 and must immediately file all your Initial Statements for all PODs on the property. Information for filing Initial Statements can be found at the website link provided below under Compliance Assistance References.

Violation: WC section 1052 – Unauthorized Diversion or Use of Water

No. of Violations: 1

Description:

The Owner is alleged to be in violation of WC section 1052, which states: The diversion or use of water subject to this division other than as authorized in this division is a trespass.

Any unauthorized diversion or use of water constitutes a trespass against the State for which the State Water Board may impose a civil liability in an amount not to exceed \$500 for each day that a trespass occurs (WC § 1052).

POD 5-7 / POS 12-14 diverts water from an unnamed stream, which are tributary to South Fork Eel River. POD 5-7 are located on Humboldt County Parcel Assessor Number (APN) 223-061-038-000 owned by Shadow Light Ranch, LLC. POD5/POS12, POD6/POS13, and POD7/POS14 are onstream reservoirs that divert surface water from an unnamed stream that have defined bed and banks upstream and downstream from the point of diversion. On June 17, 2020, Division staff observed that POD5/POS12, POD6/POS13, and POD7/POS14 are seasonally storing water for irrigation of cannabis cultivation and livestock. POD5/POS12, POD6/POS13, and POD7/POS14 requires an appropriate water right issued by the State Water Board. POD5/POS12, POD6/POS13, and POD7/POS14 are unauthorized diversions and use of water and constitute a trespass in violation of WC section 1052.

Corrective Action:

The diversion of water without an existing water right for cannabis irrigation is an unauthorized diversion and use of water pursuant to WC section 1052. Based on staff findings, you are required to correct this violation within 30-days from the date of this inspection notice. You currently have an outstanding unauthorized diversion and use of water occurring at POD5/POS12, POD6/POS13, and POD7/POS14. You must immediately take either corrective action 1, 2, or 3 listed below:

- 1) You must provide evidence satisfactory to the State Water Board that demonstrates water diverted at POD5/POS12, POD6/POS13, and POD7/POS14 are not seasonally storing water for irrigation of cannabis cultivation and livestock, or can be operated without storing water subject to the State Water Board's permitting authority. You can submit your supporting documentation through the State Water Board's Cannabis Compliance Response Portal described at the end of this report; **OR**
- 2) If you prefer to remove POD 5-7 and render POD 5-7 incapable of diverting and seasonally storing water, you must first consult with the Regional Water Quality Control Board (Regional Water Board) and the Department of Fish and Wildlife (CDFW) to assess the potential impact of removing or retaining your onstream diversion dam. You may need to obtain a 401 Certification from the Regional Water Board for the instream work to remove the dam and a Lake and Streambed Alteration Agreement (LSAA) from CDFW before you can begin any work on the removal of POD 5-7. Please notify the State Water Board by upload copies of your 401 Certification and/or your LSAA to the Division of Water Rights Cannabis Compliance Response Portal referenced at the end of this report. **OR**
- 3) You must file for a Cannabis Small Irrigation Use Registration (SIUR) or submit a standard water right application to the State Water Board. Please note that you cannot continue to divert water from POD5/POS12, POD6/POS13, and POD7/POS14 for cannabis cultivation and livestock uses or seasonally store water for later use until you have been issued a Cannabis Small Irrigation Use

Registration or obtained an appropriative water right permit POD5-7 If you obtain a SIUR or Permit to cover your diversions of water from POD 5-7 and continue to use water for the purpose of cannabis cultivation, you must to comply with all the terms and conditions of the Cannabis Cultivation Policy.

The following are alleged violations of a Principle, Guideline, or Requirement of the State Water Board's Cannabis Policy, Attachment A, pursuant to WC section 13149.

Violation: Cannabis Cultivation Policy, Section 2, Term 69 - Diversion of surface water not in accordance with an existing water right

No. of Violations: 1

Description:

The Owner is alleged to have violated Term 69 of Section 2 of the Cannabis Policy, which states: *Cannabis cultivators shall not divert surface water unless it is diverted in accordance with an existing water right that specifies, as appropriate, the source, location of the point of diversion, purpose of use, place of use, and quantity and season of diversion. Cannabis cultivators shall maintain documentation of the water right at the cannabis cultivation site. Documentation of the water right shall be available for review and inspection by the Water Boards, CDFW, and any other authorized representatives of the Water Boards or CDFW.*

WC section 1847, subdivision (a), provides that any person or entity committing a violation of the above referenced requirement may be liable in an amount not to exceed the sum of five hundred dollars (\$500), plus two hundred fifty dollars (\$250) for each additional day on which the violation continues if the person fails to correct the violation within 30 days after the board has called the violation to the attention of that person, plus two thousand five hundred dollars (\$2,500) for each acre-foot of water diverted or used in violation of the applicable requirement.

POD5/POS12 is an onstream reservoir that diverts water subject to the State Water Board's permitting authority. Water diverted at POD5/POS12 is seasonally stored for later use and requires an appropriative water right issued by the State Water Board. Division staff observed water in the reservoir on November 2, 2017, May 10, 2018, and June 17, 2020. Water from upstream was not flowing during the time of the inspection. During the July 2020 inspection, POD5/POS12 was approximately 57% full of its total storage capacity and was not spilling water downstream. Water diverted at POD5/POS12 is used for cannabis irrigation. The seasonal storage of water in POD5/POS12 constitutes a violation of Term 69 of Section 2 of the Cannabis Policy.

Corrective Action: You should within 30-days from the date of this inspection notice take either corrective listed below:

- 1) You must provide evidence satisfactory to the State Water Board that demonstrates water diverted at POD5/POS12 is not seasonally storing water, or can be operated without storing water subject to the State Water Board's

permitting authority. You can submit your supporting documentation through the State Water Board's Cannabis Compliance Response Portal described at the end of this report; **or**

- 2) You must remove POD5/POS12's dam and render the diversion incapable of diverting water. If you choose this option to remove POD5/POS12, you must contact the Regional Water Board and the Department of Fish and Wildlife (CDFW) to assess the potential impact of removing or retaining your dam. You may need to obtain a 401 Certification from the Regional Water Board for the instream work to remove the dam and a Lake and Streambed Alteration Agreement (LSAA) from CDFW before you can begin any work on your dam. Please notify the State Water Board and upload copies of your 401 Certification and/or your LSAA to the State Water Board's Cannabis Compliance Response Portal referenced at the end of this report; **or**
- 3) You must file for a Cannabis Small Irrigation Use Registration or submit a standard water right application to the State Water Board. Please note that you cannot continue to divert water to POD5/POS12 for cannabis cultivation uses until you have been issued a Cannabis Small Irrigation Use Registration or obtained an appropriate water right permit that allows cannabis cultivation. If you choose this option, you must also request a reservoir determination by the State Water Board and Department of Fish and Wildlife.

Violation: Cannabis Cultivation Policy, Section 2, Term 82 - Failure to Install Water Measuring Device or Maintain Diversion Records

No. of Violations: 1

Description:

The Owner is alleged to have violated Term 82 of Section 2 of the Cannabis Policy, which states: *The cannabis cultivator shall install and maintain a measuring device(s) for surface water or subterranean stream diversions. The measuring device shall be, at a minimum equivalent to the requirements for direct diversions greater than 10 acre-feet per year in California Code of Regulations, Title 23, Division 3, Chapter 2.7 and Chapter 2.8. The measuring device(s) shall be located as close to the point of diversion as reasonable. Cannabis cultivators shall maintain daily diversion records for water diverted for cannabis cultivation. Cannabis cultivators shall maintain separate records that document the amount of water used for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other beneficial uses of water (e.g., domestic, fire protection, etc.). Cannabis cultivators shall maintain daily diversion records at the cultivation site and shall make the records available for review or by request by the Water Boards, CDFW, or any other authorized representatives of the Water Boards or CDFW. Daily diversion records shall be retained for a minimum of five years. Compliance with this term is required for any surface water diversion for cannabis cultivation, even those under 10 acre-feet per year.*

WC section 1847, subdivision (a), provides that any person or entity committing a violation of the above referenced requirement may be liable in an amount not to exceed the sum of five hundred dollars (\$500), plus two hundred fifty dollars (\$250) for each additional day on which the violation continues if the person fails to correct the violation within 30 days after the board has called the violation to the attention of that person, plus two thousand five hundred dollars (\$2,500) for each acre-foot of water diverted or used in violation of the applicable requirement.

POD4 is a water diversion that is used to irrigate cannabis. During the site inspection, no water metering device was observed on or near POD4. A water measuring device is required for each POD to measure the amount of water diverted for cannabis cultivation. Daily diversion records shall be maintained for each POD and shall make these records available upon request by the State Water Board. The failure to install and maintain the required number of measuring device at POD4 constitutes a violation of Term 82 of Section 2 of the Cannabis Policy.

Corrective Action:

You should within 30-days from the date of this inspection notice take either corrective action 1 and 2, or 3 to comply with the Cannabis Policy's measuring device requirements for POD4 to quantify all water diverted on the Property from POD4:

- 1) You shall provide your daily diversion records for water used for cannabis cultivation separate records that document the amount of water used for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other beneficial uses of water (e.g., domestic, fire protection, etc.) **AND**
- 2) You must install measuring device on POD4 and/or water conveyance lines connected to the diversions listed in this report; **OR**
- 3) You must cease your water diversion for cannabis cultivation.

You must also submit photographic proof and/or other documentation that supports your corrective actions taken whether you choose compliance option 1 and 2, or 3. You can submit your documents through the State Water Board's Cannabis Compliance Response Portal referenced at the end of this report.

Violation: Cannabis Cultivation Policy, Section 2, Term 83 - Failure to install onstream reservoir water measuring device or maintain diversion records

No. of Violations: 1

Description:

The Owner is alleged to have violated Term 83 of Section 2 of the Cannabis Policy, which states: *Cannabis cultivators with onstream reservoirs shall install and maintain a measuring device capable of meeting the requirements below to monitor and record the*

rate of diversion, the rate of collection to storage, the rate of withdrawal or release from storage, and the total volume of water collected in the onstream reservoir.

- A. The measurement device (e.g., water level sensor and area-capacity curve) shall be certified to measure the total volume of water diverted or stored accurate to within ± 10 percent by volume based on periodic testing of the installed device.*
- B. The measurement device shall be capable of recording the date, time, and volume of water diverted at an hourly or more frequent basis, year-round.*
- C. The measurement device shall be installed and calibrated by a Qualified Professional. This includes the development of any area-capacity curve used to convert water elevation to volume. Cannabis cultivators shall submit a description of the type of measurement device, evidence of proper installation and operation of the device, and the area-capacity curve to the Deputy Director (or designee) for review and approval within two years of the date the Cannabis SIUR is issued.*
- D. To assess continued accuracy of depth readings recorded by the measurement device, a staff gage shall also be installed in the same pond or reservoir as the measurement device and manual depth readings from the staff gage and the date and time of the depth readings shall be recorded monthly, at a minimum. The area-capacity curve shall be reassessed if requested by the Deputy Director (or designee).*
- E. Cannabis cultivators shall maintain hourly depth and volume records from the measurement device and area-capacity curves at the cultivation site and shall make the records available for review upon request by staff from the Water Boards or CDFW.*
- F. Depth and volume records and area-capacity curves shall be retained for a minimum of five years.*

WC section 1847, subdivision (a), provides that any person or entity committing a violation of the above referenced requirement may be liable in an amount not to exceed the sum of five hundred dollars (\$500), plus two hundred fifty dollars (\$250) for each additional day on which the violation continues if the person fails to correct the violation within 30 days after the board has called the violation to the attention of that person, plus two thousand five hundred dollars (\$2,500) for each acre-foot of water diverted or used in violation of the applicable requirement.

POD5/POS12 is an onstream reservoir documented by Division staff during the November 2, 2017, May 10, 2018, and June 17, 2020 inspections. During these inspections, Division staff did not observe a measuring device installed for POD5/POS12. Failure to install and maintain a measuring device for the onstream reservoir at POD5/POS12 constitutes a violation of Term 83 of Section 2 of the Cannabis Policy.

Corrective Action:

You should within 30-days from the date of this inspection notice take either corrective action 1, 2, or 3 to comply with the Cannabis Policy's onstream reservoir measuring device requirements for POD5/POS12:

- 1) You must install and maintain a measuring device capable of meeting the device requirements (listed in the Cannabis Policy's Term 83, a-f) to monitor and record the rate of diversion, the rate of collection to storage, the rate of withdrawal or release from storage, and the total volume of water collected in the onstream reservoir; **or**

- 2) You must remove POD5/POS12's dam and render your reservoir incapable of diverting water at POD5/POS12 for cannabis cultivation. If you choose to remove your dam, you must consult with the Regional Water Board and CDFW prior to starting any dam removal process. You may need to obtain a 401 Certification from the Regional Water Board for the instream work to remove the dam and a Lake and Streambed Alteration Agreement (LSAA) from CDFW before you can begin any work on your dam. Please notify the Division and upload copies of your 401 Certification and/or your LSAA to the State Water Board; **or**

You must cease your diversions of water for cannabis cultivation. You must also submit photographic proof and/or other documentation that supports your corrective actions taken whether you choose compliance option 1, 2, or 3. You can submit your documents through the State Water Board's Cannabis Compliance Response Portal referenced at the end of this report.

Right to Further Enforcement

The State Water Board retains the authority and discretion to take an enforcement action based on the facts and allegations contained herein and may initiate enforcement action without further notice. Failure to immediately take all the recommended actions described above or otherwise submit a response indicating any course of action you intend to take and include an implementation plan with a schedule may result in increased penalties. The State Water Board may consider any corrective actions taken and any statements provided will be verified in the upcoming season.

Compliance Assistance References

The references below provide additional information related to the Cannabis Policy's requirements and the Division of Water Rights programs.

Cannabis Policy Document:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf

General Water Right information:

<https://www.waterboards.ca.gov/waterrights/>

Apply for Cannabis- Small Irrigation User Registration:

<https://public2.waterboards.ca.gov/cgo>

Statement of Water Diversion and Use Program:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/

Water Rights Registrations Information:

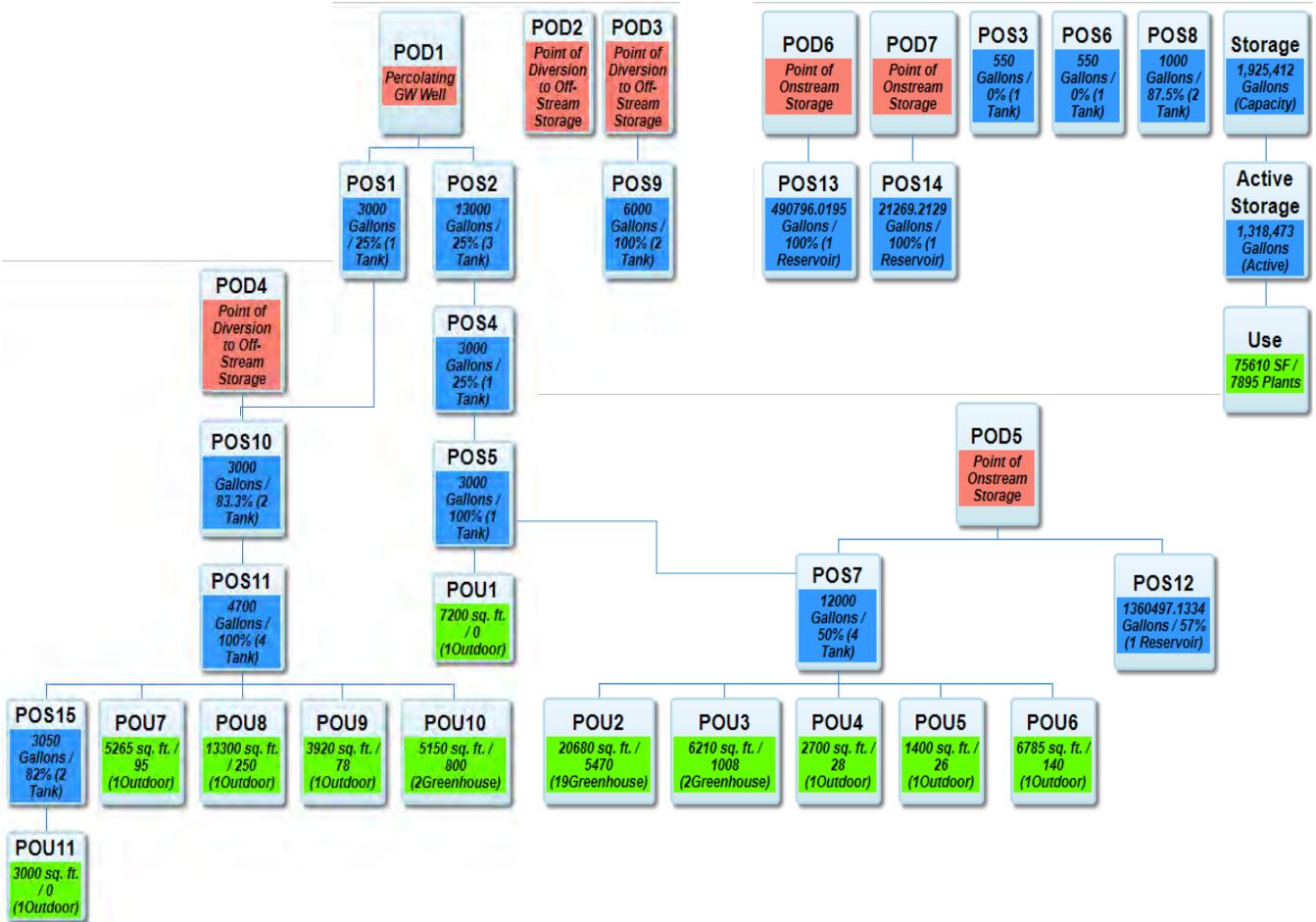
https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/

Cannabis Compliance Response Portal: The Portal allows individuals to provide information in response to the violations alleged in this report and potentially avoid additional monetary penalties for continued non-compliance. To submit a response please follow the steps below.

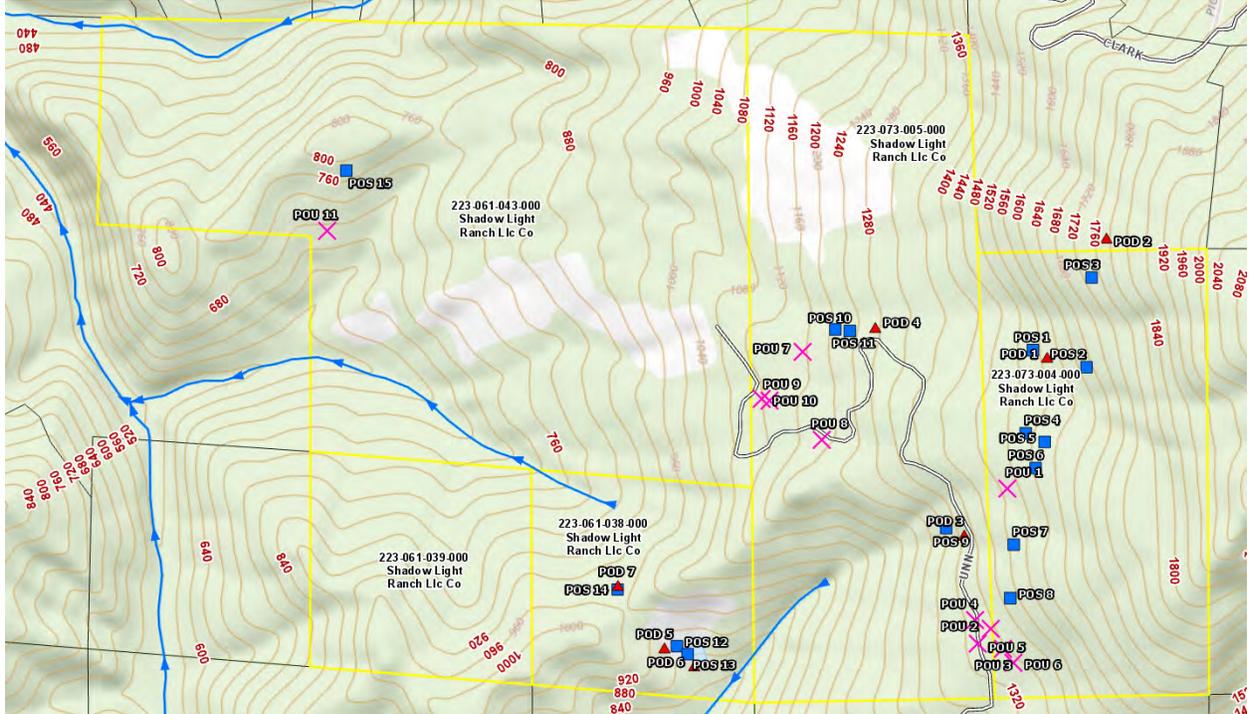
1. Go to the State Water Board's Cannabis Cultivation Programs Portal at:
<https://public2.waterboards.ca.gov/CGO/>
2. Register or login to your account
3. Under survey Click "New" for the "Division of Water Rights Cannabis Compliance Response Portal"
4. When you fill out your response use the Assessor Parcel Number listed in this report.
5. Additionally, in your response use the Investigation ID: **11943**

Failure to include information may prevent the State Water Board from processing your response and may lead to additional monetary penalties. Need Help? Contact us at 916-341-5362 or email at dwr.cannabisenforcement@waterboards.ca.gov

Shadow Light Ranch, LLC Water Diversion and Use Diagram



Shadow Light Ranch, LLC
Humboldt County Assessor's Parcel Number (APN) 223-061-038-000, 223-061-043-000, 223-073-004-000, 223-073-005-000
06/17/2020 9:00 AM Inspection Map & Photos



National Agriculture Imagery Program, Humboldt County, 2018 Aerial Imagery

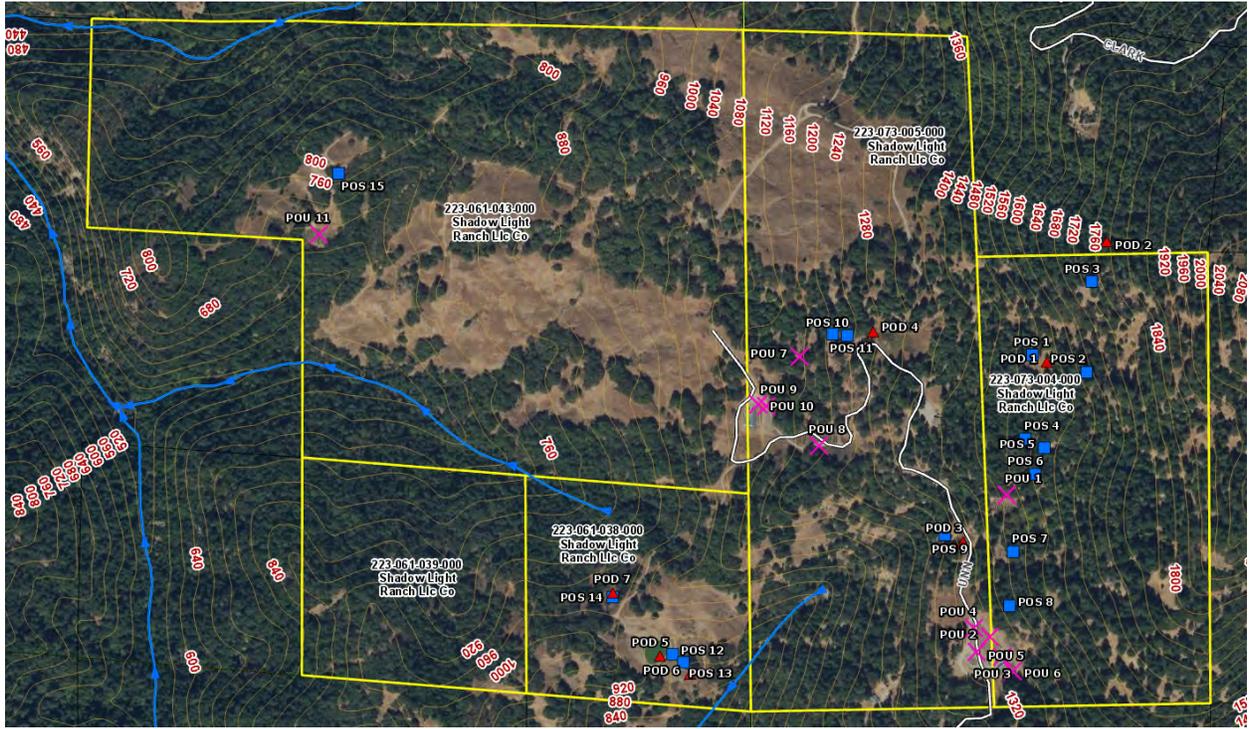




Photo 1 (POD1): Percolating GW Well - Groundwater well house.



Photo 2 (POD1): Percolating GW Well - Close view of groundwater well.



Photo 3 (POD1): Percolating GW Well - waterlines outlet of groundwater well.



Photo 4 (POD1): Percolating GW Well - Groundwater well house and generator.



Photo 5 (POD1): Percolating GW Well - Generator and electrical panel.



Photo 6 (POD2): Point of Diversion to Off-Stream Storage - Unnamed stream diversion.



Photo 7 (POD2): Point of Diversion to Off-Stream Storage - Upstream of POD.



Photo 8 (POD2): Point of Diversion to Off-Stream Storage - Downstream of POD.



Photo 9 (POD2): Point of Diversion to Off-Stream Storage - Downstream channel.



Photo 10 (POD3): Point of Diversion to Off-Stream Storage - Upstream of POD.



Photo 11 (POD3): Point of Diversion to Off-Stream Storage - Downstream of POD.



Photo 12 (POD3): Point of Diversion to Off-Stream Storage - Inside view of cistern.



Photo 13 (POD4): Point of Diversion to Off-Stream Storage - Downstream channel.



Photo 14 (POD4): Point of Diversion to Off-Stream Storage - Cistern diversion.



Photo 15 (POD4): Point of Diversion to Off-Stream Storage - Upstream of POD.



Photo 16 (POD4): Point of Diversion to Off-Stream Storage - Downstream of POD.



Photo 17 (POD5): Point of Onstream Storage - Upper Pond.



Photo 18 (POD5): Point of Onstream Storage - Upstream of POD.



Photo 19 (POD5): Point of Onstream Storage - Impoundment.



Photo 20 (POD5): Point of Onstream Storage - Downstream of POD.



Photo 21 (POD5): Point of Onstream Storage - Top crest of dam.



Photo 22 (POD6): Point of Onstream Storage - Reservoir 2 (Lower Pond) and upstream of POD.



Photo 23 (POD6): Point of Onstream Storage - Upstream of POD.



Photo 24 (POD6): Point of Onstream Storage - Downstream of POD.



Photo 25 (POD6): Point of Onstream Storage - Impoundment.



Photo 26 (POD7): Point of Onstream Storage - Reservoir 3.



Photo 27 (POD7): Point of Onstream Storage - Downstream of POD.



Photo 28 (POD7): Point of Onstream Storage - Upstream of POD.



Photo 29 (POD7): Point of Onstream Storage - Impoundment.



Photo 30 (POS1): Tank 1.



Photo 31 (POS1): Tank 1 inlet and outlet.



Photo 32 (POS2): Tank 2-4.



Photo 33 (POS2): Tank 2-4 - Top view of tanks.



Photo 34 (POS2): Tank 2-4 outlet connection.



Photo 35 (POS2): Tank 2-4 - Back of tanks inlets.



Photo 36 (POS3): Tank 5.



Photo 37 (POS3): Tank 5 - Inside of tank, overflow shut off device.



Photo 38 (POS4): Tank 6.



Photo 39 (POS5): Tank 7.



Photo 40 (POS5): Tank 7 - Outflow waterline.



Photo 41 (POS6): Tank 8 - Back view.



Photo 42 (POS6): Front view of Tank 8.



Photo 43 (POS7): Tank 9-12.



Photo 44 (POS7): Water meter coming from Upper Pond.



Photo 45 (POS8): Tank 13.



Photo 46 (POS8): Tank 14.



Photo 47 (POS9): Tank 15-16.



Photo 48 (POS10): Tank 17.



Photo 49 (POS11): Tank 19 on top and Tank 20-22 on the bottom.



Photo 50 (POS11): Tank 20-22.



Photo 51 (POS11): Overflow valve prevention system.



Photo 52 (POS12): Reservoir 1 - Upper Pond.



Photo 53 (POS13): Reservoir 2 - Lower Pond.



Photo 54 (POS14): Reservoir 3 - Small Pond.



Photo 55 (POS15): Tank 23-24.



Photo 56 (POS15): Inlet connection.



Photo 57 (POU1): OG 1.



Photo 58 (POU2): GH 12-19.



Photo 59 (POU2): GH 1-11.



Photo 60 (POU3): GH 20-21.



Photo 61 (POU4): OG 2.



Photo 62 (POU5): OG 3 facing South.



Photo 63 (POU5): OG 3 facing North.



Photo 64 (POU6): OG 4 facing West.



Photo 65 (POU6): OG 4 facing South.



Photo 66 (POU7): OG 5.



Photo 67 (POU7): Other half of OG 5.



Photo 68 (POU8): Part of OG 6.



Photo 69 (POU8): Side road and OG 6.



Photo 70 (POU9): OG 7 and greenhouse beside.



Photo 71 (POU9): OG 7.



Photo 72 (POU10): GH 22-23



Photo 73 (POU10): GH 22.



Photo 74 (POU10): GH 23.



Photo 75 (POU11): OG 8.