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## State Water Resources Control Board

MAY 08 2020

CERTIFIED MAIL

Jessie Jeffries  
1575 Sprowl Creek Rd.  
Garberville, CA 95542

CERTIFIED MAIL NO: 7003 1680 0000 2965 2306

### NOTICE OF VIOLATION

Investigation ID: 11785

#### DIVISION OF WATER RIGHTS INSPECTION OF HUMBOLDT COUNTY APN 223-061-011-000

Mr. Jeffries,

On September 11, 2018, 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 responsible party and/or property owner of the Humboldt County APN identified above where you are allegedly diverting and using water for cannabis cultivation.

During the inspection, Division staff observed California Water Code (WC) and State Water Board, Cannabis Cultivation Policy (Policy), violations. Enclosed is the Division's Inspection Report (Report), of your Property 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 constitutes your notice of the alleged violations and this matter requires your immediate attention. The information below is a summary of the alleged violations included in the Report.

#### Violation Summary

1. 1 WC section 1052 violation for the Unauthorized Diversion or Use of Water. Report pages 9-10.

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

Jessie Jeffries

2. 1 WC section 1846 Failure to comply with a permit, license, certificate, or registration. Report pages 10-11.
3. 6 violations of the Cannabis Cultivation Policy (Policy), Attachment A Principles, Guidelines or a Requirement (established pursuant to WC section 13149). Report pages 11-15.
4. 1 violation for the diversion or use of water for cannabis cultivation without a CDFA License (WC section 1847(b)(4)). Report pages 15-16.

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 through the Division of Water Rights Cannabis Response Notice Portal detailed in the Report on page 17.

If you have questions concerning the Report, please contact me by phone at (916) 319-0943, or by email at [david.rosas@waterboards.ca.gov](mailto:david.rosas@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: David Rosas

Sincerely,



David Rosas  
Environmental Scientist  
Cannabis Enforcement Unit  
Division of Water Rights

**Enclosures:**

Division of Water Rights Inspection Report dated September 11, 2018

ec: **Division of Water Rights**  
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## State Water Resources Control Board

### DIVISION OF WATER RIGHTS INSPECTION REPORT

Date of Inspection: 9/11/2018  
Report Author: David Rosas  
Inspectors: David Rosas, Zachary Gomer, Steven Hall  
Type of Inspection: Warrant  
Other Agencies: California Department of Fish and Wildlife (CDFW),  
Humboldt County Code Enforcement, and North Coast  
Regional Water Quality Control Board (North Coast  
Regional Board),

#### Owner Information

Name: Jessie Jeffries  
Mailing Address: 1575 Sprowl Creek Rd. Garberville CA, 95542  
Phone: (415) 716-4857  
Email: Jessejeffries81@gmail.com

#### Property Information

Parcel #: 223-061-011-000  
Site Address: 1575 Sprowl Creek Rd. Garberville CA, 95542  
County: Humboldt  
Water Right: S024667 (inactive), D032753, A032280 (Cancelled)

#### Site Observations

Cannabis Plant Count: 1,628  
Cultivation Area (sq. ft.): Approximately 6,000  
Water Storage (Gallons): Approximately 2,990,570  
Points of Diversion: 2  
Summary of Violations: California Water Code (WC) section 1052 –  
Unauthorized diversion or use of water;  
WC section 1846 – Failure to comply with a permit,  
license, certificate, or registration;  
Violations of Principle, Guideline, or Requirement  
established in the State Water Board's Cannabis  
Policy, Attachment A., pursuant to WC 13149:  
- Cannabis Cultivation Policy Section 2, Term  
66 - Failure to comply with Narrative and  
Numeric Instream Flow Requirement No. 4.

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



The Surface Water Dry Season Forbearance Period;

- Cannabis Cultivation Policy Section 2, Term 69 – Diversion of surface water not in accordance with an existing water right;
- Cannabis Cultivation Policy Section 2, Term 83<sup>1</sup> – Failure to install separate measuring devices to quantify diversions to and from each storage facility
- Cannabis Cultivation Policy Section 2, Term 92<sup>2</sup> – Failure to install 8,000 gallon or more storage tank on reinforced concrete pad;
- Cannabis Cultivation Policy Section 2, Term 99<sup>3</sup> – Failure to maintain daily records of water use for cannabis;
- Diversion or use of water for cannabis cultivation without a California Department of Food and Agriculture Cultivation License (WC section 1847(b) (4).

### **Inspection Summary:**

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Based on property information obtained from Humboldt County, Humboldt County Assessor Parcel Number (APN) 223-061-011-000 (property) was purchased by Jessie Jeffries (Owner) on October 24, 2011. The Owner purchased the property from Jacob Jeffries. Jessie Jeffries owned the property at the time of the inspection.

On July 2, 2014, the property was investigated by the Division of Water Rights (Division) and the California Department of Fish and Wildlife (CDFW). The investigation (UN000836) found the following regarding water sourcing: “The source of the water stored in the bladders is believed to be, at least in part, from direct diversion of water from the South Fork of the Eel River”. As a result of the inspection, Division staff and Engineering Geologist Tom Peltier, created a memorandum to the file that described the cisterns the Owner uses to divert subsurface flow from the South Fork Eel River and cites the following: “In the case of the Jeffries’ diversion from cisterns constructed within the active channel of the South Fork Eel River, the diversions are equivalent to surface water diversions, regardless of the fact that the water is extracted from excavations made into the river gravels”. One of the cisterns documented during the 2014 inspection was observed by Division staff as still active during the September 11, 2018 inspection.

On April 20, 2017, aerial imagery from Digital Globe showed seven water bladders with associated infrastructure and no rain catchment system. On April 25, 2018, aerial imagery showed 16 water bladders with associated infrastructure and a rain catchment system on the property.

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<sup>1</sup> Term 83 was renumbered to Term 81 by the February 5, 2019 amendments.

<sup>2</sup> Term 92 was renumbered to term 91 by the February 5, 2019 amendments.

<sup>3</sup> Term 99 was renumbered to term 98 by the February 5, 2019 amendments.

On September 11, 2018, the Humboldt County Sheriff's accompanied by CDFW Wardens (collectively referred to law enforcement) conducted a probationary search of the property. After arriving on the property, law enforcement obtained a search warrant for the unlicensed cannabis cultivation activities observed on the property. Division staff accompanied law enforcement on the search warrant to assess compliance with the WC and to assess possible environmental impacts occurring on the property. The Owner was not present during the inspection, and Division staff were not able to interview any property representatives during the inspection. Division staff observed approximately 1,628 cannabis plants growing on the property. Cannabis plant count was obtained from the Department of Fish and Wildlife Warden.

During the inspection, Division staff documented two water hauler trucks, and one water storage tank attached to a trailer. Water stored in POS 1-14 supply water to an overhead water truck filling station Point of Interest (POI) 1 (Photos 22-24). POI1 is located latitude 40.094086° and Longitude -123.805341°. Water is pumped from POS 1-14 by a large tailored United Rentals gas powered pump to the overhead water filling station. Division staff determine that the property is the location of an active water hauling business (Seasonal Water Solutions, LLC). All water hauling instruments are documented below:

- Water Hauler Truck 1 (Photos 25-26) is an inactive 3,000-gallon metal water hauling truck located near POI1. The water hauling truck is identified as a potable water truck.
- Water Hauler Trailer (Photo 27) is an inactive 1,025-gallon polyethylene water hauling container attached to a trailer. The container had no water in it at the time of inspection.
- Water Hauler Truck 2 (Photos 28 – 29) is an approximately 3,000-gallon water hauling truck. During the inspection, a water hauling driver working for Carpenter Trucking LLC was observed entering and leaving the property in Water Hauler Truck 2. Water Hauler Truck 2 was observed heading in the direction of POI1. Water Hauling Truck 2 can be filled at POI1.

During the September 11, 2018 inspection, law enforcement found a notice of unauthorized diversion issued by the Division dated August 16, 2018. The notice stated, "Division staff has completed its complaint investigation and has concluded that you conducted unauthorized diversions from the South Fork Eel River in the past and continue to pose a threat of unauthorized diversion."

At the end of the inspection on September 11, 2018, a Notice of Violation was left by Division staff with the warrant on the property. Since the inspection, Division staff has been in contact with Jessie Jeffries and Garry Rees, an agent for Jeffries, regarding the property's water systems. They provided info on the property's water hauling activities, and water right information.

After the inspection, Division staff pulled daily precipitation data from the California Data Exchange Center (CDEC), located at [https://cdec.water.ca.gov/snow\\_rain.html](https://cdec.water.ca.gov/snow_rain.html), to account for the amount of precipitation in the Garberville area and the Owner's property. Division staff obtained two photos taken by CDFW on May 17, 2018 and June 15, 2018 that shows 12 water storage bladders on the property. The photos visibly show water storage level changes when comparing the May 17, 2018 photo with the June 15, 2018 photo. Division staff compared the precipitation data obtained from CDEC to the change in water bladder storage levels. Division staff estimate a water storage bladder



change of approximately 840,000-gallons. This change in water storage bladder volume is based on the visual increase in five 210,000-gallons water storage bladders and decrease in one water storage bladder, with the remaining six of twelve water storage bladders remaining relatively the same in size. Based on the images taken by CDFW and the precipitation data obtained from CDEC, the Divisions staff analysis suggest that Jeffries is filling his storage bladders from another water source during the dry season other than the rain catchment water alone.

Division staff selected three rain gauge stations from CDEC: Eel River Camp (ERC), Eel River SF NR Miranda (MRD), and Eel River at Fort Seward (FSW). These gauges were chosen based on the proximity to the property and availability of data. Division staff pulled daily rain data from each station between May 17, 2018 and June 15, 2018.

Division staff calculated a weighted average for each rain gauge base on the gauge's proximity to the property. Division staff estimated that the property received approximately .65 inches (.0541667ft.) of rain between May 17, 2018 and June 15, 2018. On October 6, 2016, the Planning Commission for Humboldt County approved a Conditional Use Permit. The Conditional Use Permit was for a 2.5-acre (108,900 ft<sup>2</sup>) rain catchment and water storage project plan. Based on GPS data, aerial imagery and the project plan information, the calculated total gallons of rainfall that the property could have captured is 44,130 gallons of rain (.0541667ft. x 108,900 ft<sup>2</sup> x 7.48052 = 44,125.74 gallons), between May 17, 2018 and June 15, 2018. Based on the possible amount of rainfall capture, Division staff find that there was an insufficient amount of rainfall to account for the observed increased change in five water storage bladder levels.

As of April 30, 2020, Division staff have reviewed information in the electronic Water Rights Information Management System (e-WRIMS). The property has an appropriative water right application (A032280) that has been canceled, a Statement of Water Diversion and Use (Statement) that has an inactive status, and an active Small Domestic Use Registration (SDUR) (D032753). The SDUR water right coverage is for a cistern constructed from a black polyethylene corrugated pipe identified as POD1 in this report. Water diverted under SDUR D032753 can only be used for domestic uses on the property.

On April 29, 2020, Division staff searched CDFA's license database and found a Cannabis Cultivation License under Jessie Jeffries for an Annual Adult Use – Specialty Indoor (License Number CCL19-000536). The License is for the property and is valid from 3/11/2020 to 3/11/2021. The Legal Business Name listed is Humboldt Hempire Farms LLC. At the time of the inspection, the property did not have a CDFA license.

#### **Point of Diversion (POD) Information**

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POD ID:	POD1
Lat/Long:	40.095141°, -123.802487°
Water Source:	South Fork Eel River
Watercourse:	Perennial
Diversion Type:	Point of Diversion to Offstream Storage
Description:	POD1 (Photos 1-14) is a point of diversion to offstream storage from the South Fork Eel River. POD1 is a cistern constructed from a 36-inch diameter black polyethylene corrugated pipe (Photos 1-3). Water level in the cistern was measured at approximately 12-



feet in depth (Photo 3). According to the July 2, 2014 inspection conducted by the Division, POD1 was constructed approximately 20 years prior to 2014, and the source of water in the cistern is subsurface flows from the South Fork Eel River. Water is pumped from the point of diversion by an electric submersible pump. At the time of inspection, POD1's pump was not running. During the inspection on September 11, 2018 Division staff documented that POD1's water supply line was broken (Photos 13-14). The broken water supply line leads in the direction of POS 19-20. A valve was observed prior to the broken water line that can route water through a black polyethylene water supply line that was observed on the rainwater collection tarp (POD2) (Photos 10-12). Division staff did not measure the diameter of the water supply lines associated with POD1. POD1 has a Small Domestic Use Registration D032753 filed with the Division on June 19, 2018 for domestic uses on the property.

POD ID:	POD2
Lat/Long:	40.094335°, -123.801890°
Water Source:	Rainwater and POD1
Watercourse:	Rainwater Collection and POD1
Diversion Type:	Rain Collection System
Description:	POD2 (Photos 15- 21) is an approximately 2.5-acre tarped rain collection area. POD2 collects precipitation that is collected on the tarped area that is sloped down to a sump. Division staff observed a valve that routes water diverted at POD1 through a black polyethylene water supply line onto the rainwater collection tarp area (Photos 11-12). Rainwater or water diverted at POD1 can be collected in the rain collection system that fills a sump with an electric pump. Water collected at POD2 is then pumped to POS 1-14.

### **Point of Storage (POS) Information**

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POS ID:	POS 1-14
POD ID:	POD1, POD2
POU ID:	Water Hauling
Lat/Long:	40.094522°, -123.803689°
Type:	Bladder
Capacity (Gal):	210,000-gallons each or 2,940,000-gallons total water storage volume
Water Level (%):	100% at 13 out of 14 and 5% at 1 out of 14
Container Color:	Beige

Description: POS 1-14 (Photos 30 - 34) are fourteen water storage bladders that are each 210,000-gallon. At the time of the inspection, thirteen out of the fourteen bladders were at or near full capacity. One of the fourteen bladders was near empty (Photo 34). Additionally, Division staff observed two cleared and level areas designated for water storage bladders but with no water storage bladder present (Photos 35-36). Division staff observed replacement bladders near POI1 (Photos 37-38). Division staff did not document how many replacement bladders were on the property. POS 1-14 receive water via an electric pump from POD2. POS 1-14 had piping that went subsurface. Based on the design, proximity, and available records each of the fourteen bladders has the ability to convey water to POI1 for water hauling. Division staff did not measure the diameter of the water supply lines.

POS ID: POS 15-16  
POD ID: POD1  
POU ID: POU 1-3  
Lat/Long: 40.093711°, -123.802077°  
Type: Tank  
Capacity (Gal): 165-gallons each, or 330-gallons total  
Water Level (%): 10  
Container Color: Black  
Description: POS 15-16 (Photo 39) are two polyethylene water storage tanks. At the time of the inspection, POS 15-16 had about 10% of the water storage container volume inside. Division staff observed POD1 water supply line to POS 15- 20 was broken (Photos 13-14). Based on Division staff observations, POD1 pumps water to POS 19-20 and then conveyed by gravity to POS 15-18. POS 15-16 is used to irrigate POU 1-3. Division staff did not measure the diameter of the water supply lines.

POS ID: POS 17-18  
POD ID: POD1  
POU ID: POU 4-5  
Lat/Long: 40.093590°, -123.801815°  
Type: Tank  
Capacity (Gal): 120-gallons each, or 240-gallons total  
Water Level (%): 100  
Container Color: Dark Green  
Description: POS 17-18 (Photo 40) are two polyethylene water storage tanks. Division staff observed POD1's water supply line to POS 15- 20 was broken (Photos 13-14). POD1 pumps water to POS 19-20 and then conveys water by gravity to POS 15-18. POS 17-18 are used to irrigate POU 4-5. Division staff did not measure the diameter of the water supply lines.

POS ID: POS19  
 POD ID: POD1  
 POU ID: POU 1-9  
 Lat/Long: 40.093399°, -123.803440°  
 Type: Tank  
 Capacity (Gal): Approximately 25,000  
 Water Level (%): 0  
 Container Color: Metal  
 Description: POS19 (Photo 41) is a metal water storage tank. Division staff observed that POD1 water supply line to POS 15–20 was broken (Photos 13-14). POD1 pumps water to POS19 and to POS20. Water stored in POS 19-20 supplies water by gravity to POS 15-18 and POU 1-9. Division staff did not measure the diameter of the water supply lines.

POS ID: POS20  
 POD ID: POD1  
 POU ID: POU 1-9  
 Lat/Long: 40.092849°, -123.804551°  
 Type: Tank  
 Capacity (Gal): Approximately 25,000  
 Water Level (%): 5  
 Container Color: Metal  
 Description: POS20 (Photo 42) is a metal water storage tank. POS20 stored approximately 5% of the water storage container volume. Division staff observed POD1 water supply line to POS 15– 20 was broken (Photos 13-14). The broken water supply line continues in the direction of POS 19-20. POD1 pump water to POS19 and to POS20. Water stored in POS 19-20 supplies water by gravity to POS 15-18 and POU 1-9. Division staff did not measure the diameter of the water supply lines.

#### Place of Use (POU) Information:

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POU ID: POU 1 - 3  
 POS ID: POU 1-3 receives water from POS15, POS16, POS19, and POS20  
 POD ID: POU 1-3 are supplied water from POD1, via the points of storage identified above.  
 Lat/Long: 40.093756°, -123.802107°  
 Size (Sq ft): Approximately 3,000  
 POU Description: POU 1-3 (Photos 43 – 45) are three indoor cannabis cultivation areas located inside a barn on the property. POU 1-3 receives water from POD 1.

POU ID: POU 4-5  
 POS ID: POU 4-5 receives water from POS17, POS18, POS19, and POS20  
 POD ID: POU 4-5 are supplied water from POD1, via the points of storage identified above  
 Lat/Long: 40.093605°, -123.801744°



Size (Sq ft): Approximately 3,000  
POU Description: POU 4-5 (Photos 46 -47) are two indoor cannabis cultivation areas located inside a shed on the property. POU 4-5 receives water from POD 1.

POU ID: POU6  
POS ID: POU6 receives water from POS19 and POS20  
POD ID: POU6 is supplied water from POD1, via the points of storage identified above  
Lat/Long: 40.093834°, -123.801060°  
Size (Sq ft): Approximately 200  
POU Description: POU6 (Photo 48) is a small domestic garden located next to POU8. POU6 receives water from POD1.

POU ID: POU7  
POS ID: POU7 receives water from POS19 and POS20  
POD ID: POU7 is supplied water from POD1, via the points of storage identified above  
Lat/Long: 40.093637°, -123.800782°  
Size (Sq ft): Approximately 60  
POU Description: POU7 (Photo 49) is a small domestic garden located in front of POU8. POU7 receives water from POD1.

POU ID: POU8  
POS ID: POU8 receives water from POS19 and POS20  
POD ID: POU8 is supplied water from POD1, via the points of storage identified above  
Lat/Long: 40.093769°, -123.800865°  
Size (Sq ft): Approximately 5,000  
POU Description: POU8 (Photo 50) is a residential structure located on the eastern portion of the property. POU8 receives water from POD1.

POU ID: POU9  
POS ID: POU9 receives water from POS19 and POS20  
POD ID: POU9 is supplied water from POD1, via the points of storage identified above  
Lat/Long: 40.092978°, -123.803618°  
Size (Sq ft): Approximately 3,500  
POU Description: POU9 (No Photo) is a residential structure located on the Southern portion of the property. POU9 receives water from POD1.

### **Violations and Corrective Actions**

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The information below describes Division staff alleged WC violations committed by the Owner and the corrective actions necessary to bring the cannabis cultivation activities into compliance with the WC and the State Water Board's Cannabis Cultivation Policy requirements.

Division staff observed and documented approximately 1,628 cannabis plants growing in POU 1-5 during the September 11, 2018 inspection and one surface water POD that was used for cannabis cultivation and for domestic use on the property.

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

No. of Violations: 1

**Description:**

The Owner is alleged to be in violation of WC section 1052, which states: *The diversion or use of water subject to this division other than as authorized in this division is a trespass.*

Any unauthorized diversion or use of water constitutes a trespass against the State for which the State Water Board may impose a civil liability in an amount not to exceed \$500 for each day that a trespass occurs (WC § 1052).

POD 1 is a point of diversion to offstream storage that diverts water from the South Fork Eel River. During the September 11, 2018 inspection, Division staff observed a valve that allows water diverted from POD1 to be conveyed through a black polyethylene water supply line that can be placed on the tarp of POD2 (Photos 10-12). POD1 and POD2 supply water to POS 1-14. Division staff did not observe any alternative water sources. No well was observed during the September 11, 2018 inspection. Division staff also went to the same location that was documented during the Division's July 2, 2014 inspection and did not observe a well. Water stored in POS 1-14 is pumped to POI1 to fill bulk water hauling trucks. On October 6, 2016, the Humboldt County Planning Commission approved a Conditional Use Permit to the Owner. The Conditional Use Permit issued by the County was for a 2.5-acre rain catchment and water storage project plan. The project was designated for water hauling use occurring off the property.

Bulk water hauling trucks fill their trucks from water stored in the storage bladders and haul the water off property for use. POD1 can be used for domestic uses on the property under a riparian claim of right or the existing Small Domestic Use Registration, D032753 (Registration) appropriative water right claim, but a riparian claim of right and Registration requires all water diverted from POD1 to be used on the riparian property or within the place of use described in the Registration (Registration designates place of use within the property boundaries). A riparian claim of right and the Registration does not authorize the use of water to be transported off property for beneficial use. Water diverted from POD1 for the purpose of bulk water hauling transport off the property is an unauthorized use of water.

**Corrective Action:** Water diverted from POD1 is used to fill bulk water hauling trucks that transport the water off the property for use. Water diverted from POD1 for the purpose of bulk water hauling off the property is an unauthorized use of water pursuant to WC section 1052. A State Water Board, Division of Water Rights Notice of Violation (NOV) was left with a copy of the warrant on September 11, 2018 and provided you notice that you were in violation of WC section 1052 for the diversion of water occurring at POD1. The NOV provided you 30-days from the date of NOV to take one or more of the following corrective actions listed on the NOV. You currently have an outstanding unauthorized use of water. You must immediately take either corrective action 1, 2, or 3 listed below:

- 1) You must provide evidence satisfactory to the State Water Board that demonstrates water diverted at POD1 is not used for bulk water hauling

operations occurring off your property. You can submit your supporting documentation through the State Water Board's Cannabis Compliance Response Portal described at the end of this report; **or**

- 2) You must cease your water diversion from POD1 for the purpose of bulk water hauling off property for use; **or**
- 3) You must file for an appropriative water right with the State Water Board for your diversion of water at POD1 to cover your bulk water hauling operations. Please note that you cannot continue to divert water to POD1 for bulk water hauling until you have obtained an appropriative water right permit that allows bulk water hauling off property.

**Violation:**            **WC section 1846 – Failure to comply with a permit, license, certificate, or registration**

Violation No:        1

Description:

The diverter is alleged to be in violation of WC section 1846(a)(1), which states:

- (a) A person or entity may be liable for a violation of any of the following in an amount not to exceed five hundred dollars (\$500) for each day in which the violation occurs:*
- (1) A term or condition of a permit, license, certificate, or registration issued under this division.*

POD 1 is a point of diversion to offstream storage that diverts water from the South Fork Eel River. POD1 diverts water to POS 15-20 for cannabis cultivation (POU 1-5) and domestic water use (POU 6-9). POD1 is the POD identified in the Registration. The Registration terms and conditions state that, "No water shall be diverted under this right for irrigating any commercial crops...". Indoor cannabis cultivation was observed in POU 1-5 with a total area of approximately .14 acres with approximately 1,628 cannabis plants. Water diverted under the Registration cannot be used for commercial cannabis cultivation and the amount of cannabis cultivation observed would require a California Department of Food and Agriculture (CDFA) license. The diversion and use of water from POD1 for the purpose of commercial cannabis cultivation and irrigation, is a violation of the Registration's terms and conditions.

**Corrective Action:** Water diverted from POD1 is used for commercial cannabis cultivation is a violation of the Registration's terms and conditions. A State Water Board, Division of Water Rights Notice of Violation (NOV) was left with a copy of the warrant on September 11, 2018 and provided you notice that you were in violation of WC section 1846(a)(1) for the diversion of water occurring at POD1. The NOV provided you 30-days from the date of NOV to take one or more of the following corrective actions listed on the NOV. You currently have an outstanding violation of the Registration's terms and conditions. You must immediately take either corrective action 1, and 2, or corrective action 3, or corrective action 4 listed below:

- 1) You must cease cannabis cultivation until you have obtained a license from CDFA to commercially cultivate cannabis, **and**



- 2) You must file for a Cannabis Small Irrigation Use Registration or a standard water right application to the State Water Board that would authorize the diversion of water for commercial cannabis cultivation. Please note that you cannot continue to divert water from POD1 for commercial cannabis cultivation until you have obtained an appropriate water right Registration or a Permit; **or**
- 3) You must provide evidence satisfactory to the State Water Board that demonstrates water diverted at POD1 is not used for commercial cannabis cultivation. You can submit your supporting documentation through the State Water Board's Cannabis Compliance Response Portal described at the end of this report; **or**
- 4) Cease your water diversion from POD1 for the purpose of commercial cannabis cultivation.

You must submit photographic proof and/or other documentation that supports your corrective actions taken whether you choose corrective actions 1 and 2, 3, or 4. You can submit your documents through the State Water Board's Cannabis Compliance Response Portal described at the end of this report.

**The following are alleged violations of a Principle, Guideline, or Requirement of the State Water Board's Cannabis Cultivation Policy, Attachment A, pursuant to WC section 13149.**

**Violation: Cannabis Cultivation Policy, Section 2, Term 66 – Failure to Comply with the Narrative and Numeric Instream Flow Requirements No. 4. The Surface Water Dry Season Forbearance Period**

No. of Violations: 1

Description:

The Owner is alleged to have violated Term 66 of Section 2 of the Cannabis Policy, which states: *All water diversions for cannabis cultivation from a surface stream, subterranean stream flowing through a known and definite channel (e.g., groundwater well diversions from subsurface stream flows), or other surface waterbody are subject to the surface water Numeric and Narrative Instream Flow Requirements. This includes lakes, ponds, and springs (unless the spring is deemed exempt by the Deputy Director). See Section 3, Numeric and Narrative Instream Flow Requirements of this Attachment A for more information.*

The Surface Water Dry Season Forbearance Period requirement stipulates the following: *Cannabis cultivators shall not divert surface water for cannabis cultivation activities at any time from April 1 through October 31 of each calendar year, unless the water diverted is delivered from storage in compliance with Narrative Flow Requirement 4.*

WC section 1847, subdivision (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.

POD 1 is a point of diversion to offstream storage that diverts water from the South Fork Eel River. POD1 is a water diversion subject to the State Water Board's permitting authority. POD1 diverts water to POS 15-20 for cannabis cultivation (POU 1-5) and domestic water use (POU 6-9). Indoor cannabis cultivation was observed in POU 1-5 with a total area of approximately .14 acres and 1,628 cannabis plants. The property had approximately 50,570-gallons of water storage for cannabis irrigation and domestic use. At the time of the September 11, 2018 inspection, Division staff documented approximately 1,500-gallons of water in POS 15-20.

Cannabis plants can require approximately 6-gallons per plant per day. Given plant consumption rates of 6-gallons per plant per day multiplied by 1,628 cannabis plants located in POU 1-5, Division staff calculate that approximately 9,768 gallons per day would be used to irrigate cannabis. Division staff calculate that approximately 5-days of irrigation could be sustained by filling POS 15-20 to storage capacity (50,570 gallons) and dividing storage capacity by the cannabis consumptive use of water equals 9,768 gallons per day. Based on the total water storage of POS 15-20 and the 1,628 cannabis plants observed, the Owner would need to divert water from POD1 during the forbearance period to continue irrigating the cannabis plants. Diversion of water at POD1 for cannabis cultivation use during the forbearance period constitutes one violations of Term 66 of Section 2 of the Cannabis Policy.

**Corrective Action:**

You should within 30-days from the date of this inspection notice take either corrective actions 1, 2, and 3 or take corrective action 4 listed below:

- 1) You must cease your diversions for cannabis cultivation during the forbearance period of April 1 through October 31 of each calendar year; **and**
- 2) You must obtain a State Water Board issued appropriate water right like a Cannabis Small Irrigation Use Registration prior to diverting water for cannabis cultivation; **and**
- 3) You must install sufficient water storage to divert water during the non-forbearance period for cannabis cultivation; **or**
- 4) You must cease your diversions of water for cannabis cultivation.

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 or compliance option 4. You can submit your documents through the State Water Board's Cannabis Compliance Response Portal referenced at the end of this report.

**Violation:** Cannabis Cultivation Policy, Section 2, Term 83<sup>1</sup> - Failure to install separate measuring devices to quantify diversion to and from each storage facility

No. of Violations: 2

Description:

The Owner is alleged to have violated Term 83<sup>1</sup> of Section 2 of the Cannabis Cultivation Policy, which states: *Cannabis cultivators are encouraged to install separate storage systems for water diverted for cannabis irrigation and water diverted for any other beneficial uses, or otherwise shall install separate measuring devices to quantify diversion to and from each storage facility, including the quantity of water diverted and the quantity, place, and purpose of use (e.g., cannabis irrigation, other crop irrigation, domestic, etc.) for the stored water.*

WC section 1847, subdivision (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.

Division staff observed two separate cannabis irrigation areas POU 1-3 and POU 4-5. There were no water measuring devices to measure the use of water at the POU areas or the diversion of water to POS 15-20. Division staff determined that based on how the diversion system is configured, there would need to be a minimum of two water meters to quantify all water diversion to cannabis cultivation areas POU 1-3 and POU 4-5. Based on Division staff's analysis of the diversion and storage systems, the failure to install two water measuring devices constitutes two violations of Term 83<sup>1</sup> of Section 2 the Cannabis Policy.

**Corrective Action:**

You should within 30-days from the date of this inspection notice take either corrective actions 1 or 2 to comply with the Cannabis Policy's measuring device requirements for POU 1-9 to quantify all water use on the property:

- 1) You must install measuring devices on your water storage tanks outlets and/or water conveyance lines connected to each cannabis cultivation POU 1-5 to quantify the amount of water used for cannabis cultivation; **or**
- 2) You must cease your water diversions for cannabis cultivation.

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

**Violation:** Cannabis Cultivation Policy Section 2, Term 92<sup>2</sup>– Failure to install 8,000 gallon or more storage tank on reinforced concrete pad

No. of Violations: 2

Description:



The Owner is alleged to have violated term 92<sup>2</sup> of Section 2 of the Cannabis Cultivation Policy, which states: *Cannabis cultivators shall install vertical and horizontal tanks according to manufacturer's specifications and shall place tanks on properly compacted soil that is free of rocks and sharp objects and capable of bearing the weight of the tank and its maximum contents with minimal settlement. Tanks shall not be located in areas of slope instability. Cannabis cultivators shall install water storage tanks capable of containing more than 8,000 gallons only on a reinforced concrete pad providing adequate support and enough space to attach a tank restraint system (anchor using the molded-in tie down lugs with moderate tension, being careful not to over-tighten) per the recommendations of a qualified professional.*

WC section 1847, subdivision (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.

Division staff observed two 25,000-gallon metal water storage tanks (POS19 and POS20) located on the property. Both tanks are required to be installed on a reinforced concrete pad providing adequate support and enough space to attach a tank restraint system. Division staff did not observe a concrete pad at either storage facility. Failure to install 8,000 gallon or more storage tank on reinforced concrete pad with a tank restraint system constitutes two violations of Term 92<sup>2</sup> of Section 2 of the Cannabis Cultivation Policy.

**Corrective Action:**

You should within 30-days from the date of this inspection notice take either corrective actions 1 or 2 to comply with the Cannabis Policy's water storage facility requirements for POS19 and POS20:

- 1) You must install any water storage tank greater than 8,000-gallons on a reinforced concrete pad providing adequate support and enough space to attach a tank restraint system (anchor using the molded-in tie down lugs with moderate tension, being careful not to over-tighten) per the recommendations of a qualified professional; **or**
- 2) You must cease your water diversions for cannabis cultivation.

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

**Violation: Cannabis Cultivation Policy Section 2, Term 99<sup>3</sup> – Failure to maintain daily records of water used for cannabis.**

No. of Violations: 1

Description:

The Owner is alleged to have violated term 99<sup>3</sup> of Section 2 of the Cannabis Cultivation Policy, which states: *Cannabis cultivators shall maintain daily records of all water used*

*for irrigation of cannabis. Daily records may be calculated by the use of a measuring device or, if known, by calculating the irrigation system rates and duration of time watered (e.g., irrigating for one hour twice per day using 50 half-gallon drips equates to 50 gallons per day ( $1 \times 2 \times 50 \times 0.5$ ) of water used for irrigation). Cannabis cultivators shall retain, for a minimum of 5 years, irrigation records at the cannabis cultivation site and shall make all irrigation records available for review by the Water Boards, CDFW and any other authorized representatives of the Water Boards or CDFW.*

WC section 1847, subdivision (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.

POD1 is a point of diversion to offstream storage that diverts water from the South Fork Eel River. POD1 diverts water to POS 15-20 for cannabis cultivation (POU 1-5) and domestic water use (POU 6-9) (Figure 1). During the inspection, Division observed two separate cannabis irrigation areas POU 1-3 and POU 4-5. There were no water measurement devices installed to quantify the amount of used for cannabis cultivation. Division staff determined that based on how the diversion system is configured with no installed measuring device connected to the outlet of the tanks or to the water lines leading the POU's, the Owner is unable to maintain daily diversion records for cannabis irrigation. The failure to maintain daily records of water used for cannabis cultivation constitutes one violation of Term 99<sup>3</sup> of Section 2 the Cannabis Policy.

**Corrective Action:**

You should within 30-days from the date of this inspection notice take either corrective actions 1 or 2 to comply with the Cannabis Policy's record requirements for POU 1-5 to quantify all water use on the property:

- 1) You must at a minimum install two water measuring devices on POU 1-5 and/or install water measurement devices on the water conveyance lines connected to cannabis cultivation POU 1-5 to record and maintain daily cannabis irrigation records. Irrigation records should be maintained for a minimum of 5-years; **or**
- 2) You must cease your water diversion for cannabis cultivation.

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

**Violation:**                      **Diversion or Use of Water for Cannabis Cultivation without a California Department of Food and Agriculture License**

No. of Violations: 1

Description:

The Owner is alleged to have diverted and used water for cannabis cultivation without the necessary license required pursuant to Chapter 6 (commencing with Section 26060) of Division 10 of the Business and Professions Code, and therefore can be subject to administrative civil liability for violations pursuant to Water Code section 1847(b)(4).

WC section 1847, subdivision (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.

At the time of the September 11, 2018 inspection, Division staff observed and documented the diversion of water at POD1 used for the cultivation of approximately 1,628 cannabis plants at POU 1-5. The cultivation activities on the property require a Department of Food and Agriculture Annual (CDFA) License (License). At the time of the inspection, the property did not have a CDFA License. On April 29, 2020, Division staff searched CDFA's license database and found a Cannabis Cultivation License under Jessie Jeffries for an Annual Adult Use – Specialty Indoor (License Number CCL19-000536). The License is for the property and is valid from 3/11/2020 to 3/11/2021. The Legal Business Name listed is Humboldt Hempire Farms LLC. At the time of the inspection, the property did not have a CDFA license.

**Corrective Action:**

A State Water Board, Division of Water Rights Notice of Violation (NOV) was left with a copy of the warrant on September 11, 2018 and provided you notice that you were in violation of WC section 1847(b)(4) for the diversion of water occurring at POD1 for cannabis cultivation without a license. As of the Division's inspection on September 11, 2018 a Cannabis License has been obtained. You should immediately take either corrective action 1 and 2 or choose corrective action 3 to comply with the Cannabis Policy requirement:

- 1) You must cease diverting water at POD1 for cannabis cultivation until you obtain an appropriative water right like a Small Irrigation Use Registration; **and**
- 2) You must obtain a CDFA annual license that legally authorizes your cannabis cultivation. Please note that you cannot not legally obtain a CDFA annual license without an appropriative water right like the Cannabis Small Irrigation Use Registration that authorizes your diversion and seasonal storage of water for cannabis cultivation; **or**
- 3) You must cease your water diversions at POD1 for cannabis cultivation.

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



## **Right to Further Enforcement**

The State Water Board retains the authority and discretion to take an enforcement action based on the facts and allegations contained herein and Division staff may recommend administrative enforcement action without further notice. Failure to immediately take the appropriate corrective actions described above or failure to submit a response with photo documentation demonstrating compliance with the WC and State Water Board's Cannabis Policy requirements may result in increased penalties.

## **Compliance Assistance References**

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You can provide a response to this notice by accessing the Cannabis Compliance Response Portal with the Investigation ID referenced on the cover page for this report.

**Step 1:** Go to the State Water Board's Cannabis Cultivation Programs Portal at:

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

**Step 2:** Register or login to your account

**Step 3:** Under Application Dashboard, Click "Create New Survey"

**Step 4:** Click the "Division of Water Rights Cannabis Compliance Response Portal"

**Step 5:** When you fill out your response use the Assessor Parcel Number and use the Investigation ID both located on the cover page of the notice.

For questions regarding the Small Irrigation Use Registration at: 916-319-9427 or by email at: [cannabisreg@waterboards.ca.gov](mailto:cannabisreg@waterboards.ca.gov)

For questions regarding the Cannabis General Order enrollment at: 916-341-5580 or by email at: [DWQ.Cannabis@waterboards.ca.gov](mailto:DWQ.Cannabis@waterboards.ca.gov)

Written correspondence should be addressed and submitted as follows: State Water Resources Control Board, Division of Water Rights, P.O. Box 100, Sacramento, CA 95812-0100, Attention: David Rosas.

For information on the State Water Board's Small Irrigation User Registration:

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

For information on Statement of Water Diversion and Use Program:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/)

For General Water Rights Registrations Information:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/registrations/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/registrations/)

State Water Board's Cannabis Cultivation Policy:

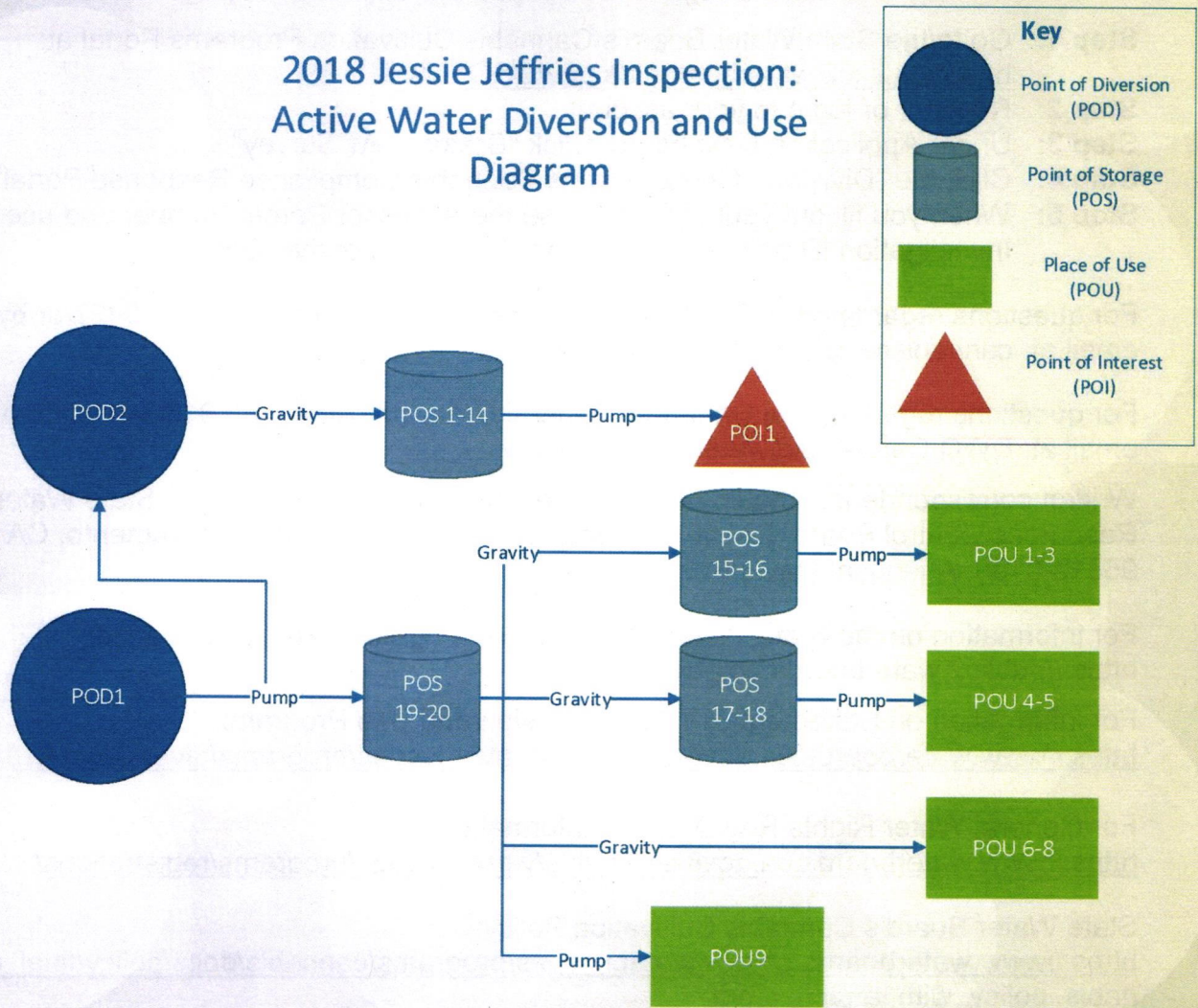
[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/policy/final\\_cannabis\\_policy\\_with\\_attach\\_a.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf)

General Water Right information:

<https://www.waterboards.ca.gov/waterrights/>



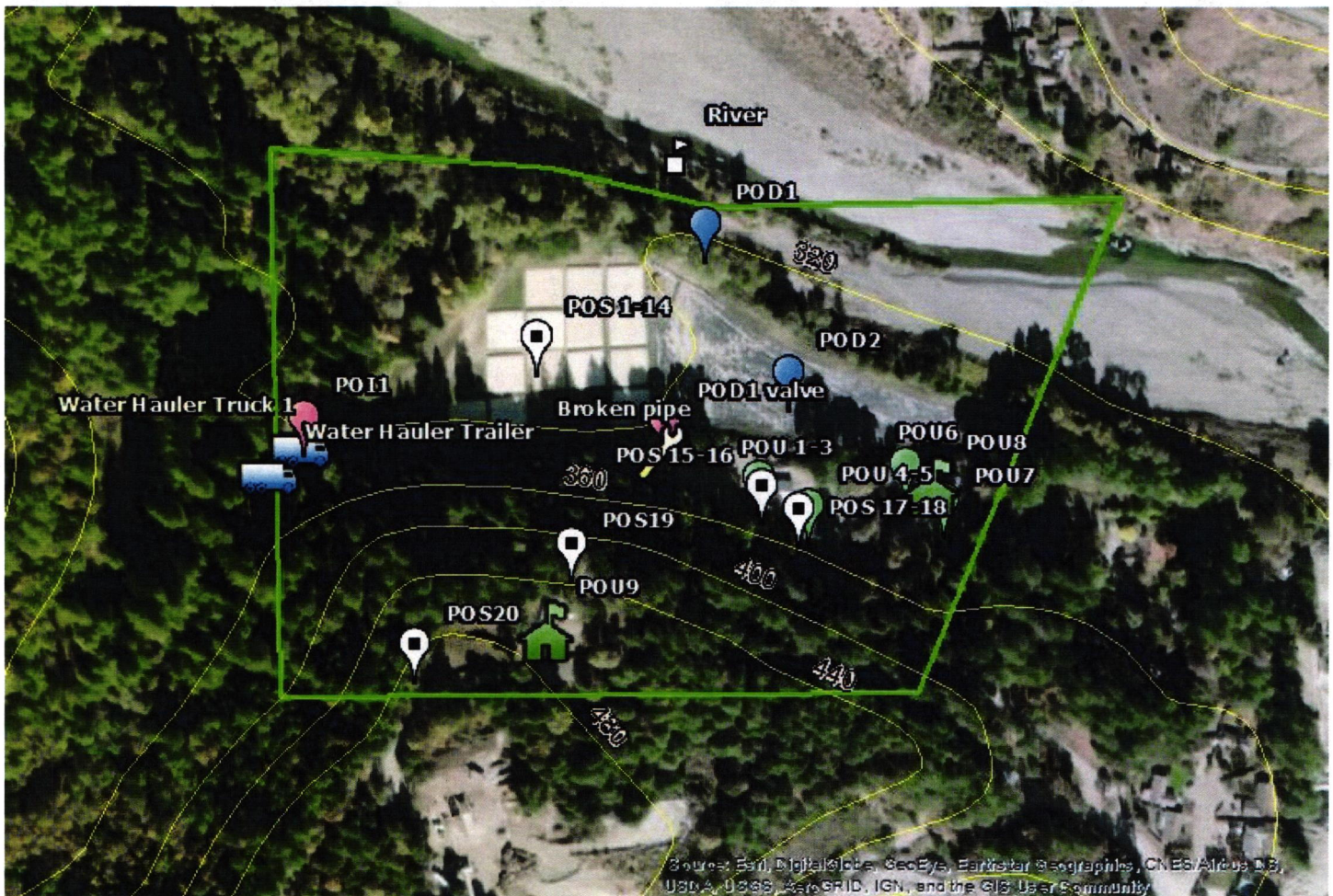
## 2018 Jessie Jeffries Inspection: Active Water Diversion and Use Diagram



*Figure 1: Active Water Diversion and Use Diagram*



**Jessie Jeffries**  
**Humboldt County Assessors Parcel Number**  
**(APN) 223-061-011-000**  
**September 11, 2018 Inspection Maps & Photos**



## MAP 1: Property Map with Waypoints





MAP 2: Digital Globe Aerial Imagery: April 25, 2018





MAP 3: Digital Globe Aerial Imagery: April 2, 2017





**Photo 1: POD1 – Cistern**



**Photo 2: POD1– Inside Cistern**





**Photo 3: POD1 – Tape Measure of Water Level.**



**Photo 4: South Fork Eel River Bed.**



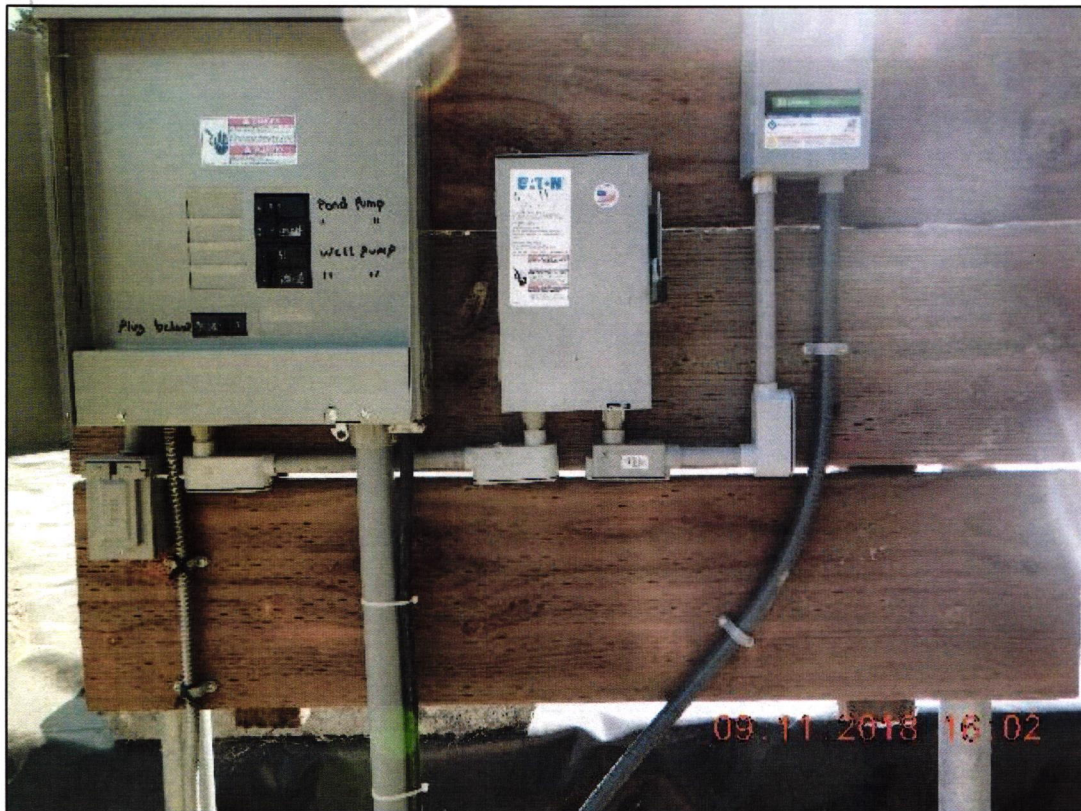


**Photo 5:** Downstream River Channel.



**Photo 6:** South Fork Eel River





**Photo 7:** electrical circuit breaker, safety switch, and pump saver.



**Photo 8:** POD1– Pipe with Meter (near Bladders).





**Photo 9: POD1 – Flow meter.**



**Photo 10: POD1 - Valve for Domestic or Catchment Area**





**Photo 11:** POD1 – valve switch pipeline feeding catchment



**Photo 12:** POD1 – water flowing to Bladder pumps





**Photo 13: POD1 – Broken Pipe.**



**Photo 14: POD1– water runoff from broken pipe.**





**Photo 15:** POD2 Collection Area - Rain catchment



**Photo 16:** POD2 Collection Area- east facing.





**Photo 17: POD2 Collection Reservoir- inlet pumps.**

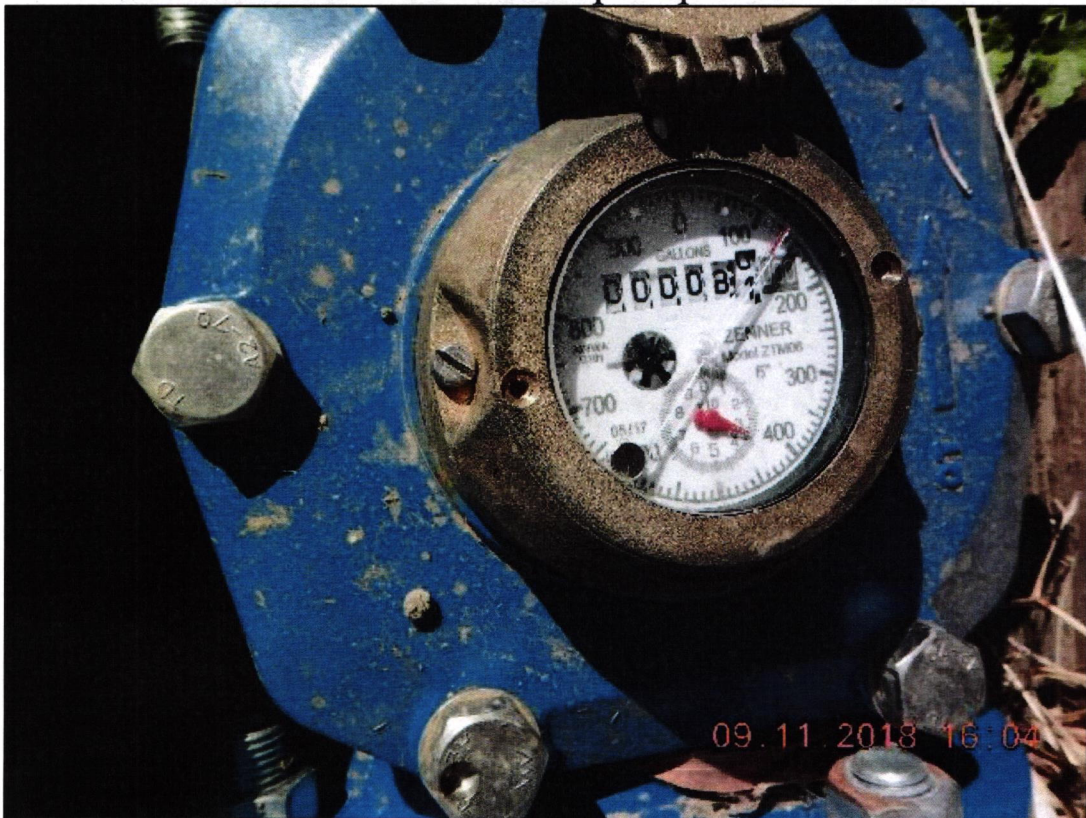


**Photo 18: POD2 - Inlet Pumps (closer view)**



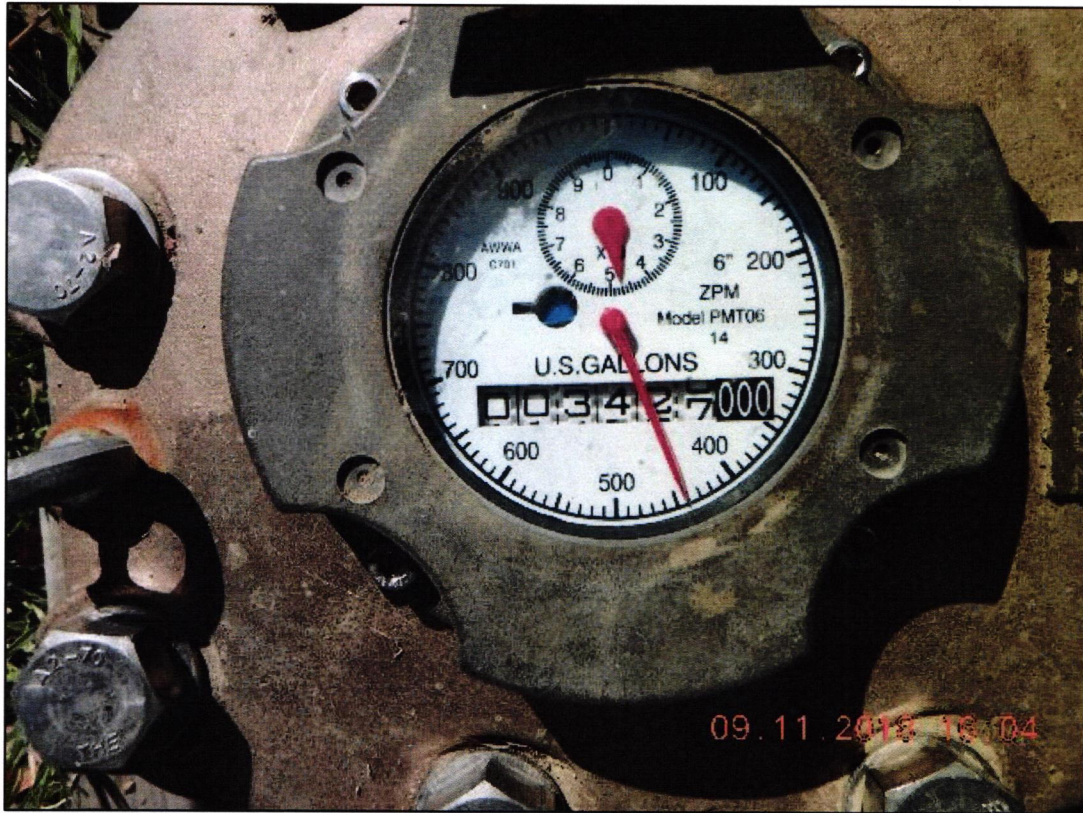


**Photo 19: POD2 - Inlet pumps with meters.**



**Photo 20: POD2- Water Meter (Left).**





**Photo 21: POD2- Water Meter (Right)**



**Photo 22: POI1 - Water Hauling-Fill Station**





**Photo 23: POI1 - Water Hauling- Fill Station**



**Photo 24: POI1 -Water Hauling-Pump**





**Photo 25: Water Hauler Truck 1**



**Photo 26: Water Hauler Truck (3,000 gal).**





**Photo 27: Water Hauler Trailer**



**Photo 28: Water Hauler Truck 2 (entering property).**





**Photo 29: Water Hauler Truck 2 (Leaving property).**



**Photo 30: POS 1-14 - Bladders (210,000 gal. each)**





**Photo 31:** POS 1-14 – Bladders (210,000 gal. each)



**Photo 32:** POS 1-14 - Bladders (210,000 gal. each)





**Photo 33:** POS 1-14 - Bladders near collection area  
(210,000 gal. each)



**Photo 34:** POS 1-14 - low water level bladder





**Photo 35: Removed Bladders**



**Photo 36: Bladder water receiver**





**Photo 37: Bladders.**



**Photo 38: Bladders**





**Photo 39: POS 15-16 - Tanks**



**Photo 40: POS 17-18 - Tanks**





**Photo 41: POS19 - Tank**



**Photo 42: POS20 - Tank**





**Photo 43: POU1 - Indoor Grow**



**Photo 44: POU2 – Indoor Grow**





**Photo 45: POU3 – Indoor Grow**



**Photo 46: POU4 – Indoor Grow**





**Photo 47: POU5 – Indoor Grow**



**Photo 48: POU6 - Garden**





**Photo 49: POU7 - Garden**



**Photo 50: POU8 – Residential Structure**