



State Water Resources Control Board

CERTIFIED MAIL

Room to Grow Research Design & Consultation Inc. &
Luis Miguel Martinez

CERTIFIED MAIL NO: 7020 2450 0001 1888 2343

NOTICE OF VIOLATION

Investigation ID: 15028

DIVISION OF WATER RIGHTS NOTICE OF VIOLATION LAKE COUNTY ASSESSOR PARCEL NUMBER (APN) 007-045-161-000

Room to Grow Research Design & Consultation Inc. & Luis Miguel Martinez,

On June 2nd 2023, staff from the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), analyzed satellite aerial imagery and identified two onstream reservoirs on the property referenced above (Property). On June 14th 2023, Division staff confirmed that the two onstream reservoirs do not have an appropriative water right on file with the State Water Board to divert and store water.

On June 14, 2023, Division staff identified the following violations:

California Water Code (WC) section 5101 - Failure to File an Initial Statement of Water Diversion and Use (Statement).

WC section 1052 - Unauthorized Diversion or Use of Water.

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

- Cannabis Cultivation Policy, Section 2, Term 69 - Diversion of surface water not in accordance with an existing water right.
- Cannabis Cultivation Policy, Section 2, Term 79 - Onstream reservoir prohibition.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

More information regarding the above violations and the corrective actions to be taken can be found in Attachment C: Violations and Corrective Actions.

You are identified as the property owner for County Assessor's Parcel Number (APN) 007-045-161-000. The Property is authorized to cultivate cannabis under Department of Cannabis Control License CCL20-0000259. The Division is contacting you to provide you notice that Division staff identified violation(s) of the California Water Code (WC) and the State Water Board's Cannabis Cultivation Policy (Policy) requirements on your property. The purpose of this letter is to gather information, provide you notice that your diversion of water is subject to the State Water Board's permitting authority, and to inform you of your regulatory compliance options, and potential for administrative enforcement action. This letter is your notice that you are in violation of the WC and Policy. You must take immediate action to come into compliance or risk civil liability.

The information obtained by the State Water Board identifies that you are diverting water subject to the State Water Board's permitting authority for cannabis cultivation without an appropriate water right that authorizes your water diversion and use. 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 or \$1,000 during a critically dry year (drought), for each day that the unauthorized diversion or use of water occurs, plus \$2,500 for each acre-foot of water (drought). (WC § 1052, et seq.)

The Policy requires cannabis cultivators who divert and use surface water for cannabis cultivation must obtain an appropriate water right (ex: Cannabis Small Irrigation Use Registration) prior to diverting and storing water for use. Failure to obtain an appropriate water right and failure to cease your water diversion constitute ongoing violations. The State Water Board can impose civil liability in the amount of \$500 for each Policy violation and \$250 for each day the violation continues after notice of the violation is provided by the State Water Board. (WC § 1847).

In addition, WC section 5101 requires, with minor exceptions, that a person who diverts water from a stream in the absence of a permit, license, or registration must file a Statement with the State Water Board. If you divert water, then you are required to report your water diversion and use to the State Water Board for October 1 – September 30 prior to February 1 of the succeeding year by filing a Statement pursuant to WC section 5101.

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.

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, 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 has called the violation to the attention of that person. (WC § 5107, subd. (c)(1)).

This letter constitutes your notice of the above-mentioned WC and Policy requirements. Your response to the allegations listed in this notice is required and should be submitted within 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.

Within 30 days from the date of this notice letter you should take the following corrective actions:

1. You must cease your diversion of water and use for cannabis cultivation until you obtain an appropriate water right like a SIUR; and
2. You must obtain an appropriate water right like a SIUR or file an application to appropriate water by permit; and
3. You must file a Statement for each diversion location on your property whether you use water diverted for cannabis or other uses; and
4. You must address all violations outlined in Attachment C: Violations and Corrective Actions

You must also submit photographic proof and/or other documentation that supports your corrective actions taken whether you choose compliance option 1, 2, 3, and 4. You can submit your documents through the State Water Board's Cannabis Compliance Response Portal referenced below.

To facilitate your response, we are providing you with an Investigation Identification Number (Investigation ID No. listed below), which you can use to respond electronically. You can also contact Division staff by phone or by email provided at the bottom of this notice letter. To use your Investigation ID No. follow the steps provided below.

Investigation ID No. 15028

- Step one:** Go to the State Water Board's Cannabis Cultivation Programs Portal at: <https://public2.waterboards.ca.gov/CGO/>
- Step two:** Register or login to your account

Step three: Under survey Click “New” for the “Division of Water Rights Cannabis Compliance Response Portal”

Step four: When you fill out your response to this NOV use the Assessor Parcel Number listed in this NOV in Part I.

Step five: Additionally, in your response use the Investigation ID listed above.

You can submit an appropriate water right SIUR application at:

<https://public2.waterboards.ca.gov/cgo> 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

If you have any questions regarding this matter, please contact Anthony Southwood at (916) 323-9388 or via e-mail at Anthony.Southwood@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Anthony Southwood, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,



Anthony Southwood
Environmental Scientist
Cannabis Enforcement Unit
Division of Water Rights

Enclosure: Attachment A: Topographic Map of Parcel
Attachment B: Unauthorized Reservoirs
Attachment C: Violations and Corrective Actions

ec: Division of Water Rights

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