

**MINASIAN, MEITH,
SOARES, SEXTON &
COOPER, LLP**

ATTORNEYS AT LAW
A Partnership Including Professional Corporations

1681 Bird Street
Post Office Box 1679
Oroville, California 95965-1679

Writer's E-MAIL: dcooper@minasianlaw.com

PAUL R. MINASIAN, INC.
JEFFREY A. MEITH
M. ANTHONY SOARES
DUSTIN C. COOPER
EMILY E. LaMOE
ANDREW J. McCLURE
JACKSON A. MINASIAN

TELEPHONE:
(530) 533-2885

FACSIMILE:
(530) 533-0197

WILLIAM H. SPRUANCE,
Retired

MICHAEL V. SEXTON,
Retired

September 14, 2018

Michael Graf
227 Behrens Street
El Cerrito, CA 94530

Re: Mike Pasner/Nevada Irrigation District

Dear Mr. Graf:

We are informed that your client, Mr. Pasner, and Mr. Pasner's invitees are entering property owned or operated by Nevada Irrigation District to unlawfully take samples of the District's water during periods when the District is applying aquatic herbicides. The frequency of the sampling or volume of water taken is unknown. This activity, however, is being conducted at your client's request and direction places those involved in jeopardy. The application of aquatic herbicides requires significant training, permitting and licensing, and use of proper equipment, including personal protective equipment. The District hereby demands that Mr. Pasner and his invitees cease and desist from these activities immediately.

These actions violate the District's water service rules and regulations, policies, and constitute a misdemeanor under the California Penal Code. More fundamentally, Mr. Pasner's actions pose a risk to District facilities and to himself and his invitees. Please confirm, in writing, that Mr. Pasner will cease and desist from these activities immediately. If the District does not receive confirmation by September 21, 2018, the District will initiate remedial actions to ensure compliance.

Section 3.02 of the District's water service rules and regulations states:

All District facilities are under the exclusive control of the Board and its designated employees; and no other person shall interfere with, regulate or control any such facilities, or the water flowing therein, without authorization of the Board.

Mr. Pasner and his invitees are violating Rule 3.02. They are interfering with District facilities, and the water flowing therein, without the consent of the Board of Directors of the

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District. Mr. Pasner's water service application and his receipt of District water bounds him to comply with the District's water service rules and regulations.

In addition to violating Rule 3.02, your attention is directed to Rule 12.01 and California Penal Code provisions cited therein. Stealing water, taking water without authority, interference with District pipelines and conduits (e.g., ditches and canals), and other interference with District facilities are misdemeanors for which the offender may be criminally prosecuted.

Mr. Pasner and his invitees are also violating District policy 10500 (activities prohibited on District properties). Among other things, the purpose of this policy is to prevent interference with the District's mission to provide a dependable and safe water supply by prohibiting actions that pose a threat to District facilities or create a risk to the public (Mr. Pasner and his invitees), and/or cause water degradation. The District has determined that Mr. Pasner's and Mr. Pasner's invitees' actions in unlawfully accessing District facilities and taking water pose a risk to these parties and District facilities in violation of District policy.

Further, should the district be engaged in a claim or legal action by any of the parties involved in Mr. Pasner's efforts, we will enjoin Mr. Pasner in such litigation as a party in defense.

Please confirm, in writing, by September 21, 2018 that Mr. Pasner will comply with the terms of this cease and desist demand.

Very truly yours,

MINASIAN, MEITH,
SOARES, SEXTON & COOPER, LLP

By: 
DUSTIN C. COOPER

DCC/lmj
cc: Remleh Scherzinger, GM
Nevada Irrigation District