

STATUS OF APPLICATION

Change in Character of Use
 Date filed July 30, 1970
 Date of hearing October 21, 1970
 Place of hearing Tillamook, Oregon
 Date of order 1-21-80 Vol. 32, page 638
 Date for application of water 10-1-80
 Proof mailed DEC 14 1988
 Proof received 60843
 Certificate issued APR 14 1989 Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Unnamed Creek
 Trib. of — County of Tillamook
 Use from cheese factory use to domestic
 Quantity of water _____ No. of acres _____
 Name of ditch —
 Date of priority May 28, 1924
 In name of Central Creamery Co.
 _____ Adjudication, Vol. _____, page _____
 App. No. 9549 Per. No. 6416 Cert. No. 7177
 Certificate cancelled _____
 Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>7/30/70</u>	<u>25.00</u>	<u>20246</u>
<u>7/30/70</u>	<u>30.00</u>	<u>20247</u>
TOTAL . . .		
<u>9-14-70</u>	\$1 Cert. Fee	<u>from Pub. J. Nat.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>9-14-70</u>	<u>\$7.30 Pub. J. Nat.</u>	<u>3864</u>

REMARKS

— finish —

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
☒	Name		<u>leg</u>	
☒	Stream		<u>leg</u>	
☒	Pt. of Div.		<u>leg</u>	
☒	Calendar		<u>leg</u>	
☒	CHECKED TO RECORDS:			
☒	Twp. & Rge.		<u>SAB</u>	
☐	Decree-vault			
☐	Decree-safe			
☒	Cert. of W/R		<u>leg</u>	
☒	Per. Folder		<u>leg</u>	<u>SAB</u>
☐	Chaindex			
☐	Cross Ref.			
☒	Power Claim		<u>leg</u>	
☐	Abstracts			

STATE OF OREGON
COUNTY OF TILLAMOOK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TILLAMOOK PEOPLE'S UTILITY DISTRICT
906 MAIN AVENUE
TILLAMOOK, OREGON 97141

confirms the right to use the waters of AN UNNAMED CREEK, a tributary of BIG NESTUCCA RIVER, for the purpose of GROUP DOMESTIC.

The right has been perfected under Permit 6416. The date of priority is MAY 28, 1924. The right is limited to not more than 0.03 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 SE 1/4, SECTION 33, T 4 S, R 10 W, W.M.; 1900 FEET SOUTH AND 500 FEET EAST FROM CENTER NE 1/4, SECTION 33.

The right 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, and to which such right is appurtenant, is as follows:

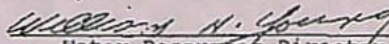
NW 1/4 NE 1/4
SW 1/4 NE 1/4
SE 1/4 NE 1/4
SECTION 33
TOWNSHIP 4 SOUTH, RANGE 10 WEST, W.M.

This certificate is issued to confirm a change in USE approved by an order of the Water Resources Director entered JANUARY 21, 1980, and supersedes certificate 7177, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed this date APRIL 14, 1989.


Water Resources Director

Recorded in State Record of Water Right Certificates numbered 60843

T-2428.BE

STATE OF OREGON

WATER DIVISION No.

COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

(Not rights perfected under original, enlargement or secondary permits)

This is to Certify, That CENTRAL CREAMERY COMPANY

of Cloverdale, 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 Unnamed Creek, a tributary of Big Nestucca River
for the purpose of Domestic

under Permit No. 6416 of the State Engineer, and that said right to
the use of said waters has been perfected in accordance with the laws of Oregon and
duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of
record in the Record of Proceedings of said Board, at Salem, in Volume

at page , on the day of ; that the priority of

the right hereby confirmed dates from May 28, 1924 ; 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
0.2 cubic foot per second; The use hereunder for irrigation shall conform to
such reasonable rotation system as may be ordered by the proper state officer.

A description of the lands under such right, and to which the water hereby confirmed is
appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as
follows: The amount of water used for irrigation, together with the amount se-
cured under any other right existing for the same lands, shall be limited to
one-eighth of one cubic foot per second per acre, or its equivalent in case
of rotation.

A description of the lands irrigated under the right hereby confirmed, and
to which such right is appurtenant (or, if for other purposes, the place where
the water is put to beneficial use), is as follows: Northwest Quarter of the
Northeast Quarter (NW1/4), Section 33, T.4 S. R.10 W.W.M., in Tillamook County,
Oregon.

for irrigation purposes

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

Rights to the use of water for power purposes are limited to a period of forty years from the
date of priority of the right, as herein set forth, subject to a preference right of renewal under the
laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and
limited.

Witness the seal and signature of the STATE

ENGINEER

WATER BOARD, affixed this 2nd day

of May, 1927.

STATE WATER BOARD

By Rhea Luper

State Engineer, President

Attest:

Secretary

STATE OF OREGON, } ss.
County of Tillamook, }

I hereby certify that the foregoing instrument of writing was received for record on the

4th day of May A.D. 1927 at 4:01 o'clock P. M.

By Catherine Smith,

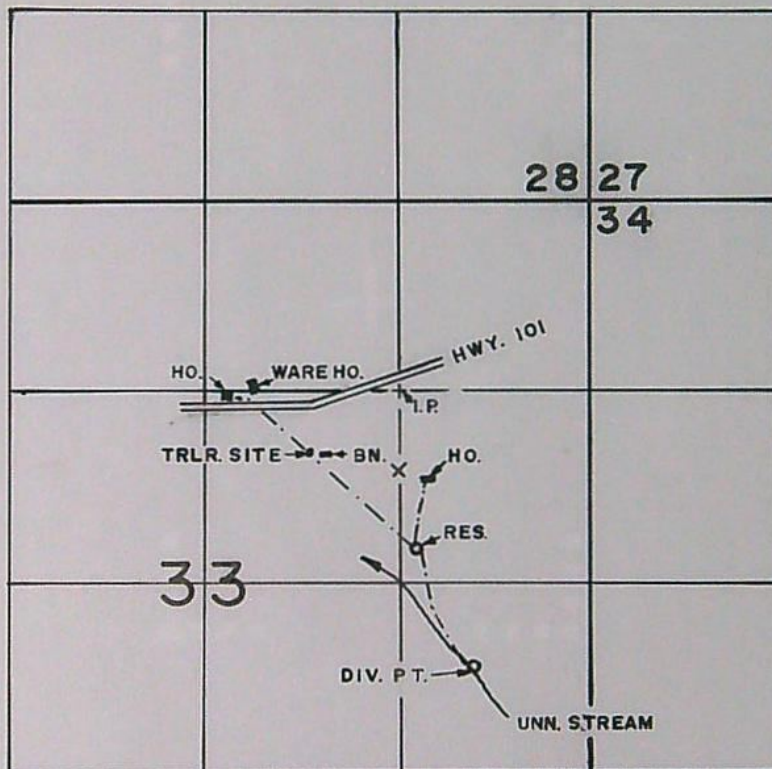
Deputy

H. S. Brimhall,

County Clerk

Recorded in State Record of Water Right Certificates, Volume 7, Page 7177

T.4S.R.10W.W.M.



DIV. PT. LOC.: 1900' S. & 500' E. FROM CEN. NE. 1/4, SEC. 33

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2428

Application No. Permit No.
IN NAME OF

TILLAMOOK PEOPLE'S UTILITY DISTRICT

Surveyed FEB. 14... 1980, by R.G. MUCKEN.....

STATE OF OREGON

COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

This is to Certify, That **CENTRAL CREAMERY COMPANY**

of **Cloverdale**, 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 **Unnamed Creek**, a tributary of **Big Nestucca River** for the purpose of **Domestic** under Permit No. **6416** 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 **May 28, 1924**;

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 **0.2 cubic foot per second**;

The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use), is as follows: **Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 33, T. 4 S. R. 10 W. W. M., in Tillamook County, Oregon.**

XORR

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,

affixed this **2nd** day of **May**, 1927.

RHEA LUPER
State Engineer.

Recorded in State Record of Water Right Certificates, Volume **711**, page **7177**.

60843

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

TILLAMOOK COUNTY

IN THE MATTER OF THE APPLICATION OF)
TILLAMOOK PEOPLES UTILITY DISTRICT)
FOR APPROVAL OF A CHANGE IN USE OF)
WATER FROM AN UNNAMED CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. 2428

On July 30, 1970, an application was filed in the office of the Water Resources Director by Tillamook Peoples Utility District for approval of a change in use heretofore made of water from an unnamed creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 7177, Volume 7, State Record of Water Right Certificates, in the name of Central Creamery Company, describes a right for the use of not to exceed 0.20 cubic foot per second from an unnamed creek for domestic (operation of a cheese factory) in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 4 South, Range 10 West, W.M., with a date of priority of May 28, 1924.

Water for said right is diverted from a point located South 16 degrees 03 minutes West, 3250 feet from the Northeast Corner of Section 33, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 4 South, Range 10 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the use of water heretofore made and, without loss of priority, to hereafter use the water appropriated for the purpose of group domestic within the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of said Section 33.

Notice of the application, pursuant to ORS 540.520(2), was published in the Headlight-Herald, a newspaper printed and having general circulation in Tillamook County, Oregon, for a period of three weeks in the issues of August 27, September 3 and 10, 1970.

Mr. Clayton Gardner, Watermaster, has filed a statement to the effect that the proposed change in use may be made without injury to existing rights.

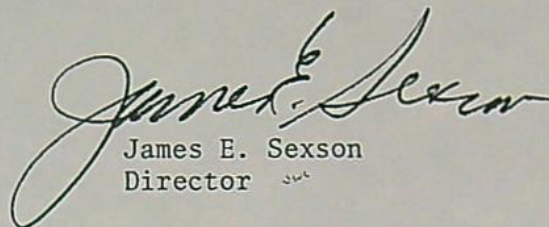
No objections having been filed and it appearing that the proposed change in use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in use heretofore made of water from an unnamed creek, as described herein, without loss of priority, is approved.

*Corrected an
book copy Q*
It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

* It is FURTHER ORDERED that the certificate heretofore issued to Central Creamery Compnay and recorded at page 7177, Volume 7, 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 the applicant herein.

Dated at Salem, Oregon this 21st day of January, 1980.


James E. Sexson
Director

RECEIVED

SEP 11 1970

STATE ENGINEER
SALEM OREGON

Affidavit of Publication

(Copy of notice to
be pasted here)

State of Oregon, County of Tillamook,—ss.

I, George E. Moore being first duly

sworn, depose and say that I am the Publisher
of the Headlight-Herald, a newspaper of general circulation as
defined by Section 58, Oregon Laws, printed and published in

for a change in use of the aforesaid county and state; that Notice of Filing Application

Water, a printed copy of which is
hereto annexed, was published in the entire issue of said news-
paper for 3 successive and consecutive weeks in the
following issues:

Aug. 27

Sept. 3-10

George E. Moore
Subscribed and sworn to before me this 10th. day of

September, 1970

Beverly Moore
Notary Public for Oregon

(My Commission expires 7-15-79)

Price Charged for this notice \$21.70

NOTICE OF FILING APPLICATION FOR A CHANGE IN USE OF WATER

Notice is given hereby that the Tillamook People's Utility District has filed an application for the approval of a change in use of water from an unnamed creek.

Certificate of water right issued to Central Creamery Company and recorded at page 7177, Volume 7, State Record

of Water Right Certificates, confirms a right to the use of 0.20 cubic foot per second of water from an unnamed creek for domestic use (cheese manufacturing) in the NW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 33, T. 4 S., R. 10 W., W.M. with a date of priority of May 28, 1924.

The applicant herein, owner of the lands above described, proposes to change the use heretofore made of water to domestic use in the E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$, Sec. 33, T. 4 S. R. 10 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Tillamook, Oregon, on October 21, 1970, 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 the Tillamook People's Utility District, 906 Main Avenue, Tillamook, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon this 13th day of August, 1970.

CHRIS L. WHEELER
State Engineer 27-29

