



Oregon

Kate Brown, Governor

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.Oregon.gov/OWRD

September 17, 2021

Sunnybrook West, LLC
Attn: Julie Phillips
8844 S Fk Little Butte Cr Rd
Eagle Point, OR 97524

Sunnybrook West, LLC
Attn: Andrew Pollack
8830 S Fk Little Butte Cr Rd
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 $\frac{1}{4}$, of the NE $\frac{1}{4}$, 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 27, 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 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

This is a Final Order in other than 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.

Revised 4/24/17



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CERTIFICATE OF SERVICE

I hereby certify that on September 17, 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:

Sunnybrook West, LLC
Attn: Julie Phillips
8844 S Fk Little Butte Cr Rd
Eagle Point, OR 97524

Sunnybrook West, LLC
Attn: Andrew Pollack
8830 S Fk Little Butte Cr
Eagle Point, OR 97524

and by regular mail to:

Sunnybrook West, LLC
Attn: Julie Phillips
8844 S Fk Little Butte Cr Rd
Eagle Point, OR 97524

Sunnybrook West, LLC
Attn: Andrew Pollack
8830 S Fk Little Butte Cr Rd
Eagle Point, OR 97524

Nirvana Cook

Nirvana Cook
Water Resources Department