



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
 North Mall Office Building
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 Salem, OR 97301
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 www.oregon.gov/owrd

December 13, 2013

Dayne Barron
 District Manager
 Medford District, Bureau of Land Management
 3040 Biddle Road
 Medford, OR 97504

RE: WATER MEASURING DEVICE NOTICE

This notice is to inform you of the need to install a measuring device at the point of diversion on Clark Creek. Your point of diversion, as 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 authorize 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 right.

The point of diversion is on Clark Creek, authorized by Certificate 16300.

ORS 540.310 and OAR 690-250-060 provide 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 December 23, 2013 (ten days from the mailing of this notice), the watermaster may regulate off your use of water and prohibit you from diverting water until an approved and 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. 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 Kathy Smith, District 14 Watermaster (541-479-2401), for more information or if you have any questions about this notice.

Phillip C. Ward, Director
 Oregon Water Resources Department

CERTIFIED - RETURN RECEIPT REQUESTED 7010 2780 0000 0244 3644
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 December 13, 2013, I mailed the attached **Water Measuring Device Notice** by first class mail and certified mail, with prepaid postage thereon, addressed to the following:

Dayne Barron
District Manager
Medford District, Bureau of Land Management
3040 Biddle Road
Medford, OR 97504

Dawn Monagon
Dawn Monagon
Water Resources Department