

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER WR 2023-0035-DWR

ADMINISTRATIVE CIVIL LIABILITY ORDER

In the Matter of Allegations of Violations of the Following:
Failure to File a Statement of Water Diversion and Use (Water Code section 5101),
Cannabis Cultivation Policy Requirements Adopted Pursuant to California Water Code
section 13149, Diversion or Use of Water for Cannabis Cultivation for which a License is
Required (Water Code section 1847(b)(4))

by

Ignacio Lupian

in

Lake County

on

APN: 002-012-390-000

The Assistant Deputy Director of the Division of Water Rights (Division), acting under authority delegated by the State Water Resources Control Board (State Water Board), hereby issues an Administrative Civil Liability Order (Order) to Ignacio Lupian (Diverter) pursuant to California Water Code section 1055, subdivision (c), based on the allegations made in an Administrative Civil Liability Complaint dated January 13, 2023.

THE STATE WATER BOARD, OR ITS DELEGEE, FINDS AS FOLLOWS:

1. The Diverter is the owner of record for Lake County Assessor Parcel Number (APN) 002-012-390-000 (hereinafter the Property) and has been the owner of record at all times relevant here.
2. On January 13, 2023, the Assistant Deputy Director, acting under authority delegated by the Executive Officer of the State Water Board, issued an Administrative Civil Liability Complaint (Complaint) to the Diverter pursuant to Water Code section 1055.
3. A copy of the Complaint is attached to this Order and incorporated by reference as if fully set forth herein.

4. The Complaint alleges that the Diverter failed to submit a Statement of Water Diversion or Use (Statement) as required under Water Code section 5101, violated certain Cannabis Cultivation Policy requirements adopted pursuant to Water Code section 13149, and diverted and used water for commercial cannabis cultivation for which a license was required but not obtained. After considering all relevant circumstances pursuant to Water Code section 1055.3 and 5107, subdivision (e), the Complaint proposes an administrative civil liability in the full statutory maximum amount of **\$3,750**.
5. The Division served the Complaint to the Diverter via process server on April 10, 2023.
6. Pursuant to Water Code section 1055, subdivision (b), the Complaint notifies the Diverter of the ability to contest the allegations in the Complaint by submitting a written request for a hearing not later than 20 days from the date of service of the Complaint, and that the State Water Board may adopt an order setting administrative civil liability based on the allegations set forth in the Complaint without a hearing if the Diverter does not submit a timely hearing request.
7. The Diverter did not submit a timely hearing request, and to date has not submitted any hearing request. Therefore, pursuant to Water Code section 1055, subdivision (c), the State Water Board may adopt an order setting administrative liability based on the allegations set forth in the Complaint without a hearing.
8. The State Water Board has delegated the authority to issue an order imposing administrative civil liability when a complaint has been issued and no hearing has been requested to the Deputy Director of Water Rights. (State Water Board Resolution No. 2012-0029, Section 4.9.2.) The State Water Board has authorized the Deputy Director to redelegate this authority. The Deputy Director has redelegated this authority to the Assistant Deputy Director.
9. The Diverter contacted the Division on August 5, 2021, September 30, 2021 and most recently April 25, 2023 regarding compliance initially, and the payment of the penalty recently. The Diverter has taken all necessary corrective actions completing filing for a still pending Small Domestic Use Registration on October 27, 2021. In consideration of these circumstances and all relevant circumstances described in the Complaint pursuant to Water Code sections 1055.3 and 5107, subdivision (e), the Assistant Deputy Director has determined that the appropriate penalty is **\$3,750**.
10. Pursuant to Water Code section 1055, subdivision (d), orders setting administrative civil liability shall be effective upon issuance.

IT IS HEREBY ORDERED THAT:

1. The allegations contained in the attached Administrative Civil Liability Complaint are incorporated as findings in this Order as if fully set forth herein.

2. Diverter shall remit, within 30 days of the date of this Order, a check or money order payment of the full penalty of **\$3,750** to:

State Water Resources Control Board
Division of Water Rights
Enforcement Section
P.O. Box 2000
Sacramento, CA 95812-2000

3. Fulfillment of Diverter's obligations under this Order constitutes the full and final satisfaction of the liability for the alleged violations specifically identified in the Complaint. The State Water Board reserves the right to take further enforcement action for any future violations.
4. The Assistant Deputy Director is authorized to seek recovery of the liability imposed, as authorized by California Water Code section 1055.4, or refer this matter to the Office of Attorney General for further enforcement action if Diverter fails to comply with remitting payment of the full penalty within 30 days of the date of this Order.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

*Julé Rizzardo, Assistant Deputy Director
Division of Water Rights*

Dated: July 14, 2023