October 28, 2026

Colby Ford

DELIVERY MAIL NO: 9589 0710 5270 1738 1256 73

NOTICE OF VIOLATION

DIVISION OF WATER RIGHTS INVESTIGATION OF TRINITY COUNTY ASSESSOR PARCEL NUMBER (APN) 014-290-001-000

Colby Ford,

On October 8, 2026, 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 ($700), 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.

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.

Violation: Water Code section 1846(a)(1) – Failure to Comply with Reservoir Capacity Limitation of SDUR D033109

No. of Violations: 1
Description:
Small Domestic Use Registration (SDUR) D033109 requires, under the first paragraph on page 2 of the registration, that the registrant comply with the following:

"*The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.5 acre-foot per year to be collected from November 1 of each year to April 31 [sic] of the succeeding year: The capacity of the reservoir shall not exceed 0.55 acre-feet."*

Water Code section 1846 states:

> *(a) A person or entity may be liable for a violation of any of the following in an amount not to exceed one thousand dollars ($1,000) for each day in which the violation occurs:*
>
> > *(1) A term or condition of a permit, license, certificate, or registration issued under this division.*
> >
> > *(2) A regulation or order adopted by the [State Water Board].*

During the October 8, 2026 inspection, Division staff found that the Point of Diversion (POD) listed in water right D033109, registered to Colby Ford since July 8, 2021, corresponds to one onstream storage reservoir, POD2.

POD2 was empty at the time of the inspection. Division staff therefore determined the reservoir's full-pool extent from the high water line, as indicated by vegetation and other indicators observed in and around the reservoir, and recorded the following dimensions at the high water line: length of 105 feet, width of 65 feet, and depth of 8 feet. These field measurements are consistent with the reservoir's extent in aerial imagery dated May 10, 2026 (source: LightBox View), which is attached to this Report. Staff calculated the reservoir's capacity as follows:

1. Surface area (ellipse): half the length (a) = 52.5 ft; half the width (b) = 32.5 ft. Area = π × 52.5 ft × 32.5 ft ≈ 5,360 square feet.

2. Volume: 5,360 square feet × 8 feet ≈ 42,880 cubic feet (approximately 321,000 gallons).

3. Conversion: 42,880 cubic feet ÷ 43,560 cubic feet per acre-foot ≈ 0.98 acre-feet.

The calculated capacity of POD2 (approximately 0.98 acre-feet) exceeds the 0.55 acre-foot reservoir capacity authorized by SDUR D033109 by approximately 0.43 acre-feet. The reservoir's capacity in excess of the authorized limit represents one (1) violation of WC section 1846(a)(1).

Corrective Actions: This Report is your notice that you are in violation of the reservoir capacity limitation in SDUR D033109. POD2 must be brought into compliance so that its capacity does not exceed 0.55 acre-feet.

1. Within 30 days of receiving this Report, you must contact Division Registration staff and discuss the options you have found to revise your water right to reflect the appropriate diversion amount annually (SDUR D033109). **or**

2. You can also modify the reservoir to reduce capacity through reconstruction or by developing bypass flow so that you do not store more water than you have a right to appropriate. This will require additional consultation and permitting with our agency and other agencies.

3. Prior to beginning any construction work on the reservoir or in streams, you must consult with the Regional Water Board and the California Department of Fish and Wildlife (CDFW). You may need to obtain a 401 Water Quality Certification from the Regional Water Board and a Lake and Streambed Alteration Agreement (LSAA) from CDFW for instream work to modify the dam and reduce reservoir capacity before you can begin any work. Please notify the Division and send copies of your 401 Certification and/or your LSAA to the State Water Board.

You must also submit photographic proof and/or other documentation that supports your corrective actions taken. You can submit supporting documentation directly to Division staff as described at the end of this Report.

Violation: WC section 1846 (a)(1) - Failure to File Annual Water Diversion and Use Report (California Code of Regulations, Title 23, section 924)
No. of Violations: 2
Description:
The Owner is alleged to be in violation of:

Title 23, Chapter 2.7, Article 2, section 924 of the California Code of Regulations (Water Use Reports of Registration and Certificate Holders), which requires annual reports to be filed before February 1 after the close of the twelve-month reporting period and states. “A failure to file a report under this section is a violation of registration and certificate terms, as applicable.” Each day after the deadline that an annual water diversion and use report is not filed is a day in which the violation occurs.

Title 23, Chapter 2.7, Article 1, section 908 of the California Code of Regulations states, “Failure to meet the requirements of this chapter is a violation subject to civil

liability of up to $500 per day pursuant to Water Code section 1846."

Water Code section 1846 states:
(a) A person or entity may be liable for a violation of any of the following in an amount not to exceed one thousand dollars ($1,000) for each day in which the violation occurs:

(1) A term or condition of a permit, license, certificate, or registration issued under this division.

(2) A regulation or order adopted by the [State Water Board].

Civil liability may be imposed administratively by the State Water Board pursuant to Water Code section 1055.

SDUR D033109, located on property with APN 014-290-01-00 and owned by Colby Ford, requires compliance with the reporting requirements of Chapter 2.7 of Division 3 of Title 23 of the California Code of Regulations. Division staff reviewed the State Water Board's CalWATRS database and found no annual water diversion and use reports filed for SDUR D033109 for the 2024 and 2025 reporting years, which were due before February 1, 2025, and before February 1, 2026, respectively. Division staff allege two (2) violations of WC section 1846(a)(1) for the failure to file annual water diversion and use reports for the 2024 and 2025 reporting years.

Corrective Action:
This Report is your notice of your annual reporting violations described above. You have not filed your annual water diversion and use reports for water diverted under SDUR D033109 for the 2024 and 2025 reporting years. You should, within 30 days from the date of this Report, file your past due annual water diversion and use reports (2024 and 2025) through CalWATRS to correct these violations. For water diverted under SDUR D033109 during 2026, your annual diversion and water use report will be due by February 1, 2027.

Violation: WC section 1846(a)(2) – Failure to Pay Annual Water Right Fee for Fiscal Year 2025-2026
(California Code of Regulations, Title 23, sections 1068 and 1074)

No. of Violations: 1
Description:
The Owner is alleged to be in violation of:

Title 23, Division 3, Chapter 5, section 1068, subdivision (b) of the California Code of Regulations, which requires holders of small domestic use registrations to pay an annual fee in each year after the registration was first registered, and section 1074 of the same chapter, which provides: "Annual fees shall be imposed based on the fiscal year (July 1 through June 30)" (subd. (a)), and "An annual fee shall be due and payable thirty days after the State Board of Equalization [now the California Department of Tax and Fee Administration (CDTFA)] issues an assessment" (subd. (d)).

Water Code section 1846 (a) states, “A person or entity may be liable for a violation of any of the following in an amount not to exceed one thousand dollars ($1,000) for each day in which the violation occurs: … (2) A regulation or order adopted by the [State Water Board].” Civil liability may be imposed administratively by the State Water Board pursuant to Water Code section 1055.

Small Domestic Use Registration (SDUR) D033109, registered to Colby Ford and located on property with APN 014-290-01-00, is subject to an annual fee for fiscal year 2025-2026 (July 1, 2025 through June 30, 2026). Division staff reviewed the State Water Board’s water rights fee records and found that the annual fee for fiscal year 2025-2026 was due on July 1, 2026, and that, as of the date of this Report, the fee has not been paid. Division staff allege one (1) violation for the failure to pay the annual fee for fiscal year 2025-2026.

Unpaid fees may be referred to CDTFA for collection (Water Code, §§ 1535, subd. (b), 1536). Under the Fee Collection Procedures Law, a person who does not pay a fee by its due date owes a penalty of 10 percent of the fee, together with interest from the date the fee became due until the date of payment (Rev. & Tax. Code, § 55042, subd. (a)).

Corrective Action:
This Report is your notice of your failure to pay the annual fee described above. You should, within 30 days from the date of this Report, pay the full amount of the past due annual fee for SDUR D033109, including any accrued penalty and interest, according to the instructions on your CDTFA billing statement. If you have not received a billing statement, or you believe the assessment is incorrect, you should contact Division staff within the same 30 days.

Please note that a small domestic use registration with fees outstanding at the end of its five-year renewal period is revoked by operation of law (Water Code, § 1228.5, subd. (d)). You must also submit documentation of payment, such as a receipt or confirmation, as prescribed in the Compliance Assistance section of this report.

Violation: Cannabis Cultivation Policy, Section 2, Term 81 – Failure to install separate measuring devices to quantify diversions to and from each storage facility.

No. of Violations: 1
Description: The Owner is alleged to have violated Term 81 of Section 2 of the Cannabis Policy, which 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.

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 seven hundred dollars ($700), plus three hundred dollars ($300) 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 three thousand dollars ($3,000) for each acre-foot of water diverted or used in violation of the applicable requirement.

At the time of the October 8, 2026 inspection, POD1 was supplying all water used on the Property. Division staff observed a water diversion and conveyance system in which water diverted at POD1 is conveyed to a single storage facility, Point of Storage (POS) POS1, and is then conveyed from POS1 to three Places of Use (POU): POU1 and POU2, which are cannabis cultivation areas, and POU3, where the water is used for domestic purposes at the residence.

During the inspection, Division staff did not observe or document any water measuring devices on POS1 or on any water conveyance lines associated with POD1, including the conveyance lines leading to POU1, POU2, and POU3. Division staff determined that the observed water delivery system does not include separate water measuring devices sufficient to quantify the water diverted to and from POS1, or to quantify water used for cannabis cultivation at POU1 and POU2 separately from water used for domestic use at POU3. Based on Division staff's analysis of the observed water diversion and conveyance system, at least two water measuring devices would be necessary to separately quantify water diverted for cannabis cultivation and water diverted for any other beneficial use. The failure to install separate water measuring devices constitutes one violation of Term 81 of Section 2 of the Cannabis Policy.

Corrective Action:
As of the Division's inspection date on October 8, 2026, and the date of this inspection report, this alleged violation continues to be ongoing. You should immediately take either corrective action 1 or 2 to comply with the Cannabis Policy's measuring device requirements for POD1 to quantify all water diverted on the Property from POD1:

1. You must install measuring devices on POS1 and/or on the water conveyance lines connected to the cannabis cultivation areas at POU1 and POU2, and a separate device to measure water used for domestic purposes at the residence at POU3, as described in this report; **or**

2. You must cease diverting water 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 must submit your supporting documentation as prescribed in the Compliance Assistance section of this report.

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

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 any 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 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 Section below.

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 appropriative 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://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/siu_registration.pdf
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/intl_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 a stream (Mariposa 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.

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 Justin Baser at (916) 323-3642 or via e-mail at Justin.Baser@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board,

Division of Water Rights, Attn: Justin Baser, P.O. Box 2000, Sacramento, CA 95812-2000.
Sincerely,

ORIGINAL SIGNED BY:

Justin Baser
Environmental Scientist
Cannabis Enforcement Section
State Water Resource Control Board
Division of Water Rights

ec: Division of Water Rights
Taro Murano
Taro.Murano@waterboards.ca.gov

Stormer Feiler
Stormer.Feiler@waterboards.ca.gov

Laura Cunningham
Laura.Cunningham@waterboards.ca.gov

Cannabis Registration Unit
DWR-cannabisreg@waterboards.ca.gov

Department of Fish and Wildlife
Joshua Zulliger
Joshua.Zulliger@wildlife.ca.gov

Brady Wylie
Brady.Wylie@Wildlife.ca.gov

North Coast Regional Water Quality Control Board
Northcoast.Cannabis@waterboards.ca.gov

Trinity County Sheriff's Office
Sergeant Nate Trujillo
ntrujillo@trinitycounty.org

Trinity County Cannabis Program
Kim Hunter cannabis Program Director
Khunter@trinitycounty.org

Trinity County Code Enforcement
Kristalynne Anderson
KAnderson@trinitycounty.org

Rikki Townzen
rtownzen@trinitycounty.org

Department of Cannabis Control
Jose Barajas
Jose.Barajas@cannabis.ca.gov

Jon Silva
Jon.Silva@cannabis.ca.gov

Lindsay Rains
Lindsay.Rains@cannabis.ca.gov

Erin Wonder
Erin.Wonder@cannabis.ca.gov