



State Water Resources Control Board

NOVEMBER 3, 2023

CERTIFIED MAIL

Steven Her

CERTIFIED MAIL NO: 7021 0950 0000 6905 1164

DIVISION OF WATER RIGHTS INSPECTION OF TRINITY COUNTY APN 020-200-008-000

Steven Her,

On September 19, 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.

You are being contacted because you were identified as the owner of the Property. On September 19, 2023, 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 (Water Code) requirements if you were to establish a surface water diversion for cannabis cultivation or 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 civil liability in an amount not to exceed \$500 for each day that the unauthorized diversion or use of water occurs and up to \$3,500 for each day that the unauthorized diversion or use for unlicensed cannabis cultivation occurs. (Water Code § 1052, et seq.)

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

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2. Water Code sections 5101 requires Each Person who diverts water to file with the State Water Board a statement of his or her diversion and use (Statement) according to the following deadlines:

Where the diversion of water takes place after September 30, 2021, the Statement shall include records of diversions during the period from October 1 of each year through September 30, inclusive of the following year. Statements of diversion and use shall be filed before February 1 of the year after the one-year period (Oct. 1 – Sept. 30).

If you begin to divert water from any stream, a Statement must be filed prior to February 1 of the succeeding year. 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 Water Code section 5107(c)(1).

3. If you intend to divert water from a stream on or adjacent to your property for cannabis cultivation, you must file for an appropriative water right, such as a Small Irrigation Use Registration or submit an application to appropriate water by permit if cannabis cultivation is locally permissive for your parcel location. You must also comply with other requirements in the State Water Board's Cannabis Cultivation Policy (Policy), Attachment A, Principle, Guidelines, and Requirements established pursuant to Water Code section 13149. Failure to file for an appropriative water right and comply with the requirements in the Policy for cannabis cultivation activities can be a violation of the Policy.

You may be civilly liable for violations of the Policy's Attachment A, Principles, Guidelines, and Requirements, pursuant to Water Code section 1847(a). Water Code section 1847(a) provides that any person or entity committing a violation of the above referenced requirement may be liable in an amount not to exceed the sum of five hundred dollars (\$500), plus two hundred fifty dollars (\$250) for each additional day on which the violation continues if the person fails to correct the violation within 30 days after the board has called the violation to the attention of that person, plus two thousand five hundred dollars (\$2,500) for each acre-foot of water diverted or used in violation of the applicable requirement.

The State Water Board, Division of Water Rights, has continuing authority to investigate the diversion and use of water 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) 323-0359, or by email at zachary.gomer@waterboards.ca.gov.

Sincerely,

ORIGINAL SIGNED BY

Zach Gomer
Cannabis Enforcement Unit 1
Division of Water Rights

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

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