



## State Water Resources Control Board

DELIVERY BY PROCESS SERVER

In reply, refer to:  
INV 5598

Gary Sparlin

Dear Mr. Sparlin:

NOTICE OF VIOLATION - UNAUTHORIZED DIVERSION AND USE OF WATER FROM AN UNNAMED STREAM TRIBUTARY TO LITTLE COW CREEK, SHASTA COUNTY APN [REDACTED]

**This matter requires your immediate attention.**

The State Water Resources Control Board (State Water Board) Division of Water Rights (Division) has attempted to deliver the enclosed letters to you via United States Postal Service Certified Mail on July 20, 2023, and by Delivery Confirmation on August 31, 2023, but both attempts were unsuccessful. Please **review the enclosed letters and forms**. If you no longer receive mail at this address, please provide your preferred mailing address with the attached Contact Information Update Form.

If you have any questions regarding this matter, please contact Oxcar Macias by phone at (916) 341-5637 or by e-mail at [Oxcar.Macias@waterboards.ca.gov](mailto:Oxcar.Macias@waterboards.ca.gov).

Sincerely,

ORIGINAL SIGNED BY:

Robert P. Cervantes, PE  
Program Manager - Enforcement  
Division of Water Rights

Enclosures: 

1. Notice of Unauthorized Diversion sent on May 18, 2022
2. Notice of Unauthorized Diversion sent on July 20, 2023
3. Small Domestic Use Registration Form
4. Contact Information Update Form

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

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)



## State Water Resources Control Board

### DELIVERY CONFIRMATION

In reply, refer to:  
INV 5598

Gary Sparlin

**DELIVERY CONFIRMATION NO:**

Dear Mr. Sparlin:

NOTICE OF VIOLATION - UNAUTHORIZED DIVERSION AND USE OF WATER FROM AN UNNAMED STREAM TRIBUTARY TO LITTLE COW CREEK, SHASTA COUNTY APN [REDACTED]

**This matter requires your immediate attention.**

The State Water Resources Control Board (State Water Board) Division of Water Rights (Division) notified you by letter dated October 7, 2021, that the reservoir on your property has no basis of right to divert water to storage. The Division also sent an additional letter on May 18, 2022. On June 22, 2023, you mentioned in a phone conversation with Division staff (Oxcar Macias), that you did not receive the letter. Enclosed is a copy of the May 18, 2022, letter.

In your phone conversation with Division staff on June 22, 2033, you explained that the reservoir's operation has been corrected so that all the outflow from your reservoir flows back into the original stream channel. You also mentioned that the reservoir is only for non-consumptive use such as aesthetics and fish and wildlife enhancement, and the reservoir is usually kept full when the stream channel is flowing. Because the water in the stream is caused by excess irrigated decreed diversions, your reservoir operation does not qualify for riparian rights. Therefore, an appropriative water right is required for your reservoir.

Within 30 days of receipt of this letter, you need to file an appropriative water right to divert water to storage.

The web address below leads to our water right forms and applications webpage where you'll find more information on available water right types.

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

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)



[https://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/](https://www.waterboards.ca.gov/waterrights/publications_forms/forms/)

Please note that the State Water Board has the authority to initiate enforcement action at its discretion for alleged unauthorized diversion or use of water or alleged waste or unreasonable use of water. Therefore, you should take all necessary actions to ensure that your diversion is authorized, up to and including ceasing unauthorized diversions or unauthorized uses or both.<sup>1</sup>

If you have any questions regarding this matter, please contact Oxcar Macias by phone at (916) 341-5637 or by e-mail at [Oxcar.Macias@waterboards.ca.gov](mailto:Oxcar.Macias@waterboards.ca.gov). Written correspondence or inquiries should be addressed as follows:

State Water Resources Control Board  
Division of Water Rights  
Attn: Oxcar Macias  
P.O. Box 2000  
Sacramento, CA 95812-2000.

Sincerely,

ORIGINAL SIGNED BY:

Robert P. Cervantes, PE  
Program Manager - Enforcement  
Division of Water Rights

Enclosures: 1. Notice of Unauthorized Diversion sent on May 18, 2022  
2. Small Domestic Use Registration Form

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<sup>1</sup> This correspondence is to inform you that Division staff has determined that a violation is occurring or has occurred. It is not an independently enforceable order, decision, or other final agency finding as contemplated by Water Code sections 1122 or 1126. Nor is it an adjudicative order or decision within the meaning of the Water Code or the Administrative Procedure Act subject to administrative reconsideration and judicial review. No civil liability or order would be imposed against you without notice and an opportunity for a hearing before the State Water Board.