



State Water Resources Control Board

July 26, 2023

CERTIFIED MAIL

Patricia Sylva and Frank Sylva

CERTIFIED MAIL NO: 7021 0950 0000 7129 5006

NOTICE OF VIOLATION

Investigation ID: 15018

DIVISION OF WATER RIGHTS INSPECTION OF LAKE COUNTY ASSESSOR PARCEL NUMBER (APN) 007-010-550-000 AND 007-010-560-000

Patricia and Frank Sylva,

On May 18, 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. Division staff observed ground water as the sole source of water in use on the property.

You are identified as the property owner for Lake County Assessor's Parcel Number (APN) 007-010-550-000 and 007-010-560-000. This Notice of Violation (NOV) provides you notice that at the time of inspection of your property division staff found violation(s) of the California Water Code (WC) and the State Water Board's Cannabis Cultivation Policy (Policy) requirements. The purpose of this letter is to gather information, provide you notice that your diversion of water is subject to the State Water Board's permitting authority, and to inform you of your regulatory compliance options, and the potential for administrative enforcement actions. This letter is your notice that you are in violation of the WC and Policy. You must take immediate action to come into compliance or risk civil liability.

On May 18, 2023, Division staff found the following violations of a Principle, Guideline, or Requirement established in the State Water Board's Cannabis Policy, Attachment A., pursuant to WC section 13149:

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

1. **Cannabis Cultivation Policy, Section 2, Term 81** - Failure to install a measuring device to quantify water diversion and use.
2. **Cannabis Cultivation Policy, Section 2, Term 92** - Water Storage Facility Without Device to Prevent Water Overflow.
3. **Cannabis Cultivation Policy, Section 2, Term 93** - Failure to Secure Tank Openings to Prevent Entry and Entrapment of Wildlife.
4. **Cannabis Cultivation Policy, Section 2, Term 97** – Failure to implement water conserving irrigation methods (e.g., drip and trickle irrigation)
5. **Cannabis Cultivation Policy Section 2, Term 98** – Failure to Maintain Daily Records of Water Use for Cannabis Irrigation.
6. **Cannabis Cultivation Policy Section 2, Term 101**- Failure to regularly replace outdated, worn, or inefficient irrigation system components.
Diversion or use of water for cannabis cultivation without a Department of Cannabis Control Cultivation License (WC section 1847(b) (4)).

To ensure continued compliance with the State Water Board’s Cannabis Cultivation Policy, you must cease your water diversions for cannabis cultivation and remove all infrastructure associated with the cultivation of cannabis.

You must also send photographic proof and/or other documentation that supports your corrective actions taken for all violations. You can submit your documents through the State Water Board's Cannabis Compliance Response Portal referenced at the end of this report.

This letter is your notice of the above-mentioned WC and Policy requirements. Your response to the allegations listed in this notice is required and should be submitted in 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.

To facilitate your response, we are providing you with an Investigation Identification Number (Investigation ID No. listed below), which you can use to respond electronically. You can also contact Division staff by phone or by email provided at the bottom of this notice letter. To use your Investigation ID No., follow the steps provided below.

Investigation ID No. 15018

- 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.

You can submit an appropriate water right SIUR application at:

<https://public2.waterboards.ca.gov/cgo>

Need Help? Contact us at 916-341-5362 or email at

dwr.cannabisenforcement@waterboards.ca.gov

If you have any questions regarding this matter, please contact Zyruss Edjan at (916) 917-3867 or via e-mail at Zyruss.Edjan@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Zyruss Edjan, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,

ORIGINAL SIGNED BY

Zyruss Edjan
Water Resource Control Engineer
Cannabis Enforcement Unit 1
Division of Water Rights

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

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