

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Lane County

IN THE MATTER OF THE APPLICATION)
OF BOHEMIA, INC., FOR THE APPROVAL)
OF A CHANGE IN USE AND POINT OF)
DIVERSION OF WATER FROM ROW RIVER)

ORDER APPROVING
TRANSFER NO. 2883

On August 14, 1973, Bohemia, Inc., filed an application in the office of the Water Resources Director for the approval of a change in use heretofore made and in point of diversion of water from Row River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 14006, Volume 12, State Record of Water Right Certificates, in the name of Row River Lumber Company, describes an existing right of record for the use of not to exceed 2.3 cubic feet per second from Row River for operation of a mill pond in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, Township 21 South, Range 1 West, W.M., with a date of priority of November 2, 1939.

Water for the said right is diverted from a point located 50 feet South and 300 feet West from the Southeast corner of Lot 3, Section 30, being within Lot 4 (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 30, Township 21 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the use heretofore made and to hereafter apply the water to the use of log deck sprinkling in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 21 South, Range 1 West, W.M.; and to change the point of diversion from the point above described to a point located North 55 degrees West, a distance of 75 feet from the Northeast corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 21 South, Range 1 West, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Cottage Grove Sentinel, a newspaper printed and having general circulation in Lane County, Oregon, for a period of three weeks in the issues of August 12, 19 and 26, 1976.

Mr. L. Gene McGinnis, Watermaster of District No. 2, has filed a statement to the effect that the proposed change of use and point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change of use heretofore made and 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 use heretofore made and point of diversion, 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, and shall not exceed 2.30 cubic feet 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:

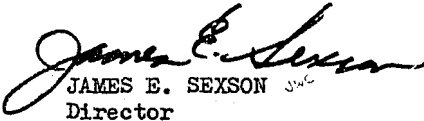
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed, the change in point of diversion of water made, and said water so transferred applied to beneficial use on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Row River Lumber Company and recorded at Page 14006, Volume 12, State Record of Water Right Certificates, is canceled, and 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 Bohemia, Inc.

Dated at Salem, Oregon, this 23rd day of November, 1976.


JAMES E. SEXSON
Director