

NOTICE FOR SURFACE WATER

Medford Irrigation District
PO Box 70
Jacksonville, OR 97530

Rogue River Valley Irrigation District
3139 Merriman Road
Medford, OR 97501

RE: WATER CONTROLLING DEVICE /MEASURING DEVICE

This notice is to inform you of the need to install a lockable headgate and measuring device at your point of diversion from Fourmile Lake. The point of diversion from Fourmile Lake, identified below, does not have an adequate headgate and measuring device to allow for proper regulation of water use with respect to the Klamath Basin. 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 headgate and measuring device are necessary for water management and to ensure compliance with your water rights.

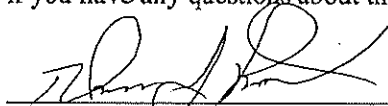
Your point of diversion from Fourmile Lake, authorized by Water Right Certificates 79911, 80573, and related documents, is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 09, Township 36 South, Range 5 East, W.M.

ORS 540.310 and OAR 690-250-060, provides the authority for the Department to require a headgate and measuring device. Pursuant to ORS 540.320, the watermaster, after 10 days' notice, may regulate off your use of water and prohibit you from diverting water until an approved workable control and measuring device are installed and operating properly.

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. Contact the watermaster to discuss the headgate/measuring device configuration and construction schedule.

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 Scott C. White, District 17 Watermaster, at (541) 883-4182 to discuss the subject installation 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.

08/26/13

*Emailed to Larry Mentzer
Scott White*