

STATE OF OREGON

COUNTY OF TILLAMOOK

ORDER APPROVING A SUBSTITUTION  
OF SUPPLEMENTAL GROUND WATER RIGHT  
FOR PRIMARY SURFACE WATER RIGHT

Pursuant to ORS 540.524, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8914 submitted by

TILLAMOOK COUNTY CREAMERY ASSOCIATION  
ATTN: SHAWN RIERSGAARD  
P.O. BOX 313  
TILLAMOOK, OREGON 97141.

The FIRST right to be modified, as evidenced by a portion of Certificate 21674, was perfected under Permit 18314 with a date of priority of JULY 19, 1948. The right allows the use of COLE CREEK, a tributary of KILCHIS RIVER, for MANUFACTURING AND FIRE PROTECTION. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.67 cubic foot per second, if available at the authorized point of diversion: SW¼ NE¼, SECTION 8, T 1 S, R 9 W, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

This is an order in other than a 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

NW¼ SW¼  
SECTION 18  
TOWNSHIP 1 SOUTH, RANGE 9 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The SECOND right to be modified, as evidenced by Certificate 43688, was perfected under Permit G-4141 with a date of priority of JANUARY 16, 1969. The right allows the use of A WELL, in the KILCHIS RIVER BASIN, for SUPPLEMENTAL INDUSTRIAL. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.67 cubic foot per second, if available at the original well; NW¼ NE¼, SECTION 7, T 1 S, R 9 W, W.M.; 354.47 FEET SOUTH AND 755.74 FEET EAST FROM THE N¼ CORNER, SECTION 7, or its equivalent in case of rotation, measured at the well.

The amount of water used for industrial, together with the amount secured under any other right existing for the same lands, shall be limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NW¼ SW¼  
SECTION 18  
TOWNSHIP 1 SOUTH, RANGE 9 WEST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

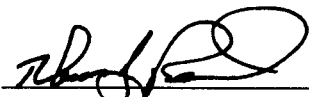
The applicant proposes to SUBSTITUTE the use of the supplemental ground water right for the primary surface water right. That is, the substituted primary surface water right (Certificate 21674) shall be treated as a supplemental water right and the substituted supplemental ground water right shall be treated as a primary water right. This substitution does not authorize a change in priority date, place of use, character of use, point of diversion or point of appropriation.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. This change shall be effective upon issuance of this order.
2. This approved substitution of a supplemental ground water right for a primary surface water right may be terminated upon a request by the water right holder or by an order of the Director if the Director determines that the use of the ground water as the primary water right causes injury to other water rights. Upon termination, the substituted primary and supplemental water rights shall revert back to their original status.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

WITNESS the signature of the Water Resources

Director, affixed JUL 02 2002.

  
Paul R. Cleary, Director