



State Water Resources Control Board

September 13, 2023

CERTIFIED MAIL

Juan Gamino

CERTIFIED MAIL NO: 7021 0950 0000 7129 9530

NOTICE OF VIOLATION

Investigation ID: 15056

**DIVISION OF WATER RIGHTS INSPECTION OF MENDOCINO COUNTY
ASSESSOR PARCEL NUMBER (APN) 034-410-04-00**

Juan Gamino,

On August 24, 2023, 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. Division staff observed ground water as the sole source of water in use on the property.

You are identified as the property owner for Mendocino County Assessor's Parcel Number (APN) 034-410-04-00. The Division is contacting you to provide you notice that at the time of inspection, 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 groundwater well use is still required to comply with requirements detailed in the State Water Board's Policy 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 Policy requirements. You must take immediate action to come into compliance or risk civil liability.

On August 24, 2023, Division staff identified the following violations of a Principle, Guideline, or Requirement established in the State Water Board's Cannabis Policy, Attachment A., pursuant to WC section 13149:

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

1. **Cannabis Cultivation Policy, Section 2, Term 81** - Failure to Install Separate Measuring Devices to Quantify Diversion to and From Each Storage Facility.
2. **Cannabis Cultivation Policy, Section 2, Term 82** - Failure to Install Water Measuring Device or Maintain Diversion Records.
3. **Cannabis Cultivation Policy, Section 2, Term 92** - Water Storage Facility Without Device to Prevent Water Overflow.
4. **Cannabis Cultivation Policy, Section 2, Term 93** - Failure to Secure Tank Openings to Prevent Entry and Entrapment of Wildlife.
5. **Cannabis Cultivation Policy Section 2, Term 98** – Failure to Maintain Daily Records of Water Use for Cannabis Irrigation.
Diversion or use of water for cannabis cultivation without a Department of Cannabis Control Cultivation License (WC section 1847(b) (4)).

To ensure continued compliance with the State Water Board’s Cannabis Cultivation Policy, you must cease your water diversions for cannabis cultivation and remove all infrastructure associated with the cultivation of cannabis. If you have irrigation records, please submit those as well. All tanks must also have the openings covered to prevent wildlife entrapment.

You must also submit photographic proof and/or other documentation that supports your corrective actions taken for all violations. You can submit your documents through the State Water Board's Cannabis Compliance Response Portal referenced at the end of this report. In addition, please provide evidence of authorization to take water from the neighboring property.

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.

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. 15056

- 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 have any questions regarding this matter, please contact Ryan Babb at (916) 341-5410 or via e-mail at Ryan.Babb@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Ryan Babb, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,

ORIGINAL SIGNED BY

Ryan Babb
Water Resources Control Engineer
Cannabis Enforcement Section
Division of Water Rights

cc:Division of Water Rights
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Department of Cannabis Control

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