

**From:** [Gordon Lyford](#)  
**To:** [COOK Nirvana \\* WRD](#)  
**Subject:** WRC Dec 3, 2021 Meeting Followup Comments Regarding Agenda Item D  
**Date:** Sunday, December 5, 2021 8:59:34 PM

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December 5, 2021

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

After watching the Director's Report, Agenda Item D, during the December 3rd WRC meeting I have these followup comments.

I feel that some clarification regarding the illegal cannabis situation in southwest Oregon is needed. In Josephine and Jackson Counties thousands of illegal cannabis grow sites were cultivated during 2021. Of all the cannabis grow sites in these Counties it appears that only 15% were licensed by the State. Of those 15% many were illegal for various reasons. This means that more than 85% of all the cannabis grow sites in these two Counties were illegal and therefore all water used on those sites was also illegal.

During the WRC meeting Director Byler mentioned that additional Assistant Watermaster and Enforcement positions will be on the WRD staff during 2022. This will be helpful. The impression was left that these criminal growers were simply not aware of water law and expectations, and the illegal water use was not necessarily nefarious. It was also said that perhaps the growers were just new to the area and did not understand the water law complexities and the principles of water law. Nothing could be further from the truth. In fact, the entire illegal cannabis enterprise during 2021 was exclusively nefarious from top to bottom, including the illegal water use. The scofflaws, criminal gangs, and organized crime cartels are dangerous people and do not care about water law or even accept the concept of water law.

One reason that the illegal cannabis growers located in Josephine and Jackson Counties is because they knew that abundant water supplies could easily be stolen and that the WRD would do nothing to stop it. They are literally laughing at the WRD because they just don't care.

During the Director's report it was also mentioned that outreach, education, and public information would help solve the problem of illegal water use and water theft. That is clearly delusional. If that were true then why was 2021 much worse than 2020 after the 2020 education program? These people are criminals and should not be using any public water.

The only thing that these scofflaws, criminal gangs, and organized crime cartels will understand is handcuffs being tightened around their wrists by law enforcement officers. Education and outreach will not work. Only robust law enforcement from all agencies will work. All of the hundreds of criminals need to be arrested under probable cause and held throughout the growing season. The WRD must assure the citizens that all illegal surface water and groundwater uses will be terminated before Summer begins.

Here is a Medford TV12 press conference with Josephine County Sheriff Daniel:

<https://www.kdrv.com/content/news/Law-enforcement-investigating-Illinois-Valley-marijuana-grow-involving-involuntary-servitude-575115951.html>

Authorities to consider:

**ORS 181A.090 Duty to enforce laws and regulations of agencies.** The state police, with the approval of the Governor, may be called upon by any other branch or department of the state government to enforce criminal laws or any regulation of such branch or department. [Formerly 181.050]

**ORS 540.060 Arrest by watermaster; complaint against offender.** The watermaster or an assistant appointed by the watermaster shall have power to arrest any person violating a provision of the Water Rights Act (as defined in ORS 537.010), ORS 537.120 to 537.360 or 537.505 to 537.795 and 537.992 and turn the person over to the sheriff or other competent police officer within the county. At the time the watermaster delivers the arrested person into the custody of the sheriff, the watermaster or assistant watermaster making the arrest shall file a complaint, as defined in ORS 131.005, against the person arrested. [Amended by 1957 c.341 §11; 1985 c.421 §7]

**ORS 133.225 Arrest by private person.** (1) A private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. A private person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver the arrested person to a peace officer.

(2) In order to make the arrest a private person may use physical force as is justifiable under ORS 161.255. [1973 c.836 §74]

Sincerely,

Gordon R. Lyford  
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Below is an aerial photo taken on November 23, 2021 of the remains of an illegal cannabis grow in O'Brien adjacent to my neighbor's property line. Water was stolen from wells JOSE 60596 and JOSE 61109 to irrigate the illegal cannabis crop and to fill illegal water trucks all summer long. This was reported to the Watermaster many times by several neighbors and there was no response.



Photo by Christopher Hall, 11-23-2021



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