

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT

In the Matter of Alleged Water Code Violations.

Agustin Antonio Merodio and Juan Merodio
In
Lake County
On
APN: 122-251-010-000

AGUSTIN ANTONIO MERODIO AND JUAN MERODIO (HEREINAFTER REFERRED TO AS “DIVERTERS”) ARE HEREBY GIVEN NOTICE THAT:

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) alleges that the DiverTERS committed the violations described below, which relate to the diversion and use of water for cannabis cultivation activities on Lake County Assessor Parcel Number (APN) 122-251-010-000 (hereinafter the Property).
2. Based on these allegations, the Division seeks an Administrative Civil Liability Order against the DiverTERS imposing liability in the total amount of twenty-nine thousand five hundred dollar (\$29,500).
3. The State Water Board or the State Water Board's Administrative Hearings Office may impose civil liability (i.e. monetary fines) for these violations through the administrative process described below.

The DiverTERS have the right to request a hearing on these allegations but must do so in writing within 20 days from the date the DiverTERS receive this Complaint, or else that right is waived. Please see the specific directions for submitting hearing requests in the “Right to Hearing” section at the end of this Complaint.

SUMMARY OF ALLEGED VIOLATIONS

4. **Violation 1:** Failure to file a Statement of Water Diversion and Use (Statement) for one (1) point of diversion as required by Water Code, section 5101.
5. **Violation 2:** Unauthorized diversion or use of water in violation of Water Code, section 1052.

6. **Violations 3-9:** Seven (7) violations of term requirements of the *Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation* (Cannabis Cultivation Policy)¹.
7. **Violation 10:** Diverting and using water for cannabis cultivation without the necessary license issued by the Department of Cannabis Control (DCC) in violation of Water Code, section 1847 subd. (b)(4).

BACKGROUND AND FACTUAL BASIS

8. Property Ownership:
According to records from Lake County Recorder's Office, the Diverters acquired the Property on November 24, 2003, and owned the Property at all times relevant to the violations alleged in this Complaint.
9. Watershed Information:
The Property is located within the Rocky Creek-Cache Creek Watershed (HUC12 180201160604), which is a tributary of Cache Creek. Cache Creek is a fully appropriated stream system (FASS)². The FASS designation includes the main stem of Cache Creek from the confluence with the Yolo Bypass upstream to the confluence with the Sacramento River, including all of their tributaries. The FASS designation determines that there is no water available for new appropriation from April 15 to October 31. The Division's Cannabis Enforcement Section (CES) and the Central Valley Regional Water Quality Control Board designated Cache Creek as a priority watershed based on the density of existing cannabis cultivation, high public trust resource value such as aquatic habitat, federal and state Endangered Species Act(s) listed anadromous endangered species, and federal Clean Water Act section 303d listed impaired watershed for boron, mercury and unknown toxicity.
10. Inspection Basis:
On or around April 27, 2022, the Division received notification from the Lake County Sheriff's Office about a search warrant inspection of the Property.
11. Water Rights Records Review:
Around April 27, 2022, prior to the inspection, and subsequent to the inspection on May 27, 2022, August 10, 2023, February 5, 2024, August 19, 2024, and December 5, 2024, Division staff reviewed the available State Water Board water rights records in the electronic Water Rights Information Management System (eWRIMS), and found the following:

¹ On October 17, 2017 the State Water Board approved Resolution No. 2017-0063 adopting the Cannabis Cultivation Policy. On February 5, 2019, the State Water Board approved Resolution No. 2019-0007 updating the Cannabis Cultivation Policy. The Office of Administrative Law approved both version of the Cannabis Cultivation Policy on December 18, 2017 and April 16, 2019, respectively.

² Water Resources Control Board Order 98-08 (WR Order 98-08:

https://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/orders/1998/wro98-08.pdf

- a. No statements have been submitted for the diversion and beneficial use of water on the Property.
- b. As of February 19, 2025, the Property does not have any Statement, water right permit, license, or registration on file or pending review with the State Water Board.

12. Well Records Review:

On or around April 27, 2022, Division staff reviewed the Department of Water Resources' database of Well Completion Reports and found no record of a well on the Property. Division staff did not observe any wells on the Property during the April 29, 2022, inspection.

13. Aerial Imagery Review:

On April 27, 2022, May 26, 2022, and August 14, 2023, Division staff reviewed aerial imagery and observed the following:

- a. Google Earth aerial imagery dated June 11, 2005, November 22, 2005, May 16, 2006, March 15, 2008, May 24, 2009, March 6, 2010, August 7, 2015, March 17, 2016, August 22, 2016, May 21, 2017, June 26, 2018, February 18, 2023, March 3, 2023, October 3, 2023, July 9, 2024, show water storage at the onstream reservoir the Division designated as Point of Diversion (POD) POD1 and a Point of Storage (POS) POS2, referred to as POD1/POS2, in each aerial image.
- b. Google Earth aerial imagery dated, November 2, 2010, October 11, 2011, February 24, 2012, July 10, 2013, July 7, 2019, August 24, 2019, September 2, 2020, April 18, 2021, shows cannabis cultivation infrastructure on the Property and water held in storage in POD1/POS2.
- c. LandVision aerial imagery dated April 18, 2021, shows cannabis cultivation infrastructure, such as graded areas with greenhouses, soil pots, and water storage tanks in the same locations the Division observed and documented cannabis cultivation activities occurring during the April 29, 2022 inspection.
- d. LandVision aerial imagery dated February 18, 2023, March 3, 2023, October 3, 2023, July 9, 2024, show no active cannabis cultivation and POD1/POS2 with water storage.
- e. Google Earth aerial imagery from September 2, 2020, show the water level in POD1/POS2 as nearly empty with very little water left in the onstream storage. Google Earth aerial imagery dated April 18, 2021, and LandVision aerial imagery from February 18, 2023, March 3, 2023, and July 9, 2024 consistently shows the water storage in POD1/POS2 to be near full or full.

14. Department of Cannabis Control License Records Review:

On or around April 28, 2022, Division staff reviewed DCC records of commercial cannabis cultivation licenses to determine if there was a license on file that would authorize commercial cannabis cultivation on the Property. Division staff found no record of a license for the Property. Division staff reviewed DCC records again on

May 23, 2022, February 5, 2024, July 31, 2024, November 20, 2024, and March 12, 2025, and found no record of a commercial cannabis license on file.

15. April 29, 2022 Inspection:

On April 29, 2022, Division staff, the California Department of Fish and Wildlife (CDFW), led by the Lake County Sheriff's Office, participated in a search warrant investigation of the Property. No one (associated with the Property and/or cannabis cultivation) was present on the Property during the search warrant inspection. Division staff observed and documented POD1/POS2, on an unnamed stream tributary to Rocky Creek. Division staff observed that POD1/POS2 was the sole water source on the Property.

16. Point of Diversion:

POD1/POS2 is an on-stream reservoir constructed on an unnamed stream with an earthen berm in the stream channel. Google Earth aerial imagery dated November 22, 2005, is the first year the reservoir is visible and appears to be the year the Diverters constructed the earthen berm. The upstream slope of the dam is approximately 45 degrees. The unnamed stream has defined bed and banks upstream and downstream from POD1/POS2 and is tributary to Rocky Creek which is a tributary of Cache Creek. No water was flowing into or out of POD1/POS2 at the time of the inspection. Division staff calculated that POD1/POS2 has a total storage capacity of approximately 243,342-gallons, with approximately 188,658-gallons of water stored in POD1/POS2 during the inspection. POD1/POS2 was not actively diverting water during the inspection. The diversion intake for POD1/POS2 was not rendered incapable of diverting water for cannabis cultivation during the inspection. POD1/POS2 is a passive diversion that diverts water when the unnamed stream is flowing. POD1/POS2 did not have a diversion control structure that could prevent water from being diverted during the Cannabis Cultivation Policy's forbearance period and Division staff did not observe a control structure at the dam that could bypass water downstream. The diversion intake for POD1/POS2 was not rendered incapable of diverting water for cannabis cultivation during the inspection. Water diverted from POD1/POS2 is pumped to a 2,500-gallon polyethylene water storage tank referred to by the Division as POS3. Water diverted from POD1/POS2 is pumped to POS3. Although Division staff did not observe water being conveyed from POD1/POS2 for use during the inspection, POD1/POS2 was the sole source of water for cannabis cultivation and domestic use on the Property. Water diverted from POD1/POS2 is used to irrigate approximately 300 cannabis plants located at Place of Use 1 (POU1) and for domestic use at a residence referred to as POU2.

17. Inspection Report and Notice of Violation:

On August 10, 2022, the first attempt to deliver a Notice of Violation and Inspection Report (NOV/IR) to Agustin Antonio was made. The NOV/IR, which documented inspection observations, violation findings, and the required corrective actions was mailed by certified mail to Agustin Merodio at 2712 Gallop Dr., Santa Rosa, CA 95407. However, the certified mail delivery attempt was unsuccessful and was returned.

On November 9, 2022, a second certified mail attempt was made to deliver the NOV/IR, to Agustin Antonio and Juan Merodio at the same address: 2712 Gallop

Dr., Santa Rosa, CA 95407, and to 5655 Staheli Dr., Kelseyville, CA 95451. On November 12, 2022, the NOV/IR was received via certified mail at 2712 Gallop Dr., Santa Rosa, CA 95407 and signed for by Juan Merodio. On November 19, the NOV/IR mailed to the Kelseyville address was forwarded to Santa Rosa address. According to USPS records, it was received on November 30, 2022, at 5:54 PM.

18. Diverter's Response:

- a. On April 5, 2023, Juan Merodio contacted Division staff via email. In the email correspondence, Juan Merodio wrote he intended to address and correct the violations, and subsequently sell the Property.
- b. On April 24, 2023, Division staff responded to Juan Merodio, and sent the April 29, 2022 NOV/IR via email. Division staff stressed the importance of implementing the corrective actions detailed in the NOV/IR. Additionally, Division staff requested that the Diverter provide photographic evidence of completed corrective actions via email.
- c. On May 1, 2023, Juan Merodio responded to Division staff. In his response, he expressed his commitment to fixing the violations and providing evidence of compliance through video and photos.
- d. Although the Diverter have initiated contact with Division staff, they have not yet provided evidence of corrective actions or filed with the Division to secure an appropriate water right for POD1/POS2 as of March 19, 2025.

STATE WATER BOARD AUTHORITY

19. Water Code section 1055, subdivision (a) provides that the Executive Director for the State Water Board may issue a Complaint to any person or entity on which administrative civil liability may be imposed pursuant to Water Code sections 1052, 1847, and 5107. The Executive Director delegated this authority to the Deputy Director for Water Rights by memorandum dated May 17, 1999. The Deputy Director redelegated this authority to the Assistant Deputy Director for the Permitting and Enforcement Branch by memorandum dated August 27, 2008.
20. Water Code section 1112 generally provides that the Administrative Hearings Office presides over hearings on complaints issued under Water Code section 1055, among other specified matters. Pursuant to Water Code section 1114, for matters seeking administrative liability under Water Code section 1847 or 5107, the Hearing Officer adopts a final order. For all other matters, the Hearing Officer adopts a proposed order to be considered by the State Water Board.
21. Water Code section 1848, subdivision (c), provides that liability cannot be imposed under section 1847 for a violation for which liability is imposed under Water Code section 1052.

ALLEGED VIOLATIONS

Statement of Annual Water Diversion or Use

15. **Violation 1:** Failure to file a Statement of Water Diversion and Use:
Water Code section 5101 requires that any person who diverts water shall file with the Board a Statement of their diversion and use as provided in subdivision (b), with certain exceptions that are not relevant here.
16. On September 23, 2021, Senate Bill 155 came into effect and changed the reporting requirements of Water Code section 5101 and 5104 (b)(2). For diversions prior to December 31, 2020, the Statement shall be filed before July 1 of the following year. For diversions after December 31, 2020, and before October 1, 2021, the Statement shall be filed before April 1, 2022. For diversions in all subsequent reporting periods of October 1 through September 30, Statements shall be filed before February 1 of the year after the reporting period ends.
17. Water Code section 5102 states that a separate Statement shall be filed for each point of diversion.
18. Water Code section 5107, subdivision (c)(1), provides that the State Water Board may impose liability pursuant to Water Code section 1055 for failure to file a Statement in an amount not to exceed one thousand dollars (\$1,000), plus five hundred dollars (\$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.
 - a. POD1/POS2 diverts water from a surface water source that is subject to the State Water Board's permitting authority. POD1/POS2 serves as the sole source of water for cannabis cultivation and domestic use on the Property. Division staff observed that at POD1/POS2 a pump was used to convey water to POS3, then the water was moved to POS1 where the water was then used at POU1 and POU2 for cannabis irrigation and domestic use. Google Earth aerial imagery dated April 18, 2021, shows water storage in POD1/POS2. Available aerial imagery from September 2, 2020, shows POD1/POS2 near empty. Available aerial imagery from Google Earth dated April 18, 2021, shows cannabis cultivation occurring on the Property similar to what Division staff observed during the April 29, 2022 inspection. Based on these facts, the Diverters were required to file a Statement with the State Water Board as early as April 1, 2022, to report the water diverted into the onstream reservoir for subsequent use. Division staff observed cannabis cultivation and water held in seasonal storage in POD1/POS2 on April 29, 2022, and provided the Diverters notice of the requirements to file a Statement in accordance with Water Code section 5101.
 - b. Division staff allege the Diverters failed to file a Statement for the diversion and use of water occurring at POD1/POS2. One violation of Water Code section 5101 is alleged due to the Diverter's failure to file a Statement for the diversion and use of water from POD1/POS2 occurring after December 31,

2020, and before October 1, 2021. Additionally, the Division alleges seven hundred twenty-three (723) continuing days of violation for the Diverters' failure to file a Statement within 30 days of the violation being brought to the Diverters' attention after they received the NOV/IR on November 12, 2022. The date range for the continuing days of violation is from December 12, 2022, to December 5, 2024.

Unauthorized Diversion or Use of Water

22. Violation 2: Unauthorized diversion or use of water:

Water Code Section 1052, subdivision (a), provides that any diversion or use of water subject to the State Water Board's authority under Division 2 of the Water Code, without proper Board authorization, is a trespass. Subdivision (c)(1) of Water Code section 1052, provides that if the unauthorized diversion or use occurs in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years or during a period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act, Chapter 7 (commencing with section 8550) of Division 1 of Title 2 of the Government Code based on drought conditions, the sum of one thousand dollars (\$1,000) for each day in which the trespass occurs as well as two thousand five hundred dollars (\$2,500) for each acre-foot of water diverted or used in excess of that diverter's water rights. Subdivision (c)(2) of Water Code section 1052 provides that, in years with conditions other than those described in subdivision (c)(1), persons or entities committing a trespass under section 1052, subdivision (a) may be liable in an amount not to exceed five hundred dollars (\$500) per day for each day in which the unauthorized diversion or use occurs.

- a. As applicable to this matter, drought conditions applied in Lake County when Governor Newsom issued a proclamation (Executive Order N-10-21) that a state of emergency existed in Lake County as of May 10, 2021, due to severe drought conditions³.

23. All water flowing in any natural channel is public water of the State and subject to appropriation in accordance with the Water Code, as provided in section 1201 of the Water Code. Pursuant to Water Code section 1225, no right to appropriate or use water subject to appropriation shall be initiated or acquired except in compliance with Division 2 of the Water Code.

- a. POD1/POS2 diverts water to seasonal storage for cannabis irrigation and domestic use and is subject to the State Water Board's permitting authority. During the April 29, 2022 inspection, Division staff documented an onstream reservoir at POD1/POS2 that diverts from an unnamed stream that is a tributary to Rocky Creek. Division staff observed water was conveyed by pump from POD1/POS2 to POS3, then water is conveyed by pump and by gravity to POU1 for cannabis irrigation and to POU2 for domestic use. The diversion of surface water into onstream seasonal storage for later use requires an appropriative water right to be issued by the State Water Board.

³ www.gov.ca.gov/wp-content/uploads/2021/07/7.8.21-Conservation-EO-N-10-21.pdf

The Diversifiers do not have an appropriative water right on file with the State Water Board that would authorize the diversion of water to seasonal storage or use at POD1/POS2.

- i. The onstream reservoir has existed on the Property since at least November 2005, when it is first visible in aerial imagery. Cannabis cultivation is visible in aerial imagery from 2010-2021, and inspection observations confirmed cannabis cultivation was occurring on the Property in 2022. During the April 29, 2022 inspection, Division staff documented that POD1/POS2 was the sole source of water on the Property for POU1 and POU2. Based on the aerial imagery and Division staff's observations during the April 29, 2022 inspection, it is reasonable to conclude that water diverted into POD1/POS2 for seasonal storage has been used for irrigation of cannabis and/or domestic use since 2010.

24. Methodology of calculating alleged days of diversion and days of use for Water Code section 1052 violation:

- a. Days of Diversion Calculation: During the inspection Division staff observed water stored in POD1/POS2, but did not observe water flowing upstream or downstream of POD1/POS2. It is reasonable to conclude that the Diversifiers diverted water from the unnamed stream to fill POD1/POS2 prior to the April 29, 2022 inspection. Division staff employed meteorological and hydrological data, incorporating rainfall records obtained from two nearby rain gages, specifically Hidden Valley Lake 2.7 W, and Clearlake Oaks 5.0 NE, as well as stream flow data from a nearby downstream gage on the Cache Creek (USGS 11452500 Cache Creek at Yolo, CA). Using the ratio relative to the watershed from the stream flow gauge and drainage basin sizes contributing to the water source of POD1/POS2, and precipitation data near the Property, calculations were performed to ascertain the days of diversion needed to fill POD1/POS2 each water year. For purposes of this analysis, Division staff used a water year of August 1 to July 31, for each year, to determine when diversions would have occurred and the analysis on an empty reservoir based on aerial imagery.
- b. Days of Use Calculation: The assessment of days of use is based upon the available literature and methodology described in multiple published and peer reviewed scientific studies on cannabis cultivation practices in California. Research from the University of California, Berkeley, and the UC California Agriculture and Natural Resources Department, "*First known survey of cannabis production practices in California*"⁴, identify the average growing season for outdoor cannabis cultivation as 27.1 weeks and for greenhouse cultivation as 22.6 weeks. Available information on the frequency that cannabis is watered indicates that cannabis is watered daily. On the April 29, 2022 inspection, Division staff found cannabis plants that where

⁴ First known survey of cannabis production practices in California -Wilson H. et al.
<https://escholarship.org/uc/item/9zd6r32x> 5

approximately one and a half feet in height. This is consistent with a planting cycle that began in April. For years where cultivation is visible in aerial imagery (2019, 2020, 2021, 2022) and accounting for the 2022 inspection observation, a conservative approach to assessing water use was adopted. The Division alleges plants are watered every third day and cultivated for the minimum reported season length (17.4 weeks for outdoor and 15.3 weeks for greenhouse).

25. Alleged days of unauthorized diversion and use of water in violation of Water Code, section 1052 subdivision (c)(1)(A):

- a. From May 10, 2021, to August 31, 2021, the Division alleges that the Diverters' unauthorized use of water diverted and stored from POD1/POS2 constitute a total of twenty-seven (27) days of violation. The Diverters used the diverted water to irrigate cannabis and for domestic use at POU1 and POU2 for twenty-seven (27) days.
- b. From October 1, 2021, to April 29, 2022, the Division allege the diverters unauthorized diversion and use of water from POD1/POS2 constitute a total of twenty-five (25) days of violation. Based on the results using the methodology above, the on-stream impoundment diverted water to fill POD1/POS2 for fifteen (15) days. Diverters used the diverted water to irrigate cannabis at POU1 and POU2 for ten (10) days.
- c. From October 1, 2022, to March 30, 2023, the Division allege the diverters unauthorized diversion and use of water from POD1/POS2 constitute a total of fifteen (15) days of violation. Based on the results using the methodology above, the on-stream impoundment diverted water to fill POD1/POS2 for fourteen (14) days. Diverters used the diverted water for domestic use at POU2 for one (1) day.

26. Alleged days of unauthorized diversion and use of water in violation of Water Code, section 1052 subdivision (c)(2):

- a. From September 1, 2020, to May 9, 2021, the Division allege the diverters unauthorized diversion and use of water from POD1/POS2 constitute a total of eleven (11) days of violation. Based on the visual changes observed in Google aerial imagery showing the reservoir nearly empty on September 2, 2020, to nearly full by April 18, 2021, the Division conservatively alleges the on-stream impoundment diverted water to fill POD1/POS2 for one (1) day. Diverters used the diverted water to irrigate cannabis and for domestic use at POU1 and POU2 for ten (10) days.

Cannabis Cultivation Policy Requirements

27. The State Water Board's Cannabis Cultivation Policy went into effect on December 18, 2017, following approval by the Office of Administrative Law. Pursuant to Water Code, section 13149, the Cannabis Cultivation Policy contains principles, guidelines, and requirements (referred to here as "requirements") for the diversion or use of water for cannabis cultivation in areas where cannabis cultivation may have the

potential to substantially affect instream flow. The State Water Board subsequently amended the Cannabis Cultivation Policy, effective April 16, 2019.

28. The Cannabis Cultivation Policy defines cannabis cultivation as:

Any activity involving or necessary for the planting, growing, pruning, harvesting, drying, curing, or trimming of cannabis. This term includes but is not limited to: (1) water diversions for cannabis cultivation, and (2) activities that prepare or develop a cannabis cultivation site or otherwise support cannabis cultivation and which discharge or threaten to discharge waste to waters of the state.

29. Water Code section 1847(a) and (b)(1) provide that any person or entity violating any Requirement adopted pursuant to Water Code section 13149 may be liable in an amount not to exceed the sum of five hundred dollars (\$500) per violation, plus two hundred fifty dollars (\$250) for each additional day on which each 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 or entity, plus two thousand five hundred dollars (\$2,500) for each acre-foot of water diverted or used in violation of the applicable Requirement.

30. **Violation 3:** The Cannabis Cultivation Policy, in Attachment A, Section 2, Term 77, states:

Cannabis cultivators shall plug, block, cap, disconnect, or remove the diversion intake or otherwise bypass flow or render the diversion intake incapable of diverting water for cannabis cultivation activities during the surface water forbearance period, unless the diversion intake is used for other beneficial uses, to ensure no water is diverted during that time.

The surface water forbearance period extends from April 1 through October 31 annually. On April 29, 2022, during the inspection, Division staff observed that the POD1/POS2 reservoir did not have a diversion control mechanism to prevent water from being diverted or a means to bypass water downstream during the forbearance period.

One violation of Term 77 of Section 2 of the Cannabis Cultivation Policy is alleged for the failure to adhere to intake requirements, as observed during the April 29, 2022 inspection, conducted by Division staff.

31. **Violation 4:** The Cannabis Cultivation Policy, in Attachment A, Section 2, Term 79, states:

Onstream storage reservoirs are prohibited except in the following instances ...

- *...cannabis cultivator has an existing water right with irrigation as a designated use, issued prior to October 31, 2017...*
- *...cannabis cultivator obtains an appropriative water right permit with irrigation as a designated use prior to diverting water into an onstream storage reservoir for cannabis cultivation...*

- *Cannabis cultivators with an unpermitted onstream reservoir that existed prior to October 1, 2016 may file for a Cannabis SIUR...*

Division staff observed POD1/POS2 storing water that was in use for cannabis irrigation during the April 29, 2022 inspection. The onstream reservoir (POD1/POS2) is prohibited from use for cannabis cultivation pursuant to the Cannabis Policy term 79 as stated above. The Diverters failed to obtain a water right with the State Water Board for POD1/POS2. As of the issuance of this Complaint, the Diverters have not submitted an appropriate water right application to the State Water Board, which would authorize the diversion and use of water from POD1/POS2 for cannabis irrigation and domestic use.

One violation of Term 79 of Section 2 of the Cannabis Cultivation Policy is alleged for the failure to comply with the onstream reservoir prohibition requirements.

32. **Violation 5:** Cannabis Cultivation Policy, Attachment A, Section 2, Term 81, states: *Cannabis cultivators are encouraged to install separate storage systems for water diverted for cannabis irrigation and water diverted for any other beneficial uses, or otherwise shall install separate measuring devices to quantify diversion to and from each storage facility, including the quantity of water diverted and the quantity, place, and purpose of use (e.g., cannabis irrigation, other crop irrigation, domestic, etc.) for the stored water.*

POD1/POS2 diverts and stores surface water in POS3, which is used to irrigate cannabis at POU1 and for domestic use at POU2. During the inspection on April 29, 2022, Division staff documented that separate storage systems were not used for water diverted for cannabis irrigation and water diverted for other beneficial uses, as required. Division staff did not observe a measuring device that could be used to record the amount of water used for cannabis irrigation and domestic use.

One violation of Term 81 of Section 2 of the Cannabis Cultivation Policy is alleged for the failure to install separate storage systems for water diverted for cannabis irrigation or otherwise install separate measuring devices to quantify diversion to and from each storage facility.

33. **Violation 6:** Cannabis Cultivation Policy, Attachment A, Section 2, Term 82, 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.

During the site inspection on April 29, 2022, Division staff observed that POD1/POS2 diverts water to onstream seasonal storage from an unnamed stream and water from POD1/POS2 is pumped to POS3 then to POU1 for cannabis irrigation. Division staff documented the absence of water measuring devices on or near POD1/POS2 and found no water diversion records. A Division staff analysis of the diversion system identified the need for at least one water measuring device to be installed. This would enable accurate quantification of water diverted from POD1/POS2 for cannabis cultivation.

One violation of Term 82 of Section 2 of the Cannabis Cultivation Policy is alleged for the failure to have a water measuring device installed at or near POD1/POS2 during the site inspection on April 29, 2022.

34. Violation 7: Cannabis Cultivation Policy, Attachment A, Section 2, Term 83, 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.*

- *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.*
- *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.*
- *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.*
- *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).*
- *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.

- *Depth and volume records and area-capacity curves shall be retained for a minimum of five years.*

POD1/POS2 is an onstream reservoir documented by Division staff during the April 29, 2022 inspection. During the inspection, Division staff did not observe a measuring device capable of meeting the requirements above 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, as required.

One violation of Term 83 of Section 2 of the Cannabis Cultivation Policy is alleged for the failure to have a measuring device for the onstream reservoir at POD1/POS2 during the April 29, 2022 inspection.

35. **Violation 8:** Cannabis Cultivation Policy, Attachment A, Section 2, Term 92 states: *To prevent rupture or overflow and runoff, cannabis cultivators shall only use water storage tanks and bladders equipped with a float valve, or equivalent device, to shut off diversion when storage systems are full. Cannabis cultivators shall install any other measures necessary to prevent overflow of storage systems to prevent runoff and the diversion of more water than can be used and/or stored.*

During the site inspection on April 29, 2022, Division staff documented water storage tanks without float valves or equivalent devices installed to prevent the overflow and waste of water. Division staff documented a water storage tank at POS1 and another at POS3, both were in operation for cannabis irrigation without the required overflow preventive device installed. Division staff determined that there would need to be at least two devices installed to prevent the overflow of water from these water storage tanks.

Two violations of Term 92 of Section 2 of the Cannabis Cultivation Policy are alleged for the failure to use water storage tanks with a float valve, or equivalent device during the April 29, 2022 inspection.

36. **Violation 9:** Cannabis Cultivation Policy, Attachment A, Section 2, Term 98 states: *Cannabis cultivators shall maintain daily records of all water used for irrigation of cannabis. Daily records may be calculated by the use of a measuring device or, if known, by calculating the irrigation system rates and duration of time watered (e.g., irrigating for one hour twice per day using 50 half-gallon irrigation emitters equates to 50 gallons per day (1 hour x 2 times per day x 50 irrigation emitters x 0.5 gallons per irrigation emitter per hour) of water used for irrigation). Cannabis cultivators shall retain, for a minimum of five years, irrigation records at the cannabis cultivation site and shall make all irrigation records available for review by the Water Boards, CDFW, and any other authorized representatives of the Water Boards or CDFW.*

During the April 29, 2022 inspection, Division staff documented that cannabis was being irrigated at POU1. However, no water measuring devices were evident at any

POD, POS, or the cannabis cultivation areas. In addition, Division staff did not observe any irrigation records during the inspection.

One violation of Term 98 of Section 2 of the Cannabis Cultivation Policy is alleged for failing to have daily records of water used for irrigation of cannabis during the April 29, 2022 inspection.

Diversion or Use of Water for Cannabis Cultivation Requires DCC License

37. **Violation 10:** Water Code section 1847, subdivisions (a) and (b)(4) provide that any person or entity who diverts or uses water for cannabis cultivation for which a license is required, but which has not been obtained, under Chapter 6 (commencing with 26060) or Chapter 7 (commencing with 26070) of Division 10 of the Business and Professions Code may be liable in an amount not to exceed the sum of five hundred dollars (\$500) per violation, plus two hundred fifty dollars (\$250) for each additional day on which each 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 or entity, plus two thousand five hundred dollars (\$2,500) for each acre-foot of water diverted or used in violation of the applicable requirement.
38. DCC established a commercial cannabis cultivation licensing program pursuant to Chapter 6 (commencing with section 26060) of Division 10 of the Business and Professions Code and began issuing licenses on January 1, 2018. While the Division is not responsible for determining the specific type of state cultivator license that would have been required, based on the review of aerial images and Division staff's observations during the site inspections, the extent of cannabis cultivation occurring on the Property was of a scale sufficient to require a commercial cannabis cultivation license under Chapter 6 (commencing with Section 26060) of Division 10 of the California Business and Professions Code as more than six living cannabis cultivation plants were observed.

During the April 29, 2022 inspection, Division staff observed that the extent of cannabis cultivation on the Property surpassed the legal limit of personal use (6 cannabis plants) and the extent of cannabis cultivation on the Property required a DCC commercial cannabis license under Chapter 6 (commencing with Section 26060) of Division 10 of the Business and Professions Code. Division staff observed approximately 300 cannabis plants growing in POU1, covering an approximate cultivation area of 7,200 sq. ft. The cannabis plants were supported by an irrigation system drawing water from surface water diversions at POD1/POS2. The scale of cannabis cultivation occurring on the Property requires a commercial cannabis license under Chapter 6 (commencing with Section 26060) of Division 10 of the Business and Professions Code. Division staff reviewed available records both before the April 29, 2022 inspection, on May 23, 2022, and again on February 5, 2024. No evidence was found to indicate that the Diverters had obtained a DCC cultivation license for the observed cannabis cultivation activities on the Property based on DCC licensing records from April 26, 2022 through November 20, 2024.

One violation of Water Code section 1847, subdivisions (a) and (b)(4) is alleged for diverting and using water for cannabis cultivation without having obtained a DCC commercial cannabis license as required.

Statutory Maximum Liability

39. The cumulative statutory liability for Violations 1-10 is derived by summing the individual maximum statutory penalties for each respective violation: Violation 1 (\$362,500) + Violation 2 (\$72,500) + Violation 3 (\$500) + Violation 4 (\$500) + Violation 5 (\$500) + Violation 6 (\$500) + Violation 7 (\$500) + Violation 8 (\$1,000) + Violation 9 (\$500) + Violation 10 (\$500), which totals \$439,500.

WATER CODE SECTION 1055.3 CONSIDERATION OF FACTORS

40. Water Code Section 1055.3 requires that the Board in determining the amount of civil liability shall take into consideration all relevant circumstances, including, but not limited to, 1) the extent of harm caused by the violations, 2) the nature and persistence of the violation, 3) the length of time over which the violation occurs, and 4) the corrective action, if any taken by the violator. This requirement is applied to all penalty proposals relative to this administrative civil liability complaint.

Relevant Circumstances Applicable to All Violations

41. Aerial imagery reviewed by Division staff extending from the construction of the reservoir (POD1/POS2) in 2005 to July 9, 2024, reveal a consistent pattern of seasonal water storage, coupled with cannabis cultivation on the Property starting in 2010. Over the course of these years, the Diverters established a series of greenhouse structures and outdoor cultivation areas on the Property. Although Division staff's observations during the inspection indicate the onstream reservoir also supplies water for domestic use, the construction of the reservoir increased the water storage capacity for cannabis irrigation on the Property. As cannabis cultivation increases, so does water demand, leading to increased impacts to beneficial uses and legal diverters during drought and seasonal times of water shortage in streams. POD1/POS2 has been available as a source of water on the Property since 2005 and used for cannabis since 2010. The potential cumulative impact of water diversions and Cannabis Cultivation Policy violations, as observed on April 29, 2022, over 12 years is likely significant.
42. The Division has calculated penalties by focusing on the violations observed during the inspection. The Division recommends that the State Water Board take each opportunity to deter illegal cannabis cultivation activities and demonstrate the need to comply, including by imposing administrative civil liability sufficient to ensure the cost of noncompliance is an incentive to comply. The Diverters engaged in the unauthorized diversion and use of water for cannabis cultivation activities. The proposed penalty is adequate to penalize the violations and deter noncompliance by similarly situated parties.

43. Violation 1: Failure to File Statement of Water Diversion and Use (Water Code section 5101)

a. Extent of Harm Caused:

The failure to file a Statement impacts the State Water Board's administration of the State's water resources and the priority of right to divert and use water. The State Water Board's Statement Program is a central repository for records that report each point of diversion, diversion amount and use of water by all water diverters that are not required to have an appropriative water right on file with the State Water Board. The failure to submit statements of water diversion and use impacts the water rights regulatory program harming other priority of right diverters, the environment, and public trust resources. The effects of cannabis-related water diversion and use that are not reported to the State Water Board remain unknown and are a concern as the state continues to experience severe drought conditions. The need for timely water diversion and use records is particularly important after three years of critical drought conditions that have led to curtailments of legal users based on reported water use and projected water availability data. Failure to comply with reporting requirements adds administrative burden to state and local regulators that can alter or reduce water use by legal water users when there is insufficient supply relative to demand. When legal users are curtailed, the water that becomes available unfairly benefits illegal diverters or those who do not report their diversion or use of water. Therefore, by failing to file a Statement to report water diversion and use, the Diverters compromise the Board's orderly and efficient administration of water resources of the state.

b. Nature and Persistence:

The need to file a Statement was called to the attention of the Diverters in the NOV/IR received on November 12, 2022. The NOV/IR provided 30 days to comply by filing an Initial Statement. To date, the Diverters have not filed a Statement.

c. Corrective Action:

As of December 5, 2024, the Diverters have not come into compliance by filing a Statement with the State Water Board for the diversion and use of water from POD1/POS2 in 2021.

d. Length of Time:

The water diversion and use reporting for 2021 was required to be filed with the State Water Board by April 1, 2022. Water Diversion and use reporting was required for 2022 to be filed by February 1, 2023, water diversion and use reporting for 2023 was due by February 1, 2024. This violation was called to the Diverters' attention in the NOV/IR that was received by the Diverters on November 12, 2022. The Diverters failed to correct the violation within 30 days of receiving the NOV/IR. As of October 3, 2023, this violation is ongoing as no Statement has been filed. However, for purposes of this Complaint, the Division calculated the days of violation from December 12, 2022, through December 5, 2024, for seven hundred twenty-three (723) continuing days of violation for the failure to file a Statement for POD1/POS2.

e. Proposed Administrative Civil Liability:

Taking into consideration all relevant circumstances and the factors listed in a-d above, the Division proposes administrative liability in the amount of \$10,000.

44. Violation 2: Unauthorized Diversion or Use of Water for Cannabis Cultivation (Water Code section 1052)

a. Extent of Harm Caused:

The unauthorized diversion and use of water creates a cumulative and direct impact to downstream beneficial uses and downstream water right holders that are operating in compliance with the law. A reduction in stream flow causes a loss of available aquatic habitat area for fish and macroinvertebrates, and the water resources available for senior appropriative or riparian right diverters. Harm can also be characterized as a disruption to the State Water Board's orderly and efficient administration of water resources of the State from the failure to report water diversion and use. The diversion of water to seasonal storage on the Property without an appropriative water right and reporting annual water diversion and use can cause injury to downstream water users and public trust resources. On May 10, 2021, the Governor proclaimed a State of Emergency due to drought conditions in California causing the following concerns: sustained and extreme high temperatures have increased water loss from reservoirs and streams, increased demands by communities and agriculture, and further depleted California's water supplies. Drought conditions increase the potential of harm caused by unauthorized diversion and use of water. Moreover, these activities occurred in the Upper Cache Creek watershed, a tributary to Cache Creek a FASS designated watershed from the confluence with the Yolo Bypass upstream, including all interconnected tributaries exhibiting hydraulic continuity. As a result, no water is available for new appropriation from April 15 to October 31. The Division's Cannabis Enforcement Section (CES) and the Central Valley Regional Water Quality Control Board have designated Cache Creek as a priority watershed based on the density of existing cannabis cultivation, high public trust resource value such as aquatic habitat, listed anadromous endangers species, and 303d listed impaired watershed for boron, mercury and unknown toxicity.

b. Nature and Persistence:

On April 29, 2022, Division staff documented that there was no water flowing in the unnamed stream upstream or downstream of POD1/POS2 and that POD1/POS2 contained approximately 188,658 gallons of water at the time of the inspection. The water contained in the reservoir at POD1/POS2 constitutes seasonal storage, which requires an appropriative water right to comply with Division 2 of the Water Code. There have been no appropriative water applications filed with the State Water Board. This violation was called to the Diverter's attention in the NOV/IR received by the Diverters on November 12, 2022.

c. Corrective Action:

As of the date of this Complaint, the Diverters have not come into compliance by obtaining an appropriate water right to divert or use water from POD1/POS1. The Diverters have made no attempt to file for an appropriate water right. The violation is ongoing.

d. Length of Time:

The Diverters have been diverting and using water from POD1/POS2 since 2005 based on aerial imagery and observations made during the April 29, 2022 inspection. While the Diverters have likely been diverting and using water from POD1/POS2 without authorization for many years, the Division conservatively alleges violations associated with the cannabis cultivation on the Property from late 2020 to early 2023. Division staff analyzed rainfall and hydrological stream gauge data to calculate days of diversion from September 2020 to March 2023. The water diverted and stored in POD1/POS2 was used for cannabis cultivation and domestic use on the Property. The Diverters unauthorized diversion and use of water occurred during a period for which the Governor issued a proclamation of a state of emergency based on drought conditions. The Division alleges Diverters unauthorized diversion and use occurred between May 10, 2021 and March 30, 2023, for a total of sixty-seven (67) days during the state of emergency. These violations are subject to heightened liability under Water Code section 1052, subd. (c)(1)(A). In addition, the Diverters' unauthorized diversion and use of water occurred during a period that was not subject to heightened violations because it was not during a state of emergency based on drought conditions. The Division alleges Diverters unauthorized diversion and use occurred between September 1, 2020, to May 9, 2021, for a total of eleven (11) days. These violations are subject to liability under Water Code section 1052, subd. (c)(2).

e. Proposed Administrative Civil Liability:

Considering all relevant circumstances and the factors outlined in sections a - d above, the Division proposes an administrative civil liability in the amount of \$15,000 for this violation.

45. Violation 5 – 7, and 9: Cannabis Cultivation Policy, Section 2, Term 81, 82, 83, and 98.

Violations of Term 81, 82, 83, and 98 of the State Water Board's Cannabis Cultivation Policy have been analyzed jointly with respect to Water Code, section 1055.3. The Cannabis Cultivation Policy terms and conditions are required and compliance is mandatory to ensure individual or cumulative water diversions and associated cannabis cultivation activities do not have a negative impact on water availability, aquatic and riparian habitat, public trust resources, or the environment. These violations are analyzed jointly because the requirements of these Cannabis Cultivation Policy terms establish best management practices associated with the diversion and use of water for cannabis cultivation. The Diverters were cultivating cannabis without a cannabis cultivation license issued by the Department of

Cannabis Control and all violations of the State Water Board's Policy contribute to the negative impacts of the Diverters' cannabis cultivation activities.

a. Extent of Harm:

Accurate data on water diversion and use is required from all users of water in the State so that the Division can plan for drought and effectively manage the State's limited water resources. The failure to install monitoring devices, maintain diversion and use records, and implement best management practices deprives the Division of critical data required for resource planning, forecast water demand, protection of public trust resources, to ensure water diverters are not diverting more water than authorized, to ensure water diverted is put to beneficial use without the waste and unreasonable use of water, and protects the priority of right to divert and use water beneficially.

b. Nature and Persistence:

On November 12, 2022, the Diverters signed for receipt of the NOV/IR that provided notice of the Cannabis Cultivation Policy, Attachment A, Section 2 Term violations observed during the April 29, 2022 inspection. Although the Diverters have initiated contact with Division staff, they have not yet provided evidence of implementing corrective actions or filed an appropriate water right as of December 5, 2024. This violation is on-going despite the Diverters acknowledgment of receiving the IR/NOV and response indicating corrective actions would be taken.

c. Corrective Action:

As of the date of this Complaint, the Diverters have not implemented the corrective actions or provided the requested information.

d. Length of Time:

During the inspection, Division staff documented a total of four (4) violations of the Cannabis Cultivation Policy, Section 2 Terms 81(1), 82(1), 83(1), and 98(1).

e. Proposed Administrative Civil Liability:

Considering all relevant circumstances and the factors listed in a-d above, the Division proposes an administrative civil liability for the Cannabis Cultivation Policy Term violations for Violations 5, 6, 7, and 9 in the amount of \$2,000.

46. Violations 3, 4, and 8: Cannabis Cultivation Policy, Section 2, Term 77, 79, and 92

Terms 77, 79, and 92 of the State Water Board's Cannabis Cultivation Policy have been analyzed jointly with respect to Water Code, section 1055.3. These violations are analyzed jointly because the requirements of these Cannabis Cultivation Policy terms establish best management practices for the diversion and storage of water for cannabis irrigation.

a. Extent of Harm:

The Cannabis Cultivation Policy Terms associated with these violations are requirements necessary to prevent impacts to water availability and aquatic

habitats. Water diversions that do not cap or block intakes harm instream flows during the forbearance period. Inability to render the Diverter's POD intake incapable of diverting water can result in continued water diversion, impacting downstream beneficial uses and depriving downstream priority of right diverters. Storage facilities without overflow prevention devices have the potential to waste water and also deplete instream flows. Moreover, the unauthorized diversion and storage of water in an onstream reservoir that does not bypass flow deprives priority of right diverters and cuts off downstream flows to aquatic and riparian habitat.

b. Nature and Persistence:

The Diverters received the Division's NOV/IR that included the actions the Diverters must take to correct this violation. To date, the unauthorized onstream reservoir continues to divert and impound water at POD1/POS2.

c. Corrective Action:

As of the date of this Complaint, the Diverters have not implemented the corrective actions or provided the requested information.

d. Length of Time:

It is likely that these violations persist as the impoundment creating POD1/POS2 remains on the Property and the Division has received no application for an appropriative water right.

e. Proposed Administrative Civil Liability:

Considering all the relevant circumstances and the factors listed in a-d above, the Division proposes an administrative civil liability for the Cannabis Cultivation Policy Term violations for Violations 3, 4, and 8 in the amount of \$2,000.

47. Violation 10: Diversion or Use of Water for Cannabis Cultivation Without the Requisite License (Water Code section 1847(b)(4))

a. Extent of Harm Caused:

Operating a commercial cannabis cultivation site without a license causes negative economic impact on the legal cannabis industry and general harm to the administration of the regulatory program. The Cannabis Cultivation Regulatory Program is in its infancy and the degree of illegal cannabis cultivation exceeds legal cultivators by orders of magnitude in all aspects of the Cannabis Industry across the state. Illegal cultivation directly harms the legal market by supporting and supplying an unregulated market where illegal cultivators do not incur the compliance costs to cultivate cannabis in a manner that does not have a negative impact on water quality, aquatic habitats, riparian habitats, wetlands, springs, and health and safety of users. As such, the Diverter's cannabis cultivation activities significantly harm legal cultivators, priority of right diverters, beneficial use of water, and the Cannabis Cultivation Regulatory Program.

b. Nature and Persistence:

Unlicensed cannabis cultivation is in violation of the laws and regulations enacted pursuant to the Medical and Adult-Use Cannabis Regulation and Safety Act. DCC began accepting applications for commercial cannabis cultivation licenses on January 1, 2018. It was observed that the scale of cannabis cultivation occurring on the Property during the April 29, 2022 inspection required a commercial cannabis license. During the inspection, Division staff observed approximately 300 cannabis plants irrigated with surface water diverted at POD1/POS2. The April 29, 2022, Field NOV, identified a violation of the requirement to obtain a DCC license. Additionally, this violation was documented in the NOV/IR received by the Diverters on November 12, 2022.

c. Corrective Action:

The Diverters contacted Division staff and said they would correct the violation as outlined in the NOV/IR. As of November 20, 2024, the Diverters have not obtained a DCC commercial cannabis license. However, cannabis cultivation on the Property has not occurred since the inspection.

d. Length of Time:

The diversion and use of water for cannabis cultivation was documented on the Property during the April 29, 2022 inspection. Although evidence suggests that it is likely water diversion and use for cannabis cultivation, the scale of which required a DCC license, occurred on the Property prior to the inspection.

e. Proposed Administrative Civil Liability:

Considering all relevant circumstances and the factors outlined in sections a - d above, the Division proposes an administrative civil liability in the amount of \$500 for Violation 10.

PROPOSED CIVIL LIABILITY

48. After careful consideration of the aforementioned factors and recognizing the importance of deterrence, the Assistant Deputy Director for Water Rights recommends an administrative civil liability amount of \$29,500 for Violations 1-10.

49. The total proposed liability for violation 1-10: \$10,000 + \$15,000 + \$500 + \$500 + \$500 + \$500 + \$500 + \$1,000 + \$500 + \$500 + \$500 for a total of \$29,500.

RIGHT TO HEARING

50. The Diverters may request a hearing on this matter before the State Water Board Administrative Hearings Office. Any such request for hearing must be delivered to or received by mail by the Administrative Hearings Office within 20 days after the date the Diverters receive this Complaint as required by Water Code section 1055, subdivision (b).

51. If the Diverters does not request a hearing within 20 days, then the right to a hearing on the matter is waived. The Assistant Deputy Director for Water Rights, under

authority delegated by the State Water Board, may then issue a final Administrative Civil Liability Order assessing the proposed liability.

52. If the Diverters request a hearing, the Diverters will have an opportunity to contest the allegations in this Complaint and the imposition of liability before a hearing officer from the Administrative Hearings Office. The Administrative Hearings Office will issue a notice setting the specific time and place for the hearing, and describing the hearing process, not less than 10 days before the hearing date.
53. After any hearing, the Administrative Hearings Office will issue a proposed order or final order setting administrative civil liability or determining that a liability shall not be imposed. If the Administrative Hearings Office issues a proposed order, the State Water Board will consider adopting the order at a subsequent public meeting.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

*Jule Rizzardo, Assistant Deputy Director Division
of Water Rights*

Dated: March 25, 2025