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GOVERNOR



YANA GARCIA
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

August 28, 2025

CERTIFIED MAIL

In Reply Refer to:
INV ID: 70324

Francisco Ortega

VIA CERTIFIED MAIL NO: 9589 0710 5270 0211 8912 34

NOTICE OF VIOLATION DIVISION OF WATER RIGHTS INVESTIGATION OF MENDOCINO COUNTY ASSESSOR PARCEL NUMBER (APN) 046-221-10-00

Francisco Ortega,

On August 11, 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 POD1 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 or 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 92 - Water Storage Facility Without Device to Prevent Water Overflow.

Violation Count: 2

Violation Description:

At the time of the August 11, 2025 inspection, Division staff documented POS1 and POS2 without a float valve or similar device installed to prevent the overflow and waste of water. The failure to have float valves or similar devices at these POSs constitutes two violations of Term 92 of Section 2 of the Cannabis Policy.

Corrective Action:

These alleged violations are ongoing as of the date of this report. You should immediately take either corrective actions 1 or 2 to comply with the Cannabis Policy's storage overflow requirements for, but not limited to POS1 (Tank 1), POS2 (Tank 2 and Tank 3):

- 1) You must install float valves or other equivalent device to shut off a diversion when the storage system is full; OR
- 2) You must cease diverting water to POS1 (Tank 1) and POS2 (Tank 2 and Tank 3)

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 Response Portal referenced at the end of this report.

3. Cannabis Cultivation Policy, Section 2, Term 93 - Failure to Secure Tank Openings to Prevent Entry and Entrapment of Wildlife.

Violation Count: 2

Violation Description:

At the time of the August 11, 2025 inspection, Division staff observed water storage tanks in use at the Property located at POS1 (Tank 1) and POS2 (Tank 2) without tank lids installed as required by the Cannabis Policy to prevent wildlife entrapment. The failure to ensure coverage of the water storage tanks to prevent wildlife entrapment at 2 tanks constitutes 2 violations of Term 93 of Section 2 of the Cannabis Policy.

Corrective Action:

These alleged violations are ongoing as of the date of this report. You should immediately take corrective actions to comply with Term 93 of Section 2 of the Cannabis Policy:

- 1) You must install and maintain tank covers over the tops of POS1 (Tank 1) and POS2 (Tank 2); OR
- 2) You must cease diverting water to POS1 (Tank 1) and POS2 (Tank 2) for cannabis cultivation, and maintain your tank closed to the environment which includes maintaining the top cover of your tanks if they will no longer be in use.

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 Response Portal referenced at the end of this report.

4. 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:

- 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 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

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>

Appropriative 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/nti_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 Robinson Creek 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. During the inspection, Division Staff found diversion infrastructure (39.098323, - 123.26511) in the dry creek bed of Robinson Creek (Figure 3). When do you divert surface water from Robinson Creek? If you do divert the water, do you divert the water to storage?

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. 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
State Water Resource Control Board
Division of Water Rights

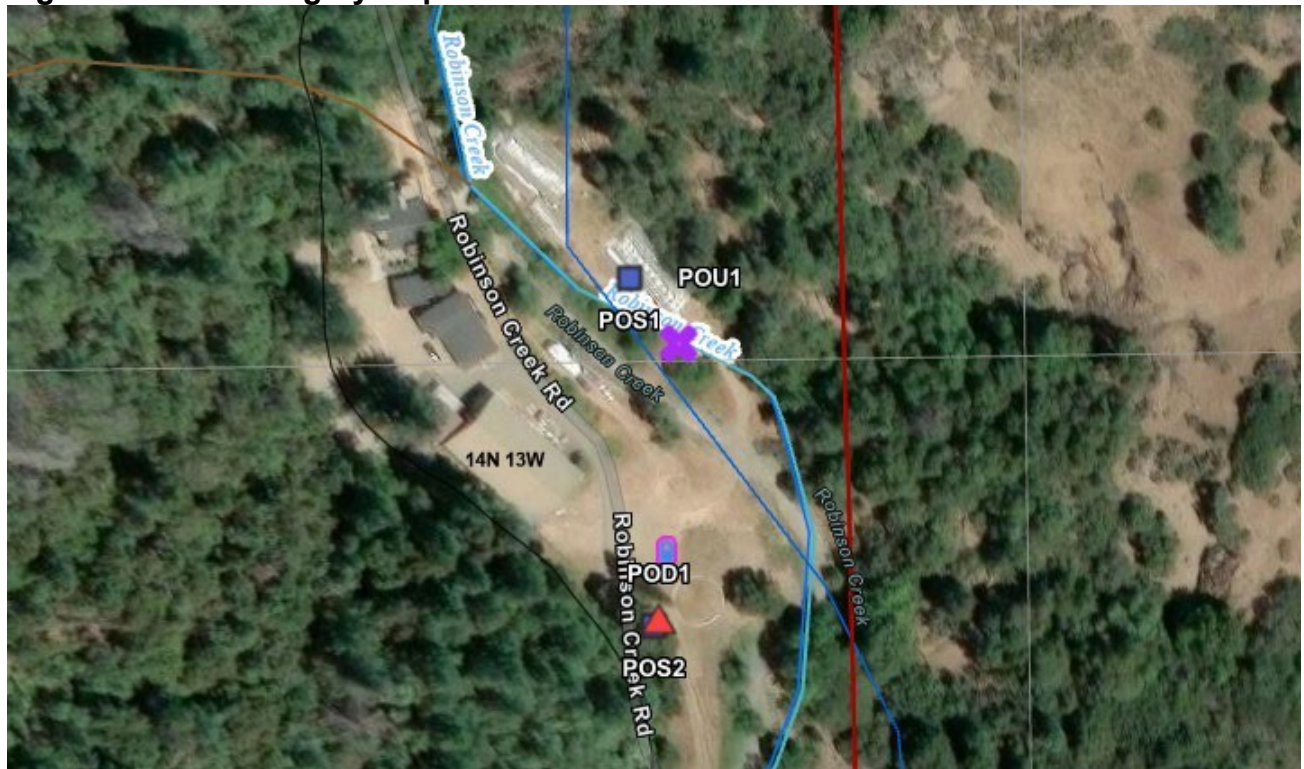
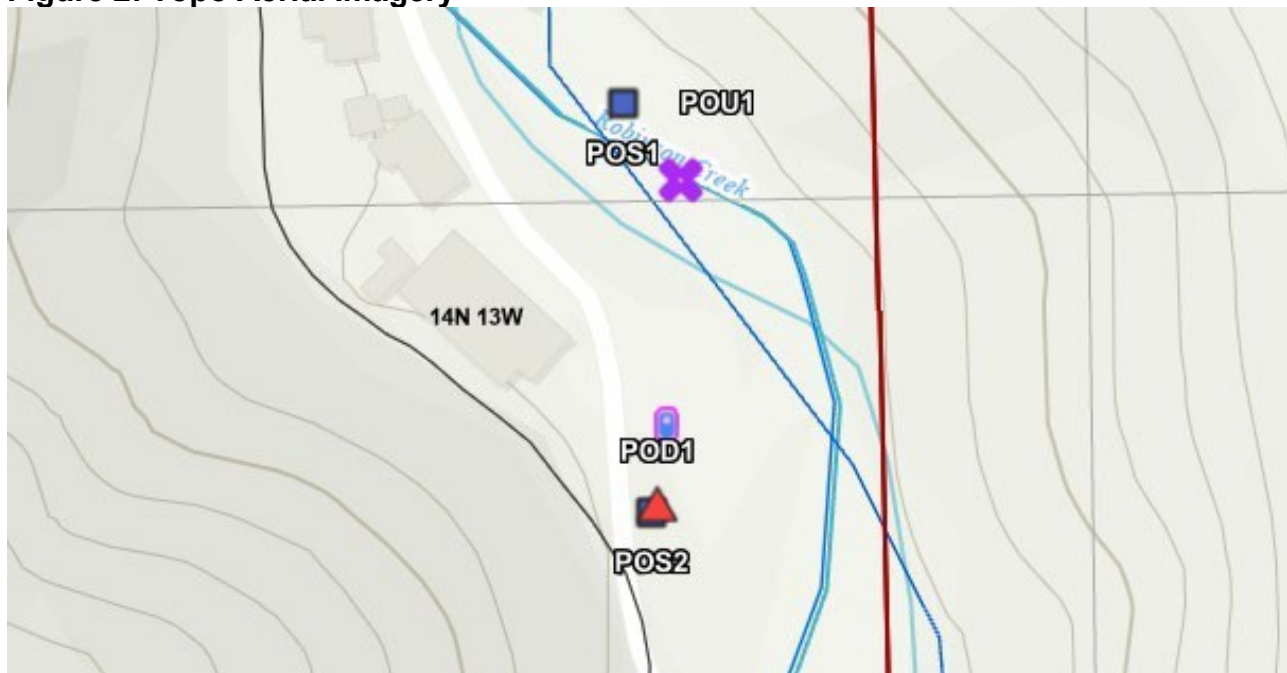
Figure 1: Aerial Imagery Map**Figure 2: Topo Aerial Imagery**

Figure 3: Diversion Infrastructure in Robinson Creek (39.098323, - 123.26511)



ec: Division of Water Rights

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