



State Water Resources Control Board

APRO\ 2023

CERTIFIED MAIL

Samara Fiorentino &
Kettonpom Properties LLC

CERTIFIED MAIL NO: 7021 0950 0000 6905 0938

NOTICE OF VIOLATION

Investigation ID: 14406

DIVISION OF WATER RIGHTS INSPECTION OF TRINITY COUNTY ASSESSOR PARCEL NUMBER (APN) 022-230-006-000

Samara Fiorentino & Kettonpom Properties LLC,

On June 29, 2022, and August 5, 2022, 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 an inspection of the property referenced above (Property). The purpose of the inspection was to observe the diversion and use of water occurring on the Property and to evaluate potential impacts to the watershed.

You are being contacted because you were identified as the responsible party and/or property owner of the Trinity County APN identified above where you are allegedly diverting and using water for cannabis cultivation.

During the inspection, Division staff observed California Water Code (WC) and State Water Board, Cannabis Cultivation Policy (Policy) violations. Enclosed is the Division's Inspection Report (Report) of your Property that includes Division staff observations, alleged violations, and the corrective actions necessary for compliance with the WC and the State Water Board's Policy. The enclosed Report constitutes your notice of the alleged violations, and this matter requires your immediate attention. The information below is a summary of the alleged violations included in the Report.

Violations and Corrective Actions.....10

Violation WC 5101- Failure to File an Initial Statement of Diversion and Use:10

Violation: WC section 1052 - Unauthorized Diversion or Use of Water.....11

Violation Cannabis Cultivation Policy, Section 1, Term 18- Trespass Prohibited..... 13

Violation: Cannabis Cultivation Policy, Section 2, Term 66 - Failure to Comply with the Narrative and Numeric Instream Flow Requirements No. 4. The Surface Water Dry Season Forbearance Period.....14

Violation: Cannabis Cultivation Policy, Section 2, Term 69 - Diversion of surface water not in accordance with an existing water right.....16

Violation: Cannabis Cultivation Policy, Section 2, Term 77 - Failure to Follow Diversion Intake Condition Requirements 17

Violation: Cannabis Cultivation Policy, Section 2, Term 82 - Failure to Install Water Measuring Device or Maintain Diversion Records..... 18

Violation: Cannabis Cultivation Policy, Section 2, Term 92 - Water Storage Facility Without Device to Prevent Water Overflow 19

Violation: Cannabis Cultivation Policy, Section 2, Term 93 - Failure to Secure Tank Openings to Prevent Entry and Entrapment of Wildlife 20

Violation: Cannabis Cultivation Policy Section 2, Term 98 - Failure to Maintain Daily Records of Water Use for Cannabis Irrigation..... 21

Violation: Diversion or Use of Water for Cannabis Cultivation without a Department of Cannabis Control License..... 23

Compliance Assistance References 24

The State Water Board retains the authority and discretion to take enforcement action based on the facts and allegations contained herein and you may be subject to further enforcement action before the State Water Board. Therefore, this matter requires your immediate attention. You should follow all staff recommended corrective actions described in the enclosed Report or submit a response indicating any course of action you intend to take or have taken, include an implementation schedule, and/or photo documentation that demonstrates your compliance. You can provide your response, documentation and photos through the Division of Water Rights Cannabis Response Notice Portal detailed in the Report in the **Compliance Assistance References section.**

If you have questions concerning the Report, please contact me by phone at 916-323-9388, or by email at Anthony.Southwood@waterboards.ca.gov.
Written correspondence can be provided and addressed to the following address:

State Water Resources Control Board,
Division of Water Rights, P.O. Box 100,
Sacramento, CA 95812-0100
Attention: Anthony Southwood

Sincerely,

Anthony Southwood

Anthony Southwood
Environmental Scientist
Cannabis Enforcement Unit
Division of Water Rights

Enclosures: Division of Water Rights Inspection Report dated June 29, 2022 and August 5, 2022

ec: **Division of Water Rights - Enforcement**
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