

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application	)	FINAL ORDER <b>REJECTING</b>
T-9474, Tillamook County, Oregon	)	TEMPORARY CHANGES IN PLACE
	)	OF USE AND POINT OF
	)	APPROPRIATION

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of diversion or appropriation authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

Tillamook County Creamery Association  
P.O. Box 313  
Tillamook, Oregon 97141

**Findings of Fact**

1. Tillamook County Creamery Association filed an application to temporarily transfer the place of use and point of appropriation under Certificate 50638 for a period of five years. The Department assigned the application number T-9474.
2. The right to be transferred is as follows:

**Certificate:** 50638 in the name of Tillamook County Creamery Association

**Use:** Industrial Use in a Dairy Products Plant

**Priority Date:** November 19, 1976

**Quantity:** 0.71 cubic foot per second (cfs)

**Source:** Well 2 in the Kilchis River Basin

**Authorized Point of Appropriation:**

Township		Range		Meridian	Sec	¼ ¼	Lot	Location
1	S	9	W	W.M.	7	NW NE	1	44.65 Feet South & 762.37 Feet East from N¼ Corner, Section 7

**Authorized Place of Use:**

Township		Range		Meridian	Sec	¼ ¼
1	S	9	W	W.M.	18	NW SW

This is a final order in other than 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 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

3. Application T-9474 proposes to change the place of use of the right to:

Location
Within the Kilchis Water District Service Area

4. As is necessary to convey the water to the proposed temporary place of use, Application T-9474 also proposes to move the authorized point of appropriation to:

Township		Range		Meridian	Sec	¼ ¼	Location
1	S	9	W	W.M.	6	NW SE	North 59° 29' 39" East, 4107.4 Feet from SW Corner, Section 6
1	S	9	W	W.M.	6	NW SE	North 60° 56' 45" East, 4019.1 Feet from SW Corner, Section 6

5. The applicant requested to change the place of use from the Tillamook County Creamery Association cheese factory to the Kilchis Water District Service Area. In addition, the applicant intends to convey the water through a distribution system that serves Quasi-Municipal Use. Upon review of the transfer application, staff concludes that this would result in a change in character of use from Industrial Use to Quasi-Municipal Use. Changes in character of use are not allowed under a temporary transfer.

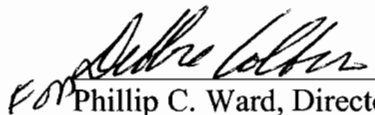
### Conclusions of Law

The temporary changes in place of use and point of appropriation proposed in application T-9474 are not consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

### Now, therefore, it is ORDERED:

1. The changes in place of use and point of appropriation proposed in application T-9474 are rejected.

Dated at Salem, Oregon this 23<sup>rd</sup> day of January, 2006.

  
Phillip C. Ward, Director

Mailing date: JAN 25 2006