



Oregon

Kate Brown, Governor

February 23, 2016

ROBIN & DENAE VINCENT
97546 COGSWELL LN
LAKEVIEW, OR 97630

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: COGSWELL CREEK HEADGATE AND MEASURING DEVICE

This notice is to inform you of the need to install a headgate and water measuring device at your point of diversion from Cogswell Creek. The point of diversion from Cogswell Creek identified below does not have an adequate headgate and water measuring device to allow for proper regulation of water use. Oregon Revised Statute (ORS) 540.045(1)(a) authorizes the watermaster to regulate the distribution of water among users in accordance with existing water rights of record. A workable headgate and measuring device is necessary for water management and to ensure compliance with your water rights.

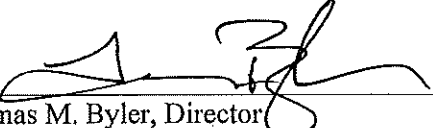
Your point of diversion from Cogswell Creek, authorized by Certificate 38348, is located in TL600, SENW, SECTION 25, T40S, R20E, W.M., Lake County Oregon.

ORS 540.310 and Oregon Administrative Rule (OAR) 690-250-0060 provide the authority for the Department to require the headgate and measuring devices. **After March 4, 2016 (ten days from the mailing of this notice), the watermaster may regulate off your use of water and prohibit you from diverting water until approved workable control/measuring devices are installed and operating properly (ORS 540.320).** The measuring device will need to be in place prior to the diversion of water authorized under Certificate 38348.

Prior to installation, you are required to get approval from the watermaster for the type and configuration of the headgate and 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 watermaster Brian Mayer at (541) 947-6038, or by email at Brian.M.MAYER@ wrd.state.or.us for more information or if you have any questions about this notice.


Thomas M. Byler, Director
Oregon Water Resources Department

**CERTIFIED - RETURN RECEIPT REQUESTED - 7015 1730 0001 0092 1740
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.



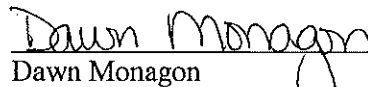
CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2016, I mailed a true certified copy of the attached **HEADGATE AND MEASURING DEVICE** notice, by first class mail and certified mail, by depositing the same in the US Post Office, with prepaid postage thereon, addressed to the following:

ROBIN & DENAE VINCENT
97546 COGSWELL LN
LAKEVIEW, OR 97630

and by regular mail to:

Kyle Gorman
OWRD - SW Region Manager
231 SW Scalehouse Loop, Ste 103
Bend, Oregon 97702


Dawn Monagon
Water Resources Department