



State Water Resources Control Board

AUG 13 2025

DELIVERY CONFIRMATION

Robert Paine

DELIVERY MAIL NO: 9589 0710 5270 1501 9801 33

NOTICE OF VIOLATION INV ID: 70273

DIVISION OF WATER RIGHTS INVESTIGATION OF SANTA CRUZ COUNTY ASSESSOR PARCEL NUMBER (APN) 057-213-23 AND 057-311-10

Mr. Robert Paine,

On July 24, 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 the properties referenced above . You are identified as the property owner for APN 057-213-23 (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. Violation: Cannabis Cultivation Policy, Section 1, Term 18 – Trespass Prohibited

No. of Violations: 1

Violation Description:

During the inspection, Division staff observed POU1 located on APN 057-311-10 owned by California State Parks. Water was diverted and conveyed from a well (POD1) to water storage (POS1) located on APN 057-213-23 and owned by Robert Paine for the cultivation of cannabis at POU1.

Corrective Action:

The cultivation of cannabis linked to Robert Paine occurred on POU1 located on APN 057-311-10, owned by California State Parks. Robert Paine does not have authorization to cultivate cannabis on APN 057-311-10. 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:

- 1) You must cease your cannabis cultivation on POU1 and remove all cultivation infrastructure and submit photographic proof to the State Water Board that demonstrates that POU1 was removed; **OR**
- 2) You must submit proof of authorization provided by California State Parks that expressly authorizes you to cultivate cannabis on POU1.

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 to Division staff by phone or by email provided at the bottom of this notice letter.

2. Violation: Cannabis Cultivation Policy, Section 2, Term 81 - Failure to install separate storage systems for water diverted for cannabis irrigation and water diverted for any other beneficial uses

No. of Violations: 1

Violation Description:

POS1 was used for both cannabis irrigation at POU1 and for domestic purposes. During the site inspection, Division staff did not observe a separate storage facility for water diverted for cannabis cultivation versus domestic use. The failure to have

separate storage systems for water diverted for cannabis irrigation and water diverted for any other beneficial uses 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:

1. You must install measuring device on any storage facility used for domestic use to quantify water use at your respective POU's for cannabis cultivation **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 to Division staff by phone or by email provided at the bottom of this notice letter.

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

Violation Description:1

POU1 is documented cannabis cultivation areas. At the time of inspection, Division staff did not observe any cannabis irrigation records nor any water measuring devices for the POU. 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 violations 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:

- 1) You must send the Division all records required to support that you are in compliance with Term 98, **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 to Division staff by phone or by email provided at the bottom of this notice letter.

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

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/

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.

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

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 Zyruss Edjan at (916) 917-3867 or via e-mail at Zyruss.Edjan@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Zyruss Edjan, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,

ORIGINAL SIGNED BY:

Zyruss Edjan
Water Resource Control Engineer
Cannabis Enforcement Section Unit 2
Division of Water Rights

ec: Division of Water Rights
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Figure 1: Topographic Map

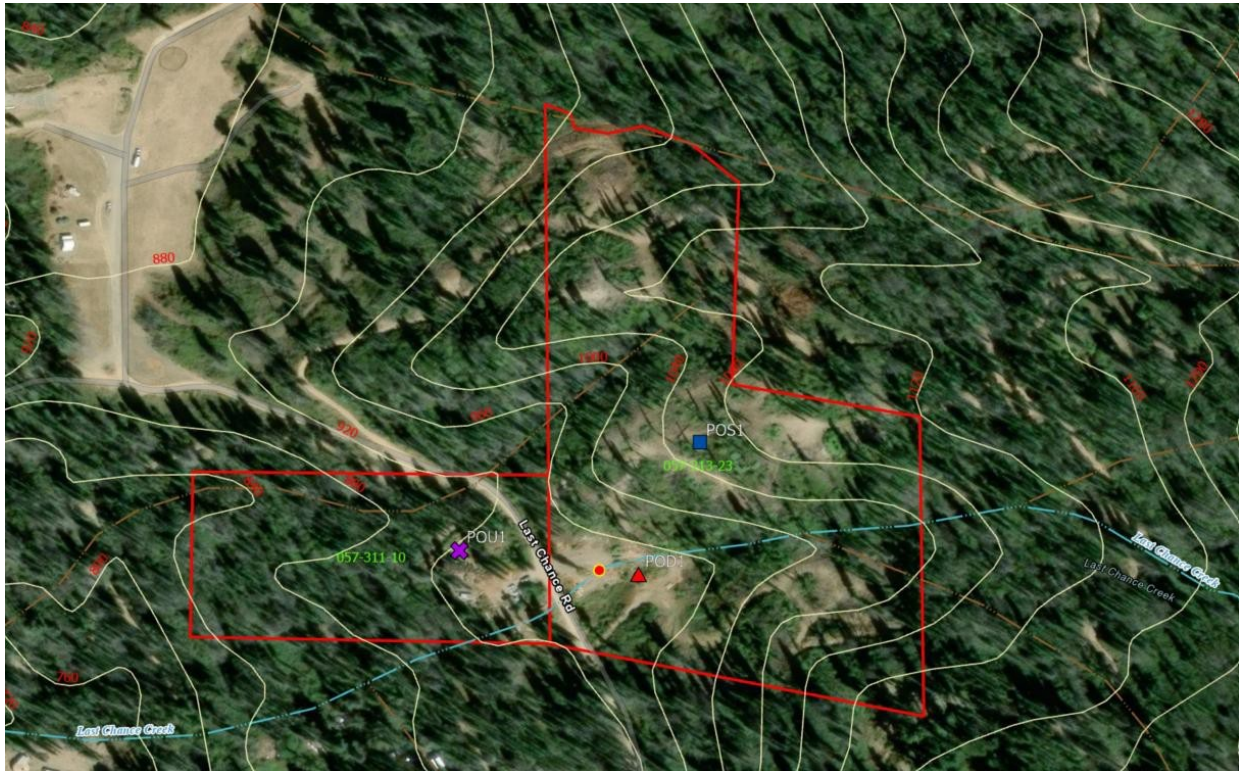


Figure 2: Aerial Imagery Map



Photo 1: POD1



Photo 2: POS1



Photo 1: POU1