

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION OF )  
MIKLOS & BRENDA M. GYENES FOR AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 4306

On October 16, 1979, an application was filed in the office of the Water Resources Director by Miklos and Brenda M. Gyenes for approval of a change in point of diversion of water from Anderson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is described by the order of the Water Resources Director recorded at page 204, Volume 26, Special Order Record of the Water Resources Department, in the names of Miklos and Brenda M. Gyenes, and is for the use of not to exceed 0.12 cubic foot per second from Anderson Creek, under a priority date of 1906, for irrigation of a certain 8.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 33, Township 38 South, Range 1 West, W.M.

The authorized point of diversion is 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.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 360 feet South and 30 feet West from the East Quarter Corner of Section 33, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 33.

Notice of the application, pursuant to ORS 540.520(2), was published in the Mail Tribune, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of October 23 and 30, and November 6, 1979.

Mr. David C. Hendrix, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of

diversion, as described herein, without loss of priority, is approved.

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 under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment 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;

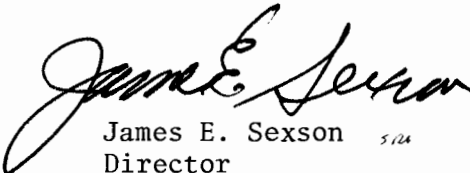
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in point of diversion is completed.

The order of the Water Resources Director entered December 2, 1975, approving transfer application No. 3156, provided for cancellation of the certificate recorded at page 16092, Volume 13, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; therefore,

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 20th day of December, 1979.

  
James E. Sexson  
Director