



**State Water Resources Control Board AUG 13 2025**

DELIVERY CONFIRMATION

Donald and Janet Johnson

**DELIVERY MAIL NO: 9589 0710 5270 1501 9804 23**

**NOTICE OF VIOLATION**  
Investigation ID: 70222

**DIVISION OF WATER RIGHTS INVESTIGATION OF TRINITY COUNTY ASSESSOR  
PARCEL NUMBER (APN) 015-410-038-000**

Donald and Janet Johnson,

On July 22, 2025, staff from the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), in coordination with state and local partner agencies conducted a search warrant investigation of your property referenced above (Property). The purpose of the investigation was to observe the diversion and use of water occurring on the Property and to evaluate potential impacts to the watershed. At the time of investigation, Division staff identified that you are using ground water for cannabis cultivation and are required to comply with the Cannabis Cultivation Policy (Cannabis Policy) terms and conditions as identified below. You must take immediate action to come into compliance or risk civil liability.

**Cannabis Policy Violations and Corrective Actions**

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

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.

**E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR**

This letter constitutes your notice of the above-mentioned WC and Policy requirements and violations identified below. Your response to the allegations listed in this notice is required and should be submitted in a timely manner. The State Water Board has discretion when considering an enforcement action and shall consider your corrective actions taken in response to this notice in determining whether and what civil liability is appropriate for violations. Therefore, this matter requires your immediate attention.

**1. Cannabis Cultivation Policy, Section 2, Term 65** – Failure to Install, Maintain, or Destroy Well in Compliance with County, City, or Local Ordinances and California Well Standards.

Violation Count: 1

Violation Description:

According to the Department of Water Resources database, there is no well completion report for POD1, as required by Water Code section 13751.

**Corrective Action:**

You should immediately take either corrective actions 1 or 2 to comply with the Cannabis Policy's requirement to maintain or destroy wells in compliance with county, city, and local ordinances in addition to the California Well Standards Bulletins 74-90 and 74-81:

- 1) You must submit a well completion report to the Online System for Well Completion Reports (OSWCR) at <https://oswcr.water.ca.gov/>, OR
- 2) You must decommission the well at POD2 in compliance with county, city, and local ordinances including but not limited to the California Well Standards as stipulated in California Department of Water Resources Bulletin 74-90.

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

**2. Cannabis Cultivation Policy Section 2, Term 81** – Failure to install separate measuring devices to quantify diversions for cannabis irrigation and other beneficial uses.

Violation Count: 1

Violation Description:

POD1 (40.58834, -123.127) is a water diversion that is used to irrigate cannabis cultivation and other beneficial uses. On July 22, 2025, Division staff did not observe any water measuring devices on any POS's or on any water conveyance lines leading to POU1 and POU2. During the inspection, Division staff observed a water diversion and conveyance system with a single water conveyance line connecting POD1 to POS1 and POS2 and then to POU1 and POU2. Division staff determined that, based on the water diversion and conveyance system, there would need to be one water measuring devices installed that measures the water use for domestic

and cannabis separately. Based on Division staff's analysis of the water diversion and storage systems, the failure to have at least one water measuring device installed constitutes one violation of Term 81 of Section 2 the Cannabis Policy.

**Corrective Action:**

As of the date of this inspection report, this alleged violation continues to be ongoing. You should within 30 days from the date of this report take either corrective actions 1 or 2 to comply with the Cannabis Policy's cannabis irrigation record requirements for POU1 and POU2 to quantify all water use on the Property:

- 1) You must install measuring devices on water storage tanks and/or water conveyance lines connected to the cannabis cultivation POUs and a separate device to measure water used for domestic purposes listed in this report, OR
- 2) You must cease your water diversions 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 or 2. You can submit your documents through the State Water Board's Cannabis Compliance

**3. Cannabis Cultivation Policy Section 2, Term 98 – Failure to Maintain Daily Records of Water Use for Cannabis Irrigation.**

Violation Count: 1

Violation Description:

POU1 is a documented cannabis cultivation area. At the time of inspection, Division staff did not observe any cannabis irrigation records nor any water measuring devices at POU1. This is your notice that the State Water Board is requesting your daily records of water use for cannabis irrigation. The failure to measure water use for cannabis irrigation and make cannabis irrigation records available constitutes one violation of Term 98 of Section 2 the Cannabis Policy.

**Corrective Action:**

As of the date of this inspection report, this alleged violation continues to be ongoing. You should within 30 days from the date of this report take either corrective actions 1 or 2 to comply with the Cannabis Policy's cannabis irrigation record requirements for POU1 to quantify all water use on the Property:

- 3) You must send the Division all records required to support that you are in compliance with Term 98, OR
- 4) You must cease your water diversions 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 or 2. You can submit your documents through the State Water Board's Cannabis Compliance

## Instructions for Demonstrating and Achieving Compliance

To facilitate your response, you must contact Division staff by phone or by email provided at the bottom of this notice letter.

You can submit an appropriate water right SIUR application at:

<https://public2.waterboards.ca.gov> Need Help? Contact us at 916-341-5362 or email at [dwr.cannabisenforcement@waterboards.ca.gov](mailto:dwr.cannabisenforcement@waterboards.ca.gov)

If you would like to file an application to appropriate water by permit you can find information and file your application at the weblink listed at:

Application: <https://public2.waterboards.ca.gov/mt/Home/Index>

Appropriate water by permit information:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/)

Information relating to the filing of a Statement can be found at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/docs/ntl\\_stmnt\\_form.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/docs/ntl_stmnt_form.pdf).

Information on the Cannabis SIUR and Cannabis Policy is available

here: [https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_rights.html#siur](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_rights.html#siur)

## Requirements of Operating a Surface Water Diversion

At the time of inspection, Division staff also identified an unnamed stream on your property and is putting you on notice regarding the requirements of operating a surface water diversion should you do so in the future.

### WC section 1052:

A diversion of water subject to the State Water Board's permitting authority without a basis of right is an unauthorized diversion or use of water. An unauthorized diversion or 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, and up to \$3500 per day for each day that the unauthorized diversion or use of water occurs when used for cannabis irrigation. (WC § 1052, et seq.)

### Water Code section 5101:

Water Code section 5101 requires each person who diverts water to file with the State Water Board a statement of his or her diversion and use (Statement) according to the following deadlines:

Where the diversion of water takes place after September 30, 2021, the Statement shall include records of diversions during the period from October 1 of each year through

September 30, inclusive of the following year. Statements of diversion and use shall be filed before February 1 of the year after the one-year period (Oct. 1 – Sept. 30).

If you begin to divert water from any stream, a Statement must be filed prior to February 1 of the succeeding year. 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 that has 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 calls the violation to the attention of that person pursuant to Water Code section 5107(c)(1).

If you have multiple diversion locations (i.e., you divert water from a stream from multiple locations or divert water by use of a dam), a separate Statement is required to be filed for each diversion location. If you have any questions about how many diversion points your water infrastructure uses, please contact the Division at the phone number or email provided below.

If you have any questions regarding this matter, please contact Tina Wickeraad at (916) 341-5304 or via e-mail at [Tina.Wickeraad@waterboards.ca.gov](mailto:Tina.Wickeraad@waterboards.ca.gov). Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Tina Wickeraad, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,

ORIGINAL SIGNED BY:

Tina Wickeraad  
Environmental Scientist  
Cannabis Enforcement Section Unit 2  
Division of Water Rights

**ec:** Division of Water Rights  
Taro Murano  
[Taro.Murano@waterboards.ca.gov](mailto:Taro.Murano@waterboards.ca.gov)

Oxcar Macias  
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Laura Cunningham  
[Laura.Cunningham@waterboards.ca.gov](mailto:Laura.Cunningham@waterboards.ca.gov)

Cannabis Registration Unit  
[DWR-cannabisreg@waterboards.ca.gov](mailto:DWR-cannabisreg@waterboards.ca.gov)

**State Water Board Office of Enforcement**

Heather Jidkov  
[Heather.Jidkov@waterboards.ca.gov](mailto:Heather.Jidkov@waterboards.ca.gov)

Department of Fish and Wildlife  
Brendan Lynch  
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Ashley Worth  
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**North Coast Regional Water Quality Control Board**  
[Northcoast.Cannabis@waterboards.ca.gov](mailto:Northcoast.Cannabis@waterboards.ca.gov)

Katherine Hawken  
[Katherine.Hawken@waterboards.ca.gov](mailto:Katherine.Hawken@waterboards.ca.gov)

**Trinity County District Attorney**

David Brady  
[DBrady@trinitycounty.org](mailto:DBrady@trinitycounty.org)

Trinity County Code Enforcement  
Kristalynne Anderson  
[KAnderson@trinitycounty.org](mailto:KAnderson@trinitycounty.org)

Rikki Townzen  
[RTownzen@trinitycounty.org](mailto:RTownzen@trinitycounty.org)

**Trinity County Cannabis Program**

Drew Plebani, Director Cannabis Division  
[dplebani@trinitycounty.org](mailto:dplebani@trinitycounty.org)

Daniel Marvel  
[dmarvel@trinitycounty.org](mailto:dmarvel@trinitycounty.org)

**Trinity County Sheriff's Office**

Sergeant Nate Trujillo  
[ntrujillo@trinitycounty.org](mailto:ntrujillo@trinitycounty.org)

Sergeant Joshua Ford  
[jford@trinitycounty.org](mailto:jford@trinitycounty.org)

Deputy Justin Hayslett  
[jhayslett@trinitycounty.org](mailto:jhayslett@trinitycounty.org)

**Department of Cannabis Control**

Jose Barajas  
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**Figure 1: Aerial Imagery Map**

