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## State Water Resources Control Board

January 24, 2024

CERTIFIED MAIL

Jerry and Donna Bacigalupi



CERTIFIED MAIL NO:



Dear Mr. And Mrs. Bacigalupi:

### **NOTICE OF VIOLATION – UNAUTHORIZED STORAGE OCCURRING ON FOGG GULCH AND POSSIBLE UNAUTHORIZED STORAGE NEAR LITTLE SHASTA RIVER, SISKIYOU COUNTY**

On August 11, 2022 State Water Resources Control Board (Board) Division of Water Rights (Division) staff received a complaint requesting the Division analyze several reservoirs occurring near and on the Little Shasta River in Shasta River watershed in Siskiyou County. The reservoirs identified on your property occur on Fogg Gulch, tributary to the Little Shasta River, and others south along the Little Shasta River identified on the map included with this notice.

#### **Potential Violation**

Based on a review of the Division's records and analysis of the Shasta River Adjudication (Decree No. 7035), Division staff identified water right permit A029558 on Fogg Gulch and two adjudicated rights associated with the property (P384 and P385 in the Shasta River Adjudication). Division staff also found that a Petition to Change in Distribution of Storage was filed on December 22, 2008. However, the petition was rejected December 29, 2008 for lack of payment of the fee associated with the petition. Therefore, neither water right A029558 nor the adjudicated rights cover the storage of water in the reservoirs on Fogg Gulch shown on the included map on APNs



Division staff also identified reservoirs on APN [REDACTED]. Division staff found no record of valid water rights for these reservoirs.

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E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, 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)

**Enforcement**

Diversions from a surface or subterranean stream without a valid basis of right are considered to be a trespass against the State of California, and the property owner or diverter is subject to enforcement, which may include an administrative civil liability, cease and desist order, or both. Administrative civil liability for unauthorized diversion may be as high as \$500 per day. A person who violates a cease and desist order may be subject to an administrative civil liability of up to \$1,000 per day.

**Corrective Actions**

Within 30 days of this letter, you must:

- provide evidence of a valid water right for the diversions to storage on Fogg Gulch identified on the map attached; or
- file a change petition to address your diversions to storage. Also, provide the water source and beneficial uses of the reservoirs occurring on APN [REDACTED], if any.

If you have questions or concerns, contact Mr. Lee Barclay, Engineering Geologist, at (916) 341-5411 or by email at [Lee.Barclay@waterboards.ca.gov](mailto:Lee.Barclay@waterboards.ca.gov).

Sincerely,

*Sahil Pathak*

Sahil Pathak, Supervisor  
North Coast Enforcement Unit  
Division of Water Rights

Enclosures: Map of Ponds in Violation

cc (with enclosure): Jule Rizzardo  
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