



Oregon

John A. Kitzhaber, MD, Governor

April 10, 2012

Joseph Heitzman Jr.
78655 Territorial Hwy
Lorane, OR 97451

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

RE: WATER MEASURING DEVICE

This notice is to inform you of the need to install a measuring device at your point of diversion from the river. The point of diversion from the South Fork Siuslaw River identified below does not have an adequate measuring device to allow for proper regulation of water use. Oregon Revised Statutes (ORS) 540.045(1)(a), and OAR 690-250-050, authorizes the watermaster to regulate the distribution of water among users in accordance with existing water rights of record. A workable measuring device is necessary for water management and to ensure compliance with your water rights.

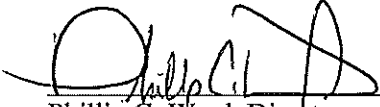
Your point of diversion from the South Fork Siuslaw River, authorized by Certificate 68726, is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within D. B. Cartwright DLC #43, Section 30, Township 20 South, Range 4 West, W.M., 670 Feet North and 1000 Feet East from the Southwest Corner of Section 30.

ORS 540.310 and OAR 690-250-060, provides the authority for the Department to require the measuring device. Pursuant to ORS 540.320, the measuring device must be installed within ten (10) days from the mailing of this notice. **After April 20, 2012, the watermaster may regulate off your use of water and prohibit you from diverting water until an approved workable measuring device is installed and operating properly.**

Prior to installation, you are required to get approval from the watermaster for the type and configuration of the measuring device. Facilities shall be of such construction that it can be kept locked and closed by the watermaster. The watermaster may approve an alternate plan or construction schedule under certain circumstances. The watermaster should be contacted if other arrangements are needed.

ORS 540.710 provides that no person shall willfully open, close, change or interfere with any lawfully established headgate or water box or willfully use water or divert water into or through the ditch of the person which has been lawfully denied water by a watermaster or other competent authority. Violation of ORS 540.710 is punishable, upon conviction, by a fine or by imprisonment in the county jail for not more than six months or both, and may also be subject to assessment of civil penalties under ORS 536.900.

Please contact Michael Mattick at 541-682-3620 for more information or if you have any questions about this notice.


Phillip C. Ward, Director
Oregon Water Resources Department

**CERTIFIED - RETURN RECEIPT REQUESTED
FIRST CLASS MAIL**

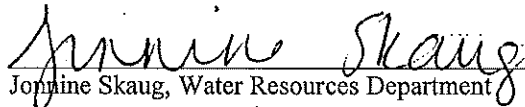
This is a Final Order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2012, I served a true certified copy of this Notice by depositing the same in the U.S. Post Office, with first class postage prepaid thereon, and by Certified Mail to the following:

Joseph Heitzman Jr.
78655 Territorial Hwy
Lorane, OR 97451


Jonnie Skaug, Water Resources Department