



State Water Resources Control Board

June 3, 2026

CERTIFIED MAIL

In Reply Refer to:
INV ID 70716

Ethan Fisher

CERTIFIED MAIL NO: 9589 0710 5270 2654 1072 55

Dear Ethan Fisher:

NOTICE OF UNAUTHORIZED DIVERSION AND REQUIREMENT TO FILE A STATEMENT OF WATER DIVERSION AND USE FOR MENDOCINO COUNTY ASSESSOR PARCEL NUMBER (APN)147-053-05-01.

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received information from the California Department of Fish and Wildlife (CDFW) that there is an on-stream reservoir on your property referenced above. You cannot divert water to storage without an appropriative water right issued by the State Water Board.

The purpose of this letter is to gather information, provide you with notice that your diversion of water is subject to the State Water Board's permitting authority, and inform you of your regulatory compliance options. 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 \$1,000 for each day that the unauthorized diversion or use of water occurs, plus \$4,000 for each acre-foot of water diverted during a drought. If an unauthorized diversion or use of water occurs for unlicensed cannabis cultivation, the State Water Board may impose a civil liability in an amount not to exceed \$4,000 for each day that the unauthorized diversion or use of water occurs. (WC § 1052, et seq.)

The Policy requires cannabis cultivators who divert and use surface water for cannabis cultivation must obtain an appropriative water right (ex: Cannabis Small Irrigation Use Registration) prior to diverting and storing water for use. Failure to obtain an appropriative water right and failure to cease your water diversion constitute ongoing violations. The State Water Board can impose civil liability in the amount of \$700 for

each Policy violation and \$300 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 \$2,000 for the failure to file a Statement for each point of diversion, plus \$800 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)).

To achieve compliance, you may either 1) obtain an appropriate water right, or 2) render the reservoir incapable of storing water. More information on appropriate water rights is at the end of this letter.

The previous property owner was cultivating cannabis. If you plan to cultivate cannabis, please note diversion and irrigation infrastructure is subject to the State Water Board's Cannabis Cultivation Policy (Policy). The Policy requires cannabis cultivators who divert and use surface water for cannabis cultivation must obtain a Cannabis Small Irrigation Use Registration prior to diverting and storing water for use.

This letter constitutes your notice of the abovementioned WC and Policy requirements. Your response to 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 file an application to appropriate water by permit; or
2. Remove the on-stream reservoir on your property. However, you must first consult with the Regional Water Quality Control Board (Region) and CDFW to assess the potential impact of removing your reservoir. You may need to obtain a

401 Certification from the Region for instream work to remove the dam, and a Lake and Streambed Alteration Agreement (LSAA) from CDFW before you can begin removal of the reservoir.

For questions, you can reach us by phone at 916-341-5362.

Information on how to obtain an SIUR, water right applications, and the Cannabis Policy is listed below:

To file an SIUR application: <https://calwatsr.waterboards.ca.gov/portal/s/registration>

For assistance contact us at 916-341-5362 or email at dwr.cannabisenforcement@waterboards.ca.gov

To file an application to appropriate water by permit:

<https://calwatsr.waterboards.ca.gov/portal/s/appropriative-rights>

To file an Initial Statement of Water Diversion and Use:

<https://calwatsr.waterboards.ca.gov/portal/s/statement-of-use-initiate>

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 Laura Cunningham at (916) 327-8696 or via e-mail at Laura.Cunningham@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Laura Cunningham, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,

Laura Cunningham

Laura Cunningham, Analyst
Cannabis Enforcement Unit 2
Division of Water Rights

Enclosure: Notice of Violation of Fish and Game Code

ec: See next page.

ec:

Division of Water Rights

Taro Murano

Taro.Murano@waterboards.ca.gov

Stormer Feiler

Stormer.Feiler@waterboards.ca.gov

Laura Cunningham

Laura.Cunningham@waterboards.ca.gov

Oxcar Macias

Oxcar.macias@waterboards.ca.gov

Cannabis Registration Unit

DWR-CannabisReg@waterboards.ca.gov

State Water Board Office of Enforcement

Heather Jidkov

Heather.jidkov@waterboards.ca.gov

Department of Fish and Wildlife

Lt. Justin Rhoades

Justin.Rhoades@wildlife.ca.gov

Kelly McDaniel

Kelly.McDaniel@wildlife.ca.gov

Matthew Jones

Matthew.Jones@wildlife.ca.gov

Paul Garrison

Paul.garrison@wildlife.ca.gov

Daniel Harrington

James.white@wildlife.ca.gov

Department of Cannabis Control

Emerson Kanawi

Emersob.Kanawi@cannabis.ca.gov

North Coast Regional Water Quality Control Board

Northcoast.cannabis@waterboards.ca.gov

Mendocino County Sheriff's Office

Timothy Del Fiorentino

Delfiort@mendocinosheriff.org

Bureau of Land Management

Logan Janowski

ljanowski@blm.gov