



State Water Resources Control Board

APR 01 2023

CERTIFIED MAIL

Samara Fiorentino &
Kettonpom Properties LLC
156 W. 174th St., Apt. 14E
Bronx, NY 10453

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

cc: **Division of Water Rights - Enforcement**
Taro Murano
Taro.Murano@waterboards.ca.gov

Stormer Feiler
Stormer.Feiler@waterboards.ca.gov

Philip Dutton
Philip.Dutton@waterboards.ca.gov

Cannabis Registration Unit
CannabisReg@waterboards.ca.gov

Department of Fish and Wildlife Barry
Powell Barry.Powell@wildlife.ca.gov

Tobi Freeny Tobi.Freeny@wildlife.ca.gov

Samar Richards

North Coast Regional Water Quality Control Board

Kason Grady

Kason.Grady@waterboards.ca.gov

Trinity County District Attorney

James Gandy

JGandy@trinitycounty.org

Trinity County Code Enforcement

Kristalynn Anderson

KAnderson@trinitycounty.org

Trinity County Cannabis Program

Kim Hunter Cannabis Program Director

KHunter@trinitycounty.org

Trinity County Sheriffs Office

Sergeant Nate Trujillo

NTrujillo@trinitycounty.org

Sergeant Joshua Ford

JFord@trinitycounty.org

Deputy Justin Hayslett

JHayslett@trinitycounty.org

Department of Cannabis Control

Tabatha Chavez

Tabatha.Chavez@cannabis.ca.gov

Lindsay Rains

Lindsay.Rains@cannabis.ca.gov

Erin Wonder

Erin.Wonder@cannabis.ca.gov