

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

IN THE MATTER OF ISSUANCE OF A SUPERSEDING)
CERTIFICATE TO TUMALO IRRIGATION DISTRICT) FINAL ORDER
DESCRIBING MODIFICATIONS MADE TO PRIOR)
CERTIFICATE 76520)

Authority

Oregon Revised Statue (ORS) 540.530 (2)(a) allows the Commission to modify a previous certificate for an irrigation district, and, when proper proof of completion of the authorized changes have been filed with the commission, to modify the previous certificate, preserving the previously established priority of rights and covering the authorized changes.

Oregon Administrative Rule (OAR) 690-385-7600 directs the Department to issue a water right describing modifications made to the prior certificate on a determination that is necessary, taking into account, whether the district or users requested issuance of a new certificate, the number of permanent district transfers for which satisfactory proof has been determined (DSP), the frequency and trend in district transfers for which a DSP has been issued, the necessity to modify the water right record to allocate conserved water under ORS 537.470, and accomplish other administrative functions.

Oregon Revised Statue 540.505 provides definitions for certain words used in ORS 540.505 to 540.858. In 540.505 (1) "District" means an irrigation district formed under ORS Chapter 545, a drainage district formed under ORS Chapter 547, a water improvement district formed under ORS Chapter 552, a water control district formed under ORS Chapter 553 or a corporation organized under ORS Chapter 554.

Findings of Fact

1. Tumalo Irrigation District (TID) is an irrigation district formed under ORS Chapter 545, and therefore, certificates issued to TID may be modified pursuant to ORS 540.530 (2)(a).
2. On April 26, 2000, the Department issued Certificate 76520 to correctly describe the place and superseded Certificate 76452. Certificate 76452, issued on March 6, 2000, was perfected under Permit S-27841.
3. Since the issuance of Certificate 76520, it has been modified by thirty (30) transfers. Determinations of satisfactory proof have been issued on twenty-five (25) of the transfers,

This is a final 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 137-004-0080, you may 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.

and four (4) transfers are being confirmed in the new and superseding certificate. Change from the most recent transfer is included in the superseding certificate, but will remain in the inchoate stage until a determination of satisfactory proof can be issued. The Department and TID have agreed on the timing to issue a new water right describing these changes, which will supersede Certificate 76520.

4. On August 7, 2020, the Department, with the TID's consent, emailed a proposed certificate to TID with a 60-day notice for review to request the Department to reconsider the contents.

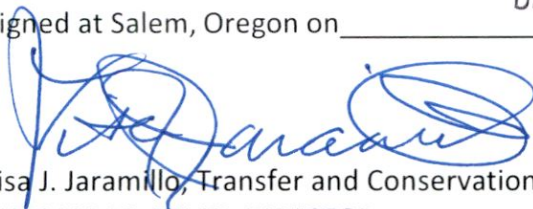
Conclusions of Law

1. The Director of the Water Resources Department concludes the right evidenced by Certificate 76520 has been significantly modified by determinations of satisfactory proof, and transfers being confirmed in the new and superseding certificate, in accordance with the provisions of 540.530 (2)(a).
2. The Director of the Water Resources Department concludes it is the appropriate time to issue a superseding certificate in accordance with OAR 690-385-7600.

Now, therefore, it is ORDERED:

1. Certificate 76520 is cancelled.
2. The Department shall issue a new and superseding certificate to describe all authorized modifications made to Certificate 76520.

Signed at Salem, Oregon on DEC 02 2020.



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
THOMAS M. BYLER, DIRECTOR
Oregon Water Resources Department

Mailing Date: DEC 03 2020