

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

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

**Authority**

Oregon Revised Statute (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 (ORS) 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 Statute 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. Central Oregon Irrigation District (COID) is an irrigation district formed under ORS Chapter 545, and therefore certificates issued to COID may be modified pursuant to ORS 540.530 (2)(a).
2. On September 26, 2007, the Department issued Certificate 83571 to supersede Certificate 76358 which described the authorized modifications made to Certificate 76358 between the years 1999 and 2007.
3. Since the issuance of Certificate 83571, it has been modified by three (3) allocations of conserved water, forty-nine (49) determinations of satisfactory proof, twenty-one (21)

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.

instream transfers, and twenty-seven (27) partial cancellations. The Department and COID have agreed on the timing to issue a new water right describing these changes, which will supersede Certificate 83571.

4. The 1928 Decree, recorded in the Order Record of the Water Resources Director in Volume 9 at page 411, states beneath the heading "Central Oregon Irrigation District": "It is therefore ORDERED, ADJUDGED AND DECREED, that the water right for the lands served by the irrigation district . . . shall relate back to and be of the priority of said date . . . It is further found that the Company, in diverting through the North Canal certain portions of water formerly diverted at the point of the original posting through the Central Oregon and Pilot Butte canals, did not injure other vested rights on the stream, and the District will therefore be entitled to divert the quantity of water which it is entitled to use, at the head of the Central Oregon canal, or at the head of the North Canal, in accordance with its needs."
5. As a result of further court proceedings, the 1928 Decree has been modified, mainly by a 1931 Order for [Supreme Court] Mandate, a 1933 Supplemental Decree, and a 1958 Supplemental Decree. The mandate and the supplemental decrees uphold the 1928 Decree, except as to the matters addressed in those documents. No modification of the 1928 Decree (including those not referenced above) removed the district's entitlement to divert the quantity of water to which it is entitled to use, at the head of the Central Oregon canal, or at the head of the North Canal, in accordance with its needs.
6. Subsequently, Certificate 29052 was issued from the decree, and superseding Certificate 76358 was later issued. Unlike Certificates 29052 and 76358, when Certificate 83571 was issued, specific rates were assigned to the Central Oregon Canal (a.k.a. POD 1) and the North Canal (POD a.k.a. 11), a deviation from the 1928 decree of the Circuit Court of Oregon, Deschutes County, issued to confirm the right.
7. The issuance of the new superseding certificate also describes specific rates for the Central Oregon Canal (POD 1) and the North Canal (POD 11), but maintains proper consistency with the decree and prior certificates by clearly stating that water may be diverted at the head of the Central Oregon Canal (POD 1), or at the head of the North Canal (POD 11), in accordance with district needs, not to exceed the overall rates and volume which are specified in the certificate.
8. On February 23, 2020, the Department mailed a proposed certificate to COID with a 60 day notice for review and request the Department to reconsider the contents. On February 28, 2020, COID requested re-descriptions of 16 quarter-quarters because of mapping updates completed by Deschutes and Crook Counties. The requested changes did not modify the foot print of the place of use, but rather modified the number of acres described in each of these 16 quarter-quarters. There is no net change in the total number of certificated acres

due to the re-descriptions. The new superseding certificate incorporates these re-descriptions of the 16 quarter-quarters.

**Conclusions of Law**

1. The Director of the Water Resources Department concludes the right evidenced by Certificate 83571 has been significantly modified by allocations of conserved water, determinations of satisfactory proof, and partial cancellations 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 83571 is cancelled.
2. The Department shall issue a new and superseding certificate to describe all authorized modifications made to Certificate 83571.

Signed at Salem, Oregon on MAR 06 2020.

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

Mailing Date: MAR 06 2020