

Sharps Creek application withdrawn  
2883

# STATUS OF APPLICATION

Change in Point of Diversion & Use  
Date filed August 14, 1973  
Date of hearing 10-5-76  
Place of hearing Eugene  
Date of order 11-23-76 Vol. 28, page 136  
Date for application of water 10-1-78  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued 47520 Vol. 40, page FEB 28 1979

Survey 1/77

# DESCRIPTION OF WATER RIGHT

Name of stream Row River & Sharps Creek  
Trib. of \_\_\_\_\_ County of Lane  
Use Log Storage Pond  
Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
Date of priority November 2, 1939 & April 12, 1956  
In name of \_\_\_\_\_  
Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 18443 30649 Per. No. 14106 24447 Cert. No. 14006 23852  
Certificate cancelled \_\_\_\_\_  
Notation made on record by In DB

# FEES PAID

Date	Amount	Receipt No.
8-14-73	26.00	36104
7-30-76	60.00 PDN	55219
7-30-76	19.00	55220
TOTAL . . .	<u>205.00</u>	55219
9-28-76	Cert. Fee	<u>CL#E</u>
Cottage Grove Sentinel	45 50	C#829

# FEES REFUNDED

Date	Amount	Check No.
9-28-76	12 50	C#828

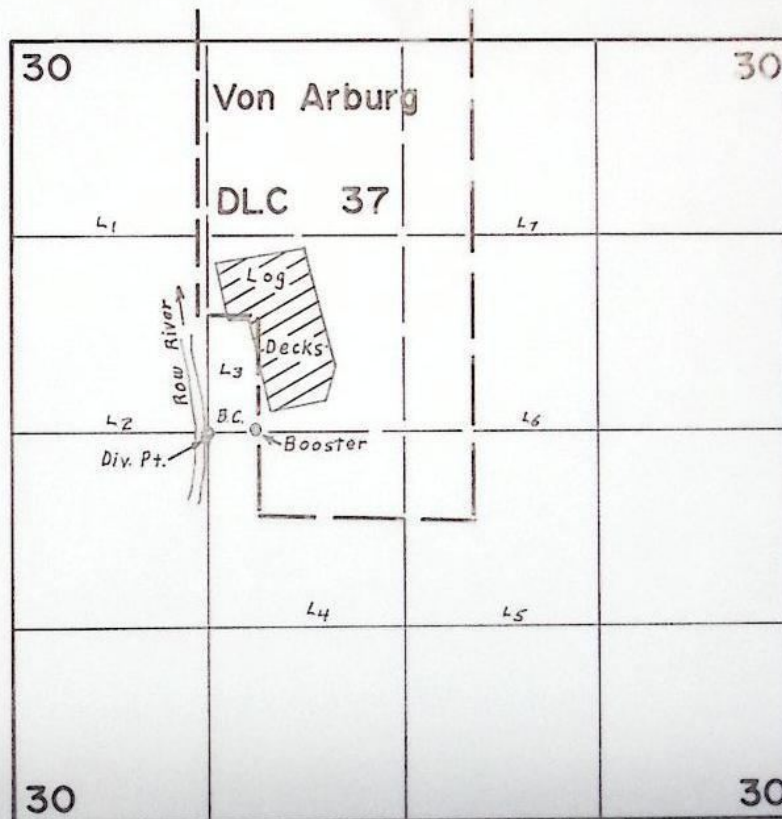
# REMARKS

See 18443, R-30658, 30659

INDEX CARDS:		Entered	Checked
WH	Name	✓	_____
WH	Stream	✓	_____
WH	Pt. of Div.	✓	_____
WH	Calendar	✓	_____
✓	Checked to Records:		
✓	Twp. & Rge.	<u>ML</u>	_____
✓	Decree-vault	_____	_____
✓	Decree-safe	_____	_____
✓	Cert. of W/R	<u>ML</u>	_____
✓	Per. Folder	<u>ML</u>	_____
_____	Chainindex	_____	_____
_____	Cross Ref.	_____	_____
_____	Power Claims	_____	_____
_____	Abstracts	_____	_____



# T.21S. R.1W., W.M.



Div. Pt. Loc. 30' S. & 30' W. From S.W. Cor SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec 30

## FINAL PROOF SURVEY UNDER

Transfer No. 2883

Application No. .... Permit No. ....

IN NAME OF

BOHEMIA, INC.

Surveyed MAR 27, 1978, by J. S. DONALDSON



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 }  
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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.

/s/ JAMES E. SEXSON  
Director



## STATE OF OREGON

COUNTY OF LANE

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

Bohemia Inc

ROW RIVER LUMBER COMPANY

PO Box 1819 Eugene  
 of ~~823 Terminal Sales Bldg., Portland~~ State of Oregon 97401, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Row River a tributary of Coast Fork Willamette River for the purpose of

~~Will Pond log deck sprinkling~~  
 under Permit No. 14106 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from November 2, 1939

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.3 cubic feet per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the ~~Lot 4 (NE 1/4 SW 1/4), Section 30, Township 21 South, Range 1 West, W. M.~~ ~~Lot 3 (SE 1/4 NW 1/4) Lot 3 (SE 1/4 NW 1/4) Sec 30 T 21 S R 1 W W M~~ 30'S E 30'W from the SW cor Lot 3 (SE NW) Sec 30

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ~~one cubic foot per second per acre,~~ of one cubic foot per second

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

SE 1/4 NW 1/4  
 NE 1/4 SW 1/4

Section 30,  
 T. 21 S., R. 1 W., W. M., being  
 within Lorenzo Van Arburg D.L.C. 37

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the WRD entered Nov 23, 1976 and supersedes certificate of water right recorded on page 14006, Volume 12, SRWC. use herein described.

WITNESS the signature of the State Engineer, on

this 12th day of November, 1941.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 12, page 14006.



# Affidavit of Publication

## NOTICE OF FILLING APPLICATIONS FOR CHANGE IN POINTS OF DIVERSION AND USE OF WATER

Notice is given hereby that Bohemia, Inc., has filed an application for the approval of changes in points of diversion and use of water from Row River and Sharps Creek.

Certificate of water right issued to Row River Lumber Company and recorded at Page 14006, Volume 12, State Record of Water Right Certificates, confirms a right to the use of 2.3 cubic feet per second of water from Row River for millpond use in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  and NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 30, T. 21 S., R. 1 W., W.M., with a date of priority of Nov. 2, 1939. Water for this use is diverted from a point located 50 feet S. and 300 ft. W. from the SE corner of Lot 3, being within Lot 4 of Sec. 30, T. 21 S., R. 1 W., W.M.

Certificate of water right issued to Bohemia Lumber Company, Inc., and recorded at Page 23859, Vol. 17, State Record of Water Right Certificates, confirms a right to the use of 0.4 cubic foot per second from Sharps Creek for maintenance of Sharps Creek Log Pond in the W $\frac{1}{2}$  NE $\frac{1}{4}$  and E $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 5, Township 22 South, Range 1 West, W.M., with a date of priority of April 12, 1956. Water for this use is diverted from a point located South 7 degrees 23 minutes West 440. ft. from the N.  $\frac{1}{4}$  corner of Sec. 5, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 22 S., R. 1 W., W.M.

The applicant herein, owner of the water rights above described and the land to which they are appurtenant, proposes to transfer the water rights therefrom, without loss of priority, to the use of water from Row River for sprinkling log storage decks in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 30, T. 21 S., R. 1 W., W.M., and to the use of water from Sharps Creek for sprinkling log decks in the W $\frac{1}{2}$  NE $\frac{1}{4}$  and SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 5, T. 22 S., R. 1 W., W.M., and to divert water from Row River at a point located North 55 degrees West 75 ft. from the NE corner of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 30, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 30, T. 21 S., R. 1 W., W.M., and to divert water from Sharps Creek at a point located S. 470 ft. from the N $\frac{1}{4}$  corner of Sec. 5, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 5, T. 22 S., R. 1 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Eugene, Oregon, on Oct. 5, 1976, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Bohemia, Inc., 2280 Oakmont Way, Eugene, Oregon 97401, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. If no objection is filed, the application may be approved by the Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 4th day of August, 1976.

JAMES E. SEXSON  
Director

STATE OF OREGON }  
COUNTY OF LANE } ss.

I, Leroy R. Zimmerman, being first duly sworn, depose and say that I am business manager of The Cottage Grove Sentinel, a newspaper of general circulation, as defined by ORS 193,010 and 193,020, printed and published at Cottage Grove in the aforesaid county and state; that Notice of Filing Applications

a printed copy of which is hereto annexed, was published once a week in the entire issue of said newspaper for three successive and consecutive weeks in the following issues: August 12, 19 & 26, 1976

Leroy R. Zimmerman

Subscribed and sworn to before me this 26th day

of August, 19 76

Goldwin I. Radway

(Notary Public for Oregon)

(My commission expires 10-4-77)

RECEIVED

AUG 30 1976

WATER RESOURCES DEPT  
SALEM, OREGON



NOTICE OF FILLING APPLICATIONS  
FOR CHANGE IN POINTS OF  
DIVERSION AND USE OF WATER  
Notice is given hereby that Bohemia,  
Inc., has filed an application for the ap-  
proval of changes in points of diversion  
and use of water from Row River and  
Sharps Creek.

Certificate of water right issued to Row  
River Lumber Company and recorded at  
Page 14006, Volume 12, State Record of  
Water Right Certificates, confirms a right  
to the use of 2.3 cubic feet per second of  
water from Row River for millpond use in  
the SE $\frac{1}{4}$  NW $\frac{1}{4}$  and NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section  
30, T. 21 S., R. 1 W., W.M., with a date of  
priority of Nov. 2, 1939. Water for this use  
is diverted from a point located 50 feet S.  
and 300 ft. W. from the SE corner of Lot 3,  
being within Lot 4 of Sec. 30, T. 21 S., R. 1  
W., W.M.

Certificate of water right issued to  
Bohemia Lumber Company, Inc., and  
recorded at Page 23859, Vol. 17, State  
Record of Water Right Certificates,  
confirms a right to the use of 0.4 cubic foot  
per second from Sharps Creek for main-  
tenance of Sharps Creek Log Pond in the  
W $\frac{1}{2}$  NE $\frac{1}{4}$  and E $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 5,  
Township 22 South, Range 1 West, W.M.,  
with a date of priority of April 12, 1956.  
Water for this use is diverted from a point  
located South 7 degrees 23 minutes West  
440. ft. from the N.  $\frac{1}{4}$  corner of Sec. 5,  
being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 5, T. 22  
S., R. 1 W., W.M.

The applicant herein, owner of the water  
rights above described and the land to  
which they are appurtenant, proposes to  
transfer the water rights therefrom,  
without loss of priority, to the use of water  
from Row River for sprinkling log storage  
decks in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 30, T. 21 S.,  
R. 1 W., W.M., and to the use of water from  
Sharps Creek for sprinkling log decks in  
the W $\frac{1}{2}$  NE $\frac{1}{4}$  and SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 5, T.  
22 S., R. 1 W., W.M., and to divert water  
from Row River at a point located North 55  
degrees West 75 ft. from the NE corner of  
the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 30, being within the  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 30, T. 21 S., R. 1 W.,  
W.M., and to divert water from Sharps  
Creek at a point located S. 470 ft. from the  
N $\frac{1}{4}$  corner of Sec. 5, being within the NW $\frac{1}{4}$   
NE $\frac{1}{4}$  of Sec. 5, T. 22 S., R. 1 W., W.M.

All persons interested are notified  
hereby that a hearing will be held at the  
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2280 Oakmont Way, Eugene, Oregon 97401,  
and one copy filed with the Water  
Resources Department, Salem, Oregon  
97310, together with a \$10 filing fee, at least  
10 days prior to the date set for hearing. If  
no objection is filed, the application may  
be approved by the Water Resources  
Director without a hearing. Admin-  
istrative rules pertaining to the filing  
of a protest will be furnished by the Water  
Resources Department upon request.

Dated at Salem, Oregon, this 4th day of  
August, 1976.  
JAMES E. SEXSON  
Director

## Affidavit of Publication

STATE OF OREGON }  
COUNTY OF LANE } ss.

I, Leroy R. Zimmerman, being first duly sworn, depose and say that  
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lation, as defined by ORS 193,010 and 193,020, printed and published at Cottage Grove

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in the following issues: August 12, 19 & 26, 1976

Leroy R. Zimmerman

Subscribed and sworn to before me this 26th day

of August, 19 76

Goldie I. Radway

(Notary Public for Oregon)

(My commission expires 10-4-77)

*Paid 10/1/76  
with PON on  
T#2883*

RECEIVED  
AUG 30 1976  
WATER RESOURCES DEPT  
SALEM, OREGON



## STATE OF OREGON

COUNTY OF LANE

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That BOHEMIA LUMBER COMPANY, INC.

of Culp Creek, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Sharps Creek a tributary of Row River for the purpose of maintenance of Sharps Creek Log Pond constructed under Appl. #R-30658, Per. #R-1851 under Permit No. 24147 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 12, 1956.

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.4 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 5, Township 22 South, Range 1 West, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to - - - - - of one cubic foot per second per acre,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

NW $\frac{1}{4}$  NE $\frac{1}{4}$   
SW $\frac{1}{4}$  NE $\frac{1}{4}$   
NE $\frac{1}{4}$  NW $\frac{1}{4}$   
SE $\frac{1}{4}$  NW $\frac{1}{4}$

Section 5

Township 22 South, Range 1 West, W.M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 25th day of April, 1958.

LEWIS A. STANLEY

State Engineer