September 8, 2021

Sunnybrook West, LLC Sunnybrook West, LLC

Attn: Julie Phillips Attn: Andrew Pollack

8844 S Fk Little Butte Cr Rd 8844 S Fk Little Butte Cr Rd

Eagle Point, OR 97524 Eagle Point, OR 97524

**RE: MEASURING DEVICE**

This notice is to inform you of the need to install a measuring device at your point of diversion from the South Fork of Little Butte Creek. The point of diversion, which is further identified as Tonn Hutchens Ditch, does not have an adequate 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 measuring device is necessary for water management and to ensure compliance with your water right.

Your point of diversion from the South Fork of Little Butte Creek, authorized under Certificate 17200 for irrigation and stock use, is located in the Rogue Basin in Township 37.00 South, Range 2.00 East, Section 13 in the SW ¼, of the NE ¼, Tax Lot 4801, in Jackson County.

ORS 540.310, and Oregon Administrative Rule 690-250-0060 provide the authority for the Department to require the measuring device. **After September 18, 2021, 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 (ORS 540.320).** The measuring device will need to be in place prior to the diversion of water authorized under Certificate 17200.

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.

Please contact watermaster Shavon Haynes at (541) 218-5125 or by email at [Shavon.L.Haynes@oregon.gov](mailto:Shavon.L.Haynes@oregon.gov) for more information, or if you have any questions about this notice.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Thomas M. Byler, Director

Oregon Water Resources Department

CERTIFIED – RETURN RECEIPT REQUESTED

FIRST CLASS MAIL

C: Jake Johnstone, OWRD, SW Region Manager

Shavon Haynes, OWRD, District 13 Watermaster

Kristopher Byrd, OWRD Well Construction and Compliance Manager

**CERTIFICATE OF SERVICE**

I hereby certify that on September 8, 2021, I mailed a true certified copy of the attached **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:

|  |  |
| --- | --- |
| Julie Phillips Andrew Pollack  8844 S Fk Little Butte Cr Rd 8844 S Fk Little ButteCrRd  Eagle Point, OR 97524 Eagle Point, OR 97524 |  |
|  |  |

and by regular mail to:

Julie Phillips Andrew Pollack

8844 S Fk Little Butte Cr Rd 8844 S Fk Little Butte Cr Rd

Eagle Point, OR 97524 Eagle Point, OR 97524

|  |  |  |
| --- | --- | --- |
|  |  |  |

*Email copy to Watermaster \_\_\_\_\_\_\_\_\_\_\_\_ for that region*

|  |  |
| --- | --- |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Nirvana Cook  Water Resources Department |