

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

DIVISION OF WATER RIGHTS

ORDER WR 2025-0011-DWR

ADMINISTRATIVE CIVIL LIABILITY ORDER

In the Matter of Water Code Violations

Ge Vue

Assessor Parcel Number 011-270-041-000

SOURCE: TRINITY COUNTY

The Assistant Deputy Director of the Division of Water Rights (Division), through authority delegated by the State Water Resources Control Board (State Water Board), hereby issues an Administrative Civil Liability Order (Order) to Ge Vue (Diverter) pursuant to Water Code section 1055, subdivision (c), based on the allegations set forth in the Administrative Civil Liability Complaint (Complaint) dated May 29, 2025.

THE STATE WATER BOARD, OR ITS DELEGEE, FINDS AS FOLLOWS:

1. The Diverter is the owner of Trinity County Assessor Parcel Number 011-270-041-000 (Property) on which Division staff observed the violations that are alleged in the Complaint.
2. The Complaint is fully incorporated herein and made part of this Order.
3. The Complaint alleges that the Diverter failed to submit a Statement of Water Diversion or Use (Statement) as required under Water Code section 5101, violated Cannabis Cultivation Policy requirements adopted pursuant to Water Code section 13149, and diverted and used water for cannabis cultivation for which a license was required but not obtained.
4. Water Code section 1055.3 provides that when determining the appropriate amount of civil liability to be imposed, the State Water Board shall take into consideration all relevant circumstances, including but not limited to the extent of the harm caused by the violation, the nature and persistence of violation, the length of time over which the violation occurs, and the corrective actions, if any, taken by the violator.

After consideration of all relevant circumstances, the Complaint proposed a total administrative civil liability amount of **\$16,000** for the alleged violations:

- a. Violation 1: For the failure to submit Statements to the State Water Board by February 1, 2024 for the diversion and use of water from POD2-4, in violation of Water Code section 5101, the Complaint proposed an administrative civil liability amount of \$3,000, pursuant to Water Code section 5107, subdivision (c)(1).
- b. Violation 2: For the unauthorized diversion and use of water from POD2-4 during the surface water dry season forbearance period, in violation of Term 66 of Section 2 of the Cannabis Cultivation Policy, the Complaint proposed an administrative civil liability amount of \$1,500, pursuant to Water Code section 1847, subdivision (a)(1).
- c. Violation 3: For the failure to use separate storage systems for water diverted for cannabis irrigation, or otherwise install separate measuring devices, in violation of Term 81 of Section 2 of the Cannabis Cultivation Policy, the Complaint proposed an administrative civil liability amount of \$250, pursuant to Water Code section 1847, subdivision (a)(1).
- d. Violation 4: For failure to install measuring devices at POD2-4 and failure to maintain daily diversion records for water diverted for cannabis cultivation, in violation of Term 82 of Section 2 of the Cannabis Cultivation Policy, the Complaint proposed an administrative civil liability amount of \$1,500, pursuant to Water Code section 1847, subdivision (a)(1).
- e. Violation 5: For failure to only use water storage tanks equipped with an overflow prevention device, in violation of Term 92 of Section 2 of the Cannabis Cultivation Policy, the Complaint proposed an administrative civil liability amount of \$4,000, pursuant to Water Code section 1847, subdivision (a)(1).
- f. Violation 6: For failure to ensure all vents and other openings on water storage tanks were designed to prevent the entry and/or entrapment of wildlife, in violation of Term 93 of Section 2 of the Cannabis Cultivation Policy, the Complaint proposed an administrative civil liability amount of \$4,750, pursuant to Water Code section 1847, subdivision (a)(1).
- g. Violation 7: For failure to maintain daily records of all water used for irrigation of cannabis, in violation of Term 98 of Section 2 of the Cannabis Cultivation Policy, the Complaint proposed an administrative civil liability amount of \$500, pursuant to Water Code section 1847, subdivision (a)(1).

- h. Violation 8: For the diversion or use of water for commercial cannabis cultivation without a license, as required under Chapter 6 (commencing with Section 26060) or Chapter 7 (commencing with Section 26070) of Division 10 of the Business and Professions Code, the Complaint proposed an administrative civil liability amount of \$500, pursuant to Water Code section 1847, subdivision (a)(1).
5. The Division sent the Complaint to the Diverter via United States Postal Service certified mail. On June 5, 2025, the certified delivery was accepted and signed for at the Diverter's address in Milwaukee, Wisconsin. The Division also transmitted a copy of the Complaint to Andrea Sullivan, an attorney that had been assisting the Diverter on a criminal matter.¹ The certified delivery to Mr. Sullivan's office was accepted on May 31, 2025.
6. In accordance with Water Code section 1055, subdivision (b), the Complaint, as well as the cover letter to the Complaint, notified the Diverter of the ability to contest the allegations in the Complaint by requesting a formal hearing no later than 20 days from the date of receipt of the Complaint, and that the State Water Board may adopt an order setting administrative civil liability based on the allegations set forth in the Complaint without a hearing if the Diverter does not submit a timely hearing request.
7. The Diverter did not submit a hearing request to contest the allegations in the Complaint and the deadline specified in the Complaint and cover letter has passed. Therefore, pursuant to Water Code section 1055, subdivision (c), the State Water Board may adopt an order setting administrative civil liability based on the allegations in the Complaint without holding a hearing.
8. Through Resolution No. 2012-0029 (Resolution), the State Water Board has delegated to the Deputy Director of Water Rights the authority to issue an order setting administrative civil liability when a complaint has been issued and no hearing has been requested in the period provided by Water Code section 1055. Section 4.9.2 of the Resolution authorizes the Deputy Director to redelegate this authority. The Deputy Director has redelegated this authority to the Assistant Deputy Director of Water Rights.
9. The Assistant Deputy Director is, therefore, authorized under Water Code section 1055, subdivision (c), to issue this Order imposing the administrative civil liability amount proposed in the Complaint.

¹ The Division has no information to suggest Ms. Sullivan was representing the Diverter on the Division's administrative enforcement case; however, the Division provided her courtesy copy in case she was or would be representing him on this matter. Delivery to Ms. Sullivan was not used to calculate the deadline to request a hearing. The Division calculated the deadline to request a hearing based on the date the Complaint was delivered to the Diverter's address in Milwaukee.

10. Pursuant to Water Code section 1055, subdivision (d), this Order is effective upon issuance.

IT IS HEREBY ORDER THAT:

11. The Diverter shall remit, within 30 days of the date of this Order, a check or money order in the amount of \$16,000 made payable to the "State Water Resources Control Board – Water Rights Fund." The payment shall be sent to the following address:

State Water Resources Control Board
Division of Water Rights
Attention: Cannabis Enforcement Section
P.O. Box 2000
Sacramento, CA 95812-2000

12. In adopting this Order, the Assistant Deputy Director has considered all relevant circumstances, as required by Water Code section 1055.3, in determining that the Diverter shall be assessed an administrative civil liability amount of \$16,000.

13. Fulfillment of the Diverter's obligations under this Order constitutes full and final satisfaction of liability for the violations specifically identified in the Complaint. The State Water Board reserves the right to take further enforcement action for any additional or future violations.

14. If the Diverter fails to comply with remitting payment of the full liability amount within 30 days of the date of this Order, the State Water Board is authorized, pursuant to Water Code section 1055.4, to seek a civil judgment for recovery of the liability imposed.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

*Robert P. Cervantes, Acting Assistant Deputy Director
Division of Water Rights*

Dated: JUL 16 2025