

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

IN THE MATTER OF ISSUANCE OF A SUPERSEDING)
CERTIFICATE TO FARMERS IRRIGATION DISTRICT) FINAL ORDER
DESCRIBING MODIFICATIONS MADE TO PRIOR)
CERTIFICATES 74603 AND 74307)

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 (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 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. Farmers Irrigation District (FID) is an irrigation district formed under ORS Chapter 545, and therefore certificates issued to FID may be modified pursuant to ORS 540.530 (2)(a).
2. On June 19, 1997, the Department issued Certificates 74306 and 74307 to confirm an order of the Director which is recorded in Special Order Volume 51, Page 860, approving a petition by FID under ORS 541.329 for mapping water rights within a district.

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.

3. Since the issuance of Certificate 74306, it has been modified by thirteen (13) transfers of water right. Determinations of satisfactory proof have been issued on nine (9) of the transfers. Claims of beneficial use have been reviewed for an additional three (3) transfers and are being confirmed in the new and superseding certificate. Changes from the most recent transfer are included in the superseding certificate, but will remain in the inchoate stage until a determination of satisfactory proof can be issued.
4. Since the issuance of Certificate 74307, it has been modified by three (3) transfers of water right. Determinations of satisfactory proof have been issued on two (2) of the transfers. A Claim of beneficial use has been reviewed for the third transfer and is being confirmed in the new and superseding certificate.
5. Certificates 74306 and 74307 are identical in source of water, priority date, and point of diversion, and contain the same conditions, therefore they are being combined for convenience into a single new and superseding certificate.
6. The Department and FID have agreed on the timing to issue a new water right describing the modifications to Certificates 74306 and 74307, which will supersede these two certificates.
7. On November 13, 2020, the Department e-mailed a proposed certificate to FID with a 60-day notice for review to request the Department to reconsider the contents.

Conclusions of Law

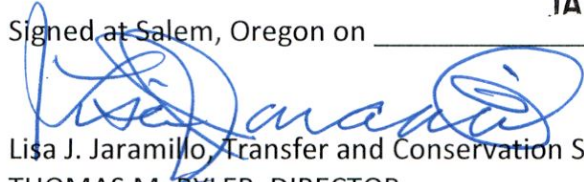
1. The Director of the Water Resources Department concludes the rights evidenced by Certificates 74306 and 74307 have been significantly modified by determinations of satisfactory proof, and transfers being confirmed in the new and superseding certificate, in accordance with the provisions of 540.530 (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. Certificates 74306 and 74307 are cancelled.
2. The Department shall issue a new and superseding certificate to describe all authorized modifications made to Certificates 74306 and 74307.

JAN 27 2021

Signed at Salem, Oregon on _____.



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

Mailing Date: **JAN 28 2021**