

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Jackson County

IN THE MATTER OF THE APPLICATION)
OF MIKLOS AND BRENDA M. GYENES FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION AND PLACE OF USE OF)
WATER FROM ANDERSON CREEK)

ORDER APPROVING
TRANSFER NO. 3156

On January 10, 1975, Miklos and Brenda M. Gyenes filed an application in the office of the Water Resources Director for the approval of a change in point of diversion and place of use of water from Anderson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jackson County, Oregon, entered April 26, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Rogue River and its Tributaries, a water right was established in the name of J. E. Steele for the use of the waters of Anderson Creek for the irrigation of, among other lands, 8.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 38 South, Range 1 West, W.M., with a date of priority of 1906, as evidenced by certificate of water right recorded at Page 16092, Volume 13, State Record of Water Right Certificates. These lands are irrigated by means of the Steele ditch from a point of diversion located 1130 feet South and 1290 feet West from the East quarter-corner of Section 33, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 38 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use to 8.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, Township 38 South, Range 1 West, W.M., and to irrigate these lands from a point of diversion to be located 940 feet South and 1050 feet West from the East quarter-corner of Section 33, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 38 South, Range 1 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. David C. Hendrix, Watermaster of District No. 13, has filed a report to the effect that the proposed change in point of diversion and place of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion and place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 8.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 38 South, Range 1 West, W.M., with a date of priority of 1906, be severed therefrom and simultaneously and without loss of priority transferred to 8.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, Township 38 South, Range 1 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Anderson Creek, to wit:

From a point located 1130 feet South and 1290 feet West from the East quarter-corner of Section 33, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 38 South, Range 1 West, W.M.

To a point to be located 940 feet South and 1050 feet West from the East quarter-corner of Section 33, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 38 South, Range 1 West, W.M.

for the irrigation of 8.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, Township 38 South, Range 1 West, W.M., with a date of priority of 1906, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1976.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.12 cubic foot per second.

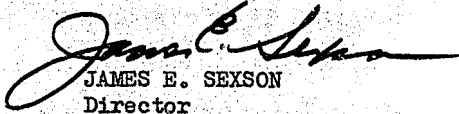
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the certificate of water right heretofore issued to J. E. Steele and recorded at Page 16092, Volume 13, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Miklos and Brenda M. Gyenes confirming the change in point of diversion and place of use.

Dated at Salem, Oregon, this 2nd day of December, 1975.


JAMES E. SEXSON
Director