

**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)
CERTIFICATE 74299)

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 Certificate 74299 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.
3. Since the issuance of Certificate 74299, it has been modified by ten (10) transfers of water right. Determinations of satisfactory proof have been issued on six (6) 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.

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. Certificate 74299 has also been modified by an AMENDED FINAL ORDER OF APPROVAL ON COMPLETION OF ALLOCATION OF CONSERVED WATER CW-92 (Special Order Volume 107, Pages 118-139). This superseding certificate does not reflect any modifications made by CW-92. Upon submission of a REQUEST FOR FINALIZATION, a new certificate will be issued at that time to describe the existing uses and place of use at the reduced rate and duty.
5. Certificate 74299 contained scrivener’s errors in the legal descriptions of the points of diversion for North Fork and South Fork Green Point Creeks. The corrections are indicated in bold in the descriptions below and are incorporated into the superseding certificate.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1N	9 E	WM	3	SE SW	NORTH FORK GREEN POINT CREEK: 340 FEET NORTH AND 7090 FEET EAST FROM THE NW CORNER OF SECTION 9
1N	9 E	WM	10	NW NW	SOUTH FORK GREEN POINT CREEK: 430 FEET SOUTH AND 5670 FEET EAST FROM THE NW CORNER OF SECTION 9

6. The Department and FID have agreed on the timing to issue a new water right describing the modifications to Certificate 74299, which will supersede Certificate 74299.
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.

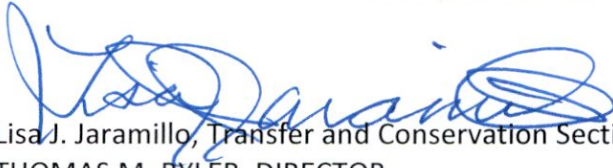
Conclusions of Law

1. The Director of the Water Resources Department concludes the right evidenced by Certificate 74299 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 74299 is cancelled.
2. The Department shall issue a new and superseding certificate to describe all authorized modifications made to Certificate 74299.

Signed at Salem, Oregon on JAN 27 2021.



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

Mailing Date: JAN 28 2021