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State Water Resources Control Board

AUG 16 2023

CERTIFIED MAIL

Tom Warne

CERTIFIED MAIL NO: 7020 0090 0000 4008 3335

Ramon Valenzuela Cardenas

CERTIFIED MAIL NO: 7020 0090 0000 4008 3342

NOTICE OF VIOLATION

Investigation ID: 15023

DIVISION OF WATER RIGHTS INSPECTION OF TRINITY COUNTY ASSESSOR PARCEL NUMBER (APN) 022-350-014-000 and 022-350-022-000

Tom Warne & Ramon Valenzuela Cardenas,

On June 6, 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 properties referenced above. 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 property owners of the Trinity County APN identified above where you are allegedly diverting and using water for cannabis cultivation. 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 second notice of the alleged violations, and this matter requires your immediate attention. The first notice of violation was left with a copy of the search warrant on June 6, 2023, and

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

detailed WC and Policy violations and corresponding corrective actions. The information below is a summary of the alleged violations included in the Report.

Violations and Corrective Actions.....h5.Q1..?. . 1,!lo

- Violation: WC section 5101 -Failure to File an Initial Statement of Water Diversion and Use (Statement) 15
- Violation: WC section 1Q52 - Unauthorized Diversion or Use of Water 15
- Violation: Cannabis Cultivation Policy, Section 1, Term 18 - Trespass Prohibited..... 17
- 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 18
- Violation: Cannabis Cultivation Policy, Section 2, Term 69 - Diversion of surface water not in accordance with an existing water right..... 20
- Violation: Cannabis Cultivation Policy, Section 2, Term 77 - Failure to Follow Diversion Intake Condition Requirements 21
- Violation: Cannabis Cultivation Policy, Section 2, Term 82 - Failure to Install Water Measuring Device or Maintain Diversion Records 23
- Violation: Cannabis Cultivation Policy, Section 2, Term 89 - Failure to prevent off-stream water storage overflow 25
- Violation: Cannabis Cultivation Policy, Section 2, Term 92 - Water Storage Facility Without Device to Prevent Water Overflow 26
- Violation: Cannabis Cultivation Policy, Section 2, Term 93 - Failure to Secure Tank Openings to Prevent Entry and Entrapment of Wildlife 27
- Violation: Cannabis Cultivation Policy, Section 2, Term 98 - Failure to Maintain Daily Records of Water Use for Cannabis Irrigation 28
- Violation: Diversion or Use of Water for Cannabis Cultivation without a Department of Cannabis Control License 29
- Right to Further Enforcement..... 30

Compliance Assistance References 31

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) 917-3867, or by email at zyruss.edjan@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: Zyruss Edjan

Sincerely,

Zyruss Edjan

Zyruss Edjan
Water Resource Control Engineer
Cannabis Enforcement Unit
Division of Water Rights

Enclosures:

Division of Water Rights Inspection Report dated June 6, 2023

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

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