



State Water Resources Control Board

FEB 04 2025

CERTIFIED MAIL

Pedro Martinez

CERTIFIED MAIL NO: 9589 0710 5270 1501 9789 56

NOTICE OF VIOLATION

Investigation ID: 10777

**DIVISION OF WATER RIGHTS INVESTIGATION OF MENDOCINO COUNTY
ASSESSOR PARCEL NUMBER (APN) 032-224-10-00, 032-224-06-00,
032-225-22-00, and 032-224-21-00**

Pedro Martinez,

On September 19, 2024, staff from the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), in coordination with California Department of Fish and Wildlife (CDFW) conducted a search warrant investigation of the properties referenced above. The purpose of the investigation was to observe the diversion and use of water occurring on the properties and to evaluate potential impacts to the watershed.

You are being contacted because you were identified as the property owner of Mendocino County APNs 032-225-22-00 and 032-224-21-00 where David Oleary was allegedly diverting water from the reservoir located on APNs 032-225-22-00 and conveying it through APN 032-224-21-00 for use on APN 032-224-10-00, owned by David Oleary, for irrigation of cannabis.

During the investigation, Division staff observed California Water Code (WC) and State Water Board, Cannabis Cultivation Policy (Policy) violations. Enclosed is the Division's Inspection Report (Report) for the properties 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 documents the ongoing alleged violations sustained during the July 18, 2019 inspection. This matter requires your immediate attention. The information below is a summary of your alleged violations included in the Report. Please note the report covers the inspection of all APNs listed above, including violations and corrective actions for all property owners.

Violations and Corrective Actions 12

Violation: WC section 5101 - Failure to File an Initial Statement of Water Diversion and Use (Statement)..... 12

Violation: WC section 1052 - Unauthorized Diversion or Use of Water 13

Compliance Assistance References 28

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 either through the Division of Water Rights Cannabis Response Notice Portal detailed in the Report in the Compliance Assistance References section using the Investigation Id 10777 previously assigned to you per the July 18, 2019 inspection, or directly to Ryan Babb with the contact information listed below.

If you have questions concerning the Report, please contact me by phone at (916) 341-5410, or by email at ryan.babb@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: Ryan Babb.

Sincerely,

ORIGINAL SIGNED BY:

Ryan Babb
 Water Resources Control Engineer
 Cannabis Enforcement Unit
 Division of Water Rights

Enclosures:

Division of Water Rights Inspection Report dated September 19, 2024 ec: See next page

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ec: Division of Water Rights - Cannabis Enforcement

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