

From: [COOK Nirvana * WRD](#)
To: [GEORGE BAXTER](#); [Gordon Lyford](#)
Cc: [COOK Nirvana * WRD](#)
Subject: RE: WRC Dec 3, 2021 Comments Regarding Water Theft in Southwest Oregon
Date: Monday, November 29, 2021 7:41:16 AM

Dear Mr. Lyford,

I am acknowledging receipt of your written public comment for the December 3, 2021 Water Resources Commission Meeting.

Thank you,

Nirvana Cook

Executive Assistant to Director Tom Byler
and the Water Resources Commission
Oregon Water Resources Department
725 Summer Street NE, Suite A Salem, OR 97301
Office: 503.986.0876 | Cell: 503.798.3196



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From: GEORGE BAXTER <gandpb2004@yahoo.com>
Sent: Sunday, November 28, 2021 8:35 PM
To: [Gordon Lyford <capay@frontiernet.net>](#); [COOK Nirvana * WRD <Nirvana.COOK@water.oregon.gov>](#)
Subject: Re: WRC Dec 3, 2021 Comments Regarding Water Theft in Southwest Oregon

Got it.

[Sent from Yahoo Mail for iPad](#)

On Sunday, November 28, 2021, 7:23 PM, [Gordon Lyford <capay@frontiernet.net>](#) wrote:

November 28, 2021

To Water Resources Commission (WRC) Chair Reeves and Commissioners, and Water Resources Department (WRD) Director Byler:

These comments are for the December 3, 2021 WRC meeting agenda item L, Public Comment, concerning the rampant illegal use of water and water theft in Josephine

and Jackson Counties to irrigate illegal cannabis crops.

As you know irrigation of an illegal crop is not a beneficial use of water and therefore constitutes a waste of water.

"OAR 690-300-0010

Definitions

(5) "Beneficial Use" means the reasonably efficient use of water without waste for a purpose consistent with the laws, rules and the best interests of the people of the state."

Illegal cultivation of cannabis crops in Josephine and Jackson Counties during 2021 was widespread on thousands of sites. This has been acknowledged and publicly reported by law enforcement, members of the legislature, and agency directors.

During the 2021 drought, public water has been stolen from surface water and groundwater sources on a vast scale to irrigate illegal cannabis crops. The Cities of Grants Pass and Cave Junction, and the Medford Water Commission have also sold bulk water, both knowingly, and unknowingly for the purpose of irrigating illegal cannabis crops. The Medford Water Commission will discuss bulk water sales during their upcoming December 15 Board meeting.

The illegal use of water and outright theft of water has been reported to the local Watermasters by hundreds of citizens throughout the summer of 2021. Unfortunately little action has been taken to stop the rampant illegal use and theft of water. At least one case of vigilante activity by a citizen, while being dangerous, was briefly successful in stopping an illegal water truck from stealing water from an un-permitted well and leading to the arrest of the truck driver by Sheriff deputies. The injury caused by illegal water use and water theft to irrigate illegal cannabis crops has many negative consequences. Law enforcement of water laws only encourages more illegal activities.

Those negative consequences that have been observed and reported include but are not limited to:

- Fish and wildlife harm
- Injury to water right holders
- Wells, springs, ponds, and streams going dry
- Forestland and riparian buffers being denuded, and wetlands being destroyed
- Reduction of the Illinois River and Rogue River State Scenic Waterway flows necessary to maintain the free-flowing character for recreation, and fish and wildlife

- Water rights being rendered worthless
- The purpose of applying for new water rights or water right transfers being negated
- Water theft becoming the “new” senior water rights because it cannot be regulated
- Criminal enterprises, both foreign and domestic cartels, being allowed to flourish
- Citizens being put in life threatening situations and their quality of life being diminished
- Trespassing, including trees being cut down, squatting, trash being dumped, and easements being violated
- Legal registered cannabis businesses being financially ruined
- Dangerous unlicensed, uninsured, unregistered, large water trucks being driven by unlicensed drivers roaming the public roadways
- The decline of a functioning society in general, and the rise in a cartel influenced narco culture causing human suffering, trafficking, and slavery
- Pollution of land and water with waste such as plastic, PVC, building materials, trash, chemicals, and human feces and toilet paper
- UPS package deliveries suspended on certain roads due to threats of gun violence
- Increased fire incidents and traffic accidents

In December 2016 the Secretary of State completed an audit of the WRD. The issue of illegal water use was discussed on pages 2, 20, and 21 of that audit.

Just like a bank robbery, water theft and illegal cannabis cultivation are crimes in progress. For a bank robbery how many days would law enforcement wait for a search warrant to be issued before taking action? The Josephine County Sheriff recently stated that there were 41 illegal cannabis sites busted in 2020 and there were only 30 sites busted in 2021. For example in O’Brien there were five sites busted in 2020 (thanks to the Oregon State Police) and zero sites busted in 2021. How is this possible when in 2021 the Sheriff had more funding, more staff, and more than twice as many sites to bust than in 2020? Last week one Josephine County Commissioner stated that there will be even more illegal cannabis grow sites next year. It seems that the Josephine County Commissioners are enamored of the dirty cartel money circulating throughout the local economy. The Josephine County Code enforcement has not helped at all during the past seven years in our neighborhood despite many complaints, and the County Legal Council seems to be missing in action.

Since the County is not up to the task, state and federal law enforcement need to take the lead in eradicating illegal cannabis grow sites. Water is the key. If illegal water use and water theft were eliminated, then there would not be any illegal cannabis grow sites.

I implore the WRC and the WRD to do everything possible to enforce water laws in 2022 in order to end the illegal use and theft of water used to irrigate illegal cannabis crops. With the increased funding and additional positions recently approved by the state legislature, the WRD should make great progress during 2022 in stopping the theft of water by criminal organizations who irrigate illegal cannabis crops in southwest Oregon. Failure to eradicate the rampant illegal water use and water theft would amount to acquiescing to the criminal enterprises and the resulting existential threats to our community.

"The Department's mission is to serve the public by practicing and promoting responsible water management through two key goals:

- To directly address Oregon's water supply needs
- To restore and protect streamflows and watersheds in order to ensure the long-term sustainability of Oregon's ecosystems, economy, and quality of life"

Sincerely-

Gordon R. Lyford
PO Box 118
O'Brien, Oregon 97534
