



State Water Resources Control Board

CERTIFIED MAIL

In Reply Refer to:
INV ID 14440

Dimitre Lordanov
[REDACTED]

CERTIFIED MAIL NO: 7021 2720 0000 9897 3593

Dear Dimitre Lordanov

NOTICE OF VIOLATION FOR UNAUTHORIZED DIVERSION AND FAILURE TO FILE A STATEMENT OF WATER DIVERSION AND USE FOR TRINITY COUNTY ASSESSOR PARCEL NUMBER APN 020-390-003-000.

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received information from the California Department of Fish and Wildlife alleging that you are diverting surface water for cannabis cultivation. You cannot divert water during the Cannabis Cultivation Policy's forbearance period of April 1 – October 31, nor can you divert water to storage without an appropriate water right issued by the State Water Board

You are identified as the property owner for County Assessor's Parcel Number (APN) APN 020-390-003-000. The Division is contacting you to provide you notice that you are in violation 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, or you risk administrative civil liability. 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 a per day, per violation.

The information obtained by the State Water Board identifies that you are diverting water subject to the State Water Board's permitting authority for cannabis cultivation without an appropriate water right that authorizes your water diversion and use. 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 \$500 or \$1,000 during a critically dry

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

year (drought), for each day that the unauthorized diversion or use of water occurs, plus \$2,500 for each acre-foot of water (drought). (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 \$500 for each Policy violation and \$250 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 \$1,000 for the failure to file a Statement for each point of diversion, 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 has called the violation to the attention of that person. (WC § 5107, subd. (c)(1)).

This letter constitutes your notice of the above mention WC and Policy requirements. Your response to the allegations listed in 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 cease your diversion of water and use for cannabis cultivation until you obtain an appropriative water right like a SIUR; and
2. You must obtain an appropriative water right like a SIUR or file an application to appropriate water by permit; and
3. You must file a Statement for each diversion location on your property whether you use water diverted for cannabis or other uses.

You must also submit photographic proof and/or other documentation that supports your corrective actions taken whether you choose compliance option 1, 2 and 3. You can submit your documents through the State Water Board's Cannabis Compliance Response Portal referenced below.

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. 14440

- 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 would like to file an application to appropriate water by permit you can find information and file your application at the weblink listed at:

<https://public2.waterboards.ca.gov/mt/Home/Index>

Appropriate water by permit information:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/

Information relating to the filing of a Statement can be found at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/docs/intl_stmnt_form.pdf

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) 397- 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: California Department of Fish and Wildlife, Notice of Violation of Fish and Game Sections 1602, 5650, and 5652

ec: Division of Water Rights
Taro Murano
Taro.Murano@waterboards.ca.gov

Stormer Feiler
Stormer.Feiler@waterboards.ca.gov

Karen Kramer
Karen.Kramer@waterboards.ca.gov

Cannabis Registration Unit
DWR-CannabisReg@waterboards.ca.gov

Department of Fish and Wildlife
Barry Powell
Barry.Powell@wildlife.ca.gov

Lt. Brian Boyd
Brian.Boyd@wildlife.ca.gov

Region 1 CEP
R1cepredding@wildlife.ca.gov

North Coast Regional Water Quality Control Board
Kason Grady
Kason.Grady@waterboards.ca.gov

Trinity County District Attorney

James Gandy

JGandy@trinitycounty.org

Trinity County Code Enforcement

Kristalynn Anderson

KAnderson@trinitycounty.org

Trinity County Cannabis Program

Kim Hunter

KHunter@trinitycounty.org

Trinity County Sheriff's Office

Sergeant Nate Trujillo

NTrujillo@trinitycounty.org

Sergeant Joshua Ford

JFord@trinitycounty.org

Deputy Justin Hayslett

JHayslett@trinitycounty.org

Department of Cannabis Control

Tabatha Chavez

Tabatha.Chavez@cannabis.ca.gov

Lindsay Rains

Lindsay.Rains@cannabis.ca.gov

Erin Wonder

Erin.Wonder@cannabis.ca.gov



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE

Region 1 - Northern
601 Locust Street
Redding, CA 96001
(530) 225-2300
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 20, 2022

CERTIFIED MAIL:

7021 2720 0001 1483 1395

Dimitre Iordanov
[REDACTED]

Dear Mr. Iordanov;

Notice of Violation of Fish and Game Code Sections 1602, 5650, and 5652

On June 30, 2022, California Department of Fish and Wildlife (Department) staff visited your property, identified by Assessor's Parcel Number 020-390-003-000, located on unnamed tributaries to Holly Creek, tributary to the Mad River in Trinity County. During the visit, staff observed the activities described below, which are in violation of Fish and Game Code (Fish & G. Code) sections 1602, 5650, and 5652. Staff also observed active cannabis cultivation on the property.

The number of Fish & G. Code violations documented during the inspection is eleven (11) and includes three (3) 1602 violations, five (5) 5650 violations, and three (3) 5652 violations. A summary description of the violations is included in Table 1 below. A site map is enclosed with this letter for reference.

Table 1. Summary of Fish & G. Code Violations

Site Name	GPS (Lat., Long.)	Fish & G. Code Section	Violation Description
Stream Crossing (SC-1)	40.293185°, -123.35356°	1602(a)	Substantial obstruction of the natural flow of any river, stream, or lake without notification. Installation of an undersized and poorly aligned 12" diameter corrugated metal pipe (CMP); inlet completely buried, and pipe obstructed with sediment.
		5650(a)(6)	Deleterious material (fine sediment) was deposited in, permitted to pass into, or placed where it can pass into waters of the state. Due to the plugging of the undersized culvert, streamflow overtopped the crossing and began eroding the road surface, depositing fill within the stream.

Conserving California's Wildlife Since 1870

Dimitre Iordanov; APN: 020-390-003-000

July 20, 2022

Page 2

Site Name	GPS (Lat., Long.)	Fish & G. Code Section	Violation Description
Diversion (WS-1)	40.29369°, -123.35487°	1602(a)	Substantial diversion of the natural flow of any river, stream, or lake without notification. The water diversion was conducted with a submersible electric well pump placed directly in Holly Creek. The diversion was located on a neighboring parcel in trespass.
Tank Obstruction (ML-1)	40.293159°, -123.353498°	1602(a)	Substantial obstruction of the natural flow of any river, stream, or lake without notification. Access road paralleled stream for approximately 100 feet; nine (9) defunct water tanks were being stored in this area, directly in the stream channel, obstructing flow.
		5652(a)	Abandonment, placement, or disposal of waste, trash, or refuse within 150 feet of, or where it can pass into waters of the state. Tanks within the stream channel are non-operational and deteriorating in place.
Red dye diesel (PP-1)	40.293247°, -123.352313°	5650(a)(1)	Petroleum products deposited in, permitted to pass into, or placed where they can pass into waters of the state. Tote previously filled with, and leaking, red dye diesel; propane tanks; gas cans; motor oil; and generator placed at the head of a stream. Petroleum-stained soils observed throughout this area.
Cultivation Refuse (PP-1 and CS-1)	40.293247°, -123.352313°	5652(a)	Abandonment, placement, or disposal of waste, trash, or refuse within 150 feet of, or where it can pass into waters of the state. Cultivation refuse from CS-1 and PP-1 dump site that contained a burn pile and cultivation related wastes.
Gas- powered equipment and fuel (PP-2)	40.293029°, -123.352366°	5650(a)(1)	Petroleum products deposited in, permitted to pass into, or placed where it can pass into waters of the state. Large fuel storage tank, diesel generator, gas cans, a several 5-gallon buckets of diesel engine oil and engine lubricants were placed where they may enter a stream.

Dimitre Iordanov; APN: 020-390-003-000

July 20, 2022

Page 3

Site Name	GPS (Lat., Long.)	Fish & G. Code Section	Violation Description
Burn pile in stream (PP-3, CS-2)	40.292861°, -123.35252°	5652(a)	Abandonment, placement, or disposal of waste, trash, or refuse within 150 feet of, or where it can pass into waters of the state. Burn pile; approximately 15ft by 25ft trash pile containing household and cultivation related wastes was piled in the stream and partially burned. Cultivation refuse from CS-2 also within 150 feet of stream.
		5650(a)(6)	Deleterious material (toxicants) deposited in, permitted to pass into, or placed where it can pass into waters of the state. The burn pile, which appeared to be heavily used, contained burned and partially burned plastics, metals, fertilizers, and wood products; all of which release toxicants when burned.
Gas cans & gas-powered generator (PP-4)	40.293284°, -123.35378°	5650(a)(1)	Petroleum products deposited in, permitted to pass into, or placed where they can pass into waters of the state. Gas powered generator, gas cans, and motor oil placed adjacent to the stream without secondary containment.

Fish & G. Code section 1602 requires a person to submit a written notification to the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Hence, any person who engages in an activity subject to Fish & G. Code section 1602 without first notifying the Department violates section 1602.

In the Department's view, notification under Fish & G. Code section 1602 was required because the activities substantially diverted the natural flow of Holly Creek and substantially obstructed the natural flow of an unnamed tributary to Holly Creek. However, the Department was unable to locate a notification for these activities.

Fish & G. Code sections 5650 and 5652 make it unlawful to pollute waters of the state. Fish & G. Code section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. Fish & G. Code section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of,

Dimitre Iordanov; APN: 020-390-003-000

July 20, 2022

Page 4

or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials.

A person who violates Fish & G. Code sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, the Department may impose civil penalties administratively against any person found by the Department to have violated these Fish & G. Code sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

The Department may request a maximum civil penalty of \$8,000 for each violation of Fish & G. Code section 1602, and \$20,000 for each violation of Fish & G. Code sections 5650 or 5652. Furthermore, the Department may request a maximum civil penalty of \$10,000 for each violation of Fish & G. Code section 1602 conducted while trespassing on other public or private land. Each day the violation occurs or continues to occur constitutes a separate violation. (Fish & G. Code, section 12025, subds. (a)(1); (b)(1)(A) - (b)(1)(C), (b)(2); (e).) Also, the District Attorney or the Attorney General may enforce a violation of Fish & G. Code sections 1602 and 5650 civilly. Specifically, under Fish & G. Code sections 1615 and 5650.1, a person who violates Fish & G. Code sections 1602 or 5650 is subject to a maximum civil penalty of \$25,000 for each violation. The District Attorney or the Attorney General may also enforce a violation of Fish & G. Code sections 1602, 5650, and 5652 criminally. Under Fish & G. Code section 12000, each violation is a misdemeanor.

Be advised that absent provisions intended to protect patients and qualified caregivers, commercial cannabis cultivation without a state license is illegal (Bus. & Prof. Code, § 26032). The California Department of Cannabis Control (DCC) is the state licensing authority for commercial cannabis cultivation. DCC and the Department are members of a multi-agency task force created to protect the state's resources from the adverse impact of cannabis cultivation (Fish & G. Code, § 12029). **Pursuant to state law, failure to address these violations may affect your ability to obtain a commercial cannabis cultivation license or license renewal from DCC (Bus. & Prof. Code, §§ 26057, 26060.1).**

As a first step to address this matter, the Department requests you contact Senior Environmental Scientist (Specialist) Jacqueline Matthews at (530) 356-6413 or R1CEPRedding@wildlife.ca.gov within 14 days of the date of this letter. ***Do not attempt to remedy or mitigate these violations before contacting the Department, as doing so could constitute additional violations.*** Ms. Matthews may propose certain actions to protect fish and wildlife resources that have been or could be affected by the or activities described above and may ask you to submit a written notification and fee for the activities. While the Department, District Attorney, or Attorney General may still decide to initiate an enforcement action against you if they determine or these activities are in violation of Fish & G. Code sections 1602, 5650, or 5652, we encourage you to respond to this notice so that we may better assess the activities and limit any damage to resources.

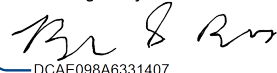
Dimitre Iordanov; APN: 020-390-003-000

July 20, 2022

Page 5

The Department appreciates your cooperation.

Sincerely,

DocuSigned by:

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Lieutenant Brian Boyd

Cannabis Enforcement Program 1

Enclosure(s): Site Map

cc: Matthew Jones, Lt. Brendan Lynch, Ashley Worth, Jacqueline Matthews, Cori Hansen, Scott Bauer, and Curt Babcock
Department of Fish and Wildlife
R1CEPRedding@wildlife.ca.gov

Nate Trujillo
Trinity County Sheriff's Office

Kristalynne Anderson and Sean Connell
Trinity County Planning and Environmental Health

Mona Dougherty, Jeremiah Puget, Kason Grady and the North Coast Cannabis Regulatory Program
North Coast Regional Water Quality Control Board
mona.dougherty@waterboards.ca.gov, jeremiah.puget@waterboards.ca.gov,
kason.grady@waterboards.ca.gov, northcoast.cannabis@waterboards.ca.gov

Stormer Feiler, Karen Kramer, and Taro Murano
State Water Resources Control Board
stormer.feiler@waterboards.ca.gov, karen.kramer@waterboards.ca.gov,
taro.murano@waterboards.ca.gov

Janet Ruiz, Michael Vella, and Erin Wonder
Department of Cannabis Control California
janet.ruiz@cannabis.ca.gov, michael.vella@cannabis.ca.gov,
erin.wonder@cannabis.ca.gov and investigations@cannabis.ca.gov

TRI 020-390-003-000



7/15/2022, 3:10:57 PM

- Cultivation Site
- Water Source
- Stream Crossing

- Pollution Point
- Miscellaneous Line - tanks
- Associated Parcel
- Holly Creek

