



State Water Resources Control Board

June 12, 2024

CERTIFIED MAIL

Juan Hernandez

CERTIFIED MAIL NO: 9589 0710 5270 0916 6057 09

DIVISION OF WATER RIGHTS INSPECTION OF TUOLUMNE COUNTY APN 028-470-001-000

Juan Hernandez:

On May 16, 2024, 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 property owner of the Tuolumne County APN identified above. You live in a County that does not allow legal cannabis cultivation and your Property has been documented with illegal cannabis cultivation. This Notice of Violation (NOV) provides you notice of the options available for you to legally divert surface water for uses other than for cannabis cultivation. On the date of inspection, Division staff determined that the source of water used on the Property for cannabis cultivation was groundwater. Division staff also observed surface water sources on the Property.

This letter provides you notice of the following California Water Code (WC) requirements if you were to establish a surface water diversion for other water uses types like domestic use and fire protection:

1. If you divert water subject to the State Water Board's permitting authority without a valid basis of right on file with the State Water Board, your diversion may be 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

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

civil liability in an amount not to exceed \$500 for each day that the unauthorized diversion or use of water occurs. (WC § 1052, et seq.)

2. WC sections 5101 requires the following: *“Each, after December 31, 1965, diverts water shall file with board, a statement of his or her diversion and use...”*

If you divert water, then you are required to report to the State Water Board your water diversion and use for each year for October 1 – September 30 prior to February 1 of the succeeding year by filing a Statement pursuant to WC section 5101. Each surface water diversion requires a separate Statement.

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 that has occurred since 2009, 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 calls the violation to the attention of that person pursuant to WC section 5107(c)(1).

3. If you intend to divert water from a stream on or adjacent to your property, you must file for a water right, such as a Small Domestic Use Registration (SDUR) or submit an application to appropriate water by permit. Failure to file for a water right can be a violation of the State Water Board’s Policy.

You may be civilly liable for violations of the Water Code in the event you divert water for your uses without a water right or statement on file depending upon the circumstances of your actions.

You are directed to within 30 days do the following:

1. Cease cannabis cultivation immediately; and
2. Remove your cannabis cultivation infrastructure that includes water conveyance and water storage; and
3. Maintain your water storage closed to the environment to prevent wildlife entrapment.

Please respond as directed below within the 30 days to demonstrate your compliance. To facilitate your response, we are providing you with an Investigation Identification Number (Investigation ID No.), which you can use to respond electronically. In the event you prefer to call or email, these alternative means of contacting our staff are also provided. To use your Investigation ID No., follow the steps provided below.

Investigation ID No. 16190

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.

The State Water Board, Division of Water Rights, has continuing authority to investigate the diversion of water and use to protect public trust resources. This letter does not preclude further enforcement action by the State Water Board, if evidence is presented that supports a Water Code violation or impacts to public trust resources as a result of your diversion.

If you have questions concerning the Water Rights Inspection, please contact me by phone at (916) 341-5304 or via e-mail at Tina.Wickeraad@waterboards.ca.gov.

Sincerely,

ORIGINAL SIGNED BY:

Tina Wickeraad
Environmental Scientist
Cannabis Enforcement Unit 2
Division of Water Rights

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