

83590

FILE#: S 83590

U.S. BUREAU OF RECLAMATION  
1150 N CURTIS RD  
BOISE, ID 83706-1234

Application No. 83590

Permit No. \_\_\_\_\_

Certificate No. \_\_\_\_\_

Stream Index, Page No. \_\_\_\_\_

See File 74318 T 7006

See Map Cabinet #122 - for 74318

Date filed \_\_\_\_\_

Priority \_\_\_\_\_

Action suspended until 12/21/01 *action*

Return to applicant \_\_\_\_\_

Date of approval \_\_\_\_\_

**CONSTRUCTION**

Date for beginning \_\_\_\_\_

Date for completion \_\_\_\_\_

Extended to \_\_\_\_\_

Date for application of water \_\_\_\_\_

Extended to \_\_\_\_\_

**PROSECUTION OF WORK**

Form "A" filed \_\_\_\_\_

Form "B" filed \_\_\_\_\_

Form "C" filed \_\_\_\_\_

**FINAL PROOF**

Blank mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Date Certificate issued \_\_\_\_\_

FEES PAID		
Date	Amount	Receipt No.
12-3-97	\$2,901.25	17778
FEES REFUNDED		
Date	Amount	Check No.

Date

To Whom

**ASSIGNMENTS**

Address

Volume

Page

**REMARKS**

T-7006 - change character of use to instream fishery  
see cert 76087



## STATE OF OREGON

## WATER RESOURCES DEPARTMENT

RECEIPT # 17778

158 12TH ST. N.E.

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

INVOICE #

2726

RECEIVED FROM:

U.S. Treasury

BY:

Bureau of Reclamation

APPLICATION

83590

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐☒

15-51

☐

TOTAL REC'D

\$ 2,901.25

## 0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

## REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

## 0427 WRD OPERATING ACCT

PCA 66111

MISCELLANEOUS

0407 COPY &amp; TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

(New) TC165 DEPOSIT LIAB. (IDENTIFY)

\$

(Existing) TC168

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$ 2,901.25

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

## 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

## 0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

## 0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

RECEIPT # 17778

DATED: 12-3-97

BY:

D. Bushnell



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-83590

Proposed Final Order

*Summary of Recommendation:* The Department recommends that the attached draft permit be issued with conditions.

*Application History*

On October 27, 1997, U.S. BUREAU OF RECLAMATION submitted an application to the Department for the following water use permit:

- Amount of Water: 7215.00 ACRE-FEET
- Use of Water: SUPPLEMENTAL IRRIGATION OF 8800.40 ACRES
- Source of Water: MCKAY RESERVOIR, A TRIBUTARY OF UMATILLA RIVER
- Area of Proposed Use: UMATILLA County within
  - NW 1/4 SW 1/4 13.8 ACRES
  - SECTION 3
  - SW 1/4 NW 1/4 37.0 ACRES
  - SE 1/4 NW 1/4 37.0 ACRES
  - NE 1/4 SW 1/4 29.1 ACRES
  - NW 1/4 SW 1/4 28.0 ACRES
  - SW 1/4 SW 1/4 38.0 ACRES
  - SE 1/4 SW 1/4 1.2 ACRES
  - NE 1/4 SE 1/4 29.8 ACRES
  - NW 1/4 SE 1/4 35.1 ACRES
  - SW 1/4 SE 1/4 35.3 ACRES
  - SE 1/4 SE 1/4 29.5 ACRES
  - SECTION 4
  - NE 1/4 NE 1/4 21.7 ACRES
  - NW 1/4 NE 1/4 35.0 ACRES
  - SE 1/4 NE 1/4 8.5 ACRES
  - NE 1/4 SE 1/4 21.6 ACRES
  - SECTION 7
  - SW 1/4 NW 1/4 14.9 ACRES
  - NW 1/4 SW 1/4 32.4 ACRES
  - SW 1/4 SE 1/4 23.0 ACRES
  - SECTION 8
  - NE 1/4 NE 1/4 31.0 ACRES
  - NW 1/4 NE 1/4 34.1 ACRES
  - SW 1/4 NE 1/4 35.2 ACRES
  - SE 1/4 NE 1/4 29.5 ACRES



NE 1/4 NW 1/4 30.7 ACRES  
 NW 1/4 NW 1/4 33.8 ACRES  
 SW 1/4 NW 1/4 35.9 ACRES  
 SE 1/4 NW 1/4 31.1 ACRES  
 NE 1/4 SW 1/4 28.0 ACRES  
 NW 1/4 SW 1/4 29.8 ACRES  
 SW 1/4 SW 1/4 35.9 ACRES  
 SE 1/4 SW 1/4 31.6 ACRES  
 NE 1/4 SE 1/4 31.1 ACRES  
 NW 1/4 SE 1/4 33.4 ACRES  
 SW 1/4 SE 1/4 35.3 ACRES  
 SE 1/4 SE 1/4 30.6 ACRES

## SECTION 9

NE 1/4 NE 1/4 32.5 ACRES  
 NW 1/4 NE 1/4 32.5 ACRES  
 SW 1/4 NE 1/4 32.5 ACRES  
 SE 1/4 NE 1/4 32.5 ACRES  
 NE 1/4 NW 1/4 28.3 ACRES  
 NW 1/4 NW 1/4 33.9 ACRES  
 SW 1/4 NW 1/4 34.4 ACRES  
 SE 1/4 NW 1/4 28.8 ACRES  
 NE 1/4 SW 1/4 31.9 ACRES  
 NW 1/4 SW 1/4 32.5 ACRES  
 SW 1/4 SW 1/4 32.4 ACRES  
 SE 1/4 SW 1/4 31.9 ACRES  
 NE 1/4 SE 1/4 1.4 ACRES  
 NW 1/4 SE 1/4 39.6 ACRES  
 SW 1/4 SE 1/4 4.4 ACRES

## SECTION 10

SW 1/4 SE 1/4 29.5 ACRES  
 SE 1/4 SE 1/4 31.0 ACRES

## SECTION 13

NW 1/4 NE 1/4 38.0 ACRES  
 SW 1/4 NE 1/4 38.0 ACRES  
 NE 1/4 NW 1/4 31.3 ACRES  
 NW 1/4 NW 1/4 31.3 ACRES  
 SW 1/4 NW 1/4 31.2 ACRES  
 SE 1/4 NW 1/4 31.2 ACRES  
 NE 1/4 SW 1/4 31.2 ACRES  
 NW 1/4 SW 1/4 31.4 ACRES  
 SW 1/4 SW 1/4 31.2 ACRES  
 SE 1/4 SW 1/4 31.2 ACRES

## SECTION 15

NE 1/4 NE 1/4 30.2 ACRES  
 NW 1/4 NE 1/4 32.0 ACRES  
 SW 1/4 NE 1/4 31.4 ACRES  
 SE 1/4 NE 1/4 31.4 ACRES  
 NE 1/4 NW 1/4 29.8 ACRES  
 NW 1/4 NW 1/4 32.2 ACRES  
 SW 1/4 NW 1/4 33.5 ACRES  
 SE 1/4 NW 1/4 29.5 ACRES  
 NE 1/4 SW 1/4 29.6 ACRES  
 NW 1/4 SW 1/4 32.2 ACRES



SW 1/4	SW 1/4	34.2	ACRES
SE 1/4	SW 1/4	29.0	ACRES
NE 1/4	SE 1/4	31.2	ACRES
NW 1/4	SE 1/4	31.2	ACRES
SW 1/4	SE 1/4	31.5	ACRES
SE 1/4	SE 1/4	31.2	ACRES

## SECTION 16

NE 1/4	NE 1/4	29.0	ACRES
NW 1/4	NE 1/4	19.0	ACRES
SW 1/4	NE 1/4	21.0	ACRES
SE 1/4	NE 1/4	25.0	ACRES
NE 1/4	SW 1/4	10.1	ACRES
SE 1/4	SW 1/4	5.8	ACRES
NE 1/4	SE 1/4	34.6	ACRES
NW 1/4	SE 1/4	40.0	ACRES
SW 1/4	SE 1/4	35.9	ACRES
SE 1/4	SE 1/4	24.5	ACRES

## SECTION 17

NE 1/4	NE 1/4	31.4	ACRES
NW 1/4	NE 1/4	34.3	ACRES
SW 1/4	NE 1/4	31.4	ACRES
SE 1/4	NE 1/4	31.0	ACRES
NE 1/4	NW 1/4	31.4	ACRES
NW 1/4	NW 1/4	31.5	ACRES
SW 1/4	NW 1/4	32.6	ACRES
SE 1/4	NW 1/4	31.4	ACRES
NE 1/4	SW 1/4	31.3	ACRES
NW 1/4	SW 1/4	31.2	ACRES
SW 1/4	SW 1/4	31.2	ACRES
SE 1/4	SW 1/4	31.3	ACRES
NE 1/4	SE 1/4	31.3	ACRES
NW 1/4	SE 1/4	31.2	ACRES
SW 1/4	SE 1/4	31.3	ACRES
SE 1/4	SE 1/4	31.3	ACRES

## SECTION 21

NE 1/4	NE 1/4	32.5	ACRES
NW 1/4	NE 1/4	32.5	ACRES
SW 1/4	NE 1/4	32.5	ACRES
SE 1/4	NE 1/4	32.5	ACRES
NE 1/4	NW 1/4	31.2	ACRES
NW 1/4	NW 1/4	31.5	ACRES
SW 1/4	NW 1/4	31.5	ACRES
SE 1/4	NW 1/4	31.2	ACRES

## SECTION 22

SW 1/4	NW 1/4	35.1	ACRES
SE 1/4	NW 1/4	21.4	ACRES
NE 1/4	SW 1/4	26.5	ACRES
NW 1/4	SW 1/4	27.6	ACRES
SW 1/4	SW 1/4	38.3	ACRES
SE 1/4	SW 1/4	38.8	ACRES
NE 1/4	SE 1/4	27.6	ACRES
NW 1/4	SE 1/4	32.5	ACRES
SW 1/4	SE 1/4	26.4	ACRES



SE 1/4 SE 1/4 26.2 ACRES  
SECTION 23

NE 1/4 NE 1/4 30.0 ACRES  
NW 1/4 NE 1/4 30.4 ACRES  
SW 1/4 NE 1/4 38.4 ACRES  
SE 1/4 NE 1/4 32.4 ACRES  
NE 1/4 NW 1/4 32.0 ACRES  
NW 1/4 NW 1/4 30.4 ACRES  
SW 1/4 NW 1/4 34.0 ACRES  
SE 1/4 NW 1/4 38.4 ACRES  
NE 1/4 SW 1/4 36.5 ACRES  
NW 1/4 SW 1/4 29.3 ACRES  
SW 1/4 SW 1/4 32.8 ACRES  
SE 1/4 SW 1/4 40.0 ACRES  
NE 1/4 SE 1/4 30.1 ACRES  
NW 1/4 SE 1/4 35.4 ACRES  
SW 1/4 SE 1/4 40.0 ACRES  
SE 1/4 SE 1/4 33.6 ACRES

## SECTION 25

NE 1/4 NE 1/4 30.4 ACRES  
NW 1/4 NE 1/4 35.7 ACRES  
SW 1/4 NE 1/4 35.2 ACRES  
SE 1/4 NE 1/4 28.4 ACRES  
NE 1/4 NW 1/4 23.1 ACRES  
NW 1/4 NW 1/4 30.2 ACRES  
SW 1/4 NW 1/4 39.1 ACRES  
SE 1/4 NW 1/4 38.7 ACRES  
NE 1/4 SW 1/4 21.3 ACRES  
NW 1/4 SW 1/4 24.7 ACRES  
SW 1/4 SW 1/4 0.2 ACRES  
SE 1/4 SW 1/4 26.3 ACRES  
NE 1/4 SE 1/4 30.0 ACRES  
NW 1/4 SE 1/4 29.8 ACRES  
SW 1/4 SE 1/4 40.0 ACRES  
SE 1/4 SE 1/4 33.6 ACRES

## SECTION 26

NE 1/4 NE 1/4 38.0 ACRES  
NW 1/4 NE 1/4 27.6 ACRES  
SW 1/4 NE 1/4 37.7 ACRES  
SE 1/4 NE 1/4 22.4 ACRES  
NE 1/4 NW 1/4 30.6 ACRES  
NW 1/4 NW 1/4 30.6 ACRES  
SW 1/4 NW 1/4 30.6 ACRES  
SE 1/4 NW 1/4 30.6 ACRES  
NE 1/4 SW 1/4 33.5 ACRES  
NW 1/4 SW 1/4 31.1 ACRES  
SW 1/4 SW 1/4 35.3 ACRES  
SE 1/4 SW 1/4 28.2 ACRES  
NE 1/4 SE 1/4 37.4 ACRES  
NW 1/4 SE 1/4 40.0 ACRES  
SW 1/4 SE 1/4 17.6 ACRES  
SE 1/4 SE 1/4 13.0 ACRES

## SECTION 27



NE 1/4	NE 1/4	30.6	ACRES
NW 1/4	NE 1/4	30.6	ACRES
SW 1/4	NE 1/4	31.6	ACRES
SE 1/4	NE 1/4	31.6	ACRES
NE 1/4	NW 1/4	30.7	ACRES
NW 1/4	NW 1/4	30.7	ACRES
SW 1/4	NW 1/4	30.7	ACRES
SE 1/4	NW 1/4	30.7	ACRES
NE 1/4	SW 1/4	30.5	ACRES
NW 1/4	SW 1/4	30.2	ACRES
SW 1/4	SW 1/4	34.3	ACRES
SE 1/4	SW 1/4	34.5	ACRES
NE 1/4	SE 1/4	27.2	ACRES
NW 1/4	SE 1/4	28.0	ACRES
SW 1/4	SE 1/4	31.2	ACRES
SE 1/4	SE 1/4	30.9	ACRES

## SECTION 28

NE 1/4	NE 1/4	31.8	ACRES
NW 1/4	NE 1/4	31.0	ACRES
SW 1/4	NE 1/4	30.6	ACRES
SE 1/4	NE 1/4	31.3	ACRES
NE 1/4	NW 1/4	29.4	ACRES
NW 1/4	NW 1/4	33.1	ACRES
SW 1/4	NW 1/4	33.1	ACRES
SE 1/4	NW 1/4	29.4	ACRES

## SECTION 29

NE 1/4	NE 1/4	31.0	ACRES
NW 1/4	NE 1/4	40.0	ACRES
SW 1/4	NE 1/4	36.4	ACRES
SE 1/4	NE 1/4	34.4	ACRES
NE 1/4	NW 1/4	31.6	ACRES
NW 1/4	NW 1/4	31.2	ACRES
SW 1/4	NW 1/4	32.8	ACRES
SE 1/4	NW 1/4	38.1	ACRES
NE 1/4	SW 1/4	39.8	ACRES
NW 1/4	SW 1/4	29.0	ACRES
SW 1/4	SW 1/4	30.2	ACRES
SE 1/4	SW 1/4	31.6	ACRES

## SECTION 35

NE 1/4	NE 1/4	30.3	ACRES
NW 1/4	NE 1/4	39.3	ACRES
SW 1/4	NE 1/4	38.0	ACRES
SE 1/4	NE 1/4	31.2	ACRES
NE 1/4	NW 1/4	40.0	ACRES
NW 1/4	NW 1/4	29.2	ACRES
SW 1/4	NW 1/4	32.4	ACRES
SE 1/4	NW 1/4	38.0	ACRES
NE 1/4	SW 1/4	12.5	ACRES
NE 1/4	SE 1/4	28.8	ACRES
NW 1/4	SE 1/4	38.0	ACRES
SW 1/4	SE 1/4	28.6	ACRES
SE 1/4	SE 1/4	40.0	ACRES

## SECTION 36



## TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

SW 1/4 SW 1/4 7.0 ACRES

## SECTION 16

NW 1/4 SW 1/4 26.5 ACRES

SW 1/4 SW 1/4 26.2 ACRES

SW 1/4 SE 1/4 36.7 ACRES

SE 1/4 SE 1/4 18.5 ACRES

## SECTION 17

NE 1/4 SE 1/4 23.2 ACRES

SE 1/4 SE 1/4 23.1 ACRES

## SECTION 18

NE 1/4 NE 1/4 5.6 ACRES

SW 1/4 NE 1/4 30.4 ACRES

SE 1/4 NE 1/4 37.0 ACRES

SW 1/4 NW 1/4 6.5 ACRES

SE 1/4 NW 1/4 19.7 ACRES

NE 1/4 SW 1/4 39.8 ACRES

NW 1/4 SW 1/4 50.8 ACRES

SW 1/4 SW 1/4 37.2 ACRES

SE 1/4 SW 1/4 21.4 ACRES

NE 1/4 SE 1/4 38.1 ACRES

NW 1/4 SE 1/4 40.0 ACRES

SW 1/4 SE 1/4 37.7 ACRES

SE 1/4 SE 1/4 35.6 ACRES

## SECTION 19

NE 1/4 NE 1/4 38.1 ACRES

NW 1/4 NE 1/4 39.8 ACRES

SW 1/4 NE 1/4 40.0 ACRES

SE 1/4 NE 1/4 40.0 ACRES

NE 1/4 SW 1/4 31.6 ACRES

NW 1/4 SW 1/4 35.0 ACRES

SW 1/4 SW 1/4 39.8 ACRES

SE 1/4 SW 1/4 40.0 ACRES

NE 1/4 SE 1/4 40.0 ACRES

NW 1/4 SE 1/4 36.7 ACRES

SW 1/4 SE 1/4 25.9 ACRES

SE 1/4 SE 1/4 37.6 ACRES

## SECTION 20

NE 1/4 NW 1/4 13.1 ACRES

NW 1/4 NW 1/4 40.0 ACRES

SW 1/4 NW 1/4 39.8 ACRES

SE 1/4 NW 1/4 10.2 ACRES

NE 1/4 SW 1/4 12.0 ACRES

NW 1/4 SW 1/4 39.3 ACRES

SW 1/4 SW 1/4 38.8 ACRES

SE 1/4 SW 1/4 6.4 ACRES

## SECTION 21

NE 1/4 NW 1/4 2.1 ACRES

NW 1/4 NW 1/4 22.6 ACRES

SW 1/4 NW 1/4 4.8 ACRES

## SECTION 28

NE 1/4 NE 1/4 39.7 ACRES

NW 1/4 NE 1/4 34.0 ACRES



SW 1/4	NE 1/4	29.1	ACRES
SE 1/4	NE 1/4	36.7	ACRES
NE 1/4	NW 1/4	39.7	ACRES
NW 1/4	NW 1/4	38.9	ACRES
SW 1/4	NW 1/4	39.6	ACRES
SE 1/4	NW 1/4	33.6	ACRES
NE 1/4	SW 1/4	32.6	ACRES
NW 1/4	SW 1/4	38.9	ACRES
SW 1/4	SW 1/4	40.0	ACRES
SE 1/4	SW 1/4	31.2	ACRES

SECTION 29

NE 1/4	NE 1/4	38.6	ACRES
NW 1/4	NE 1/4	34.0	ACRES
SW 1/4	NE 1/4	33.2	ACRES
SE 1/4	NE 1/4	39.2	ACRES
NE 1/4	NW 1/4	38.0	ACRES
NW 1/4	NW 1/4	53.7	ACRES
SW 1/4	NW 1/4	44.8	ACRES
SE 1/4	NW 1/4	29.6	ACRES
NE 1/4	SE 1/4	37.2	ACRES
NW 1/4	SE 1/4	31.8	ACRES
SW 1/4	SE 1/4	31.2	ACRES
SE 1/4	SE 1/4	40.0	ACRES

SECTION 30

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

- Water Delivery System: Diversion through 6 headgates, gaging station, through 6' x 30' canal, to farms

On 5/1/98, the Department mailed the applicant notice of its Initial Review, determining that THE USE OF 7215.0 ACRE-FEET FROM McKAY RESERVOIR, A TRIBUTARY OF UMATILLA RIVER FOR SUPPLEMENTAL IRRIGATION OF 8800.4 ACRES IS ALLOWABLE FROM MARCH 1 THROUGH NOVEMBER 1 OF EACH YEAR. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 5/15/98, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received



*Findings of Fact*

The Umatilla Basin Program allows the following uses: SUPPLEMENTAL IRRIGATION OF 8800.40 ACRES

Senior water rights exist on MCKAY RESERVOIR, A TRIBUTARY OF UMATILLA RIVER or on downstream waters.

MCKAY RESERVOIR, A TRIBUTARY OF UMATILLA RIVER is not within or above a State Scenic Waterway.

The Department finds that no more than 7215.0 AF would be necessary for the proposed use. The amount of water requested, 7215.00 ACRE-FEET, is allowable.

This application for permit succeeds permit 51665. The permit contained the condition that upon termination of the permit another application for a permit would be required to provide supplemental irrigation to certain lands in the Westland Irrigation District.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff.

The interagency team did not recommend that any additional conditions of use be imposed on this application.

There is no evidence in the record of the presence of game fish at the described point of diversion.

*Conclusions of Law*

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Umatilla Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.



The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
  - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
  - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

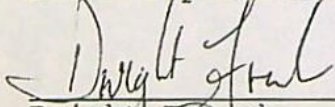
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

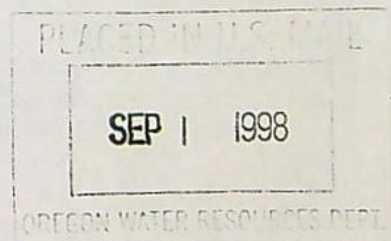
#### Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED September 1, 1998

  
Dwight French  
Water Rights Section Manager

*If you have any questions,  
please check the information  
box on the last page for the  
appropriate names and  
phone numbers.*



#### Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and,



if you claim to represent the public interest, a precise statement of the public interest represented;

- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;

- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;

- Any citation of legal authority to support your protest, if known; and

- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.

- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.

- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

#### Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than October 16, 1998.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or

- the applicant requests a contested case hearing within 30 days after the close of the protest period.

*This document was prepared by Dallas Miller. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 272. Outside of Oregon you can dial 1-503-378-8455.*

*If you have questions about how to file a protest or if you have previously filed a protest and want to know*



*the status, please contact Adam Sussman. His extension number is 262.*

*If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.*

DM-WEEK 162



DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF UMATILLA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

U.S. BUREAU OF RECLAMATION  
1150 N CURTIS RD  
BOISE, ID 83706 -1234

( 208)378-5322

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-83590

SOURCE OF WATER: MCKAY RESERVOIR, A TRIBUTARY OF UMATILLA RIVER

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 8800.40 ACRES

MAXIMUM VOLUME ALLOWED: 7215.0 ACRE-FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: MARCH 1 THROUGH NOVEMBER 1

DATE OF PRIORITY: October 27, 1997

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 34, T 2 N, R 32 E,  
W.M.; 1260 FEET SOUTH AND 3650 FEET EAST FROM W 1/4, SECTION 34

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of 4.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW 1/4 SW 1/4 13.8 ACRES  
SECTION 3  
SW 1/4 NW 1/4 37.0 ACRES  
SE 1/4 NW 1/4 37.0 ACRES  
NE 1/4 SW 1/4 29.1 ACRES  
NW 1/4 SW 1/4 28.0 ACRES  
SW 1/4 SW 1/4 38.0 ACRES  
SE 1/4 SW 1/4 1.2 ACRES  
NE 1/4 SE 1/4 29.8 ACRES  
NW 1/4 SE 1/4 35.1 ACRES  
SW 1/4 SE 1/4 35.3 ACRES  
SE 1/4 SE 1/4 29.5 ACRES  
SECTION 4  
NE 1/4 NE 1/4 21.7 ACRES  
NW 1/4 NE 1/4 35.0 ACRES  
SE 1/4 NE 1/4 8.5 ACRES



NE 1/4 SE 1/4 21.6 ACRES  
 SECTION 7  
 SW 1/4 NW 1/4 14.9 ACRES  
 NW 1/4 SW 1/4 32.4 ACRES  
 SW 1/4 SE 1/4 23.0 ACRES  
 SECTION 8  
 NE 1/4 NE 1/4 31.0 ACRES  
 NW 1/4 NE 1/4 34.1 ACRES  
 SW 1/4 NE 1/4 35.2 ACRES  
 SE 1/4 NE 1/4 29.5 ACRES  
 NE 1/4 NW 1/4 30.7 ACRES  
 NW 1/4 NW 1/4 33.8 ACRES  
 SW 1/4 NW 1/4 35.9 ACRES  
 SE 1/4 NW 1/4 31.1 ACRES  
 NE 1/4 SW 1/4 28.0 ACRES  
 NW 1/4 SW 1/4 29.8 ACRES  
 SW 1/4 SW 1/4 35.9 ACRES  
 SE 1/4 SW 1/4 31.6 ACRES  
 NE 1/4 SE 1/4 31.1 ACRES  
 NW 1/4 SE 1/4 33.4 ACRES  
 SW 1/4 SE 1/4 35.3 ACRES  
 SE 1/4 SE 1/4 30.6 ACRES  
 SECTION 9  
 NE 1/4 NE 1/4 32.5 ACRES  
 NW 1/4 NE 1/4 32.5 ACRES  
 SW 1/4 NE 1/4 32.5 ACRES  
 SE 1/4 NE 1/4 32.5 ACRES  
 NE 1/4 NW 1/4 28.3 ACRES  
 NW 1/4 NW 1/4 33.9 ACRES  
 SW 1/4 NW 1/4 34.4 ACRES  
 SE 1/4 NW 1/4 28.8 ACRES  
 NE 1/4 SW 1/4 31.9 ACRES  
 NW 1/4 SW 1/4 32.5 ACRES  
 SW 1/4 SW 1/4 32.4 ACRES  
 SE 1/4 SW 1/4 31.9 ACRES  
 NE 1/4 SE 1/4 1.4 ACRES  
 NW 1/4 SE 1/4 39.6 ACRES  
 SW 1/4 SE 1/4 4.4 ACRES  
 SECTION 10  
 SW 1/4 SE 1/4 29.5 ACRES  
 SE 1/4 SE 1/4 31.0 ACRES  
 SECTION 13  
 NW 1/4 NE 1/4 38.0 ACRES  
 SW 1/4 NE 1/4 38.0 ACRES  
 NE 1/4 NW 1/4 31.3 ACRES  
 NW 1/4 NW 1/4 31.3 ACRES  
 SW 1/4 NW 1/4 31.2 ACRES  
 SE 1/4 NW 1/4 31.2 ACRES  
 NE 1/4 SW 1/4 31.2 ACRES  
 NW 1/4 SW 1/4 31.4 ACRES  
 SW 1/4 SW 1/4 31.2 ACRES  
 SE 1/4 SW 1/4 31.2 ACRES  
 SECTION 15



NE 1/4 NE 1/4 30.2 ACRES  
 NW 1/4 NE 1/4 32.0 ACRES  
 SW 1/4 NE 1/4 31.4 ACRES  
 SE 1/4 NE 1/4 31.4 ACRES  
 NE 1/4 NW 1/4 29.8 ACRES  
 NW 1/4 NW 1/4 32.2 ACRES  
 SW 1/4 NW 1/4 33.5 ACRES  
 SE 1/4 NW 1/4 29.5 ACRES  
 NE 1/4 SW 1/4 29.6 ACRES  
 NW 1/4 SW 1/4 32.2 ACRES  
 SW 1/4 SW 1/4 34.2 ACRES  
 SE 1/4 SW 1/4 29.0 ACRES  
 NE 1/4 SE 1/4 31.2 ACRES  
 NW 1/4 SE 1/4 31.2 ACRES  
 SW 1/4 SE 1/4 31.5 ACRES  
 SE 1/4 SE 1/4 31.2 ACRES

## SECTION 16

NE 1/4 NE 1/4 29.0 ACRES  
 NW 1/4 NE 1/4 19.0 ACRES  
 SW 1/4 NE 1/4 21.0 ACRES  
 SE 1/4 NE 1/4 25.0 ACRES  
 NE 1/4 SW 1/4 10.1 ACRES  
 SE 1/4 SW 1/4 5.8 ACRES  
 NE 1/4 SE 1/4 34.6 ACRES  
 NW 1/4 SE 1/4 40.0 ACRES  
 SW 1/4 SE 1/4 35.9 ACRES  
 SE 1/4 SE 1/4 24.5 ACRES

## SECTION 17

NE 1/4 NE 1/4 31.4 ACRES  
 NW 1/4 NE 1/4 34.3 ACRES  
 SW 1/4 NE 1/4 31.4 ACRES  
 SE 1/4 NE 1/4 31.0 ACRES  
 NE 1/4 NW 1/4 31.4 ACRES  
 NW 1/4 NW 1/4 31.5 ACRES  
 SW 1/4 NW 1/4 32.6 ACRES  
 SE 1/4 NW 1/4 31.4 ACRES  
 NE 1/4 SW 1/4 31.3 ACRES  
 NW 1/4 SW 1/4 31.2 ACRES  
 SW 1/4 SW 1/4 31.2 ACRES  
 SE 1/4 SW 1/4 31.3 ACRES  
 NE 1/4 SE 1/4 31.3 ACRES  
 NW 1/4 SE 1/4 31.2 ACRES  
 SW 1/4 SE 1/4 31.3 ACRES  
 SE 1/4 SE 1/4 31.3 ACRES

## SECTION 21

NE 1/4 NE 1/4 32.5 ACRES  
 NW 1/4 NE 1/4 32.5 ACRES  
 SW 1/4 NE 1/4 32.5 ACRES  
 SE 1/4 NE 1/4 32.5 ACRES  
 NE 1/4 NW 1/4 31.2 ACRES  
 NW 1/4 NW 1/4 31.5 ACRES  
 SW 1/4 NW 1/4 31.5 ACRES  
 SE 1/4 NW 1/4 31.2 ACRES



## SECTION 22

SW 1/4 NW 1/4 35.1 ACRES  
 SE 1/4 NW 1/4 21.4 ACRES  
 NE 1/4 SW 1/4 26.5 ACRES  
 NW 1/4 SW 1/4 27.6 ACRES  
 SW 1/4 SW 1/4 38.3 ACRES  
 SE 1/4 SW 1/4 38.8 ACRES  
 NE 1/4 SE 1/4 27.6 ACRES  
 NW 1/4 SE 1/4 32.5 ACRES  
 SW 1/4 SE 1/4 26.4 ACRES  
 SE 1/4 SE 1/4 26.2 ACRES

## SECTION 23

NE 1/4 NE 1/4 30.0 ACRES  
 NW 1/4 NE 1/4 30.4 ACRES  
 SW 1/4 NE 1/4 38.4 ACRES  
 SE 1/4 NE 1/4 32.4 ACRES  
 NE 1/4 NW 1/4 32.0 ACRES  
 NW 1/4 NW 1/4 30.4 ACRES  
 SW 1/4 NW 1/4 34.0 ACRES  
 SE 1/4 NW 1/4 38.4 ACRES  
 NE 1/4 SW 1/4 36.5 ACRES  
 NW 1/4 SW 1/4 29.3 ACRES  
 SW 1/4 SW 1/4 32.8 ACRES  
 SE 1/4 SW 1/4 40.0 ACRES  
 NE 1/4 SE 1/4 30.1 ACRES  
 NW 1/4 SE 1/4 35.4 ACRES  
 SW 1/4 SE 1/4 40.0 ACRES  
 SE 1/4 SE 1/4 33.6 ACRES

## SECTION 25

NE 1/4 NE 1/4 30.4 ACRES  
 NW 1/4 NE 1/4 35.7 ACRES  
 SW 1/4 NE 1/4 35.2 ACRES  
 SE 1/4 NE 1/4 28.4 ACRES  
 NE 1/4 NW 1/4 23.1 ACRES  
 NW 1/4 NW 1/4 30.2 ACRES  
 SW 1/4 NW 1/4 39.1 ACRES  
 SE 1/4 NW 1/4 38.7 ACRES  
 NE 1/4 SW 1/4 21.3 ACRES  
 NW 1/4 SW 1/4 24.7 ACRES  
 SW 1/4 SW 1/4 0.2 ACRES

SE 1/4 SW 1/4 26.3 ACRES  
 NE 1/4 SE 1/4 30.0 ACRES  
 NW 1/4 SE 1/4 29.8 ACRES  
 SW 1/4 SE 1/4 40.0 ACRES  
 SE 1/4 SE 1/4 33.6 ACRES

## SECTION 26

NE 1/4 NE 1/4 38.0 ACRES  
 NW 1/4 NE 1/4 27.6 ACRES  
 SW 1/4 NE 1/4 37.7 ACRES  
 SE 1/4 NE 1/4 22.4 ACRES  
 NE 1/4 NW 1/4 30.6 ACRES  
 NW 1/4 NW 1/4 30.6 ACRES  
 SW 1/4 NW 1/4 30.6 ACRES



SE 1/4 NW 1/4 30.6 ACRES  
 NE 1/4 SW 1/4 33.5 ACRES  
 NW 1/4 SW 1/4 31.1 ACRES  
 SW 1/4 SW 1/4 35.3 ACRES  
 SE 1/4 SW 1/4 28.2 ACRES  
 NE 1/4 SE 1/4 37.4 ACRES  
 NW 1/4 SE 1/4 40.0 ACRES  
 SW 1/4 SE 1/4 17.6 ACRES  
 SE 1/4 SE 1/4 13.0 ACRES

## SECTION 27

NE 1/4 NE 1/4 30.6 ACRES  
 NW 1/4 NE 1/4 30.6 ACRES  
 SW 1/4 NE 1/4 31.6 ACRES  
 SE 1/4 NE 1/4 31.6 ACRES  
 NE 1/4 NW 1/4 30.7 ACRES  
 NW 1/4 NW 1/4 30.7 ACRES  
 SW 1/4 NW 1/4 30.7 ACRES  
 SE 1/4 NW 1/4 30.7 ACRES  
 NE 1/4 SW 1/4 30.5 ACRES  
 NW 1/4 SW 1/4 30.2 ACRES  
 SW 1/4 SW 1/4 34.3 ACRES  
 SE 1/4 SW 1/4 34.5 ACRES  
 NE 1/4 SE 1/4 27.2 ACRES  
 NW 1/4 SE 1/4 28.0 ACRES  
 SW 1/4 SE 1/4 31.2 ACRES  
 SE 1/4 SE 1/4 30.9 ACRES

## SECTION 28

NE 1/4 NE 1/4 31.8 ACRES  
 NW 1/4 NE 1/4 31.0 ACRES  
 SW 1/4 NE 1/4 30.6 ACRES  
 SE 1/4 NE 1/4 31.3 ACRES  
 NE 1/4 NW 1/4 29.4 ACRES  
 NW 1/4 NW 1/4 33.1 ACRES  
 SW 1/4 NW 1/4 33.1 ACRES  
 SE 1/4 NW 1/4 29.4 ACRES

## SECTION 29

NE 1/4 NE 1/4 31.0 ACRES  
 NW 1/4 NE 1/4 40.0 ACRES  
 SW 1/4 NE 1/4 36.4 ACRES  
 SE 1/4 NE 1/4 34.4 ACRES  
 NE 1/4 NW 1/4 31.6 ACRES  
 NW 1/4 NW 1/4 31.2 ACRES  
 SW 1/4 NW 1/4 32.8 ACRES  
 SE 1/4 NW 1/4 38.1 ACRES  
 NE 1/4 SW 1/4 39.8 ACRES  
 NW 1/4 SW 1/4 29.0 ACRES  
 SW 1/4 SW 1/4 30.2 ACRES  
 SE 1/4 SW 1/4 31.6 ACRES

## SECTION 35

NE 1/4 NE 1/4 30.3 ACRES  
 NW 1/4 NE 1/4 39.3 ACRES  
 SW 1/4 NE 1/4 38.0 ACRES  
 SE 1/4 NE 1/4 31.2 ACRES



NE 1/4 NW 1/4 40.0 ACRES  
 NW 1/4 NW 1/4 29.2 ACRES  
 SW 1/4 NW 1/4 32.4 ACRES  
 SE 1/4 NW 1/4 38.0 ACRES  
 NE 1/4 SW 1/4 12.5 ACRES  
 NE 1/4 SE 1/4 28.8 ACRES  
 NW 1/4 SE 1/4 38.0 ACRES  
 SW 1/4 SE 1/4 28.6 ACRES  
 SE 1/4 SE 1/4 40.0 ACRES

## SECTION 36

TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.

SW 1/4 SW 1/4 7.0 ACRES

## SECTION 16

NW 1/4 SW 1/4 26.5 ACRES  
 SW 1/4 SW 1/4 26.2 ACRES  
 SW 1/4 SE 1/4 36.7 ACRES  
 SE 1/4 SE 1/4 18.5 ACRES

## SECTION 17

NE 1/4 SE 1/4 23.2 ACRES  
 SE 1/4 SE 1/4 23.1 ACRES

## SECTION 18

NE 1/4 NE 1/4 5.6 ACRES  
 SW 1/4 NE 1/4 30.4 ACRES  
 SE 1/4 NE 1/4 37.0 ACRES  
 SW 1/4 NW 1/4 6.5 ACRES  
 SE 1/4 NW 1/4 19.7 ACRES  
 NE 1/4 SW 1/4 39.8 ACRES  
 NW 1/4 SW 1/4 50.8 ACRES  
 SW 1/4 SW 1/4 37.2 ACRES  
 SE 1/4 SW 1/4 21.4 ACRES  
 NE 1/4 SE 1/4 38.1 ACRES  
 NW 1/4 SE 1/4 40.0 ACRES  
 SW 1/4 SE 1/4 37.7 ACRES  
 SE 1/4 SE 1/4 35.6 ACRES

## SECTION 19

NE 1/4 NE 1/4 38.1 ACRES  
 NW 1/4 NE 1/4 39.8 ACRES  
 SW 1/4 NE 1/4 40.0 ACRES  
 SE 1/4 NE 1/4 40.0 ACRES  
 NE 1/4 SW 1/4 31.6 ACRES  
 NW 1/4 SW 1/4 35.0 ACRES  
 SW 1/4 SW 1/4 39.8 ACRES  
 SE 1/4 SW 1/4 40.0 ACRES  
 NE 1/4 SE 1/4 40.0 ACRES  
 NW 1/4 SE 1/4 36.7 ACRES  
 SW 1/4 SE 1/4 25.9 ACRES  
 SE 1/4 SE 1/4 37.6 ACRES

## SECTION 20

NE 1/4 NW 1/4 13.1 ACRES  
 NW 1/4 NW 1/4 40.0 ACRES  
 SW 1/4 NW 1/4 39.8 ACRES  
 SE 1/4 NW 1/4 10.2 ACRES  
 NE 1/4 SW 1/4 12.0 ACRES



NW 1/4 SW 1/4 39.3 ACRES  
 SW 1/4 SW 1/4 38.8 ACRES  
 SE 1/4 SW 1/4 6.4 ACRES

## SECTION 21

NE 1/4 NW 1/4 2.1 ACRES  
 NW 1/4 NW 1/4 22.6 ACRES  
 SW 1/4 NW 1/4 4.8 ACRES

## SECTION 28

NE 1/4 NE 1/4 39.7 ACRES  
 NW 1/4 NE 1/4 34.0 ACRES  
 SW 1/4 NE 1/4 29.1 ACRES  
 SE 1/4 NE 1/4 36.7 ACRES  
 NE 1/4 NW 1/4 39.7 ACRES  
 NW 1/4 NW 1/4 38.9 ACRES  
 SW 1/4 NW 1/4 39.6 ACRES  
 SE 1/4 NW 1/4 33.6 ACRES  
 NE 1/4 SW 1/4 32.6 ACRES  
 NW 1/4 SW 1/4 38.9 ACRES  
 SW 1/4 SW 1/4 40.0 ACRES  
 SE 1/4 SW 1/4 31.2 ACRES

## SECTION 29

NE 1/4 NE 1/4 38.6 ACRES  
 NW 1/4 NE 1/4 34.0 ACRES  
 SW 1/4 NE 1/4 33.2 ACRES  
 SE 1/4 NE 1/4 39.2 ACRES  
 NE 1/4 NW 1/4 38.0 ACRES  
 NW 1/4 NW 1/4 53.7 ACRES  
 SW 1/4 NW 1/4 44.8 ACRES  
 SE 1/4 NW 1/4 29.6 ACRES  
 NE 1/4 SE 1/4 37.2 ACRES  
 NW 1/4 SE 1/4 31.8 ACRES  
 SW 1/4 SE 1/4 31.2 ACRES  
 SE 1/4 SE 1/4 40.0 ACRES

## SECTION 30

TOWNSHIP 3 NORTH, RANGE 29 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the



watermaster shall request access upon reasonable notice.

The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion.

The use of water under this permit is subject to the terms and conditions of Contract No. 5-07-10-W1077 or a satisfactory replacement between the Bureau of Reclamation and Westland Irrigation District, a copy of which is on file in the records of the Water Resources Department.

Use of McKay Reservoir water for irrigation on the lands listed in this permit and the lands within the federally recognized boundaries of Westland Irrigation District, not including water delivered under contracts with individual landowners or ditch companies whose lands lie within the district boundaries for water from McKay Reservoir, shall not exceed 26,568 acre-feet annually during the life of this permit. If this limit is reached in any year, water may not be delivered under this permit for the remainder of that year.

This permit shall terminate immediately if Westland Irrigation District ceases to make 10 percent of its contracted and reserved stored water in McKay Reservoir, up to 2950 acre feet, available for fishery enhancement releases, or if Westland or Teel Irrigation District challenges fishery enhancement releases from McKay Reservoir.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

#### STANDARD CONDITIONS

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

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged



land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued \_\_\_\_\_, 199\_

DRAFT - THIS IS **NOT** A PERMIT

Water Resources Department  
Director



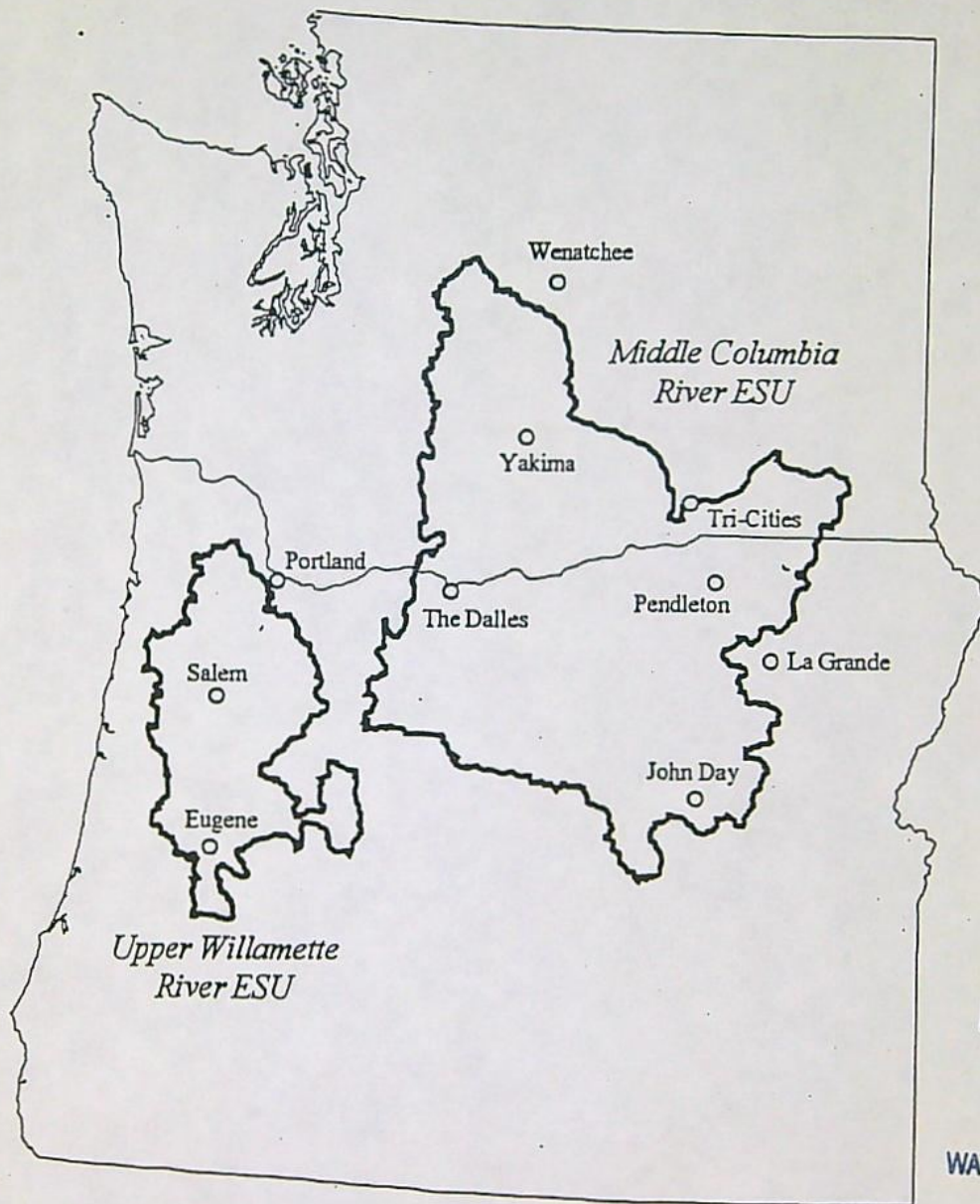


National  
Marine  
Fisheries  
Service

# Steelhead Scientific Findings

February 26, 1998

Today's Announcements  
*2 ESUs\**



**RECEIVED**

OCT 16 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

□ Proposed  
Threatened (2 ESUs)

\* An Evolutionarily Significant Unit or "ESU" is a distinctive group of Pacific salmon (salmon, steelhead or sea-run cutthroat trout).



# Steelhead Fact Sheet

February 26, 1998

**Background:** The National Marine Fisheries Service (NMFS) has completed the first ever comprehensive scientific review of steelhead along the U.S. west coast, and has continually updated the status of steelhead as new information has emerged. Coast wide there are 15 distinct groups or evolutionarily significant units (ESUs) of steelhead located from southern California to the Canadian border and east to the Rocky Mountains. In July of 1996, NMFS determined that protection under the Endangered Species Act (ESA) was unnecessary at that time for upper Willamette River steelhead. NMFS also designated middle Columbia River steelhead as a candidate for protection. Today's findings reflect updated information on the status of these ESUs.

**Special Features:** Steelhead are most prized by anglers. Steelhead depend more on the freshwater environment than most salmon species (rely heavily on rivers and streams as nursery areas). Steelhead also penetrate farther into headwater areas and they do not as a rule die following spawning.

## Scientific Findings:

**Middle Columbia River ESU, Threatened:** Long-term decline in steelhead abundance throughout the ESU. Natural steelhead escapement in the Yakima and Umatilla rivers has dropped to as low as 500 fish in some years, and steelhead are now extinct in the Crooked and Metolius rivers. Increasing proportions of hatchery fish in the Deschutes, John Day and Umatilla rivers, pose genetic and ecological problems to remaining natural fish. Habitat blockages, reductions in streamflow and water quality, and mortality passing hydroelectric dams pose significant impacts to these fish.

**Upper Willamette River ESU, Threatened:** Winter steelhead are in steep decline after exhibiting wildly fluctuating abundance. Natural fish adult returns in 1995 were the lowest in thirty years. Declines have been recorded in almost all natural populations. Natural steelhead integrity is at risk from introduced summer steelhead.

**Whats Next:** NMFS invites public comment on these proposals to protect <sup>Steelhead</sup> chinook salmon under the ESA. The comment period will expire 90 days after publication of these proposals in the Federal Register. Public hearings to provide further opportunity for public comment will be announced soon. The ESA requires a final decision on whether to protect middle Columbia River and upper Willamette River steelhead under the ESA within one year of this proposal. NMFS will review public input, conservation measures underway to protect these fish, and any new scientific information before a final decision is made. NMFS will propose critical habitat for any ESU listed as threatened or endangered. Further information on these proposals may be obtained by writing Garth Griffin, at NMFS Protected Resources Division, 525 NE Oregon st., suite 500, Portland, Oregon, 97232; or by calling 503/230-5400.

**RECEIVED**

j:\jones\stlhdft.wpd

OCT 16 1998

WATER RESOURCES DEPT.  
SALEM, OREGON



UNITED STATES DEPARTMENT OF  
**COMMERCE**



WASHINGTON, D.C. 20230

NATIONAL  
OCEANIC AND  
ATMOSPHERIC  
ADMINISTRATION

Contact: Rob Jones  
(503) 230-5429

**FOR IMMEDIATE RELEASE**  
February 24, 1998

**Notice for Interested Parties**

The National Marine Fisheries Service is holding a briefing for anyone interested in the agency's initial decisions whether to propose protection and critical habitat designation under the Endangered Species Act for chinook, chum, and sockeye salmon, and steelhead in Washington and Oregon. Following the briefing, questions will be entertained until 1 p.m.

Time: Thursday, February 26, 11:30 a.m. to 1 p.m.

Location: National Marine Fisheries Service Regional Headquarters

7600 Sand Point Way, NE, Seattle

Lower level, Building 1, Fisheries Service Conference Room

Interested parties unable to attend in person can participate by calling (888) 232-3866 and then entering participant code 971106.

Briefing materials will be available at the meeting or accessible on line from the Northwest Region's homepage at <http://www.nwr.noaa.gov>

For further information please call Rob Jones at (503) 230-5429.

**RECEIVED**

OCT 16 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

TOTAL P.02



STATE OF Oregon)

: SS

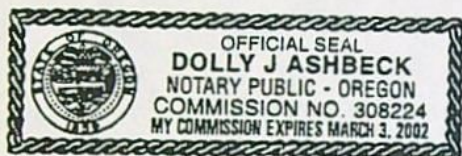
County of Linn )

On this 1<sup>st</sup> day of July, 1998, before me,

Dolly J Ashbeck, a Notary Public, personally appeared

Mike Wick, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.



(SEAL)

Dolly J. Ashbeck  
Notary Public in and for the  
State of Oregon  
Residing at: Umatilla, Or.

My commission expires: 3-3-2002

\*\*\*\*\*

STATE OF IDAHO )

: SS

County of Ada )

On this 29 day of June, 1998, personally appeared before me  
Steven P. Clark, to me known to be the official of the United States of America that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.



(SEAL)

Diana L. Jacobs  
Notary Public in and for the  
State of Idaho  
Residing at: Boise

My commission expires: 5-23-2000

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WATER RESOURCES DEPT.  
SALEM, OREGON



MEMORANDUM OF AGREEMENT  
Between  
WESTLAND IRRIGATION DISTRICT,  
TEEL IRRIGATION DISTRICT  
and the  
CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

March 1, 1993

I. Parties

The parties to this Agreement are the Westland Irrigation District ("WID"), the Teel Irrigation District ("TID"), and the Confederated Tribes of the Umatilla Indian Reservation ("CTUIR").

II. Recitals

**WHEREAS,**

1. CTUIR possesses federally reserved water rights, which include instream flows necessary to satisfy the on and off reservation fishing rights reserved in its Treaty of 1855, 12 Stat. 945, which water rights have not yet been quantified or adjudicated.
2. The lack of instream flows in the Umatilla River has severely impacted CTUIR's treaty-protected fishing economy.
3. The Umatilla Basin Project was developed to begin addressing the insufficient flows for fish while minimizing impacts on the agricultural community.
4. WID is included in the Umatilla Basin Project but is not part of the Columbia River water exchange.
5. The Bureau of Reclamation will prepare a detailed Operational Model which will define the impacts of conservation and of boundary expansion on instream flows and on the Umatilla Basin Project.
6. The Bureau of Reclamation has advised WID that it may not deliver any its McKay storage water outside of the district's boundaries after the 1992 irrigation season until it completes the boundary expansion process.
7. The Oregon Water Resources Department has stated in its "Enforcement Objectives and Time Lines for the Umatilla River" that it will regulate all rights within the mid-Umatilla River segment, including TID.

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8. WID and TID have come to rely on this water which has been delivered outside of WID's boundary.
9. WID and TID are seeking relief in the interim before the boundary expansion process is completed.
10. WID and TID have requested that CTUIR (1) not oppose their attempts to obtain water in the interim and (2) assist them in obtaining the necessary changes under state and federal law to be able to receive and use McKay water in the interim.

### III. Agreement

In consideration of the mutual agreements set forth herein, WID, TID and CTUIR agree:


1. CTUIR will not oppose and will support attempts by WID and TID to obtain legally recognized rights to deliver McKay water outside of WID's existing boundaries, provided:
  - a. That the lands receiving these waters will be limited to those lands which are eligible for inclusion in the boundary expansion (those lands irrigated with McKay stored water before October 1, 1988), and
  - b. That the rate and duty of water applied to those lands not be increased over levels applied as of October 1, 1988, and
  - c. That these legal rights obtained be issued on a temporary basis and last only until the boundary expansion process has been completed.
2. In return for these commitments by CTUIR, WID and TID will provide water for instream flow enhancement for fish, provided:
  - a. That 10% of WID's contracted space (2950 acre-feet) be allocated to fish, and
  - b. That all of the uncontracted space which has been used by WID (3549 acre-feet) be allocated to fish, and
  - c. That these allocations of water shall be on a temporary basis until the boundary expansion process has been completed. The boundary expansion will necessitate the NEPA process. This process will quantify any and all effects on the Umatilla River flows that these deliveries and the WID conservation project may have had. And
  - d. WID and TID shall support and cooperate in the protection of releases of water from McKay Reservoir for instream



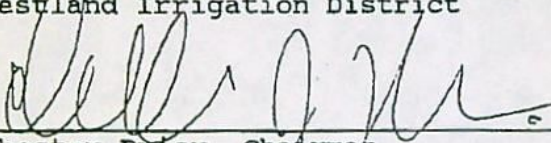
flow use for fish purposes including, but not limited, to, supporting any changes in or under federal and state law which may be necessary to ensure protection of this water for this use.

3. No part of this Memorandum of Agreement is intended, nor shall it be interpreted, to limit, restrict or otherwise impair the Winter's water rights of the CTUIR reserved in its Treaty of 1855, 12 Stat. 945.


THIS AGREEMENT IS EFFECTIVE AS TO EACH PARTY UPON THE DATE OF SIGNATURE.

  
Robert Reuter, Chairman  
Board of Directors  
Westland Irrigation District

3-1-93  
Date

  
Chester Prior, Chairman  
Board of Directors  
Teel Irrigation District

3-1-93  
Date

  
Elwood H. Patawa, Chairman  
Board of Trustees  
Confederated Tribes of the Umatilla  
Indian Reservation

3-1-93  
Date

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UNITED STATES DEPARTMENT OF THE INTERIOR  
Bureau of Reclamation  
Umatilla Basin Project, Oregon

TEMPORARY CONTRACT BETWEEN THE UNITED STATES OF AMERICA  
AND THE WESTLAND IRRIGATION DISTRICT

THIS AGREEMENT, made this 28<sup>th</sup> day of June, 1998, pursuant to Reclamation law, particularly Section 9(e) of the Reclamation Project Act of 1939, 53 Stat. 1196; 43 U.S.C. § 485h(e), by and between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, acting through the Bureau of Reclamation, hereinafter referred to as Reclamation, represented by the Regional Director, Pacific Northwest Region, hereinafter referred to as the Contracting Officer, and the WESTLAND IRRIGATION DISTRICT, hereinafter referred to as the District, an irrigation district organized and existing under the laws of the State of Oregon.

WITNESSETH, THAT:

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EXPLANATORY RECITALS

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WHEREAS, the following statements are made by way of explanation:

1. The United States has constructed the Umatilla Project pursuant to Reclamation Law;
2. The United States and the District entered into a series of contracts, culminating in Amendatory Contract No. Ilr-1550, dated November 18, 1949, hereinafter referred to as the 1949 contract, under which the District is provided 30 percent of the stored water available in McKay Reservoir, hereinafter referred to as McKay, for irrigation use within federally recognized District boundaries. Contract at § 8(a).
3. The 1949 contract reserves from permanent disposition not less than 25 percent of the water to be available annually in the reservoir, pending the determination of terms and conditions on which such water will later be made available on a permanent basis. Contract at § 8(b). Contract § 8(b) water has traditionally been referred to as "reserved" stored water. Reclamation has provided up to 7,380 acre-feet of reserved water annually to the District in past years.
4. The 1949 contract provides that, to the extent it is temporarily available, as conclusively determined by the Secretary, additional water from McKay may be delivered to the District. Contract at § 8(c). Project water in excess of § 8(b) "reserved" stored water has traditionally been referred to as "residual" stored water. The amount of residual water provided to the District in past years is up to 3,549 acre-feet annually.



5. The 1949 contract with the District states that: no changes shall be made in the District, either by inclusion or exclusion of lands, by partial or total consolidation or merger with another district, by proceedings to dissolve or otherwise, except with the consent of the Secretary evidenced in writing, and no petitions or requests for any such changes shall be considered by the District until after the same have been approved by the Secretary.

6. In previous years, the District has delivered project water to certain lands considered by Reclamation to be outside District boundaries. The term out of boundary means those lands Reclamation has determined to be outside WID federally recognized boundaries. The United States has ordered that the District stop this practice. The District has submitted a boundary expansion request to Reclamation. Reclamation has required WID to execute an interim agreement with Reclamation as a condition for the use of federally supplied water on out of boundary lands while its boundary expansion request is being considered. The Bureau of Reclamation will not approve any boundary expansion of the irrigation districts without first complying with the provisions of the National Environmental Policy Act of 1969, as amended. The Bureau will approve no boundary expansion that would cause a net adverse effect on the flows needed for the fishery.

NOW THEREFORE, in consideration of the mutual promises of the parties, it is agreed as follows:

#### DISTRICT SUPPORTS INSTREAM USE

7. (a) The District agrees to support and aid the United States, in accordance with Oregon laws for protecting instream flows, in the release and protection of 10 percent of the § 8(a) contracted stored water plus 10 percent of the up to 7,153 acre-feet of McKay reserved stored water provided to the District in past years and 100 percent of the up to 3,430 acre-feet of McKay residual stored water provided to the District in past years for instream use for the benefit of anadromous fish freshwater life-cycle needs. Water for instream use shall be water which has accrued only in water year 1998, provided however that water for instream use which accumulates in water year 1998 may be carried over in the same manner in which irrigation water has been carried over in past years. The percentage rate of fill, based upon block size, for the WID contract water and the water for instream use shall be equalized. In no event will the overall McKay storage block size provided in this paragraph for anadromous fish freshwater life-cycle needs be affected by any carryover from the previous year. Water for instream use which has been carried over from water year 1997, if any, may be released with District support but would not accrue under this agreement. These instream flow mitigation measures for 1998 out-of-district deliveries are based on the best information available at this time.

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(b) Reclamation shall release the water which accumulates to the contracted 8(a) space first, then will release the water which accumulates to the 8(b) reserved space second, and will release the water which accumulates to the 8(c) residual space last. Reclamation will use its best efforts to provide the District with prior notice of the release of water described in (a) above for anadromous fish freshwater life-cycle needs. Reclamation will use its best efforts to notify the District when such release ceases. Reclamation shall provide the District with an accounting of the quantities of water released for anadromous fish freshwater life-cycle needs at least monthly.

(c) Reclamation will operate McKay so that the contracted, reserved and residual water will share the same fill priority and any shortages in filling will be shared proportionately. Provided, however, that until the notification and public notice process is completed with non-District individuals having contracts for McKay water (with respect to the above operation of McKay Reservoir), non-District individuals may be satisfied before reserve and residual blocks in water year 1998.

#### DISTRICT SUPPORT IN ASSESSING FEASIBILITY OF WATERSHED RESTORATION PILOT PROJECT

8. The District agrees to develop an assessment of the feasibility of establishing pilot project(s) for the purpose of promoting watershed restoration on the Umatilla River. The assessment will be completed by December 1, 1998, or earlier, and will identify site locations, ownership, a restoration plan, and funding sources. The restoration plan must include:

- (a) Significant benefits for fish
- (b) Specific objectives tied to specific benefits for fish
- (c) A scientifically-based analysis explaining how the project will achieve each of its fish objectives; and
- (d) A monitoring plan to determine if the project's fish objectives are met.

Reclamation will review the assessment to determine if it meets these criteria. Reclamation will seek the assistance of the CTUIR Department of Natural Resources in reviewing the assessment.

#### WATER QUALITY MONITORING

9. The District commits to complete the current feasibility study on the Echo Meadows pilot project in the lower Umatilla River to enhance water quality prior to December 1, 1998. The pilot project would involve cooperation and coordination among many agencies, organizations and individuals in 1998. The District will work with CTUIR representatives to review the project so that it will meet water quality and quantity enhancement objectives for fish and wildlife.

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## SERVICE TO LANDS OUTSIDE EXISTING APPROVED DISTRICT BOUNDARIES

10. (a) The United States agrees to permit temporary delivery during the 1998 irrigation season of a portion of the remaining reserved stored water and § 8(a) contracted water to up to 7,023 (subject to adjustment) acres of irrigable lands outside federally recognized District boundaries, which according to the District, received water from the District prior to October 1, 1988. These lands are described in the November 4, 1993, notice announcing scoping meetings for proposed boundary changes for irrigation districts in the Umatilla Project. The information contained in this document was submitted to Reclamation by the District as part of the District's permanent boundary expansion request.

(b) In no event shall the combined total amount of reserved stored water and § 8(a) contracted stored water delivered to out of boundary lands exceed 8,000 acre-feet in 1998. Deliveries to out of boundary lands shall be in accordance with the terms of this contract.

## PROPOSED BOUNDARY CHANGE SUBJECT TO NATIONAL ENVIRONMENTAL POLICY ACT

11. (a) Reclamation has advised the District that further NEPA compliance will be accomplished prior to approving the District's boundary change proposal.

(b) Reclamation is overseeing a cooperative return flow modeling/study in the Umatilla Basin. Participants in this study include CH2M Hill, Hermiston Irrigation District, Westland Irrigation District, the Stanfield Irrigation District, the West Extension Irrigation District, the Confederated Tribes of the Umatilla Indian Reservation, and others. The modeling/study constitutes the initial portion of the long term NEPA process. Only those lands for which the modeling/study is completed will be considered for long term NEPA analysis. The District will pay its costs of meeting attendance for the modeling effort.

## PAYMENTS FOR WATER DELIVERY SERVICE

12. At the time of execution of this contract, the District shall pay \$ 84,276 to the United States for temporary water service to 7,023 acres (subject to adjustment) of the 9,912 acres of lands to which temporary service is authorized by this contract. These acres are described in Attachment 1 to this contract. The \$84,276 to be paid equals a rate of \$12.00 per acre, which includes a \$100.00 fee for the preparation of this contract. The sum of \$84,276 is to be paid, in addition to any other payments due the United States under the 1949 contract or other contracts. In the event some of the acres are not provided temporary water service by the District, an appropriate pro-rata refund will be made at the end of the irrigation season. Reclamation will credit the total dollar amount paid by the District under this section as a result of the per acre charge to the end of the District's 1949 repayment contract obligation.

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### TERM OF CONTRACT

13. (a) This contract shall become effective upon execution and shall continue until December 31, 1998, unless specifically provided for, or terminated sooner. This contract shall be terminated and service hereunder shall cease at the option of the United States at any time upon failure of the District to abide by any lawful notice, order rule or regulation of the United States or the State of Oregon related to delivery of federal project water to out of boundary lands now or hereafter established. The United States may terminate this contract and service hereunder may cease if a decision is reached by a court of competent jurisdiction requiring termination of water delivery under this contract. Upon termination Reclamation will return all appropriate funds paid by the District under the terms of this contract.

(b) The District may terminate this contract and its obligations if Reclamation fails to perform material obligations hereunder. Termination of this contract shall relieve the District of its rights and obligations hereunder as of the date of notification of termination. Upon termination Reclamation will return all appropriate funds paid by the District under the terms of this contract. Termination of this contract relieves the District of the immediate contractual duty to provide any water for instream use after the termination date.

### OREGON DEPARTMENT OF WATER RESOURCES APPROVAL OF DELIVERY OF WATER TO LANDS OUTSIDE EXISTING DISTRICT BOUNDARIES

14. (a) Water delivered under this contract shall comply with State and federal law. Reclamation applied on May 5, 1994 for a permit to irrigate some of the lands involved in this contract. The Oregon Water Resources Department issued Permit 51665 approving Application 74318 on July 11, 1995. A request for extension of the time through October 31, 1998 for Permit 51665 was approved by the Oregon Water Resources Department on April 9, 1998..

(b) The District acknowledges and agrees that Reclamation's Permit 51665 to irrigate some of the lands outside existing District boundaries does not constitute United States approval for the expansion of federally recognized District boundaries. The permit was applied for under State law in order to deliver water to some of the lands outside existing boundaries on an interim basis. The District agrees not to use Reclamation's Permit 51665 in any legal or administrative proceeding to prove United States' approval for permanent boundary expansions.

### DISCLAIMERS

15. This contract is intended only to provide water in 1998 for irrigation of specified out of boundary lands and to facilitate delivery of water for fish flows. Except for contract rights temporarily provided by this contract, the parties agree that this contract creates no new obligations on the part of either party. The parties waive none of their rights, remedies or claims existing prior to this contract. The parties expressly reserve all rights, both legal and equitable, which they had prior to entering into this contract. This contract creates no new rights or obligations to third parties.

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### RENEWAL

16. Subsequent interim contracts may be offered by Reclamation allowing for continued water use on out of boundary lands while NEPA compliance on the boundary expansion request is being conducted and a decision on the request is being considered. The District understands that Reclamation's position is that further NEPA compliance would be required for any future interim contract.

### COMPLIANCE WITH RECLAMATION LAWS

17. Notwithstanding § 13 of this contract, the parties agree that the delivery of irrigation water or the use of Federal facilities pursuant to this contract is subject to Reclamation law, as amended and supplemented, including, but not limited to, the Reclamation Reform Act of 1982 (RRA)(Public Law 97-293). Landholders will be required to complete RRA certification forms prior to delivery of project water in 1998.

### NOTICES

18. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the District, when mailed, postage prepaid, or delivered to the Regional Director, PN Region, Bureau of Reclamation, 1150 N. Curtis Road, Boise, Idaho 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to the Secretary of the District, Westland Irrigation District, PO Box 416, Stanfield, Oregon 97875-0416, the designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

### CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

19. The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the District from any obligations under this contract. No liability shall accrue to the United States in case funds are not appropriated or allotted.

### OFFICIALS NOT TO BENEFIT

20. No Member of or Delegate to Congress, Resident Commissioner or official of the District shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

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## QUALITY OF WATER

21. The operation and maintenance of project facilities shall be performed in such manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably attainable, as determined by the Contracting Officer. The United States does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

## WATER AND AIR POLLUTION CONTROL

22. The District, in carrying out this contract, shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Oregon, and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities.

## CLEAN AIR AND WATER

23. (a) The District agrees as follows:

(1) To comply with all the requirements of Section 114 of the Clean Air Act, as amended (42 U.S.C. 1857, et seq., as amended by Public Law 91-604) and Section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq., as amended by Public Law 92-500), respectively, relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in Section 114 and Section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder before the execution of this contract.

(2) That no portion of the work required by this contract will be performed in a facility listed on the Environmental Protection Agency List of Violating Facilities on the date when this contract was executed unless and until the EPA eliminates the name of such facility or facilities from such listing.

(3) To use its best efforts to comply with clean air standards and clean water standards at the facility where the contract work is being performed.

(4) To insert the substance of the provisions of this article into any nonexempt subcontract, including this paragraph (1)(d).

(b) The terms used in this article have the following meanings:

(1) The term "Air Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Public Law 91-604).

(2) The term "Water Act" means Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Public Law 92-500).

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(3) The term "clean air standards" means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or Executive Order 11738, an applicable implementation plan as described in Section 110(d) of the Clean Air Act (42 U.S.C. 1857c-5(d)), an approved implementation procedure or plan under Section 111(c) or Section 111(d), respectively, of the Air Act (42 U.S.C. 1857c-6(c) or (d)), or an approved implementation procedure under Section 112(d) of the Air Act (42 U.S.C. 1857c-7(d)).

(4) The term "clean water standards" means any enforceable limitation, control, condition, prohibition, standard, or other requirement which is promulgated pursuant to the Water Act or contained in a permit issued to a discharger by the Environmental Protection Agency or by a State under an approved program, as authorized by Section 402 of the Water Act (33 U.S.C. 1342), or by local government to ensure compliance with pretreatment regulations as required by Section 307 of the Water Act (33 U.S.C. 1317).

(5) The term "comply" means compliance with clean air or water standards. Comply shall also mean compliance with a schedule or plan ordered or approved by a court of competent jurisdiction, the Environmental Protection Agency or an air or water pollution control agency in accordance with the requirements of the Air Act or Water Act and regulations issued pursuant thereto.

(6) The term "facility" means any building, plant, installation, structure, mine, vessel or other floating craft, location, or site of operations, owned, leased, or supervised by a contractor or subcontractor, to be utilized in the performance of a contract or subcontract. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location or site shall be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are collocated in one geographical area.

#### COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS

24. (a) The District shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112, as amended), the Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.) and any other applicable civil rights laws, as well as with their respective implementing regulations and guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

(b) These statutes require that no person in the United States shall, on the grounds of race, color, national origin, handicap, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation. By executing this contract, the District agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

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(c) The District makes this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts or other Federal financial assistance extended after the date hereof to the District by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The District recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this article, and that the United States reserves the right to seek judicial enforcement thereof.

#### PRIVACY ACT COMPLIANCE

25. (a) The District shall comply with the Privacy Act of 1974 (5 U.S.C. 522a) (the Act) and the Department of the Interior rules and regulations under the Act (43 CFR 2.45 et seq.) in maintaining landholder acreage certification and reporting records, required to be submitted to the District for compliance with sections 206 and 228 of the Reclamation Reform Act of 1982 (96 Stat. 1266), and pursuant to 43 CFR 426.10.

(b) With respect to the application and administration of the criminal penalty provisions of the Act (5 U.S.C. 552a[i]), the District and the District's employees responsible for maintaining the certification and reporting records referenced in (1) above are considered to be employees of the Department of the Interior. See 5 U.S.C. 522a(m).

(c) The Contracting Officer or a designated representative shall provide the District with current copies of the Interior Department Privacy Act regulations and the Bureau of Reclamation Federal Register Privacy Act System of Records Notice (Acreage Limitation--Interior, Reclamation-31) which govern the maintenance, safeguarding, and disclosure of information contained in the landholders' certification and reporting records.

(d) The Contracting Officer shall designate a full-time employee of the Bureau of Reclamation to be the System Manager who shall be responsible for making decisions on denials pursuant to 43 CFR 2.61 and 2.64, and amendment requests pursuant to 43 CFR 2.72. The District is authorized to grant requests by individuals for access to their own records.

(e) The District shall forward promptly to the System Manager each proposed denial of access under 43 CFR 2.64, and each request for amendment of records filed under 43 CFR 2.71; notify the requester accordingly of such referral; and provide the System Manager with information and records necessary to prepare an appropriate response to the requester. These requirements do not apply to the certification and reporting forms filed pursuant to 43 CFR 426.10, unless the requester elects to cite the Privacy Act as a basis for the request.

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## CERTIFICATION OF NONSEGREGATED FACILITIES

26. The District hereby certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments, and it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. It certifies further that it will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it will not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The District agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. The District further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that it will retain such certifications in its files; and that it will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods).

### **NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES**

A Certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually). Note: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

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## HAZARDOUS MATERIALS

27. During the performance of this contract, the District agrees as follows:

(a) The District shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored or disposed of on or in lands, waters or facilities owned by the United States or administered by Reclamation.

(b) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act.

(c) The District may not allow contamination of lands, waters or facilities owned by the United States or administered by Reclamation by hazardous materials, thermal pollution, refuse, garbage, sewage, effluent, industrial waste, petroleum products, mine tailings, mineral salts, pesticides (including, but not limited to, the misuse of pesticides), pesticide containers or any other pollutants.

(d) The District shall report to Reclamation, within 24 hours of its occurrence, any event which may or does result in pollution or contamination adversely affecting lands, water or facilities owned by the United States or administered by Reclamation.

(e) Violation of any of the provisions of this Article shall constitute grounds for immediate termination of this contract and shall make the District liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.

(f) The district agrees to include the provision contained in paragraphs (a) through (e) of this Article in any subcontract or third party contract it may enter into pursuant to this contract.

(g) Reclamation agrees to provide information necessary for the District, using reasonable diligence, to comply with the provision of this Article.

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SALEM, OREGON



IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first  
above written.

UNITED STATES OF AMERICA

By Steven K. Clark  
Regional Director  
Pacific Northwest Region  
Bureau of Reclamation  
1150 N. Curtis Road  
Boise ID 83706-1234

WESTLAND IRRIGATION DISTRICT

(DISTRICT SEAL)

By Mike Wick  
Chairman  
Board of Directors

ATTEST:

Darryl Ashbeck  
Secretary

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RECORDED

Feb. 14. 1950 at 7:22 a.m.

Tilla County Oregon

Vol. 191 of Deeds

at page 448...

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Symbol Ilr-1550

Umatilla Project, Oregon

Amendatory Contract Between THE UNITED STATES OF AMERICA  
and the WESTLAND IRRIGATION DISTRICT

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Umatilla Project, Oregon

Amendatory Contract Between THE UNITED STATES OF AMERICA  
and the WESTLAND IRRIGATION DISTRICT

1        THIS AMENDATORY CONTRACT, made this 18th day of November        1949,  
2        by and between THE UNITED STATES OF AMERICA, herein styled the United  
3        States, acting through the Assistant Secretary of the Interior, pursuant  
4        to the Federal Reclamation Laws, and the WESTLAND IRRIGATION DISTRICT,  
5        herein styled the District, an irrigation district duly organized and  
6        existing under the laws of the State of Oregon,

7        WITNESSETH, That:

8        2. WHEREAS, the United States has heretofore constructed, pursuant  
9        to the Federal Reclamation Laws, McKay Dam and Reservoir on McKay Creek,  
10       and in connection with the stored water available therefrom the United  
11       States and the District entered into the contract dated April 22, 1925,  
12       which was amended and supplemented by contracts dated June 18, 1929, .  
13       April 28, 1931 and May 17, 1937, which contracts are hereafter referred  
14       to collectively as the Government-District contract; and

15       3. WHEREAS, the District as the duly authorized representative  
16       of the water users involved desires to enter into an amendatory contract  
17       to secure the benefits of the Reclamation Project Act of 1939 (53 Stat.  
18       1187); and

19       4. WHEREAS, the Secretary has determined that in his judgment the  
20       provisions of this amendatory contract provide fair and equitable treatment

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1 of the repayment problems of the water users and are in keeping with the  
2 general purposes of the Reclamation Project Act of 1939;

3 NOW, THEREFORE, in consideration of the mutual and dependent stip-  
4 ulations and covenants herein contained, it is hereby mutually agreed  
5 by and between the parties hereto as follows:

#### Definitions

6 5. The following terms wherever used in this contract shall have  
7 the following respective meanings:

8 "Secretary" shall mean the Secretary of the Interior or  
9 his duly authorized representative.

10 "Federal Reclamation Laws" shall mean the Act of June 17,  
11 1902 (32 Stat. 388) or all acts amendatory thereof or supple-  
12 mentary thereto, including, without limitation by this enumeration,  
13 the Reclamation Project Act of 1939 (53 Stat. 1187) and the act  
14 authorizing the execution of this contract.

15 "Project works" shall mean the entire irrigation system  
16 serving the lands of Westland Irrigation District exclusive of  
17 McKay Dam and Reservoir.

#### Contract Scope and Term

18 6. This amendatory contract supersedes and takes the place of the  
19 Government-District contract. This amendatory contract shall become  
20 effective upon the date of its execution by the Secretary after approval  
21 by the Congress in accordance with Section 7 of the Reclamation Project  
22 Act of 1939, and shall remain in effect until otherwise provided by  
23 supplemental agreement. Except as to provisions of the Government-  
24 District contract which have been fully executed prior to the date of

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1 this amendatory contract which shall remain unaffected hereby, the  
2 Government-District contract shall remain effective only to the extent  
3 expressly provided in this contract.

Works Built by the United States

4 7. The United States has heretofore constructed McKay Dam and  
5 Reservoir on McKay Creek for the impounding and storage of water for  
6 the irrigation of lands of the District and other lands.

United States to Deliver Stored Water

7 8. (a) The United States, so long as McKay Dam and Reservoir can  
8 be operated feasibly and economically for the storage of water, will  
9 reserve annually to the District during the irrigation season beginning  
10 May 15 and ending October 15 of each year, 30 per cent of the stored  
11 water available from McKay Dam and Reservoir in each such season and  
12 will deliver to the District such quantity of said reserved water for  
13 use on lands within the District as is paid for in advance at the rates  
14 hereinafter provided.

15 (b) It is now expected that the amount of stored water available  
16 under (a) above will be adequate to meet the present requirements of  
17 the District, but the United States will reserve from permanent dispo-  
18 sition not less than 25 per cent of the water to be available annually  
19 in the reservoir, pending the determination of terms and conditions on  
20 which such water will later be made available on a permanent basis. Not  
21 less than 30 days in advance of the making of any permanent disposition  
22 of this reserved quantity, the terms and conditions on which it will be  
23 made available to interested parties will be made known to the District  
24 as well as to all others believed to have an interest therein.

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1 (c) To the extent that it may be temporarily available as con-  
2 clusively determined by the Secretary, additional water from McKay  
3 Reservoir will be delivered to the District upon payment in advance of  
4 the rates hereinafter provided.

5 (d) The water will be measured and delivered to the District by  
6 the United States at the outlets of said McKay Dam and Reservoir and  
7 the District will stand all losses which occur after release of the  
8 water from the reservoir. Deliveries will be made during the irrigation  
9 season as requested by the District subject to the limitations of the  
10 outlet capacity of McKay Dam and the capacity of McKay Creek channel to  
11 carry the water, considering the demands of the District and others having  
12 contracted for water from this reservoir as determined conclusively by  
13 the Secretary. In no event, however, shall water be delivered without  
14 payment therefor having been made in advance.

15 (e) Notwithstanding the reservation of water provided herein,  
16 should the District fail to use any portion of said water for a period  
17 of three (3) consecutive years or if the District is in arrears in the  
18 payment of any amounts owed to the United States under this contract  
19 for more than twelve (12) months, the United States may provide for  
20 permanent delivery to others of the unused water in event of such non-  
21 use, or of all of said water in event of said default.

Charge for Water and Time of Payment

22 9. The District shall pay in advance for all supplies of water  
23 delivered to it under articles 8(a) and 8(c) hereof at the rate of  
24 twenty-five cents (\$0.25) per acre-foot measured or determined at the  
25 outlet works of McKay Dam and Reservoir by the officer of the United

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1 States in charge of McKay Reservoir, whose determination of the quantity  
2 of water so measured or determined shall be conclusive. Prior to the  
3 delivery of any water hereunder for each year, the District shall make  
4 advance payment on or before December 31 of the preceding year for 6,000  
5 acre-feet of water. Thereafter as additional quantities of water are  
6 needed during the irrigation season, the District shall make advance  
7 payments prior to the delivery of such water at the rate of twenty-five  
8 cents (\$0.25) per acre-foot for the quantity of water desired. Each year  
9 at the end of the irrigation season, the Secretary shall notify the  
10 District in writing of the total quantity of water delivered to it during  
11 that irrigation season. In the event that such total quantity of water  
12 is less than the quantity for which advance payment shall have been made,  
13 the advance payment will be retained by the United States and credited  
14 to the amount due the following December 31.

Operation and Maintenance of McKay Dam and Reservoir

15 10. The United States shall continue to operate and maintain the  
16 McKay Dam and Reservoir. Payments made by the District hereunder for  
17 water delivery shall be available for such operation and maintenance  
18 costs for the year for which paid, and for the accumulation of an oper-  
19 ation and maintenance fund sufficient, in the opinion of the Secretary,  
20 to assure proper operation and maintenance considering probable receipts  
21 under this contract and other contracts for water available in McKay  
22 Dam and Reservoir. Payments made by the District for water delivery in  
23 excess of such costs shall be deposited in the Reclamation Fund, and  
24 will be credited against the construction costs of McKay Dam and Reser-  
25 voir including the cost of the economic survey and related studies

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1 made in connection with this contract. On or before July 1 of each  
2 year (beginning after the first full year of operation under this con-  
3 tract) the United States shall notify the District of the actual costs  
4 of such operation and maintenance for the preceding calendar year and  
5 the proportion of the cost of such operation and maintenance upon the  
6 basis of the relationship between total quantities of water delivered  
7 from McKay Dam and Reservoir and the amount of water delivered to the  
8 District. In the event it appears that the cost of operation and  
9 maintenance will exceed, as determined by the Secretary, the funds  
10 available for the operation and maintenance of McKay Dam and Reservoir,  
11 the Secretary may increase the rates for water set out in article 9  
12 hereof to an amount sufficient to provide advance funds under this  
13 contract and other contracts made by the United States for the delivery  
14 of water from McKay Dam and Reservoir, to operate and maintain said dam  
15 and reservoir.

Reserve Fund for Operation and Maintenance of Project Works

16 11. (a) The District shall include in the annual operation and  
17 maintenance assessment or toll charge levied against the water users  
18 an annual amount per irrigable acre for the accumulation and maintenance  
19 of a reserve operation and maintenance fund. Accumulations shall be  
20 made in this fund until it equals two thousand five hundred dollars  
21 (\$2,500). Thereafter such further annual amounts shall be levied when-  
22 ever, as of the time the annual operation and maintenance assessment  
23 or toll charge against the water users is fixed by the District, the  
24 fund has been reduced below that amount. The annual amount shall be  
25 five hundred dollars (\$500) unless a lesser sum will suffice to accu-  
26 mulate or replenish the fund.

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1 (b) The fund shall be available only (a) to meet those costs of  
2 operation and maintenance of the project works which are unusual or  
3 extraordinary after advance notice in writing has been given to the  
4 Secretary as to a proposed use, and (b) to meet other operation and  
5 maintenance costs when the use therefor is approved in advance by the  
6 Secretary.

7 (c) This fund shall be maintained by the District, apart from  
8 other District funds, in a depository meeting the requirements of the  
9 laws of the State of Oregon as to deposit of irrigation district funds,  
10 or may be invested in United States bonds.

Performance of Work With Contributed Funds

11 12. (a) Pursuant to the Act of March 4, 1921 (41 Stat. 1367,  
12 1404), the United States at its option may perform, with funds con-  
13 tributed by the District, any construction or maintenance work within  
14 the authority of the District but which is not otherwise provided for  
15 by this contract. If the United States determines that it will under-  
16 take any such work, funds therefor shall be advanced by the District  
17 as directed by the Secretary. The advance shall be accompanied by a  
18 certified copy of a resolution of the District's board of directors  
19 describing the work to be done and authorizing its performance by the  
20 United States with the District's funds. Whenever it appears that the  
21 cost of such work may exceed the funds so advanced, additional funds  
22 shall be advanced as directed by the Secretary.

23 (b) After the completion of any work so undertaken, the United  
24 States shall furnish the District with a statement of the cost of the  
25 work done. Any unexpended balance of the funds advanced will be refunded  
26 to the District or applied as otherwise directed by the District.



District to Enforce Payment of Amounts Due

1        13. (a) The District will cause to be levied and collected all  
2        necessary assessments and will use all the power and resources of the  
3        District (including, without limitation by reason of this enumeration,  
4        its taxing power, the power to create and foreclose tax liens, and the  
5        power to withhold water) to meet the obligations of the District to make  
6        all payments to be made to the United States pursuant to the provisions  
7        of this contract in full on or before the day such payments become due,  
8        and to meet its other obligations under this contract.

9        (b) The District shall each year make a reasonable estimate of  
10       probable delinquencies in collections based upon past experience, and  
11       shall levy assessments, tolls or other charges sufficiently large against  
12       lands in the District to meet the requirements stated in (a) of this  
13       article, notwithstanding any individual delinquency which may occur in  
14       the payment of any district assessments, tolls or other charges.

15       (c) Whenever required to do so by the Secretary, the District  
16       shall give advance notice of the amount of any assessment, toll, or  
17       other charge intended to be levied. Whenever practicable, such notice  
18       shall be given not less than fifteen (15) days prior to the intended  
19       levy.

Interest Upon Delinquent Payments

20       14. Every instalment or charge required to be paid to the United  
21       States under this contract, and which shall remain unpaid after it shall  
22       have become due and payable, shall bear interest at the rate of one-half  
23       of one per cent (1/2%) per month from the date of delinquency. The  
24       District shall impose on delinquencies in the payment of assessments,

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1 taxes or other charges levied by the District to meet its obligations  
2 under this contract, such penalties as it is authorized to impose under  
3 the laws of the State of Oregon.

All Benefits Conditioned Upon Payment; Water  
Not to be Delivered in Case of Default

4 15. (a) Should the District fail to levy the assessments, tolls  
5 or other charges against any land in the District required to be levied  
6 to meet the District's obligation to the United States under this con-  
7 tract, or, having levied, should the District be prevented from collect-  
8 ing such assessments, tolls or other charges by any judicial proceedings,  
9 or otherwise fail to collect them, no water shall be delivered to such  
10 lands and no such land shall be entitled to receive water from the project  
11 supply unless and until arrangements for its delivery satisfactory to  
12 the Secretary have been made.

13 (b) No water from the project water supply shall be delivered to  
14 or for the District until and unless payment therefor is made as specified  
15 in article 9 hereof, or if the District is more than 12 months in arrears  
16 in the payment of any other amounts owed to the United States under this  
17 contract. The District shall refuse to deliver water to the lands or  
18 parties who are in arrears in the advance payment of operation and main-  
19 tenance charges due from such lands or parties to the District, or who  
20 have failed to pay charges arising against such lands or parties for  
21 water deliveries under article 9 hereof, or to lands or parties who  
22 are in arrears for more than 12 months in the payment of any other  
23 amounts due from such lands or parties to the United States or to the  
24 District.

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1           (c) The District's obligations hereunder are general obligations  
2 under which the District as a whole is obligated to pay the United States  
3 the full amount herein agreed according to the terms stated. Nothing  
4 in this contract shall be deemed to relieve the District in any way of  
5 its general obligation to pay the United States the full amount owed to  
6 the United States hereunder, regardless of delinquencies in payments of  
7 assessments and charges by the landowners to the District.

8           (d) The provisions of this article are not exclusive and shall not  
9 in any manner prevent the United States from the exercising of any other  
10 remedy given by this contract or by law to enforce the collection of  
11 any amount due under this contract.

Water to be Delivered to Not More Than 160  
Acres in the Ownership of Any One Person

12           16. Pursuant to the provisions of the Federal Reclamation Laws,  
13 no part of the irrigation water supply furnished through the irrigation  
14 works constructed or reconstructed by the United States for the District  
15 shall be delivered to more than one hundred sixty (160) acres of irri-  
16 gable land in the ownership of any one person. For the purposes of this  
17 provision, 320 irrigable acres held in joint ownership by two persons  
18 or as community property by husband and wife is considered equivalent  
19 to 160 irrigable acres owned by each.

Waste, Seepage and Return-flow Waters

20           17. The United States does not abandon or relinquish any of the  
21 seepage or return-flow waters attributable to the irrigation of the  
22 lands to which water is supplied under this contract. All such waters  
23 are reserved and intended to be retained for the use and benefit of the  
24 United States.

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United States Not Liable for Water Shortage

1        18. On account of accidents, failure of or leakage in the McKay  
2        Dam and Reservoir, drought, inaccuracy in distribution, hostile diversion,  
3        prior or superior claims, or other causes, there may occur at times a  
4        shortage in the quantity of water which will be available. In no event,  
5        however, whatsoever the cause, including negligence of the officers or  
6        employees of the United States, shall any liability accrue against the  
7        United States, or any of its officers, agents or employees from the  
8        damage, direct or indirect, arising from such shortage.

Care of Project Works

9        19. (a) The District shall continue to care for, operate and  
10       maintain the project works and shall keep said works and property in  
11       good repair, and shall operate and maintain the same and deliver water  
12       therefrom to lands within the District in full compliance with the  
13       provisions of this contract, the laws of the United States and the  
14       State of Oregon, and with the regulations of the Secretary now or here-  
15       after made pursuant to the Federal Reclamation Laws and the terms of  
16       this contract.

17       (b) The District shall hold the United States harmless from any  
18       claim for damages, injuries or claims of any other nature arising from  
19       the operation and maintenance of the project works by the District.

Crop Reports

20       20. The District shall keep an accurate record of all crops raised  
21       and agricultural or livestock products produced on land in the District.  
22       The District shall furnish to the United States, on or before December 31

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1 of each year, a report on such crops, agricultural and livestock products,  
2 the report to be in the form prescribed by the United States.

#### Books, Records and Reports

3 21. The District shall (a) install and maintain a modern accounting  
4 system, to be acceptable to the Secretary, showing all financial trans-  
5 actions of the District, and furnish such financial statements and reports  
6 as may be required from time to time by the Secretary; and (b) keep such  
7 other records as the Secretary may request, in the manner and form he may  
8 desire, and submit such reports based thereon as he may require from time  
9 to time.

#### Access to Books and Records

10 22. Subject to applicable Federal laws and regulations, the Secretary  
11 of the District or his representative shall have full and free access at  
12 all reasonable times to the accounting records and supporting documents  
13 of the Bureau of Reclamation relating to the construction and operation  
14 and maintenance of McKay Dam and Reservoir and the status of the accounts  
15 concerning the District's payments of charges due hereunder, with the  
16 right at any time during office hours to make copies thereof. Subject  
17 to applicable state laws and regulations, the proper representatives of  
18 the United States shall have similar rights with respect to the accounts  
19 and records of the District.

#### Changes in District Organization

20 23. While this contract is in effect, no changes shall be made in  
21 the District, either by inclusion or exclusion of lands, by partial or  
22 total consolidation or merger with another district, by proceedings to  
23 dissolve or otherwise, except with the consent of the Secretary evidenced

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1 in writing, and no petitions or requests for any such changes shall be  
2 considered by the District until after the same have been approved by  
3 the Secretary.

Contract to be Authorized at Election

4 24. The execution of this contract shall be authorized or ratified  
5 by the qualified electors of the District at an election held for that  
6 purpose. If the Secretary so requests, the District, after the election  
7 and upon the execution of this contract, shall promptly secure a final  
8 decree of the proper court of the State of Oregon approving and con-  
9 firming this contract and decreeing it to be a lawful, binding obliga-  
10 tion of the District. The District shall furnish to the United States  
11 certified copies of such election proceedings and should such confirmation  
12 proceedings be required by the Secretary, certified copies of such decrees  
13 and all pertinent supporting records.

Secretary the Arbiter - Secretary's Acts,  
Decisions and Determinations Conclusive

14 25. In the event of disputes between the parties hereto arising  
15 out of this contract involving questions of fact, and so far as the  
16 provisions hereof require a determination of fact to be made, the  
17 Secretary is hereby designated as the arbiter of such questions and  
18 as the one required to make such determination of fact; and his decision  
19 therein shall be conclusive and binding on the parties hereto. In all  
20 acts, matters and determinations provided in this contract to be done,  
21 determined or decided by the Secretary or by the United States, the acts,  
22 decisions, findings and determinations by the Secretary shall be final  
23 and conclusive and shall be accepted as final and conclusive by all

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1 parties to this contract and by all persons claiming any rights under  
2 or by virtue of this contract or in anywise based upon or arising out  
3 of this contract or any act or proceedings carried on thereunder.

#### Rules and Regulations

4 26. The Secretary reserves the right, as far as the purport thereof  
5 may be consistent with the provisions of this contract, to make rules  
6 and regulations, and to add to and modify them, as may be deemed proper  
7 and necessary to carry out the true intent and meaning of the law and  
8 of this contract, and to cover any details of the administration or  
9 interpretation of the same which are not covered by express provisions  
10 of the contract. The District shall observe such rules and regulations.

#### Representative of the Secretary

11 27. Where this contract uses the term "Secretary", this shall be  
12 deemed to include in all cases the Under Secretary or any Assistant  
13 Secretary or other officer of the Department of the Interior of equal  
14 authority. Where this contract authorizes action by the Secretary, such  
15 action may also be taken for or on behalf of the Secretary by any repre-  
16 sentative duly authorized in writing.

#### Notices

17 28. Any notice, demand or request required or authorized by this  
18 contract shall be deemed properly given, except where otherwise herein  
19 specifically provided, if mailed, postage prepaid, to the Regional Director,  
20 Bureau of Reclamation, P. O. Box 937, Boise, Idaho, on behalf of the  
21 United States, and to the Secretary, Westland Irrigation District,  
22 Hermiston, Oregon, on behalf of the District. The designation of the

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1 person to be notified or the address of such person may be changed at  
2 any time by similar notice.

Discrimination Against Employees or Applicants  
for Employment Prohibited

3 29. The District shall not discriminate against any employee or  
4 applicant for employment because of race, creed, color or national  
5 origin, and shall require an identical provision to be included in  
6 contracts relating to the performance of this contract. This provision,  
7 however, does not refer to, extend to, or cover the activities of the  
8 District which are not related to or involved in the performance of  
9 this contract.

Contingent on Appropriations or Allotment of Funds

10 30. The expenditure of any money or the performance of any work  
11 by the United States herein provided for, which may require appropri-  
12 ations of money by Congress or the allotment of Federal funds, shall be  
13 contingent on such appropriations or allotments being made. The failure  
14 of Congress to appropriate funds, or the failure of any allotment of  
15 funds, shall not, however, relieve the District from any obligations  
16 theretofore accrued under this contract, nor give the District the right  
17 to terminate this contract as to any of its executory features. No  
18 liability shall accrue against the United States in case such funds  
19 are not so appropriated or allotted.

Officials Not to Benefit

20 31. No Member of or Delegate to Congress or Resident Commissioner  
21 shall be admitted to any share or part of this contract or to any benefit

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1 that may arise herefrom, but this restriction shall not be construed  
2 to extend to this contract if made with a corporation or company for  
3 its general benefit.

Assignments Prohibited; Successors  
and Assigns Obligated

4 32. The provisions of this contract shall apply to and bind the  
5 successors and assigns of the parties hereto, but no assignment or  
6 transfer of this contract, or any part thereof, or interest therein,  
7 shall be valid until approved by the Secretary. In no event, however,  
8 shall the District transfer or sell water made available under this  
9 contract for use on land not within the boundaries of the District.

10 IN WITNESS WHEREOF, the parties hereto have signed their names  
11 the day and year first above written.

THE UNITED STATES OF AMERICA

By /s/ William E. Warne  
Assistant Secretary of the Interior

WESTLAND IRRIGATION DISTRICT

By (Sgd) Ben Conner  
Director

(Sgd) Harry J. Andrews  
Director

(Sgd) Ed E. Bellinger

(SEAL)

Attest

(Sgd) Allan Langenwalter  
Secretary

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A C K N O W L E D G M E N T

STATE OF OREGON       )  
                              )  
COUNTY OF Umatilla   ) ss

On this 8th day of June 1949, before me, a notary public in and for the State of Oregon, personally appeared Ben Conner, Harry J. Andrews and Ed E. Bellinger, Directors of the Westland Irrigation District, known to me to be the persons described in the foregoing instrument, and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

/s/ E. M. Foubert  
Notary Public for Oregon

(SEAL)

My Commission Expires: March 30, 1952

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DISTRICT OF COLUMBIA : ss.

On this 18th day of November 1949, before me personally appeared William E. Warne, to me known to be the official of the United States of America described in the foregoing instrument. He acknowledged that he executed the said instrument in the capacity therein stated as the free and voluntary act and deed of the United States for the uses and purposes therein mentioned; and on oath stated that he was authorized to execute said instrument.

In Witness Whereof I set my hand and affix my official seal the day and year first above written.

/s/ Harold L. Byrd

Notary Public in and for the  
District of Columbia

(SEAL)

My Commission Expires: May 23, 1952

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OCT 16 1998

WATER RESOURCES DEPT.  
SALEM, OREGON



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 25537

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Water Watch of Oregon  
BY: INC

APPLICATION 583590  
PERMIT  
TRANSFER

CASH: ☐ CHECK: # 24-12 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS \$  
PUBLICATIONS / MAPS \$  
OTHER: (IDENTIFY) \$  
OTHER: (IDENTIFY) \$

REDUCTION OF EXPENSE

CASH ACCT. \$  
VOUCHER #

PCA AND OBJECT CLASS

0427 WRD OPERATING ACCT

MISCELLANEOUS  
0407 COPY & TAPE FEES \$  
0410 RESEARCH FEES \$  
0408 MISC REVENUE: (IDENTIFY) \$  
(New) TC165 DEPOSIT LIAB. (IDENTIFY) \$  
(Existing) TC168

PCA # 77835

WATER RIGHTS:  
0201 SURFACE WATER \$ EXAM FEE 0202 \$ RECORD FEE  
0203 GROUND WATER \$ 0204 \$  
0205 TRANSFER \$ 0206 \$  
WELL CONSTRUCTION  
0218 WELL DRILL CONSTRUCTOR \$ EXAM FEE 0219 \$ LICENSE FEE  
LANDOWNER'S PERMIT 0220 \$

0223 OTHER (IDENTIFY) Protest Fee #200.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$  
0210 MONITORING WELLS \$  
OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS \$

0467 HYDRO ACTIVITY

0233 POWER LICENSE FEE (FW/WRD) \$  
0231 HYDRO LICENSE FEE (FW/WRD) \$  
HYDRO APPLICATION \$

RECEIPT # 25537

DATED: 10-19-98 BY: M. Mureko

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

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DATED: 10-19-98 BY: M. Mureko

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# Water Watch

RIVERS NEED WATER

October 16, 1998

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OCT 16 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

Dwight French  
Water Rights Section  
Oregon Water Resources Department  
158 12th Street NE  
Salem, OR 97310

Re: Protest of application S 83590, Bureau of Reclamation application  
for irrigation use of stored water from McKay Reservoir, Umatilla County

Dear Dwight:

WaterWatch has reviewed the Department's proposed final order of September 1, 1998, to issue a permit for application S 83590. The permit as proposed would allow federal reclamation project water from McKay Reservoir to be used for supplemental irrigation of lands outside the currently approved boundaries of Westland Irrigation District (WID). Under ORS 537.153(6), WaterWatch protests the proposed final order. Our check for \$200 is enclosed.

Name, address and telephone number of protestant: WaterWatch of Oregon, 213 SW Ash #208, Portland, OR 97204. (503)295-4039.

Protestant's interest: WaterWatch represents the public interest as a nonprofit conservation group working to restore and protect instream flows in Oregon rivers and streams, for the benefit of fish and wildlife, water quality, recreation and other public values. WaterWatch has worked actively to restore Umatilla River streamflows for these purposes for over eight years, and in that time has been heavily involved in water use and water rights issues in the Umatilla Basin. In 1995, WaterWatch protested an earlier permit application for the same lands covered by S 83590, and negotiated a temporary permit with WID attorneys (see permit 51665, approved July 11, 1995).

Background on the proposed use: The 8800 acres covered by this application comprise the most controversial area of irrigated land in Oregon. These lands, outside the federally approved boundaries of WID, have been at the center of an extended and sometimes bitter dispute over unauthorized water use ("water spreading") from federal water projects.

WID's 1949 contract with the United States government for McKay Reservoir stored water (attachment 1) specifically prohibits the district from including new lands within the district without the written consent of the Interior Secretary, see paragraph 23, or from transferring or selling contracted water outside the district boundaries, see paragraph 32. WID nonetheless sent McKay water to the Teel Irrigation District, outside WID boundaries, for many years without the formal approval of the United States. The Bureau of Reclamation notified WID in 1991 that this practice would have to stop, and ordered WID to shut off water deliveries to the Teel lands in 1993. The Teel lands are the same ones covered by application S 83590. Since 1995, WID has obtained a series of one-year contracts with Reclamation to authorize delivery of McKay water to the Teel lands. The latest of these contracts (attachment 2), dated June 28, 1998, expires on December 31, 1998.



WID formally requested federal approval to expand its boundaries to include the Teel lands, along with some other acreage, on June 1, 1993. The United States has not yet made a decision on this request. At present, Reclamation is still assessing the possible environmental impacts of the proposed boundary changes requested by WID and three other districts which receive water from the federal Umatilla Project. A hydrologic model of the Umatilla Basin is being developed to provide a scientific basis for this environmental assessment. The results of this model will help Reclamation determine whether WID's request should be granted in whole or in part, and if so, what steps must be taken to mitigate the environmental effects of allowing McKay water to be delivered to the Teel lands. For now, however, *Reclamation (the applicant) has made no decision as to whether the Teel lands can continue to receive McKay water beyond 1998.*

During the years that there was no federal contract allowing delivery of McKay water to the Teel lands, there was also no state water right authorizing such water use. When the Oregon Water Resources Department (WRD) took action in 1993 to prevent these lands from getting McKay water, the Teel Irrigation District filed suit to block that action, but eventually Teel lost (on procedural grounds) in both the Oregon Court of Appeals and Supreme Court.

In 1994, Reclamation applied for a new permit to authorize delivery of McKay water to the Teel lands. WRD proposed to issue this permit in 1995, WaterWatch objected, and intensive negotiations ensued between WaterWatch and WID. One result of these negotiations was permit 51665, which allowed use of McKay water on the Teel lands under strict terms and conditions. One condition was that the permit would terminate immediately if WID "ceases to make 10 percent of its contracted and reserved stored water in McKay Reservoir, up to 2950 acre feet, available for fishery enhancement releases, or if Westland or Teel Irrigation District challenges fishery enhancement releases from McKay Reservoir." This condition was based on a 1993 agreement between WID, Teel, and the Confederated Tribes of the Umatilla Indian Reservation (attachment 3). That agreement, including the ten-percent-for-fish provision, was specifically intended to apply only until a final federal decision on boundary expansion.

By its negotiated terms, permit 51665 expired no later than October 31, 1997, but could be extended for one year provided that Reclamation applied for a permanent water right to cover the Teel lands. WRD extended permit 51665 for one year after Reclamation filed this application.

Public interest harm: The proposed use would harm the public interest by expanding irrigation water rights from McKay Reservoir at a time when the federal, tribal and state governments are all pursuing major efforts to restore Umatilla River flows. The draft permit would allow 7,215 acre-feet of McKay water to be used on 8800 acres of land. By expanding the acreage to be irrigated with WID's finite supply of McKay water, the proposed use would increase crop consumptive use associated with that water, to the detriment of the river. In other words, the proposed use would not provide more McKay water for irrigation, but would expand the amount of ground that could receive the same water. Such an expansion may adversely affect existing instream and out-of-stream water uses on the Umatilla. In addition, the Teel lands are generally much farther from the river than the WID lands are. In short, the proposed use could adversely affect the quantity, location and timing of return flows to the Umatilla.

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SALEM, OREGON



OCT 16 1998

Dwight French  
WaterWatch Protest of S 83590  
October 16, 1998  
Page 3

WATER RESOURCES DEPT.  
SALEM, OREGON

This result would undercut the goals of the massive Umatilla Basin Project exchange, which will cost U.S. taxpayers and Northwest ratepayers \$100 million. The exchange project is providing Columbia River water to Umatilla Basin irrigators, allowing them to forgo their traditional water withdrawals from the Umatilla. This project has put water back in the Umatilla River for the first time in decades, and is a major reason why salmon--which were extirpated from the basin in the early 1900s by irrigation development--are now returning to the Umatilla River. But unlike the other districts in the basin, WID and Teel are not covered by the exchange project, and their irrigation withdrawals directly impair flows in the Umatilla River.

The public interest demands protection and restoration of Umatilla River instream flows. The Water Resources Commission has clearly recognized this in the Umatilla Basin Program. (See Oregon Water Plan, Umatilla Basin Section, 1988, esp. p. 19: "Low streamflows are the chief limiting factor to salmonid production. Low streamflows impede and block fish migration, increase water temperatures, and contribute to reduced habitat and competition from warm water fish species. Low streamflows contribute to degraded water quality and elevated water temperatures which affect fish, and to the concentration and growth of bacteria and other organisms which limit water contact recreation such as swimming.") Moreover, the Umatilla Basin's population of wild steelhead have now been proposed for listing as "threatened" under the federal Endangered Species Act (see attachment 4), so it is more important than ever to protect the river's remaining flows.

In addition, the proposed use conflicts with the public interest to the extent that it reduces Columbia River flows needed for the survival and recovery of salmonid fish species listed as threatened or endangered under the Endangered Species Act. Existing irrigation withdrawals in the Columbia and Snake basins have already depleted these flows below federally defined target levels for fish recovery, and the proposed use could further impair them and jeopardize listed species.

The proposed use might not conflict with the public interest if sufficient mitigation were provided in the form of McKay Reservoir stored water dedicated to instream use. The proposed permit condition of ten percent/2950 AF, however, may not be adequate for this purpose. As noted above, that figure was negotiated in 1993 specifically as an interim measure, to be replaced once there was a final scientific determination of the effects of irrigation district boundary expansions on the Umatilla River. Once Reclamation completes a hydrologic model of the basin, it should be possible to arrive at an appropriate quantity of water for mitigation. That quantity could actually be smaller than 2950 AF, or it may be considerably larger. Without a scientifically determined quantity of water made available for instream release to mitigate the impacts on Umatilla River flows, the proposed use would clearly conflict with the public interest.

The proposed use does not qualify for the public interest presumption of ORS 537.153(2) for two reasons. First, it does not comply with all rules of the Commission. Specifically, the Commission's Umatilla Basin Rules provide, "Future permits for consumptive use shall be issued only on condition that efficient water use techniques or water conservation measures are proposed in the application. Failure to implement the measures shall be a violation of the terms of the permit." OAR 690-507-020(4); see also 690-507-020(5)(d)(A). Neither the application nor the proposed final order contains anything on efficient water use techniques or water conservation, and the standard conditions are meaningless. The Commission's rule is clearly intended to create real, enforceable permit conditions on water use efficiency. By failing to do so, this application violates



that rule and therefore is not entitled to the statutory public interest presumption. See ORS 537.153(2). This deficiency must be addressed before the permit may be issued at all.

In addition, the presumption does not apply because the proposed use may injure other water rights. See ORS 537.153(2). As noted above, this application would expand the amount of land that could be irrigated with WID's fixed allocation of McKay water. Thus, the proposed use may injure the water rights of WID's current users. Moreover, by allowing an expansion of irrigated acreage, this permit could reduce return flows to the Umatilla River to the detriment of existing instream and out-of-stream water rights. These impacts may occur despite the fact that the application involves stored water, because that water is already fully allocated to existing irrigated acreage within WID.

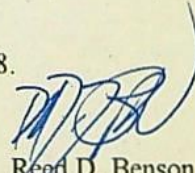
Errors/deficiencies of the proposed final order. A basic error and deficiency of the proposed final order is that it would bestow a permanent water right for use of McKay water on the Teel lands, even though there is no long-term contract allowing such use. In fact, the current contract allowing that use expires on December 31. Issuance of a permanent water right under these conditions would be contrary to ORS 537.400(1), which requires that the applicant for a permit to apply stored water to a beneficial use "show by documentary evidence that an agreement has been entered into with the owners of the reservoir for a sufficient interest in the reservoir to imound enough water for the purposes set forth in the application." In this case, the existing one-year, soon-to-expire contract allowing use of McKay water on the Teel lands is certainly not "a sufficient interest in the reservoir" to support the proposed use.

The proposed permit condition regarding the existence of a permit states in part, "The use of water under this permit is subject to the terms and conditions of Contract No. 5-07-10-W1077 or a satisfactory replacement between the Bureau of Reclamation and the Westland Irrigation District ...." That condition is clearly inadequate to satisfy the requirements of ORS 537.400, in part because WRD has proposed to base this permitting decision on a contract which expired in 1995. It is not apparent that WRD even has a copy of the 1998 temporary contract, No. 8-07-10-W1222. ORS 537.400, the public interest, and common-sense water management dictate that a permanent water right should be issued only on the basis of a long-term contract for this use.

So long as Reclamation and WID continue to enter into one-year contracts for this use, WRD should authorize that use only by means of a one-year limited license for use of stored water. See ORS 537.143(9).

WaterWatch would welcome the opportunity to discuss this application with the applicant and other interested parties.

Respectfully submitted October 16, 1998.

  
Repd D. Benson  
Executive Director

enclosures

**RECEIVED**

OCT 16 1998

WATER RESOURCES DEPT.  
SALEM, OREGON



# CERTIFICATE OF SERVICE

I certify that on October 16, 1998, a copy of the protest of application S 83590 was served by first class mail, postage paid, in the U.S. Mail from Portland, Oregon, enclosed in a sealed envelope and addressed as follows:

John W. Keys III  
Regional Director  
U.S. Bureau of Reclamation  
1150 North Curtis Road  
Boise, ID 83706-1234

Signed on October 16, 1998



Reed D. Benson

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OCT 16 1998

WATER RESOURCES DEPT.  
SALEM, OREGON



ReneeM

---

**From:** Renee Moulun [Renee.M.MOULUN@wrd.state.or.us]  
**Sent:** Wednesday, October 27, 2004 9:08 AM  
**To:** 'Tony Justus'; 'Renee.M.MOULUN@wrd.state.or.us'  
**Cc:** 'Paul.G.HENDRICKS@wrd.state.or.us'  
**Subject:** RE: Application S-83590

Tony:

There is still a pending protest from WaterWatch on this application. We gave them a hold until 12/21/2001 which is needless to say, expired. I do not know the status of the boundary issues with Westland and whether they have settled. Do you know who was working on this issue?

Renee

-----Original Message-----

**From:** Tony Justus [mailto:Tony.G.JUSTUS@wrd.state.or.us]  
**Sent:** Tuesday, October 26, 2004 12:08 PM  
**To:** Renee.M.MOULUN@wrd.state.or.us  
**Cc:** Paul.G.HENDRICKS@wrd.state.or.us  
**Subject:** Application S-83590

What is the status of the BOR's application S-83590. Is there still a pending protest? Is the BOR wanting it to go forward- Westlands boundary issues are settled I think?



ReneeM

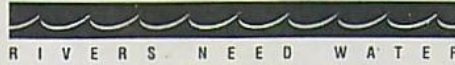
---

**From:** Tony Justus [Tony.G.JUSTUS@wrd.state.or.us]  
**Sent:** Wednesday, October 27, 2004 10:34 AM  
**To:** csater@pn.usbr.gov  
**Cc:** Michael.F.LADD@wrd.state.or.us; Paul.G.HENDRICKS@wrd.state.or.us;  
Renee.M.MOULUN@wrd.state.or.us  
**Subject:** S-83590

Chet the BOR has been covering McKay use on out-of-boundary Westland lands through the limited license process for several years. The BOR has a pending application for a permit (S-83590) that was put on hold till 12/21/2000 that would take care of problem and replace the need for limited licenses every year. Has the issues that necessitated the hold been sufficiently resolved so that BOR is ready to move forward with the application? I think those issues were related to the boundary expansion and protests the WRD received regarding the permit. If so, then I suggest BOR make contact with Renee Moulun of WRD, Salem office, and discuss it with her.



# Water Watch



October 19, 1998

Walt Fite  
Area Manager  
US Bureau of Reclamation  
PO Box 1749  
Yakima, WA 98907

RECEIVED  
OCT 21 1998  
WATER RESOURCES DEPT.  
SALEM, OREGON

Re: protest of water right application S-83590, Umatilla Project

Dear Walt:

As you know, WaterWatch has filed a protest of Reclamation's water right application S-83590, which would provide for use of project water from McKay Reservoir to irrigate lands outside the federally approved boundaries of Westland Irrigation District. A copy of our protest, minus the attachments, is enclosed.

This application covers the most controversial area of irrigated ground in Oregon, and raises a number of important issues regarding water use in the Umatilla Basin. Reclamation must address these issues in deciding on Westland's request for boundary expansion to include these lands. Until that decision, no one knows whether some or all of these lands will get long-term approval to receive McKay water, or what terms and conditions may apply to any such approval. Thus, there should be no permanent water right for these lands until these big issues are resolved. So long as Reclamation continues to write one-year contracts for use of McKay water on these lands, that use should be covered (under state law) by a one-year "limited license."

At this time, water right application S 83590 is both premature and unnecessary. WaterWatch had hoped to avoid filing this protest, but we had to act by the October 16 deadline or lose our right to participate. We have talked with your staff, and we understand that Reclamation may request a stay in the processing of this application. WaterWatch would support this request, as a contested case would do no good at this time. The better course would be to settle the big issues in the context of the boundary expansion request, and use that decision to shape the water right application. We look forward to working with you, the irrigation districts, the Umatilla Tribes, Oregon Water Resources, and state and federal fish and wildlife agencies to address these issues.

Best regards,

Reed D. Benson  
Executive Director

enclosure



# Water Watch

R I V E R S N E E D W A T E R

October 16, 1998

Dwight French  
Water Rights Section  
Oregon Water Resources Department  
158 12th Street NE  
Salem, OR 97310

Re: Protest of application S 83590, Bureau of Reclamation application  
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This result would undercut the goals of the massive Umatilla Basin Project exchange, which will cost U.S. taxpayers and Northwest ratepayers \$100 million. The exchange project is providing Columbia River water to Umatilla Basin irrigators, allowing them to forgo their traditional water withdrawals from the Umatilla. This project has put water back in the Umatilla River for the first time in decades, and is a major reason why salmon--which were extirpated from the basin in the early 1900s by irrigation development--are now returning to the Umatilla River. But unlike the other districts in the basin, WID and Teel are not covered by the exchange project, and their irrigation withdrawals directly impair flows in the Umatilla River.

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In addition, the proposed use conflicts with the public interest to the extent that it reduces Columbia River flows needed for the survival and recovery of salmonid fish species listed as threatened or endangered under the Endangered Species Act. Existing irrigation withdrawals in the Columbia and Snake basins have already depleted these flows below federally defined target levels for fish recovery, and the proposed use could further impair them and jeopardize listed species.

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that rule and therefore is not entitled to the statutory public interest presumption. See ORS 537.153(2). This deficiency must be addressed before the permit may be issued at all.

In addition, the presumption does not apply because the proposed use may injure other water rights. See ORS 537.153(2). As noted above, this application would expand the amount of land that could be irrigated with WID's fixed allocation of McKay water. Thus, the proposed use may injure the water rights of WID's current users. Moreover, by allowing an expansion of irrigated acreage, this permit could reduce return flows to the Umatilla River to the detriment of existing instream and out-of-stream water rights. These impacts may occur despite the fact that the application involves stored water, because that water is already fully allocated to existing irrigated acreage within WID.

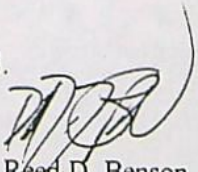
Errors/deficiencies of the proposed final order. A basic error and deficiency of the proposed final order is that it would bestow a permanent water right for use of McKay water on the Teel lands, even though there is no long-term contract allowing such use. In fact, the current contract allowing that use expires on December 31. Issuance of a permanent water right under these conditions would be contrary to ORS 537.400(1), which requires that the applicant for a permit to apply stored water to a beneficial use "show by documentary evidence that an agreement has been entered into with the owners of the reservoir for a sufficient interest in the reservoir to imound enough water for the purposes set forth in the application." In this case, the existing one-year, soon-to-expire contract allowing use of McKay water on the Teel lands is certainly not "a sufficient interest in the reservoir" to support the proposed use.

The proposed permit condition regarding the existence of a permit states in part, "The use of water under this permit is subject to the terms and conditions of Contract No. 5-07-10-W1077 or a satisfactory replacement between the Bureau of Reclamation and the Westland Irrigation District ...." That condition is clearly inadequate to satisfy the requirements of ORS 537.400, in part because WRD has proposed to base this permitting decision on a contract which expired in 1995. It is not apparent that WRD even has a copy of the 1998 temporary contract, No. 8-07-10-W1222. ORS 537.400, the public interest, and common-sense water management dictate that a permanent water right should be issued only on the basis of a long-term contract for this use.

So long as Reclamation and WID continue to enter into one-year contracts for this use, WRD should authorize that use only by means of a one-year limited license for use of stored water. See ORS 537.143(9).

WaterWatch would welcome the opportunity to discuss this application with the applicant and other interested parties.

Respectfully submitted October 16, 1998.

  
Reed D. Benson  
Executive Director

enclosures





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

### VIA MAIL

May 31, 2002

E. Samuel Stegeman  
Umatilla Field Office Manager  
Bureau of Reclamation  
32871 Diagonal Road  
Hermiston, OR 97838

US BOR  
Umatilla /  
Hermiston, OR  
541-564-8616  
Chet Sater

RE: Water Right Application S 83590 in the Name of the U.S. Bureau of Reclamation

Dear Mr. Stegeman:

I am writing to advise you that the hold on the above-captioned application expired on December 21, 2001. Please let me know in writing how you would like to proceed.

Feel free to call me if you have any questions.

Sincerely,

Renee Moulun  
Protest Program Coordinator  
(503) 378-8455 x239  
[Renee.M.Moulun@wrđ.state.or.us](mailto:Renee.M.Moulun@wrđ.state.or.us)





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130

VIA MAIL

January 4, 2001

E. Samuel Stegeman  
Umatilla Field Office Manager  
Bureau of Reclamation  
32871 Diagonal Road  
Hermiston, OR 97838

RE: Water Right Application S83590 in the Name of the U.S. Bureau of Reclamation

Dear Mr. Stegeman:

Thank you for your letter of December 21, 2000, in which you requested the Department place the above-captioned application on hold for another year pending resolution of boundary issues for the Westland Irrigation District. The Department finds that this request is reasonable and necessary as finality of the boundary dispute will help in the resolution of other issues associated with this application. The Department will place this application on hold until **December 21, 2001.**

I contacted Reed Benson of WaterWatch of Oregon who does not oppose the Bureau's request on this matter.

Sincerely,

Renee Moulun  
Protest Program Coordinator

Cc: Mike Wick  
Howard Shepherd  
Reed Benson  
Kathleen Marion Carr  
Mike Ladd







# United States Department of the Interior

## BUREAU OF RECLAMATION

Umatilla Field Office  
32871 Diagonal Road  
Hermiston, Oregon 97838

IN REPLY REFER TO:

**RECEIVED**

**DEC 26 2000**

**DEC 21 2000**

UMA-4000

WTR-1.10

**WATER RESOURCES DEPT.  
SALEM, OREGON**

Adam Sussman  
Oregon Water Resources Department  
158 12th St. NE  
Salem OR 97310

Subject: Request to continue holding Permit Application S83590 in abeyance

Dear Mr Sussman:

The Bureau of Reclamation (Reclamation) requested that permit application S-83590 filed with the Oregon Department of Water Resources (Department) on October 22, 1997 be held in abeyance. The Oregon Water Resources Department granted that request, and agreed to stop further processing of application S-83590 until December 29, 2000. Reclamation would like the Department to continue holding application S-83590 in abeyance for another year.

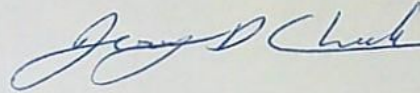
While progress has been made, all of the issues preventing a permanent boundary change for Westland Irrigation District (WID) have not been resolved. Reclamation believes that it would be more productive to spend our time and energy attempting to resolve the remaining issues and negotiating a temporary water delivery contract for 2001 instead of proceeding with the application, and a probable contested case. Of significance in the progress is completion of the hydrologic model necessary for analyzing the resource impacts associated with boundary adjustment. Reclamation, WID and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) are also engaged in evaluating the proposed final proof of Reclamation's 7400 water use permit for waters from McKay Reservoir. The extent of lands included under the 7400 permit and its final certification language are fundamentally important in regard to the final disposition of the permit application held in abeyance.

Reclamation would like to reactivate this permit application once these remaining issues are resolved and after we have completed WID's federal boundary adjustment. Only lands actually brought into the federally recognized boundary would be included when application S-83590 is reactivated.



Reclamation will apply to the Department for another limited license to allow McKay storage water to be delivered to lands covered by an interim contract with WID when a 2001 interim contract is signed. We appreciate the help your staff provided, both in Salem and Pendleton, in processing the limited license for WID last year.

Sincerely,



ACTING E. Samuel Stegeman  
Umatilla Field Office Manager

**RECEIVED**

DEC 26 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

cc: Oregon Water Resources Department  
116 S. E. Dorion Ave.  
Pendleton OR 97801

Mike Wick, Chairman  
Westland Irrigation District  
PO Box 416  
Stanfield OR 97875-0416

Harold Shepherd  
Confederated Tribes of the  
Umatilla Indian Reservation  
PO Box 638  
Pendleton OR 97801

Reed Benson  
Water Watch of Oregon  
213 Southwest Ash, Suite 208  
Portland OR 97204

Kathleen Marion Carr, Attorney  
Office of the Field Solicitor  
Federal Building, U.S. Courthouse  
550 W. Fort St., MSC 020 (Room 365)  
Boise ID 83724-0020





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

February 14, 2000

Walt Fite  
Area Manager  
United States Bureau of Reclamation  
P.O. Box 1749  
Yakima, WA 98907

RE: Application S-83590 - Use of 7215 Acre Feet From McKay Reservoir

Dear Mr. Fite:

Based on your request dated January 24, 2000, the above referenced application will be placed on administrative hold until **December 29, 2000**. Pursuant to OAR 690-310-270(2), your request for additional time to resolve outstanding issues related to the application is reasonable and necessary. Unless good cause can be demonstrated, this may be the last administrative hold granted.

Please contact me at (503) 378-8455 ext. 262 if you have any additional questions.

Sincerely,

Adam Sussman  
Protest Program Coordinator

cc: Reed Benson, WaterWatch  
Mike Ladd, OWRD  
Loren Kjeldgaard, BOR  
Jonathan Germond, ODFW  
Dolly Ashbeck, WID  
Kathleen Carr, BOR







# United States Department of the Interior

## BUREAU OF RECLAMATION

Upper Columbia Area Office

1917 Marsh Road

P.O. Box 1749

Yakima, Washington 98907-1749

RECEIVED

JAN 27 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

IN REPLY REFER TO:

UCA-1000

WTR-4.10

JAN 24 2000

Martha O. Pagel, Director  
Oregon Water Resources Department  
158 12th Street N.E.  
Salem OR 97310

Subject: Request to Continue Holding Permit Application S83590 in Abeyance

Dear Ms. Pagel:

The Bureau of Reclamation (Reclamation) requested that permit application S-83590 filed with the Oregon Department of Water Resources (Department) on October 22, 1997, be held in abeyance. The Oregon Water Resources Department granted that request and agreed to stop the further processing of application S-83590 until December 22, 1999. Reclamation would like the Department to continue holding application S-83590 in abeyance for another year.

While progress has been made, all of the issues preventing a permanent boundary change for Westland Irrigation District (WID) have not been resolved. Reclamation believes that it would be more productive to spend our time and energy attempting to resolve the remaining issues and negotiating a temporary water delivery contract for 2000 instead of proceeding with the application and a probable contested case. Reclamation would like to reactivate this permit application once these remaining issues are resolved and after we have completed WID's Federal boundary adjustment. Only lands actually brought into the federally recognized boundary would be included when application S-83590 is reactivated.

Reclamation will apply to the Department for another limited license to allow McKay storage water to be delivered to lands covered by an interim contract with WID when a 2000 interim contract is signed. We appreciate the help your staff, both in Salem and Pendleton, has provided in processing the limited license for WID last year.

Sincerely,

Walt Fite,  
Upper Columbia Area Manager

### ROUTING & REQUEST

Please...

☐ Read

☐ Handle

☐ Approve

And...

☐ Forward

☐ Return

☐ Keep or Recycle

☐ Review with Me

To: Funch -

Please handle  
directly -

From: Li for map

Date: 1-31





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

January 31, 2000

Walt Fite  
Area Manager  
United States Bureau of Reclamation  
P.O. Box 1749  
Yakima, WA 98907

RE: Application S-83590 - Use of 7215 Acre Feet From McKay Reservoir

Dear Mr. Fite:

On January 6, 2000, I sent you the attached letter asking for an update on the status of the above reference water right application. The letter requested that you respond by January 18, 2000. To date there has been no response. The Department needs to know whether the Bureau intends to continue the administrative hold, resume application processing, which would likely require a contested case hearing, or withdraw the pending application.

In any event, I would ask that you respond to this letter by **February 11, 2000**. Unless otherwise directed in your response, the Department will assume the Bureau wishes to continue with application processing and will act accordingly.

If you have questions or if I can be of further assistance contact me at (503) 378-8455 ext. 262.

Sincerely,

Adam Sussman  
Protest Program Coordinator

cc: Reed Benson, WaterWatch  
Mike Ladd, OWRD  
Loren Kjeldgaard, BOR  
John Keys, BOR  
Jonathan Germond, ODFW  
Dolly Ashbeck, WID  
Kathleen Carr, BOR





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

January 6, 2000

Walt Fite  
Area Manager  
United States Bureau of Reclamation  
P.O. Box 1749  
Yakima, WA 98907

RE: Application S-83590 - Use of 7215 Acre Feet From McKay Reservoir

Dear Mr. Fite:

On December 18, 1998, the Department placed application S-83590 on administrative hold until **December 22, 1999**. The purpose of the administrative hold was to allow the Bureau adequate time to resolve outstanding issues surrounding the proposed permit. Now that the administrative hold has expired please advise the Department on how you would like to proceed. Please respond to this request by **January 18, 2000**. An additional administrative hold may be granted if the Director determines the continuance is reasonable and necessary. OAR 690-310-270(2)

If you have questions or if I can be of further assistance contact me at (503) 378-8455 ext. 262.

Sincerely,

Adam Sussman  
Protest Program Coordinator

cc: Reed Benson, WaterWatch  
Mike Ladd, OWRD  
Loren Kjeldgaard, BOR  
John Keys, BOR  
Jonathan Germond, ODFW  
Dolly Ashbeck, WID





FACSIMILE

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
UPPER COLUMBIA AREA OFFICE  
P.O. Box 1749  
Yakima, Washington 98907-1749  
Phone: (509) 575-5848  
Fax: (509) 454-5611

**TO:** *Adam Sumner*

**FAX NO.:** *503-378-6203*

**FROM:** *Walt Fite*

**SUBJECT:**

*Copy of letter on Application 5-83598  
use of 7215 Acre/ft from McKay  
Reservoir sent to Director, OWRD  
on 1/24/2000*



15988 (9-89)  
Bureau of Reclamation

OFFICIAL FILE COPY		
DATE	SURNAME	CODE
1/21	Fite	KVO
Classification		
Project		
Control No.		
Folder ID.		

UCA-1000  
WTR-4.10

JAN 24 2000

Martha O. Pagel, Director  
Oregon Water Resources Department  
158 12th Street N.E.  
Salem OR 97310

Subject: Request to Continue Holding Permit Application S83590 in Abeyance

Dear Ms. Pagel:

The Bureau of Reclamation (Reclamation) requested that permit application S-83590 filed with the Oregon Department of Water Resources (Department) on October 22, 1997, be held in abeyance. The Oregon Water Resources Department granted that request and agreed to stop the further processing of application S-83590 until December 22, 1999. Reclamation would like the Department to continue holding application S-83590 in abeyance for another year.

While progress has been made, all of the issues preventing a permanent boundary change for Westland Irrigation District (WID) have not been resolved. Reclamation believes that it would be more productive to spend our time and energy attempting to resolve the remaining issues and negotiating a temporary water delivery contract for 2000 instead of proceeding with the application and a probable contested case. Reclamation would like to reactivate this permit application once these remaining issues are resolved and after we have completed WID's Federal boundary adjustment. Only lands actually brought into the federally recognized boundary would be included when application S-83590 is reactivated.

Reclamation will apply to the Department for another limited license to allow McKay storage water to be delivered to lands covered by an interim contract with WID when a 2000 interim contract is signed. We appreciate the help your staff, both in Salem and Pendleton, has provided in processing the limited license for WID last year.

Sincerely,



Walt Fite,  
Upper Columbia Area Manager





# Oregon

John A. Kitzhaber, M.D., Governor

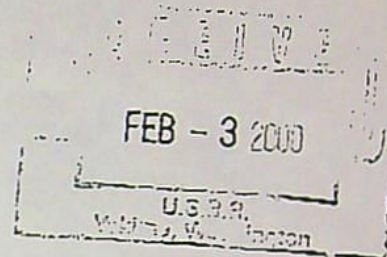
UCA 1000

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

January 31, 2000

Walt Fite  
Area Manager  
United States Bureau of Reclamation  
P.O. Box 1749  
Yakima, WA 98907



RE: Application S-83590 - Use of 7215 Acre Feet From McKay Reservoir

Dear Mr. Fite:

On January 6, 2000, I sent you the attached letter asking for an update on the status of the above reference water right application. The letter requested that you respond by January 18, 2000. To date there has been no response. The Department needs to know whether the Bureau intends to continue the administrative hold, resume application processing, which would likely require a contested case hearing, or withdraw the pending application.

In any event, I would ask that you respond to this letter by **February 11, 2000**. Unless otherwise directed in your response, the Department will assume the Bureau wishes to continue with application processing and will act accordingly.

If you have questions or if I can be of further assistance contact me at (503) 378-8455 ext. 262.

Sincerely,

Adam Sussman  
Protest Program Coordinator

cc: Reed Benson, WaterWatch  
Mike Ladd, OWRD  
Loren Kjeldgaard, BOR  
John Keys, BOR  
Jonathan Germond, ODFW  
Dolly Ashbeck, WID  
Kathleen Carr, BOR

539  
638cc: UCA 1000, UCA 1005,  
UCA 4000LTR-4.10  
u





# Oregon

John A. Kitzhaber, M.D., Governor

**Water Resources Department**

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

January 6, 2000

Walt Fite  
Area Manager  
United States Bureau of Reclamation  
P.O. Box 1749  
Yakima, WA 98907

RE: Application S-83590 - Use of 7215 Acre Feet From McKay Reservoir

Dear Mr. Fite:

On December 18, 1998, the Department placed application S-83590 on administrative hold until December 22, 1999. The purpose of the administrative hold was to allow the Bureau adequate time to resolve outstanding issues surrounding the proposed permit. Now that the administrative hold has expired please advise the Department on how you would like to proceed. Please respond to this request by **January 18, 2000**. An additional administrative hold may be granted if the Director determines the continuance is reasonable and necessary. OAR 690-310-270(2)

If you have questions or if I can be of further assistance contact me at (503) 378-8455 ext. 262.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Sussman".

Adam Sussman  
Protest Program Coordinator

cc: Reed Benson, WaterWatch  
Mike Ladd, OWRD  
Loren Kjeldgaard, BOR  
John Keys, BOR  
Jonathan Germond, ODFW  
Dolly Ashbeck, WID





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

January 6, 2000

Walt Fite  
Area Manager  
United States Bureau of Reclamation  
P.O. Box 1749  
Yakima, WA 98907

RE: Application S-83590 - Use of 7215 Acre Feet From McKay Reservoir

Dear Mr. Fite:

On December 18, 1998, the Department placed application S-83590 on administrative hold until **December 22, 1999**. The purpose of the administrative hold was to allow the Bureau adequate time to resolve outstanding issues surrounding the proposed permit. Now that the administrative hold has expired please advise the Department on how you would like to proceed. Please respond to this request by **January 18, 2000**. An additional administrative hold may be granted if the Director determines the continuance is reasonable and necessary. OAR 690-310-270(2)

If you have questions or if I can be of further assistance contact me at (503) 378-8455 ext. 262.

Sincerely,

Adam Sussman  
Protest Program Coordinator

cc: Reed Benson, WaterWatch  
Mike Ladd, OWRD  
Loren Kjeldgaard, BOR  
John Keys, BOR  
Jonathan Germond, ODFW  
Dolly Ashbeck, WID







# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

December 21, 1998

*File*

Walt Fite  
Area Manager  
United States Bureau of Reclamation  
P.O. Box 1749  
Yakima, WA 98907

RE: Application S-83590 - Request to Stop Processing

Dear Mr. Fite:

On December 18, 1998, the Department received your FAX requesting that application S-83590 be held in abeyance. Pursuant to ORS 537.175(2) the application shall be placed on hold for one year, until **December 22, 1999**. Please notify the Department if you wish to commence application processing any time before this date.

As you know, a protest to the Department's Proposed Final Order on Application S-83590 has been submitted by WaterWatch of Oregon. Hopefully, this "time-out" will provide an opportunity to resolve the WaterWatch protest. I am hopeful that the concerns raised by Oregon Department of Fish and Wildlife can also be addressed. When the application becomes active again, if protests still exist, the Department will need to respond accordingly and would likely schedule a contested case hearing. (ORS 537.153).

If I can be of further assistance in this matter or in your limited licence request please contact me at (503) 378-8455 ext. 262.

Sincerely,

Adam Sussman  
Protest Program Coordinator

cc: Reed Benson, WaterWatch  
Mike Ladd, OWRD  
Loren Kjeldgaard, BOR  
John Keys, BOR  
Jonathan Germond, ODFW  
Dolly Ashbeck, WID





IN REPLY REFER TO:

UCA-1005  
WTR-4.10 (U)

## United States Department of the Interior

BUREAU OF RECLAMATION  
Upper Columbia Area Office  
1917 Marsh Road  
P.O. Box 1749  
Yakima, Washington 98907-1749

**RECEIVED**

DEC 21 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

DEC 18 1998

Ms. Martha O. Pagel, Director  
Oregon Water Resources Department  
158 12th Street N.E.  
Salem, Oregon 97310

Subject: Request to Hold Permit Application S83590 in Abeyance

Dear Ms. Pagel:

The Bureau of Reclamation (Reclamation) requests that permit application S-83590 filed with the Oregon Department of Water Resources (Department) on October 22, 1997, be held in abeyance. WaterWatch of Oregon filed a protest of this application on October 16, 1998, and the Oregon Department of Fish and Wildlife (ODF&W) has recommended that a Final Order not be issued until Reclamation completes the Umatilla Basin ground water model and is able to identify appropriate mitigation. In response to these concerns, the Bureau of Reclamation (Reclamation) requests that the Department stop the further processing of application S-83590 and does not schedule a contested case hearing at this time.

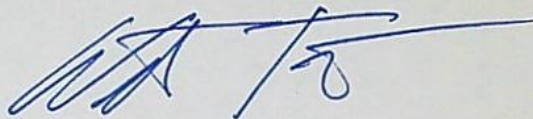
Instead of proceeding with a contested case, WaterWatch, Reclamation, and the Westland Irrigation District (WID) agree that it would be more productive to spend our time and energy negotiating a temporary water delivery contract for 1999. Reclamation will apply to the Department for a limited license to allow McKay storage water to be delivered to lands covered by an interim contract with WID when a 1999 interim contract is signed. It is our understanding that a limited license for the use of stored water can be approved in as few as 15 days after the requester gives notice to the Department when the user has a contract with a governmental agency which owns the storage facility and the use is for the purpose for which the stored water is authorized.

Holding application S-83590 in abeyance would also give the parties more time to resolve other issues which might prevent the boundaries of WID from being changed. Reclamation would like to reactivate this permit application after we have completed the changes to WID's Federal boundaries. At that time, we will modify the permit application to include only those lands that are actually brought into WID. Resolving the boundary issue before the permit is issued would insure that the only lands actually brought into the federally recognized boundary would receive



a permanent McKay supplemental water right, and that the appropriate terms of the agreement allowing the boundary change could be included in the Terms and Conditions of Permit S-83590.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Walt Fite', with a long horizontal stroke extending to the right.

Walt Fite,  
Area Manager

cc: Oregon Water Resources Department  
116 S. E. Dorion Ave.  
Pendleton OR 97801

Westland Irrigation District  
PO Box 416  
Stanfield OR 97875-0416

Ms. Becky Hiers  
Confederated Tribes of the  
Umatilla Indian Reservation  
PO Box 638  
Pendleton OR 97801

Mr. Reed Benson  
Water Watch of Oregon  
921 S.W. Morrison, Suite 534  
Portland OR 97205

Kathleen Carr  
Office of the Field Solicitor  
Room 462 Federal Building  
Box 020-550 West Fort Street  
Boise ID 83724



Facsimile Transmittal Cover Sheet

To: Adam Sussman Date: 11/17

Fax Number:

From: Reed Benson

Total Pages (including this page): 2

If there are any problems receiving this transmission, please contact WaterWatch immediately at (503) 295-4039.

Re: Sent to WID & USBR 12st night.  
Westland Board 3 meeting 10/27.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE. THANK YOU.



# WaterWatch

RIVERS NEED WATER

November 16, 1998

Mike Wick  
Chairman, Westland Irrigation District  
fax no. (541)449-1239

VIA TELECOPIER

Re: limited license for use of McKay water outside Westland boundaries

Dear Mike:

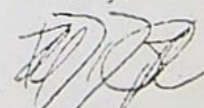
As you know, WaterWatch has protested the Bureau of Reclamation's permit application to allow the use of McKay Reservoir water outside the Westland district boundaries. We have also urged the Bureau to suspend processing of the application until there is a final decision on Westland's boundary expansion request and any associated mitigation. We believe that, if there is another one-year contract allowing use of McKay water on these lands in 1999, a "limited license" is the most appropriate way to authorize this use under state law.

Since 1995, the Bureau and Westland have reached agreement on a series of one-year temporary contracts for McKay water deliveries outside district boundaries. WaterWatch has been a part of the review process for these contracts, and we have not opposed them. We will certainly be involved in any review process on a possible 1999 contract, as well.

We expect that a 1999 temporary contract will be issued only after the Umatilla Tribes have officially agreed to it, and only after the Bureau has completed a National Environmental Policy Act review that addresses the concerns of WaterWatch and others. *Once these steps have been taken and a 1999 contract signed, WaterWatch will not oppose issuance of a limited license for use of McKay water outside the Westland boundaries, and will not seek any terms or conditions in the limited license beyond those in the contract.*

I hope this answers any questions you may have. If not, please call me.

Sincerely,



Reed D. Benson  
Executive Director

xc (by mail): Hollis Pope  
Becky Hiers  
Jon Germond



**FAX**

There are 3 pages including this cover sheet.

DATE: 12/18/98

TO: Adam Sussman

FAX: 503-378-6203

FROM: Loren Kjeldgaard

I have attached a copy of the letter requesting Application S-83590 be held in abeyance. The signed letter should go out in today's mail.



DATE	SURNAME	CODE
12/18	Kjeldgaard	10
12/18	Pope	4000
12/18	Fite	1000
Classification		
Project		
Control No.		
Folder I.D.		

DEC 18 1998

UCA-1005  
WTR-4.10 (U)

Ms. Martha O. Pagel, Director  
Oregon Water Resources Department  
158 12th Street N.E.  
Salem, Oregon 97310

Subject: Request to Hold Permit Application S83590 in Abeyance

Dear Ms. Pagel:

The Bureau of Reclamation (Reclamation) requests that permit application S-83590 filed with the Oregon Department of Water Resources (Department) on October 22, 1997, be held in abeyance. WaterWatch of Oregon filed a protest of this application on October 16, 1998, and the Oregon Department of Fish and Wildlife (ODF&W) has recommended that a Final Order not be issued until Reclamation completes the Umatilla Basin ground water model and is able to identify appropriate mitigation. In response to these concerns, the Bureau of Reclamation (Reclamation) requests that the Department stop the further processing of application S-83590 and does not schedule a contested case hearing at this time.

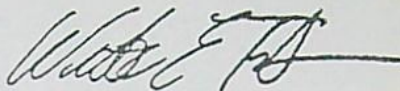
Instead of proceeding with a contested case, WaterWatch, Reclamation, and the Westland Irrigation District (WID) agree that it would be more productive to spend our time and energy negotiating a temporary water delivery contract for 1999. Reclamation will apply to the Department for a limited license to allow McKay storage water to be delivered to lands covered by an interim contract with WID when a 1999 interim contract is signed. It is our understanding that a limited license for the use of stored water can be approved in as few as 15 days after the requester gives notice to the Department when the user has a contract with a governmental agency which owns the storage facility and the use is for the purpose for which the stored water is authorized.

Holding application S-83590 in abeyance would also give the parties more time to resolve other issues which might prevent the boundaries of WID from being changed. Reclamation would like to reactivate this permit application after we have completed the changes to WID's Federal boundaries. At that time, we will modify the permit application to include only those lands that are actually brought into WID. Resolving the boundary issue before the permit is issued would insure that the only lands actually brought into the federally recognized boundary would receive



a permanent McKay supplemental water right, and that the appropriate terms of the agreement allowing the boundary change could be included in the Terms and Conditions of Permit S-83590.

Sincerely,



Walt Fite,  
Area Manager

cc:

Oregon Water Resources Department  
116 S. E. Dorion Ave.  
Pendleton OR 97801

Westland Irrigation District  
PO Box 416  
Stanfield OR 97875-0416

Ms. Becky Hiers  
Confederated Tribes of the  
Umatilla Indian Reservation  
PO Box 638  
Pendleton OR 97801

Mr. Reed Benson  
Water Watch of Oregon  
921 S.W. Morrison, Suite 534  
Portland OR 97205

Ms. Kathleen Carr  
Office of the Field Solicitor  
Room 462 Federal Building  
Box 020-550 West Fort Street  
Boise ID 83724

bc: Regional Director, Boise ID, Attention: PN-3110  
~~UCA~~-1005, UMA-4000



October 16, 1998

Dwight French  
Water Rights Section Manager  
Oregon Water Resources Department  
Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210



DEPARTMENT OF  
FISH AND  
WILDLIFE

Pendleton District Office

RE: Water Rights Application Number S-83590, U.S. Bureau of Reclamation

Dear Mr. French,

The Oregon Department of Fish and Wildlife (ODFW) has reviewed the Oregon Water Resources Department (OWRD) Water Rights Application Number S-83590, U.S. Bureau of Reclamation, Proposed Final Order (PFO). The proposed use appropriates 7,215.0 acre-feet from McKay Reservoir, a tributary of the Umatilla River for supplemental irrigation of 8,800.4 acres of land.

The mitigation condition identified in the PFO requires the Westland Irrigation District "to make 10 percent of its contracted and reserved stored water in McKay Reservoir, up to 2,950 acre feet, available for fishery enhancement releases..." The Bureau of Reclamation, as part of the NEPA review of this water delivery, is developing a hydrologic model of ground water movement through this portion of the Umatilla River basin. The model will more accurately identify the appropriate amount of water required for mitigation. The Bureau expects to complete this model next year.

The ODFW recommends that a Final Order not be issued (denied) pending the outcome of the Bureau's hydrologic model. As an interim measure, the ODFW recommends that OWRD issue a limited license for this appropriation using the 2,950 acre feet quantity identified in the PFO as mitigation.

Questions regarding these comments can be addressed to me at 541-276-2344.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jonathan Germond".

Jonathan Germond  
Acting District Fish Biologist  
Umatilla Fish District

c: Bruce Eddy - La Grande  
Jill Zarnowitz - HCD  
Tony Justice - Watermaster, Pendleton  
Hollis Pope - Bureau of Reclamation, Yakima

Route 1, Box 18  
Mission Road  
Pendleton, OR 97801  
(503) 276-2344  
FAX (503) 276-4414



Beef City Inc.  
77197 Hwy 207  
ECHO, OR 97326

J.R. SIMPLOT  
JEFF LYON  
P.O. BOX 850  
HEMRISTON, OR 97838

DON BENNETT  
OREGON HEREFORD RANCH  
76855 HIGHWAY 207  
ECHO, OR 97826

FRANK MUELLER  
RT 1 BOX 1944  
HEMRISTON, OR 97838

MADISON RANCHES, INC.  
29299 MADISON RD.  
ECHO, OR 97826

JEFF SPIKE  
SPIKE RANCHES INC.  
P.O. BOX 8  
ECHO, OR 97826

BILL HANSELL  
HANSELL BROTHERS INC.  
28286 STAFFORD HANSELL RD  
HEMRISTON, OR 97838

BAR U INC.  
ATTENT: MARIA CUTALIA  
P. O. BOX 27  
BOISE, ID 83707

TONY AMSTAD  
P. O. BOX 890  
HEMRISTON, OR 97838

JACK CORREA  
31317 ANDREWS RD  
ECHO, OR 97826

BOB EMERT  
76164 ROSENBURG RD  
ECHO, OR 97826

DOUBLE M RANCH  
77197 HWY 207  
ECHO, OR 97826

BOB LEVY  
P.O. BOX 69  
ECHO, OR 97826

CHET PRIOR  
C/O EAGLE RANCH  
32327 OREGON TRAIL RD  
ECHO, OR 97826

TRI-SET, INC.  
28286 STAFFORD HANSELL RD  
HEMRISTON, OR 97838

12-H INC  
28286 STAFFORD HANSELL RD.  
HEMRISTON, OR 97838

AMSTAD-URBACH  
P.O BOX 890  
HEMRISTON, OR 97838

MOLASH-DIMBAT  
P.O. BOX 890  
HEMRISTON, OR 97838

ROBERT LEVY TRUST  
P.O. BOX 69  
ECHO, OR 97826

ARTHUR AND DAVID PRIOR  
32327 OREGON TRAIL RD  
ECHO, OR 97826

MICHAEL PRIOR  
32327 OREGON TRAIL RD  
ECHO, OR 97826



BEEF CITY INC.  
77197 HWY 207  
ECHO OR 97826

278 0287

J.R. SIMPLOT  
JEFF LYON  
P.O. BOX 850  
HERMISTON OR 97838

BENNETT, DON  
OREGON HEREFORD RANCH  
76855 HIGHWAY 207  
ECHO OR 97826

FRANK MUELLER  
RT. 1 BOX 1944  
HERMISTON OR 97838

MADISON RANCHES, INC.  
29299 MADISON RD  
ECHO OR 97826

JEFF SPIKE  
SPIKE RANCHES INC  
P.O. BOX 8  
ECHO OR 97826

Application No. 83690  
Permit No.

WATER RESOURCES DEPT.  
SALEM, OREGON

OCT 27 1997

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HANSELL, BILL  
28286 STAFFORD HANSELL RD  
HERMISTON, OR 97838

HANSELL, TYLER  
HANSELL BROTHERES, INC.  
28286 STAFFORD HANSELL RD  
HERMISTON OR 97838

BAR U INC.  
ATTENT: MARIA CUTAIA  
P.O. BOX 27  
BOISE ID 83707

AMSTAD, TONY  
P.O. BOX 890  
HERMISTON OR 97838

Application No. 83590  
Permit No.

CORREA, JACK  
31317 ANDREWS RD  
ECHO OR 97826

EMERT, BOB  
76164 ROSENBERG RD  
ECHO OR 97826

DOUBLE M RANCH  
77197 HWY 207  
ECHO OR 97826

LEVY, BOB  
P.O. BOX 69  
ECHO OR 97826

PRIOR, CHET  
C/O EAGLE RANCH  
32327 OREGON TRAIL RD  
ECHO OR 97826

WATER RESOURCES DEPT.  
SALEM, OREGON

OCT 27 1997

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OCT 15 '97 13:04 STANFIELD IRRIGATION  
TRI-SET INC.  
28286 STAFFORD HANSELL RD  
HERMISTON OR 97838

12-H INC  
28286 STAFFORD HANSELL RD  
HERMISTON OR 97838

AMSTAD-URBACH  
P.O. BOX 890  
HERMISTON OR 97838

MOLASH-DIMBAT  
P.O. BOX 890  
HERMISTON OR 97838

ROBERT LEVY TRUST  
P.O. BOX 69  
ECHO OR 97826

PRIOR, ARTHUR  
32327 OREGON TRAIL RD  
ECHO OR 97826

PRIOR, DAVID  
32327 OREGON TRAIL RD  
ECHO OR 97826

PRIOR, MICHAEL  
32327 OREGON TRAIL RD  
ECHO OR 97826

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OCT 27 1997

WATER RESOURCES  
SALEM, OREGON

Application No. 83590  
Permit No.





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

May 1, 1998

U.S. BUREAU OF RECLAMATION  
JOHN W. KEYS, III, REGIONAL DIRECTOR  
1150 N CURTIS RD  
BOISE, ID 83706 -1234

Reference: File S-83590

Dear Applicant:

### **THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

#### Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from MCKAY RESERVOIR, A TRIBUTARY OF UMATILLA RIVER for SUPPLEMENTAL IRRIGATION OF 8800.40 ACRES is **allowable** under OAR 690-507-060(2)(c), the Umatilla Basin Program.
3. Water in the amount of 7215.00 ACRE-FEET for SUPPLEMENTAL IRRIGATION OF 8800.40 ACRES is **available** March 1 through November 1.
4. The use of water shall not exceed 4.5 ACRE-FEET per acre per year of land irrigated.

#### Summary of Initial Determinations

**The use of 7215.00 ACRE-FEET from MCKAY RESERVOIR, A TRIBUTARY OF UMATILLA RIVER for SUPPLEMENTAL IRRIGATION OF 8800.40 ACRES is**



allowable from March 1 through November 1 of each year.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, May 15, 1998**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. You will be required to comply with state and federal water quality standards.

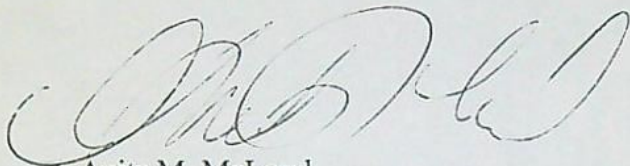


4. The priority date for this application is October 27, 1997.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call.

Sincerely,



Anita M. McLoud  
Water Rights Specialist

cc: Regional Manager, Watermaster District 5, Water Availability Section  
enclosures: Flow Chart of Water Right Process  
Stop Processing Form

S-83590  
wab 07-  
pou 07-  
gw



**PFO CHECKLIST**

Application #: 5 83590

Basin: 7 Umatilla

WAB: \_\_\_\_\_

County Umatilla

Township 2N

Range 32 E

Section \_\_\_\_\_

1/4 1/4

1. Is the file complete by the Minimum Requirements Checklist? (Y) N
2. Shortcomings (items needed before a permit and/or FO can be issued) Y (N)  
Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other)
3. Groundwater Review A B C D River/Stream Name \_\_\_\_\_ Conditions \_\_\_\_\_  
a. Groundwater Availability A B C  
b. Is second groundwater review necessary? (comments) Y / N  
c. Is HB 1033 review complete? Y / N  
d. Is the well located in a GWLA or CA? (If applicable, include map with POD) Y / N
4. Is use from a B.O.R. or Douglas County project? (Y) N Contract in file? Y / N Contract # \_\_\_\_\_
5. Is the use allowed by the Basin Program? (Y) N Limited? Y / N 690 507 040 (2) (C)
6. Water Availability Data OK / REDONE / NA (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)  
USBC contract
7. Is the source withdrawn or limited by statute or Department withdrawal order? Y (N)
8. Is the Proposed Use located in or above a Scenic Waterway? Y (N)
9. Division 33: Above Bonn (after July 17, 1992) Y / N (NA)  
Below Bonn (after April 8, 1994; June 3, 1994) Y / N / NA  
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y / N / NA
10. Per the IR, is the Proposed Source on the DEQ 303d List? Y (N) If so, any comments received? Y / N  
Is the Proposed Use in a Dept of Ag. Water Quality Management Plan Area? Y / N Bear Creek or Tualatin River
11. Have conflicts been addressed? (Y) N W/C
12. Rate ✓ Duty 4.5 Irrigation Season \_\_\_\_\_
13. Period of Allowed Use 3-1 to 11-1
14. Allowed Rate of Use 7215 AF Supplemental IR
15. Is the use **Small** ( $\leq 0.1$  cfs,  $\leq 9.2$  AF), **Medium** ( $> 0.1$  or  $< 1.5$  cfs,  $> 9.2$  or  $< 100$  AF) or **Large** ( $\geq 1.5$  cfs,  $\geq 100$  AF)?  
If the use is Municipal and  $\leq 0.1$  CFS, use **Large** condition.
16. Conditions #2 #3 1-2. Contract etc.  
Is the proposed use within the New River Basin? Y / N If yes, include New River Agreement Conditions.
17. IR Public Notice Date 5/15/98 Comments Received? Y (N)
18. Final Report Checklist  
Documents used in determination are attached to this checklist and highlighted  
7 Fill out PFO CC List (don't forget to check for other property owners)  
a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y / N  
b. Check Watermaster Dist. on the CC list and draft permit.  
4 Spell Check and Accuracy Check  
4 Final PFO report hard copy check (format, margins, etc.)  
Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #

Name: Dallas Miller

Date: 8-20-98



# IR CHECKLIST

Application #: S 83590

Basin: 7-Umatilla

WAB: \_\_\_\_\_ POU-WAB \_\_\_\_\_

County Umatilla Township 2N Range 32E Section 34 1/4 1/4 NW SE

1. Complete by Minimum Requirements checklist ☒ Y ☐ N Items still required: \_\_\_\_\_
2. Indicators that the process should not continue (ie - items missing, letter to file indicating hold, or other) Y ☒ N ☐
- N/A 3. Groundwater review A B C D River/Stream Name \_\_\_\_\_ Conditions \_\_\_\_\_  
Water Availability A B C  
a. Is the well located in a groundwater limited area? Y / N Name \_\_\_\_\_
4. Within or Above a Scenic Waterway Y ☒ N ☐ conditions/restrictions Y ☒ N ☐
5. Allowed under Basin Program ☒ Y ☐ N Limitations? Y ☒ N 1690-507-000(2)(c)
6. Withdrawn? Y ☒ N ☐ season allowed \_\_\_\_\_
7. Basin Maps have been checked ☒ Y ☐ N McKay ck basin
8. Water Availability (50% < July 17, 1992 \*\* 80% [50% storage] > July 17, 1992) NA ☒ STORED
9. Use SPR RR Period of Allowed Use 3/1 - 11/1
10. For Irrigation: Rate 7215 AF <sup>1/40</sup> Duty 4.5 Season \_\_\_\_\_
11. Allowable Rate of Use: 7215 AF
12. Priority Date(s) 10-22-97
13. B.O.R. project Y ☒ N ☐ contract # \_\_\_\_\_
14. Subject to Division 33 (Above Bonn after July 17, 1992; Below Bonn after April 8, 1994 or June 3, 1994; or Statewide - in shaded areas on t-T, E, & S Map - After June 3, 1994) Y / N ☒ NA ☐
15. Conflicts Y ☒ N ☐ Supplemental
16. Conditions? (BOR, GW, other) Y ☒ N ☐
17. Land use approval ☒ OK'd ☐ needs approval ☐ county notified ☐ NA
18. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 ☒ NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (14 15 19 - SWR)
19. Letter will be ☒ Good ☐ Limited ☐ Bad ☐ Bad w/IRshort because \_\_\_\_\_

Name: Amelia Date: 4-15-98

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(A) The surface waters of Birch and McKay Creeks and tributaries are classified for domestic, livestock, irrigation of noncommercial lawn and garden not to exceed 1/2 acre, municipal, industrial, power development (subject to the limitations of OAR Chapter 690, Division 51), mining, fish life, wildlife, recreation, pollution abatement, artificial ground water recharge and public instream uses during the period November 1 through May 31 each year. This classification rescinds the Commission's order of December 2, 1985, withdrawing the Umatilla River and tributaries from further appropriation from November 1 through May 31 each year until December 31, 1988.

(B) Subject to the rights and priorities existing on June 24, 1988, and the withdrawal of Birch Creek and tributaries from June 1 through October 31, Birch Creek and tributaries are further classified for all beneficial uses in conjunction with storage. All natural flow rights issued on Birch Creek and tributaries after this date shall be subordinate to this classification. Any storage project built under this classification shall include provisions for municipal, fish and wildlife, and recreation uses acceptable to the Commission.

(c) Storage: surface waters, legally stored during the period November 1 through May 31, and legally released, may be used for any beneficial purpose.

(d) Artificial ground water recharge: use of surface water for ground water recharge shall be subject to the following conditions:

(A) Recharged water used under a secondary permit for irrigation may only provide supplemental water to lands with existing irrigation rights or permits on June 24, 1988;

(B) Diversion of surface water for recharge for irrigation under a secondary permit shall not exceed 2.25 acre feet per acre to be irrigated; and

(C) If the recharged water is to be used for municipal or industrial purposes under a secondary permit, the applicant shall demonstrate to the satisfaction of the Commission that it has an active water conservation program.

(e) Minimum perennial streamflows: minimum streamflows may be established to support aquatic life, minimize pollution or maintain recreation values:

(A) To support aquatic life in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriation of water shall be made or granted by any state agency or public corporation of the state for waters of Birch Creek and tributaries when flows are below the levels specified in Table 1. This limitation shall not apply to domestic and livestock use or to waters legally stored or released from storage; and

(B) To support aquatic life, no appropriations of water except for domestic and livestock uses or waters legally stored or released from storage shall be made or granted by any state agency or public corporation of the state when flows are below the specified levels for the streams listed in Table 1 with priority dates of 3-31-88.

(3) Ground Water: appropriation and use of ground water in the Birch and McKay Creeks subbasin shall comply with the following provisions:



(B) Ground water from the basalt reservoir in a five-mile radius around any municipal well of the cities of Adams and Pendleton is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is documented that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest unless the affected city affirms that it is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full-time conservation program in effect.

(b) Permits issued to appropriate ground waters that may be hydraulically connected with surface water shall be specially conditioned. The condition shall specify that when exercise of the permit unduly interferes with surface water, the permit shall be regulated in favor of the surface water source.

### **Birch and McKay Creeks Subbasin**

690-507-060

(1) Objectives: in developing a program for the management, use and control of the surface and ground water resources of the Birch and McKay Creeks subbasin, the Commission has the following objectives:

- (a) Protect instream values by closing streams to future appropriations during the low-flow season and limiting future appropriations during the high-flow season to selected nonirrigation or nonconsumptive uses.
- (b) Preserve the opportunity for future upstream storage for all beneficial uses.
- (c) Permit artificial ground water recharge to offset declining ground water levels and supplement existing ground water uses.
- (d) Protect municipal ground water supplies.
- (e) Prevent new appropriations from causing ground water/surface water interference.

(2) Surface Water: appropriation and use of surface water in the Birch and McKay Creeks subbasin shall comply with the following provisions:

- (a) Birch and McKay Creeks and tributaries are withdrawn from further appropriation of unappropriated waters during the period June 1 through October 31 each year. The withdrawal does not apply to domestic, livestock, fish and wildlife uses or water released from storage. This action was taken by the Commission on December 2, 1985.
- (b) Classification: permits to use surface water may be issued only for the following classified uses:



STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
158 12TH ST NE  
SALEM, OR 97310  
(503) 378-3739

INVOICE # 2726

TO: BUREAU OF RECLAMATION  
1150 W. CURTIS ROAD  
ADDRESS: BOISE, ID 83706-1234

30-Oct-97  
DATE:

CUSTOMER—PLEASE RETURN YELLOW COPY FOR PROPER CREDIT

1

APPLICATION FOR PERMIT  
TO USE SURFACE WATER  
(COPY OF YOUR PO ATTACHED)

583590

YOU MUST REFERENCE OUR  
INVOICE NO. 2726 ON  
YOUR PAYMENT

WRD REF: PCA 66111 OBJ 0201  
CASH ACCT 0427

Receipt #

\$2,901.25

Received 12-3-97  
\$2,901.25  
#17778

TOTAL: \$2,901.25

ATTN: FISCAL SECTION  
State of Oregon  
Water Resources Department  
158 12th St. NE  
Salem, OR 97310

Please Remit to:

Contact For Questions:

SHARI VANEK

Phone: (503) 378-8455 ext 319

White/Yellow - Customer Copies  
Pink - Receptionist Goldenrod - Fiscal  
Blue - Retained by Invoice Preparer



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OCT 27 1997

## Oregon Water Resources Department

WATER RESOURCES DEPT.  
SALEM, OREGON**Application for a Permit to Use Surface Water**

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instruction booklet when completing your application. Thank you.

**1. Applicant Information****A. Individuals 1**

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: \_\_\_\_\_  
Last First MI

Mailing Address: \_\_\_\_\_

City State Zip

Phone: \_\_\_\_\_  
Home Work Other

\*Fax: \_\_\_\_\_ \*E-Mail address: \_\_\_\_\_

**B. Organizations**

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations.)

Name of Organization: United States of America, Acting through the Regional Director, Pacific Northwest Region, Bureau of ReclamationName and title of person applying: John W. Keys, III, Regional DirectorMailing address of organization: 1150 North Curtis RoadBoise Idaho 83706-1234  
City State ZipPhone: 208-378-5322  
Home Work Other\*Fax: 208-378-5305 \*E-Mail address: pgraf@pn.usbr.gov*\*Optional Information*

For Department Use

App. No. 83590 Permit No. \_\_\_\_\_ Date 10/27/97



## 2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information.

### A. County

In what county is the use proposed? Umatilla

In what county is the diversion proposed? Umatilla

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OCT 27 1997

WATER RESOURCES DEPT  
SALEM, OREGON

### B. River Basin

(see instruction booklet page 3 for list): 7 Umatilla

### C. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: McKay Reservoir Tributary to: Umatilla River

Source 2: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Source 3: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Source 4: \_\_\_\_\_ Tributary to: \_\_\_\_\_

### D. Property Ownership

Do you own all the land where you propose to divert, transport and use water?

☐ Yes (Skip to section no. 3 "Water Use")

☒ No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.\*\*

☒ I have a recorded easement of written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

\*\* If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.



### 3. Water Use

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

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WATER RESOURCES DEPT.  
SALEM, OREGON

#### A. Type(s) of Use(s)

(See page 3 in the instruction booklet for a list of Beneficial Uses.)

Irrigation

- If your proposed use is domestic, indicate the number of households to be supplied with water: \_\_\_\_\_
- If your proposed use is irrigation, please attach Form I
- If your proposed use is mining, attach Form R
- If your proposed use is municipal, attach Form M
- If your proposed use is commercial/industrial or quasi-municipal, attach Form Q

#### B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

Source	Use	Amount		
McKay Reservoir	Irrigation	7,215	<input type="checkbox"/> cfs	<input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs	<input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs	<input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs	<input type="checkbox"/> gpm <input type="checkbox"/> af

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

#### C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses such as irrigation, give dates when water use would begin and end):

Irrigation Season

#### D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used:

8,800.4



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WATER RESOURCES DEPT.  
SALEM, OREGON**4. Water Management****A. Diversion**

What method will you use to divert water from the source?

- ☐ Pump (give horsepower and pump type) \_\_\_\_\_
- ☒ Head-gate (give dimensions) 6 head gates (each are 30 inches wide by 48 inches high)
- ☒ Other means (describe) Water from McKay Reservoir is later diverted from the Umatilla River at the Westland diversion

**B. Monitoring**

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- ☐ Weir      ☐ Meter      ☐ Periodic Sampling
- ☒ Other (describe) gaging station

**C. Transport**

How will you transport water to your place of use?

- ☒ Ditch, canal (give average width and depth):  
Width 30 feet Depth 6 feet
- Is the ditch or canal to be lined? ☐ Yes ☒ No
- ☐ Pipe (give diameter and total length)  
Diameter(s) \_\_\_\_\_ Length \_\_\_\_\_
- Other (describe) \_\_\_\_\_

**D. Application/Distribution Method**

What equipment will you use to apply water to your place of use?

Irrigation of land application method (check all that apply):

- ☒ Flood      ☒ High-pressure sprinkler      ☒ Low pressure sprinkler
- ☒ Drip      ☐ Water cannons      ☒ Center pivot system
- ☒ Hand lines      ☒ Wheel lines
- ☐ Siphon tubes or gated pipe with furrows
- ☐ Other, describe \_\_\_\_\_

Distribution method

- ☐ In-line storage (tank or pond)    ☐ Direct pipe from source    ☒ Open Canal



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WATER RESOURCES DEPT.  
SALEM, OREGON**E. Conservation**

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

Landowners are using the best practical technology and conservation practices to conserve water

**5. Resource Protection****Protection Practices**

In granting permission to use water from stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See Appendix A in the instruction booklet for a list of possible requirements from other agencies. Please indicate any of the following practices you plan to undertake to protect water resources:

- ☒ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: Fish screens located at the main diversion

- ☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

Describe planned actions: \_\_\_\_\_

- ☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.

Describe: All permits required will be obtained

- ☒ Water quality will be protected by preventing erosion and runoff of waste or chemical products.

Describe: Excellent farming practices are conducted to prevent erosion and runoff

- ☐ Other: \_\_\_\_\_

**6. Project Schedule**

Proposed date construction will begin Completed

Proposed date construction will be completed Completed

Proposed date beneficial water use will begin Further processing of a limited term permit, will continue to use water, please see file 74318



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**7. Remarks**

WATER RESOURCES DEPT.  
SALEM, OREGON

*If you would like to clarify any information you have provided in the application, please do here and reference the specific application question you are addressing.*

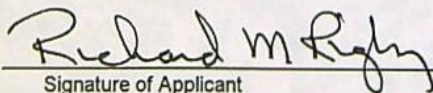
See last application 74318, Permit 51665 (copy attached) All applicant data stays the same. This application is a continuation of permit 51665 which requires the United States to file a new permit application for lands covered by Permit 51665 and included in the boundaries of the Westland Irrigation District to allow time for this application to be reviewed. Permit 51665 shall be extended only for lands covered by this new permit application

**Signature**

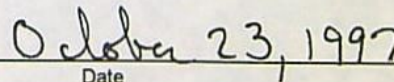
By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.



Signature of Applicant



Date

Signature of Co-applicant

Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?

Last Revision: October 31, 1996



**RECEIVED****Oregon Water Resources Department****OCT 27 1997****WATER RESOURCES DEPT.  
SALEM, OREGON****FORM I  
FOR IRRIGATION WATER USE**

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

☐ Primary      ☒ Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: \_\_\_\_\_ Acres

Secondary: 8,800.4 Acres

List the permit or certificate number of the primary water right: No. 75119 and 75120

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- |                    |   |  |
|--------------------|---|--|
| 1. <u>Potatoes</u> | <input checked="" type="checkbox"/> Full Season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 2. <u>Corn</u>     | <input checked="" type="checkbox"/> Full Season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 3. <u>Alfalfa</u>  | <input checked="" type="checkbox"/> Full Season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 4. <u>Hay</u>      | <input checked="" type="checkbox"/> Full Season | <input type="checkbox"/> Partial season (from: _____ to _____) |

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

7,215 acre-feet

*(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)*

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- |   |   |
|---|---|
| <input type="checkbox"/> Daily during daytime hours   | <input type="checkbox"/> Daily during nighttime hours               |
| <input type="checkbox"/> Two or three times weekly during daytime                                       | <input type="checkbox"/> Two or three times weekly during nighttime |
| <input type="checkbox"/> Weekly, during daytime hours   | <input type="checkbox"/> Weekly, during nighttime hours             |
| <input checked="" type="checkbox"/> Other, explain: <u>24 hours per rotation between all landowners</u> |   |

*Last revision : October 31, 1996*



# OREG WATI RESO DEPA

Commerce B  
158 12th Street  
Salem OR 97



## ICE OF WATER USE REQUESTS

May 19, 1998

This publication lists recently-filed water use requests and other items or agency activities requiring public notice. It also describes public comment processes and deadlines. Types of water use requests and notices contained here may include:

- ☐ **Permit applications/Instream Water Right applications**  
Requests to use, store, divert or pump surface water or groundwater/Requests made by the state Departments of Fish & Wildlife, Environmental Quality or Parks and Recreation for water to be used and kept in-channel.
- ☐ **Limited Licenses**  
Requests to use water for 5 years or less. Licenses are subordinate to other rights and may be revoked if a use is found to injure other water right holders.
- ☐ **Notices of Exempt Reservoir/Expedited Reservoir Applications (HB 2376, 1995)**  
Notifications from people who believe their existing ponds qualify for exemption from storage permit requirements/Applications for storage permits for small ponds filed under a simplified review process.
- ☐ **Applications filed for Storage Permits for Reservoirs in Existence on or before 1/1/93 (HB 2153)**  
Applications for existing storage uses reviewed under ORS 537.407.
- ☐ **Transfer Applications & Permit Amendment Notices**  
Requests to change points of diversion or appropriation or places or types of use.
- ☐ **SB 494 Transfers (Transfers within Irrigation District Boundaries)**  
Petitions requesting transfers in place of use within a district's boundaries.
- ☐ **Proposed Orders on HB 3111 Remapping Petitions**  
The Director's preliminary decision on petitions submitted by irrigation districts and other qualifying associations to change water rights to reflect actual usage.
- ☐ **Applications filed/Registrations Issued for Wetland, Stream, Riparian Enhancement or Storm Water Management Projects (HB 2107, 1993)**  
Applications for water use for special projects and registrations allowing use of water while decisions are reached on pending applications.
- ☐ **Instream Leases**  
Short-term leases by water right holders of their water rights for instream uses.
- ☐ **Conservation Plans**  
Water management and conservation plans submitted by municipalities and agricultural water suppliers under provisions of OAR Chapter 690, Division 86.
- ☐ **Hydroelectric Applications, Notice of Intent, or First-Stage Consultation Document (HB 2119)**

*Spoke w/  
Ed Ferrin at  
Pendleton  
BOR & their lawyer  
are upset as they think  
we have 83590 listed as an  
instream but I explained  
to Ed that if they  
look at the 3rd  
page it shows  
that it is  
suppl. not  
instream*



### Permit Applications

The following pages of this notice list permit applications that the Oregon Water Resources Department is evaluating for compliance with state water laws and regulations. Public participation and comment is encouraged. Opportunities for public involvement vary according to the stage of the permit evaluation.

#### Initial Review Stage (IR in the "stage" column of the permit listing)

The Department has given the applicant the results of an initial review of water use restrictions, water availability and other limits that affect the agency's decision on whether to issue a permit. The applicant has asked the agency to proceed to the next stage of evaluation. The Department welcomes comments from interested persons, agencies and organizations on the proposed water use.

**The comment deadline for applications appearing in this public notice is 5pm, Thursday, June 18, 1998.**

Although we cannot respond individually to all comments, each will be considered as the agency makes its permit decision.

#### Proposed Final Order Stage (PFO in the "stage" column of the permit listing)

The proposed final order is the Department's preliminary decision on the water use request. It will indicate how the comments received on the application in the first stage were considered. The PFO documents the agency's decision through specific findings. If appropriate, it includes a draft permit specifying any conditions or restrictions on the use.

Persons interested in receiving a mailed copy of a PFO must pay a statutorily-required fee of \$10. (Any person paying \$10 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.) PFO's may be viewed for free at the Department's Salem Office or at the district watermaster office nearest the proposed use.

Those disagreeing with the Department's decision as expressed in the PFO have 45 days to file a protest.

**The protest deadline for applications appearing in this public notice is 5pm, July 3, 1998.**

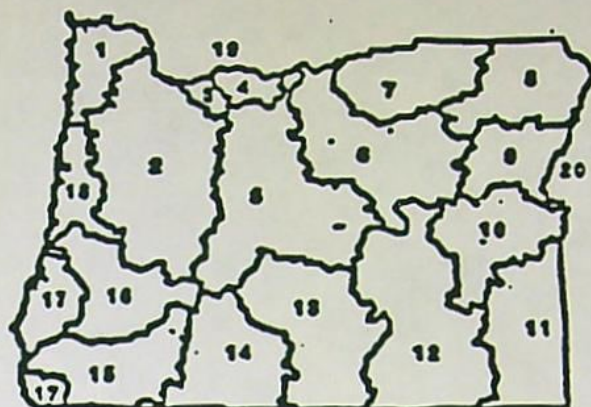
The protest filing fee is \$200 for everyone but the applicant. Detailed requirements for filing a protest will be sent with copies of the PFO. Persons who support the PFO may file a "standing" fee of \$50 to retain the ability to participate in future proceedings relating to an application. Before participation is allowed, an additional \$150 will be required at the time of the proceeding.



## How To Read the Listing

Applications are organized by Oregon's major river basins, as listed below:

- |               |                 |              |
|---------------|-----------------|--------------|
| 1-North Coast | 8-Grande Ronde  | 15-Rogue     |
| 2-Willamette  | 9-Powder        | 16-Umpqua    |
| 3-Sandy       | 10-Malheur      | 17-S. Coast  |
| 4-Hood        | 11-Owyhee       | 18-Mid Coast |
| 5-Deschutes   | 12-Malheur L.   | 19-Columbia  |
| 6-John Day    | 13-Goose/Summer | 20-Snake     |
| 7-Umatilla    | 14-Klamath      |              |



G-12345	2	Dry Cr. Rowe R.	0.50	C	IR	40.00	Coos	1/1/1995	SENE, SECTION 9, T16S, R4W	W. Clinton	PFO	#	2
---------	---	-----------------	------	---	----	-------	------	----------	----------------------------	------------	-----	---	---

Basin number	Amount	What it flows into	The source	Unit of measure: C-cubic feet per second G-gallons per minute A-acre-feet	Irrigated acres	County of use; Priority date	Applicant name & address	Stage of Review: IR initial review PFO proposed final order	Legal description of general area of use: "Southeast quarter of the Northeast quarter of Section 9, Township 16 South, Range 4 West."	Public interest issues related to sensitive, threatened or endangered species may be addressed in the PFO	Decision codes: 1 permit may be issued as requested by applicant 2 permit may be issued with appropriate conditions 3 permit unlikely to be issued
Application number: G-groundwater R-reservoir S-surface I-instream					Type of use (e.g.: IR-irrigation; see codes below)						

Some commonly-used Type of Use abbreviations (for definitions, please consult Oregon Administrative Rules Chapter 690, Division 300):

AG-agriculture	FW-fish & wildlife	LV,LW-livestock/wildlife
CF,CH,CL,CR-cranberry uses	GD-group domestic	MI-mining
CM-commercial	GR-groundwater recharge	MU-municipal
CS-campground	GT-geothermal	NU-nursery use
DI-domestic, incl. lawn & garden	IC-irrigation, primary & supplemental	PA-pollution abatement
DN-domestic, incl. non-commercial	ID,IL-irrigation with Domestic or Livestock use, respectively	PW-power
DO-domestic	IM-industrial, manufacturing	QM-quasi-municipal
DS-domestic/stock	IR-irrigation	RC-recreation
FI-fish	IS-supplemental irrigation	RW-road construction
FM-forest management		ST-storage
FP-fire protection		SW-swimming
		TC-temperature control
		WI-wildlife



May 19, 1998

App#	Basin	Source	Quantity	Use	Cnty/Priority	Pod Vicinity	Name/Address	Stage/Status	
G-14627	2	WELL 1>COURTNEY CR	0.0560	C	CM	LINN 10/27/1997	NWNE, SECTION 4 T14S, R3W NENW, SECTION 4 T14S, R3W	GREG MOORE PIONEER VILLA TRUCK PLAZA 33180 HWY 228 HALSEY, OR 97348	PFO 2
		WELL 2>COURTNEY CR							
G-14660	2	A WELL>PUDDING R	0.3120	C	IR 25.00	MARION 1/ 8/1998	SWSE, SECTION 16 T 6S, R2W	FREDERICA M LEVERMAN 455 GROVE ST NE SALEM, OR 97303	PFO 2
G-14689	2	A WELL>LABISH DITCH	400.0000	G	IR 6.90	MARION 2/24/1998	NWNW, SECTION 30 T 6S, R2W	JOHN J ZIELINSKI ZIELINSKI, VICKI L 11282 RIVER RD NE GERVAIS, OR 97026	IR 2
G-14691	2	A WELL>UNN STR	230.0000	G	IR 13.50	MARION 3/ 4/1998	NENE, SECTION 2 T 5S, R2W	TIMOFEY SEMERIKOV SEMERIKOV, ANNA 16060 PUDDING RIVER RD WOODBURN, OR 97071	IR 2
S-83560	2	CHRISTENSEN CR>TUALATIN R	0.0050	C	DO FM FP TC	WASHINGTON 9/29/1997	SENW, SECTION 3 T 2S, R3W	LOIS D DITMARS DITMARS JR, TRACY A 34372 SW FIRDALE RD CORNELIUS, OR 97113	PFO 2
S-83777	2	BOECKMAN CR>WILLAMETTE R	6.9577	A	AG	CLACKAMAS	SWNE, SECTION 12 T 3S, R1W	TRIPLE T INC.; FIDANZO, J IR 26801 STAFFORD RD	IR 2
		RES>BOECKMAN CR			IR 10.00	2/26/1998	SWNE, SECTION 12 T 3S, R1W	WILSONVILLE, OR 97070	
G-14654	3	A WELL>SANDY R	421.0000	G	IR 75.00	MULTNOMAH 12/23/1997	SENW, SECTION 31 T 1N, R4E	HOWARD A WINTERS 705 SEIDL RD TROUTDALE, OR 97060	PFO 2
G-14616	7	A WELL>UMATILLA R	0.3340	C	QM	UMATILLA 9/30/1997	SWSE, SECTION 27 T 5N, R28E	CHARLES TRACTS WATER CO. 33893 RIVERVIEW DR HERMISTON, OR 97838	PFO 2
G-14646	7	A WELL>UNN STR	0.1440	C	IR 11.50	MORROW 12/ 5/1997	NENE, SECTION 19 T 1S, R27E	TURNER RANCH INC; TURNER, PFO RT 2 BOX 2218 HEPPNER, OR 97836	2



May 19, 1998

App#	Basin	Source	Quantity	Use	Cnty/Priority	Pod Vicinity	Name/Address	Stage/Status
G-14692	7	A WELL>BIRCH CR	350.0000	G DO	UMATILLA	SESW, SECTION 6	TIMOTHY C WEINKE	IR 2
				IR 70.00	3/ 3/1998	T 1S, R32E	PO BOX 937	
				LV			PILOT ROCK, OR 97868	
G-14694	7	A WELL>STEWART CR	200.0000	G IR	20.00 COOS	SESW, SECTION 34	MICHAEL B WEINKE	IR 2
					3/ 9/1998	T 1N, R32E	67804 HWY 395 S	
							PENDLETON, OR 97801	
S-83590	7	MCKAY RES>LITTLE MCKAY CR	7215.0000	A IS	548.90 UMATILLA	NWSE, SECTION 34	U.S. BUREAU OF RECLAMATIO	IR 2
					10/27/1997	T 2N, R32E	1150 N CURTIS RD	
							BOISE, ID 83706-1234	
G-14657	13	A WELL>COTTONWOOD CR	2.2500	C IR	180.00 LAKE	NWSE, SECTION 21	RANDALL W HYDE	PFO 2
					12/30/1997	T39S, R19E	HC 60 BOX 1878	
							LAKEVIEW, OR 97630	
G-14685	17	A WELL>WILLOW CR	80.0000	G CR	20.00 CURRY	SESE, SECTION 10	ROBERT A DONALDSON	IR 2
					2/19/1998	T31S, R15W	PO BOX 918	
							LANGLOIS, OR 97450	
S-83781	17	N TENMILE L>N TENMILE L (	9.0000	G DN	COOS	SWSE, SECTION 8	DONALD C JOHNSON	IR * 2
					3/ 5/1998	T23S, R12W	PO BOX 1617	
							COOS BAY, OR 97420	

*Irrigation*

*Ed Ferrin  
Pendleton Jc.*

*> Lauren  
Kilgard  
BOR  
ph # 509-  
575-  
5848  
x 244*



## Limited Licenses

A limited license allows the right to use or store water for no more than 5 consecutive years. Use of water under a limited license is subordinate to all other authorized uses and may be shut-off at any time to satisfy those other uses. In addition, the Department may revoke a limited license if its use causes injury to any other water right or minimum perennial streamflow.

Licensees must maintain a record of how much water they are using (ORS 537.143). The Department may approve a license after 14 days from the date of mailing of this notice, upon finding that the proposed water use will not impair or be detrimental to the public interest

(OAR 690-340-030). The public may comment on injury to existing water rights caused by allowing use of water under the terms of a limited license.

### Clackamas

LL-283 Huffman-Wright

Contact: Ron Hjort/Fred Hunt

2876 NE Diamond Lk.Blvd.

Roseburg, OR 97470

65 gallons per minute total from Little Cedar Creek and Clear Creek, tributaries of Clackamas River for road construction or maintenance.

POD 1: NE 1/4 NE 1/4 POD 2 :SW 1/4 NW 1/4

BOTH IN T4S R43, Section 8.

### Marion

LL-284 Boise Cascade Corporation

Contact: Monica Jelden

450 Pacific Ave. N.

Monmouth, OR 97361

POD'S 1 THROUGH 27:

POD 1/4 1/4	POD-T.R.S.	SOURCE	TRIBUTARY	GALLONS	MILES SERVED
SW 1/4 NE 1/4	9S-7W-S6	UNNAMED	SF SILETZ R	48,787	2.8
NW 1/4 NW 1/4	9S-7W-S6	MCFALL CRK	SF SILETZ R	12,197	0.7
NE 1/4 NW 1/4	9S-8W-S1	SAND CRK	SF SILETZ R	13,939	0.8
SW 1/4 SE 1/4	8S-8W-S35	MCSHERRY CR	SF SILETZ R	12,197	0.7
NE 1/4 SE 1/4	8S-8W-S34	S F SILETZ R	SILETZ R	8,712	0.5
NE 1/4 NW 1/4	9S-8W-S2	UNNAMED	SF SILETZ R	-	0.0
NE 1/4 NW 1/4	9S-8W-S3	UNNAMED	SF SILETZ R	-	0.0
SE 1/4 NW 1/4	8S-8W-S33	BEAVER CRK	SF SILETZ R	29,621	1.7
SW 1/4 SW 1/4	8S-8W-S34	UNNAMED	SF SILETZ R	-	0.0
NW 1/4 SE 1/4	8S-8W-S33	UNNAMED	SF SILETZ R	-	0.0
SE 1/4 NE 1/4	8S-8W-S32	UNNAMED	BEAVER CRK	8,712	0.5
SW 1/4 NE 1/4	8S-8W-S32	BEAVER CRK	SF SILETZ R	17,424	1.0



NW 1/4 SW 1/4	8S-8W-S32	DEER CRK	SUNSHINE CRK	43,560	2.5
NW 1/4 SW 1/4	8S-8W-S21	PIGEON CRK	SF SILETZ R	34,848	2.0
NW 1/4 NW 1/4	8S-8W-S20	SHORT CRK	SF SILETZ R	29,621	1.7
SE 1/4 NE 1/4	8S-8W-S18	SF SILETZ R	SILETZ R	19,166	1.1
NW 1/4 NE 1/4	8S-8W-S18	SILETZ R		12,197	0.7
NW 1/4 NW 1/4	8S-8W-S18	GRAVEL CRK	SILETZ	8,712	0.5
NW 1/4 NE 1/4	9S-8W-S7	FOURTH OF JULY CRK	SUNSHINE CRK	40,075	2.3
NE 1/4 NE 1/4	9S-8W-S18	WHISKEY CRK	SUNSHINE CRK	17,424	1.0
NW 1/4 NW 1/4	9S-8W-17	UNNAMED	SUNSHINE CRK	13,939	0.8
NW 1/4 NE 1/4	9S-8W-17	YOUNG CRK	BIG ROCK CRK	12,197	0.7
NW 1/4 NE 1/4	9S-8W-S16	UNNAMED	BIG ROCK CRK	12,197	0.7
SE 1/4 NE 1/4	9S-8W-S17	BIG ROCK CRK		10,454	0.6
SE 1/4 SE 1/4	9S-8W-S9	UNNAMED	BIG ROCK CRK	8,712	0.5
SW 1/4 SW 1/4	9S-8W-S10	BIG ROCK CRK		8,712	0.5
SE 1/4 SE 1/4	9S-8W-S10	UNNAMED	BIG ROCK CRK	27,878	1.6

# JACKSON

LL-285 HUFFMAN-WRIGHT

Contact: Ron Hjort

6019 Crater Lake Hwy.

Central Point, OR 97502

65 gallons per minute from Elk Creek and Rogue River, tributaries Pacific Ocean for road construction or maintenance.

POD#1: SW 1/4 SW 1/4, 32S, 1E, SECTION 27

POD#2: NW 1/4 NW 1/4, 33S, 1E, SECTION 31



## Notices of Exempt Reservoir and Expedited Reservoir Applications (HB 2376, 1995)

### Expedited Reservoir Application public notice and comment procedures:

For expedited reservoir applications filed under HB 2376 (1995), the public is invited to comment within 60 days of this notice. ORS 537.409 provides that within 60 days after the Department provides public notice of the application, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir:

- (A) Would result in injury to an existing water right; or
- (B) Would pose a significant detrimental impact to existing fishery resources as determined on the basis of information submitted by the State Department of fish and Wildlife.

### NOTICE OF EXEMPT RESERVOIR (POND)

#### ----- CURRY

Expedited Reservoir application filed under HB 2376  
P 83828 CURT E ROSE  
95729 HORTON LANE BROOKINGS, OR 97415  
RUNOFF, A TRIBUTARY OF HOUSE ROCK CREEK  
for AQUATIC LIFE AND AESTHETICS.  
0.75 ACRE-FEET  
SE 1/4 SE 1/4 Section 10 T 40 S R 14 W WM.

### EXPEDITED RESERVOIR APPLICATIONS recently received by the Department

#### ----- JACKSON

Expedited Reservoir application filed under HB 2376  
R 83824 MATTHEW DAMONTOLLENAERE  
DAMON-TOLLENAERE, JENNIFER  
1905 COLESTIN RD ASHLAND, OR 97520  
EAST FORK COTTONWOOD CREEK, A TRIBUTARY OF COTTONWOOD CREEK  
for DOMESTIC USE EXPANDED, WILDLIFE AND FIRE PROTECTION.  
0.50 ACRE-FEET  
SE 1/4 NE 1/4 Section 36 T 40 S R 1 E WM.

#### JOSEPHINE

Expedited Reservoir application filed under HB 2376  
R 83830 RANDY W KIBLER  
PO BOX 504 O BRIEN, OR 97534  
RUNOFF, A TRIBUTARY OF O BRIEN CREEK  
for WILDLIFE.  
0.72 ACRE-FEET  
SW 1/4 NW 1/4 Section 19 T 40 S R 8 W WM.



LAKE

Expedited Reservoir application filed under HB 2376

R 83827 CITY OF LAKEVIEW; ANDERSON, DARRLY J

PO BOX 28 HC64 BOX 24 LAKEVIEW, OR 97630

BULLARD CREEK, A TRIBUTARY OF EAST FORK THOMAS CREEK  
for FLOOD CONTROL AND WILDLIFE.

0.44 ACRE-FEET

NE 1/4 NW 1/4 Section 13 T 39 S R 20 E WM.

WASHINGTON

Expedited Reservoir application filed under HB 2376

R 83829 BRENT H DAVIS

ASSOCIATION OF SEVENTH DAY ADVENTISTS

12600 SW 72ND AVE TIGARD, OR 97223

UNNAMED STREAM, A TRIBUTARY OF JOHNSON CREEK  
for WETLAND ENHANCEMENT.

0.30 ACRE-FEET

1/4 NE 1/4 Section 20 T 1 S R 1 W WM.



## Transfer Applications

A transfer refers to changing any of the following in an existing water right:

- ☐ Place of use (POU)
- ☐ Point of diversion or appropriation (POD; POA)
- ☐ Additional point of diversion or appropriation (APOD; APOA)
- ☐ Character of use (USE)

The Department seeks public comment on the recently-filed transfer applications listed below. In addition to this notice, the Department is complying with ORS 540.520 (2), which requires that all transfer applications be announced by publication in a local newspaper except those proposing a change in place of use only or point of diversion of less than 1/4 mile where there are no intervening diversion points.

Any person may file a protest against approval of a transfer application (protests must be accompanied by a \$25 protest fee). If a protest is received, the Department will hold a contested case hearing to determine whether the proposed transfer would injure an existing water right. **Protests must be made within 30 days of the last date of publication in a newspaper or this notice, whichever is later.**

If no protest is filed, the Department may issue a decision on a transfer application within 60 days of this notice or thirty days after the last date of publication.

County: JACKSON  
Transfer: 7998  
Certificate: 17186/17187/17188  
Priority Date: 1874/1908  
Name: GERALD HANSEN  
Address: 8575 HWY 140, EAGLE POINT 97524  
Change: POD  
Source: LITTLE BUTTE CREEK  
Authorized **POD**: 36S 01E 03  
Proposed **POD**: 36S 01E 04

County: LINN  
Transfer: 7999  
Certificate: 41352  
Priority Date: 6/23/1969  
Name: WILLAMETTE INDUSTRIES, INC.  
Address: P. O. BOX 907, ALBANY 97321  
Change: USE  
Source: UNNAMED STREAM  
Authorized **USE**: INDUSTRIAL/MANUFACTURING  
Proposed **USE**: STORAGE FOR MANUFACTURING



County: LINN  
Transfer: 8000  
Certificate: 11926  
Priority Date: 6/22/1936  
Name: WILLAMETTE INDUSTRIES, INC.  
Address: P. O. BOX 907, ALBANY 97321  
Change: USE  
Source: UNNAMED STREAM  
Authorized **USE**: INDUSTRIAL/MANUFACTURING  
Proposed **USE**: STORAGE FOR MANUFACTURING

County: HARNEY  
Transfer: 8001  
Certificate: 15181  
Priority Date: 5/22/1872  
Name: LARRY & SUSAN OTLEY  
Address: HC 72, BOX 50 PRINCETON 97721  
Change: APOD  
Source: KIGER CREEK  
Authorized **POD**: 29S 33E 30 1300'W 1900'S NE COR SEC 30  
Proposed **POD**: 29S 33E 30 670'W 2590'S NE COR SEC 30

#### **Transfer - Temporary Change in Place of Use**

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years.

The Department shall approve the request provided it does not cause injury to existing water rights or expand the water use. If after the change is approved, it is found to cause injury, the approved change may be revoked. The use of water reverts to the authorized place of use upon expiration of the temporary change.

County: BAKER (TEMPORARY)  
Transfer: 7997  
Certificate: 52844  
Priority Date: 3/11/1977  
Name: KERNS RAINBOW RANCH INC.  
Address: 45917 QUAIL RD, HAINES 97833  
Change: POU  
Source: WELL  
Authorized **POU**: 08S 39E 19  
Proposed **POU**: 08S 39E 18



### Denying District Water Right Remapping Petitions HB 3111

An irrigation district, cooperative or other qualifying association formed to distribute irrigation water had until July 1, 1994 to petition the Water Resources Commission for a change in its water right to reflect actual water use under the provisions of ORS 541.325 to 541.333. The Director may deny the petition if the qualifying association does not comply with the provisions of ORS 541.325 to 541.333.

The petitioner is required to publish notice in a local newspaper that a proposed order has been issued. Copies of all proposed orders are available for public review at the Department's Salem office. Other locations where proposed orders can be reviewed appear within each listing below.

Comments on proposed orders can be submitted by any party. Protests can be filed by a "user." User is defined as an owner of land with an appurtenant water right that is subject to assessment by a district and that would be altered by the petition and map filed under ORS 541.329.

#### MALHEUR

On May 6, 1998, the Director issued a proposed order **not** accepting and **not** approving the petition and map submitted by:

Ridgeview Irrigation District to confirm the present use of water right for irrigation of 6,109 acres. The source of water is Owyhee River, a tributary of the Snake River, and water stored in Owyhee Reservoir constructed under Certificate 24705. The authorized point of diversion is included in the petition.

The proposed order and finding can be reviewed at the Water Resources Department in Salem, The Water Resources Department's Vale, Oregon Watermaster Office, 251 B Street W, Vale Oregon. Phone number 541-473-5130. It can also be reviewed at Ridgeview Irrigation District Office, 118 S First W, Homedale, 83628. Phone number 208-337-3760.



# OREGON WATER RESOURCES DEPARTMENT



Commerce Building  
158 12th Street NE  
Salem OR 97310-0210

## PUBLIC NOTICE COMMENT FORM

May 19, 1998

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

### Water Use Request Type & File Number

(e.g. "Permit Application G-12345" or "Transfer T-1234"):

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Mail me the Order  
(payment enclosed)\*

☐☐☐

### Your Name, Address, and Phone Number:

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\* We are required by law to charge a fee of \$10 to mail a copy of a proposed final or final order for a permit application to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final and final orders are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)



# APPLICATION FACT SHEET

Mail to: *Applicant, Watermaster, District Biologist (ODFW)*  
If necessary, also mail to : *Regional Water quality manager (DEQ), and DOA*

Application File Number: S-83590

Applicant: U.S. BUREAU OF RECLAMATION

County: UMATILLA

Watermaster: District 5

Priority Date: October 27, 1997

Source: MCKAY RESERVOIR, A TRIBUTARY OF UMATILLA RIVER

Use: SUPPLEMENTAL IRRIGATION OF 8800.40 ACRES

Quantity: 7215.00 ACRE-FEET

Basin Name & Number: Umatilla, #07

Stream Index Reference: Volume 4 MCKAY CR MISC

Point of Diversion Location: NWSE, SECTION 34, T 2N, R32E, W.M.; 1260 FEET SOUTH AND  
3650 FEET EAST FROM W1/4, SECTION 34

Place of Use: NWSW 13.8 ACRES @@SECTION 3 SWNW 37.0 ACRES SENW 37.0 ACRES  
NESW 29.1 ACRES NWSW 28.0 ACRES SWSW 38.0 ACRES SESW 1.2 ACRES NESE 29.8  
ACRES NWSE 35.1 ACRES SWSE 35.3 ACRES SESE 29.5 ACRES @@SECTION 4 NENE  
21.7 ACRES NWNE 35.0 ACRES SENE 8.5 ACRES NESE 21.6 ACRES @@SECTION 7  
SWNW 14.9 ACRES NWSW 32.4 ACRES SWSE 23.0 ACRES @@SECTION 8 NENE 31.0  
ACRES NWNE 34.1 ACRES SWNE 35.2 ACRES SENE 29.5 ACRES NENW 30.7 ACRES  
NWNW 33.8 ACRES SWNW 35.9 ACRES SENW 31.1 ACRES NESW 28.0 ACRES NWSW  
29.8 ACRES SWSW 35.9 ACRES SESW 31.6 ACRES NESE 31.1 ACRES NWSE 33.4



ACRES SWSE 35.3 ACRES SESE 30.6 ACRES @@SECTION 9 NENE 32.5 ACRES NWNE  
32.5 ACRES SWNE 32.5 ACRES SENE 32.5 ACRES NENW 28.3 ACRES NWNW 33.9  
ACRES SWNW 34.4 ACRES SENW 28.8 ACRES NESW 31.9 ACRES NWSW 32.5 ACRES  
SWSW 32.4 ACRES SESW 31.9 ACRES NESE 1.4 ACRES NWSE 39.6 ACRES SWSE 4.4  
ACRES @@SECTION 10 SWSE 29.5 ACRES SESE 31.0 ACRES @@SECTION 13 NWNE  
38.0 ACRES SWNE 38.0 ACRES NENW 31.3 ACRES NWNW 31.3 ACRES SWNW 31.2  
ACRES SENW 31.2 ACRES NESW 31.2 ACRES NWSW 31.4 ACRES SWSW 31.2 ACRES  
SESW 31.2 ACRES @@SECTION 15 NENE 30.2 ACRES NWNE 32.0 ACRES SWNE  
31.4 ACRES SENE 31.4 ACRES NENW 29.8 ACRES NWNW 32.2 ACRES SWNW 33.5  
ACRES SENW 29.5 ACRES NESW 29.6 ACRES NWSW 32.2 ACRES SWSW 34.2 ACRES  
SESW 29.0 ACRES NESE 31.2 ACRES NWSE 31.2 ACRES SWSE 31.5 ACRES SESE 31.2  
ACRES @@SECTION 16 NENE 29.0 ACRES NWNE 19.0 ACRES SWNE 21.0 ACRES  
SENE 25.0 ACRES NESW 10.1 ACRES SESW 5.8 ACRES NESE 34.6 ACRES NWSE 40.0  
ACRES SWSE 35.9 ACRES SESE 24.5 ACRES @@SECTION 17 NENE 31.4 ACRES  
NWNE 34.3 ACRES SWNE 31.4 ACRES SENE 31.0 ACRES NENW 31.4 ACRES NWNW  
31.5 ACRES SWNW 32.6 ACRES SENW 31.4 ACRES NESW 31.3 ACRES NWSW 31.2  
ACRES SWSW 31.2 ACRES SESW 31.3 ACRES NESE 31.3 ACRES NWSE 31.2 ACRES  
SWSE 31.3 ACRES SESE 31.3 ACRES @@SECTION 21 NENE 32.5 ACRES NWNE 32.5  
ACRES SWNE 32.5 ACRES SENE 32.5 ACRES NENW 31.2 ACRES NWNW 31.5  
ACRES SWNW 31.5 ACRES SENW 31.2 ACRES @@SECTION 22 SWNW 35.1 ACRES  
SENW 21.4 ACRES NESW 26.5 ACRES NWSW 27.6 ACRES SWSW 38.3 ACRES SESW  
38.8 ACRES NESE 27.6 ACRES NWSE 32.5 ACRES SWSE 26.4 ACRES SESE 26.2 ACRES,  
SECTION 23 NENE 30.0 ACRES NWNE 30.4 ACRES SWNE 38.4 ACRES SENE 32.4



ACRES NENW 32.0 ACRES NWNW 30.4 ACRES SWNW 34.0 ACRES SENW 38.4 ACRES  
NESW 36.5 ACRES NWSW 29.3 ACRES SWSW 32.8 ACRES SESW 40.0 ACRES NESE  
30.1 ACRES NWSE 35.4 ACRES SWSE 40.0 ACRES SESE 33.6 ACRES, SECTION 25  
NENE 30.4 ACRES NWNE 35.7 ACRES SWNE 35.2 ACRES SENE 28.4 ACRES NENW 23.1  
ACRES NWNW 30.2 ACRES SWNW 39.1 ACRES SENW 38.7 ACRES NESW 21.3 ACRES  
NWSW 24.7 ACRES SWSW 0.2 ACRES    SESW 26.3 ACRES NESE 30.0 ACRES NWSE  
29.8 ACRES SWSE 40.0 ACRES SESE 33.6 ACRES, SECTION 26 NENE 38.0 ACRES  
NWNE 27.6 ACRES SWNE 37.7 ACRES SENE 22.4 ACRES NENW 30.6 ACRES NWNW  
30.6 ACRES SWNW 30.6 ACRES SENW 30.6 ACRES NESW 33.5 ACRES NWSW 31.1  
ACRES SWSW 35.3 ACRES SESW 28.2 ACRES NESE 37.4 ACRES NWSE 40.0 ACRES  
SWSE 17.6 ACRES SESE 13.0 ACRES, SECTION 27 NENE 30.6 ACRES NWNE 30.6  
ACRES SWNE 31.6 ACRES SENE 31.6 ACRES NENW 30.7 ACRES NWNW 30.7 ACRES  
SWNW 30.7 ACRES SENW 30.7 ACRES NESW 30.5 ACRES NWSW 30.2 ACRES SWSW  
34.3 ACRES SESW 34.5 ACRES NESE 27.2 ACRES NWSE 28.0 ACRES SWSE 31.2 ACRES  
SESE 30.9 ACRES, SECTION 28 NENE 31.8 ACRES NWNE 31.0 ACRES SWNE 30.6  
ACRES SENE 31.3 ACRES NENW 29.4 ACRES NWNW 33.1 ACRES    SWNW 33.1  
ACRES SENW 29.4 ACRES, SECTION 29 NENE 31.0 ACRES NWNE 40.0 ACRES SWNE  
36.4 ACRES SENE 34.4 ACRES NENW 31.6 ACRES NWNW 31.2 ACRES SWNW 32.8  
ACRES SENW 38.1 ACRES NESW 39.8 ACRES NWSW 29.0 ACRES SWSW 30.2 ACRES  
SESW 31.6 ACRES, SECTION 35 NENE 30.3 ACRES NWNE 39.3 ACRES SWNE 38.0  
ACRES SENE 31.2 ACRES NENW 40.0 ACRES NWNW 29.2 ACRES SWNW 32.4 ACRES  
SESW 38.0 ACRES NESW 12.5 ACRES NESE 28.8 ACRES NWSE 38.0 ACRES SWSE 28.6  
ACRES SESE 40.0 ACRES, SECTION 36, TOWNSHIP 3 NORTH, RANGE 28 EAST, W.M.



SWSW 7.0 ACRES, SECTION 16 NWSW 26.5 ACRES SWSW 26.2 ACRES SWSE 36.7  
ACRES SESE 18.5 ACRES, SECTION 17 NESE 23.2 ACRES SESE 23.1 ACRES, SECTION  
18 NENE 5.6 ACRES SWNE 30.4 ACRES SENE 37.0 ACRES SWNW 6.5 ACRES SENW  
19.7 ACRES NESW 39.8 ACRES NWSW 50.8 ACRES SWSW 37.2 ACRES SESW 21.4  
ACRES NESE 38.1 ACRES NWSE 40.0 ACRES SWSE 37.7 ACRES SESE 35.6 ACRES,  
SECTION 19 NENE 38.1 ACRES NWNE 39.8 ACRES SWNE 40.0 ACRES SENE 40.0  
ACRES NESW 31.6 ACRES NWSW 35.0 ACRES SWSW 39.8 ACRES SESW 40.0 ACRES  
NESE 40.0 ACRES NWSE 36.7 ACRES SWSE 25.9 ACRES SESE 37.6 ACRES, SECTION 20  
NENW 13.1 ACRES NWNW 40.0 ACRES SWNW 39.8 ACRES SENW 10.2 ACRES NESW  
12.0 ACRES NWSW 39.3 ACRES SWSW 38.8 ACRES SESW 6.4 ACRES, SECTION 21  
NENW 2.1 ACRES NWNW 22.6 ACRES SWNW 4.8 ACRES, SECTION 28 NENE 39.7  
ACRES NWNE 34.0 ACRES SWNE 29.1 ACRES SENE 36.7 ACRES NENW 39.7 ACRES  
NWNW 38.9 ACRES SWNW 39.6 ACRES SENW 33.6 ACRES NESW 32.6 ACRES  
NWSW 38.9 ACRES SWSW 40.0 ACRES SESW 31.2 ACRES, SECTION 29 NENE 38.6  
ACRES NWNE 34.0 ACRES SWNE 33.2 ACRES SENE 39.2 ACRES NENW 38.0 ACRES  
NWNW 53.7 ACRES SWNW 44.8 ACRES SENW 29.6 ACRES NESE 37.2 ACRES NWSE  
31.8 ACRES SWSE 31.2 ACRES SESE 40.0 ACRES, SECTION 30, TOWNSHIP 3 NORTH,  
RANGE 29 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, May 8, 1998

PUBLIC NOTICE DATE: Tuesday, May 12, 1998

30 DAY COMMENT DEADLINE DATE: Thursday, June 11, 1998



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OCT 27 1997 PAGE FOUR

WATER RESOURCES DEPT.  
SALEM, OREGON

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The use of water under this permit is subject to the terms and conditions of Contract No. 5-07-10-W1077 or a satisfactory replacement between the Bureau of Reclamation and Westland Irrigation District, a copy of which is on file in the records of the Water Resources Department.

Type  
Use of McKay Reservoir water for irrigation on the lands listed in this permit and the lands within the federally recognized boundaries of Westland Irrigation District, not including water delivered under contracts with individual landowners or ditch companies whose lands lie within the district boundaries for water from McKay Reservoir, shall not exceed 26,568 acre-feet annually during the life of this permit. If this limit is reached in any year, water may not be delivered under this permit for the remainder of that year.

Type  
Water use under this permit may commence only after final state approval of a transfer T7006 and permit application 73451. This permit shall terminate immediately if Westland Irrigation District ceases to make 10 percent of its contracted and reserved stored water in McKay Reservoir, up to 2950 acre feet, available for fishery enhancement releases, or if Westland or Teel Irrigation District challenges fishery enhancement releases from McKay Reservoir.

This permit shall terminate 60 days after the U. S. Interior Department makes a final decision on the Westland Irrigation District's request for approval to expand its boundaries, but in no event later than October 31, 1997. [The Director may extend this permit for up to one year if the Bureau of Reclamation files a new permit application for lands covered by this permit and included in the boundary of the Westland Irrigation District to allow time for the new application to be reviewed. This permit shall be extended only for lands covered by the new permit application.]

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

Actual construction work shall begin on or before July 11, 1996, and shall be completed on or before October 31, 1997. Complete application of the water to the use shall be made on or before October 31, 1997.



Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

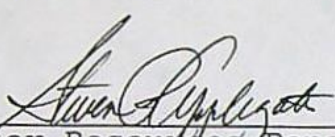
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date July 11, 1995.

  
for Water Resources Department  
Martha O. Pagel  
Director

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OCT 27 1997  
WATER RESOURCES DEPT.  
SALEM, OREGON



STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
158 12TH ST NE  
SALEM, OR 97310  
(503) 378-3739

INVOICE # 2726

TO: BUREAU OF RECLAMATION  
1150 W. CURTIS ROAD  
ADDRESS: BOISE, ID 83706-1234

30-Oct-97  
DATE:

83590

CUSTOMER—PLEASE RETURN YELLOW COPY FOR PROPER CREDIT

1 APPLICATION FOR PERMIT  
TO USE SURFACE WATER  
(COPY OF YOUR PO ATTACHED)

\$2,901.25

YOU MUST REFERENCE OUR  
INVOICE NO. 2726 ON  
YOUR PAYMENT

WRD REF: PCA 66111 OBJ 0201  
CASH ACCT 0427

TOTAL: \$2,901.25

ATTN: FISCAL SECTION  
Please Remit to:  
State of Oregon  
Water Resources Department  
158 12th St. NE  
Salem, OR 97310

Contact For Questions:  
SHARI VANER

Phone: (503) 378-8455 ext 319

White/Yellow - Customer Copies  
Pink - Receptionist Goldenrod - Fiscal  
Blue - Retained by Invoice Preparer



# ORDER FOR SUPPLIES OR SERVICES

PAGE 1 OF 1 PAGES

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

1. DATE OF ORDER 23 Oct 1997	2. CONTRACT NO. (If any)	3. ORDER NO. 1425-98-PG-10-07050	4. REQUISITION/REFERENCE NO. 97-1031000-0003
5. ISSUING OFFICE (Address correspondence to) Bureau of Reclamation - PN 1150 N. Curtis Road Boise, ID 83706-1234		6. SHIP TO: (Consignee and address, ZIP Code) Bureau of Reclamation - PN 1150 N. Curtis Road Boise, ID 83706-1234	

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OCT 28 1997

7. TO: CONTRACTOR (Name, address, and ZIP Code)  Oregon Water Resources Department 00000376 158 12th Street NE  Salem OR 97310-0210  Contact: Dave Nelson Phone: 503-378-8455X305	8. TYPE OF ORDER <input checked="" type="checkbox"/> A. PURCHASE <input type="checkbox"/> B. DELIVERY Please furnish the following on the terms and conditions specified on both sides of this order and on the attached sheets, if any, including delivery as indicated. This purchase is negotiated under authority of: -- Except for billing instructions on the reverse, this delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract.
---	--

9. ACCOUNTING AND APPROPRIATION DATA See Schedule	10. REQUISITIONING OFFICE Contact: Phil Graf Bureau of Reclamation - PN 1150 N. Curtis Road Boise, ID 83706-1234
11. BUSINESS CLASSIFICATION (Check appropriate box(es)) <input checked="" type="checkbox"/> SMALL <input type="checkbox"/> OTHER THAN SMALL <input type="checkbox"/> DISADVANTAGED <input type="checkbox"/> WOMEN-OWNED	12. F.O.B. POINT DESTINATION
13. PLACE OF INSPECTION AND ACCEPTANCE	14. GOVERNMENT B/L NO.
	15. DELIVER TO F.O.B. POINT ON OR BEFORE (Date) 10/23/97
	16. DISCOUNT TERMS Net Due: 30

17. SCHEDULE (See reverse for Rejections)						
ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)	QUANTITY ACCEPTED (G)
0001	Application for permit to use surface water. See attached letter.  Accounting and Appropriation Data: A40 0030 6907 001 00 0 0 1031000 2592 BOC: 2592 \$2901.25	1.00	EA	2901.250000	2,901.25	

18. SHIPPING POINT	19. GROSS SHIPPING WEIGHT	20. INVOICE NO.	17(H) TOT. (Cont. Pages) \$0.00
21. MAIL INVOICE TO: (Include ZIP Code) Bureau of Reclamation - PN 1150 N. Curtis Road Boise, ID 83706-1234			17(I) GRAND TOTAL \$2,901.25
22. UNITED STATES OF AMERICA BY (Signature) <i>Sue Fraser</i>		23. NAME (Typed) Sue Fraser 208 378-5103 TITLE: CONTRACTING/ORDERING OFFICER	

DI 347 (6/96)

OCT 29 1997



# Route Slip



Date 10/27/97

TO:	Name	Division/Section	Initial	Date
-----	------	------------------	---------	------

1. Take,
2. I received a call last week from
3. BOR wanting to know if we would
4. accept a P.O. for this application.
5. After talking with Dought ~~it was~~

<input type="checkbox"/>	as requested	<input type="checkbox"/>	investigate	<input type="checkbox"/>	per conversation
<input type="checkbox"/>	approval	<input type="checkbox"/>	justify	<input type="checkbox"/>	prepare reply
<input type="checkbox"/>	comment	<input type="checkbox"/>	necessary action	<input type="checkbox"/>	return with more detail
<input type="checkbox"/>	confer	<input type="checkbox"/>	initial and return	<input type="checkbox"/>	review and circulate
<input type="checkbox"/>	for your information	<input type="checkbox"/>	note and file	<input type="checkbox"/>	signature

the answer was yes we would from  
a Federal Agency. We need to  
invoice BOR. Is this Surface Water  
Exam or Recording or a mix of  
both? Please let me know so we

FROM:	can get the invoice out.	Phone No.
-------	--------------------------	-----------

X305



Thx. Dave N.





IN REPLY  
REFER TO:

PN-3110  
WTR-1.10

## United States Department of the Interior

### BUREAU OF RECLAMATION

Pacific Northwest Region  
1150 North Curtis Road  
Boise, Idaho 83706-1234

OCT 23 1997

RECEIVED

OCT 27 1997

WATER RESOURCES DEPT.  
SALEM, OREGON

Mr. Jake Szramek  
Oregon Water Resources Department  
158 12th Street NE  
Salem OR 97310-0210

Subject: New Application for a Permit to Use Surface Water for Lands Covered by  
Application 74318, Permit 51665, Umatilla Basin Project, Oregon (Water Rights)

Dear Mr. Szramek:

Enclosed is a new application for a permit to use surface water for lands covered by Permit 51665. This application is filed in compliance with specific written conditions in Permit 51665. The application is for use of waters from McKay Reservoir for supplemental irrigation of 8,800.4 acres.

Also enclosed is Form I, a check for \$2,901.25 for examination fees, map, list of names and addresses of all affected landowners, a land use information form with Umatilla County planning official approval, description of water use form, and a copy of Permit 51665, showing at a minimum, the legal description of the place of use and the point of diversion. If you have any questions, please contact Phillip E. Graf, PN-3110, at 208-378-5322 or 208-378-5305 Fax.

Sincerely,

Richard M. Rigby  
Program Manager  
Water Rights and Acquisition

Enclosures





## Oregon Water Resources Department Land Use Information Form

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OCT 27 1997

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

### To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

#### A. Applicant

Name: United States of AmericaAddress: 1150 N. Curtis RoadCity: Boise State: ID Zip: 83706 Day Phone: 208 378 5322

#### B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>Attached</u>	<u>Descriptions</u>	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
	<u>all locations have EFD 160 min/lot</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
	<u>Size zone</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Umatilla county

#### C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): IRRIGATIONBriefly describe: FOR USE ON AG LANDS

See attached approval for original water right application dated 4-29-94 by Bob Perry, Senior Planner

#### D. Source

Indicate the source for the proposed water use:

☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water McKAY RESERVOIR  
(source)

#### E. Quantity

Indicate the estimated quantity of water the use will require:

7,215☐ CFS☐ GPM☒ Acre-Feet

### Receipt for Request for Land Use Information

State of Oregon  
Water Resources Department  
Commerce Bldg.  
158 12th St. NE  
Salem, OR 97310-0210  
(503)378-8455



### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

#### A. Allowed Use

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 152.056. Go to section B "Approval" below
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

**Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

#### B. Approval

Please provide printed name and written signature.

Name: Patty Perry Date: 10-14-97  
 Title: Sr. Planner Phone: 541-278-6249  
 Signature: Patty Perry

#### C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

- County Planning Dept. is signing application with the understanding that this is an interim permit and subject to change through NEPA process
- Also, Clatsop Planning understands that application will not change any use of the land within permit area.
- Use of land in area has been used for agriculture and water has been obtained from The Tech Irrigation Dist. for many years

**Note:** If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

#### Receipt for Request for Land Use Information

Name of water right applicant: United States of America Acting through the Regional Director, Pacific Northwest Region, Bureau of Reclamation

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: Umatilla  
 Staff contact: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_



OCT 27 1997

WATER RESOURCES DEPT.

PTP SALEM, OREGON

Application No. 83590  
 Permit No. ✓

Planning Official Initials

## DESCRIPTION OF WATER USE

**Note to Applicant:** This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

**Note to Local Planning Officials:** Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: United States of America  
 Address: 1150 N. Curtis Rd  
Borse, ID 83706  
 Phone: 208 378 5322

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project.

☒ Irrigation (crop type, golf course, nursery or greenhouse):

potatoes, corn, alfalfa, hay

☐ Livestock (type of livestock, feedlot, slaughterhouse):

☐ Residential (I of units, single or multi-family, I of lots if partition or subdivision):

☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.):

☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.):

☐ Institutional (i.e., school, library, etc.):

☐ Mining (aggregate, metal, open pit, placer, etc.):

☐ Recreation (park, campsite, pond, etc.):

☐ Fish and Wildlife (pond, hatchery, etc.):

☐ Hydropower (dam, reservoir, power generating or transmitting facilities):

☐ Other (Name and list key characteristics):

Indicate sources for the proposed water use below:

☐ Surface water  
 Name sources:

☒ Reservoir or pond

☐ Groundwater

Indicate the estimated quantity of water the use will require.

\_\_\_\_\_ Cubic feet per second

\_\_\_\_\_ Gallons per minute

7215 Acre-Feet

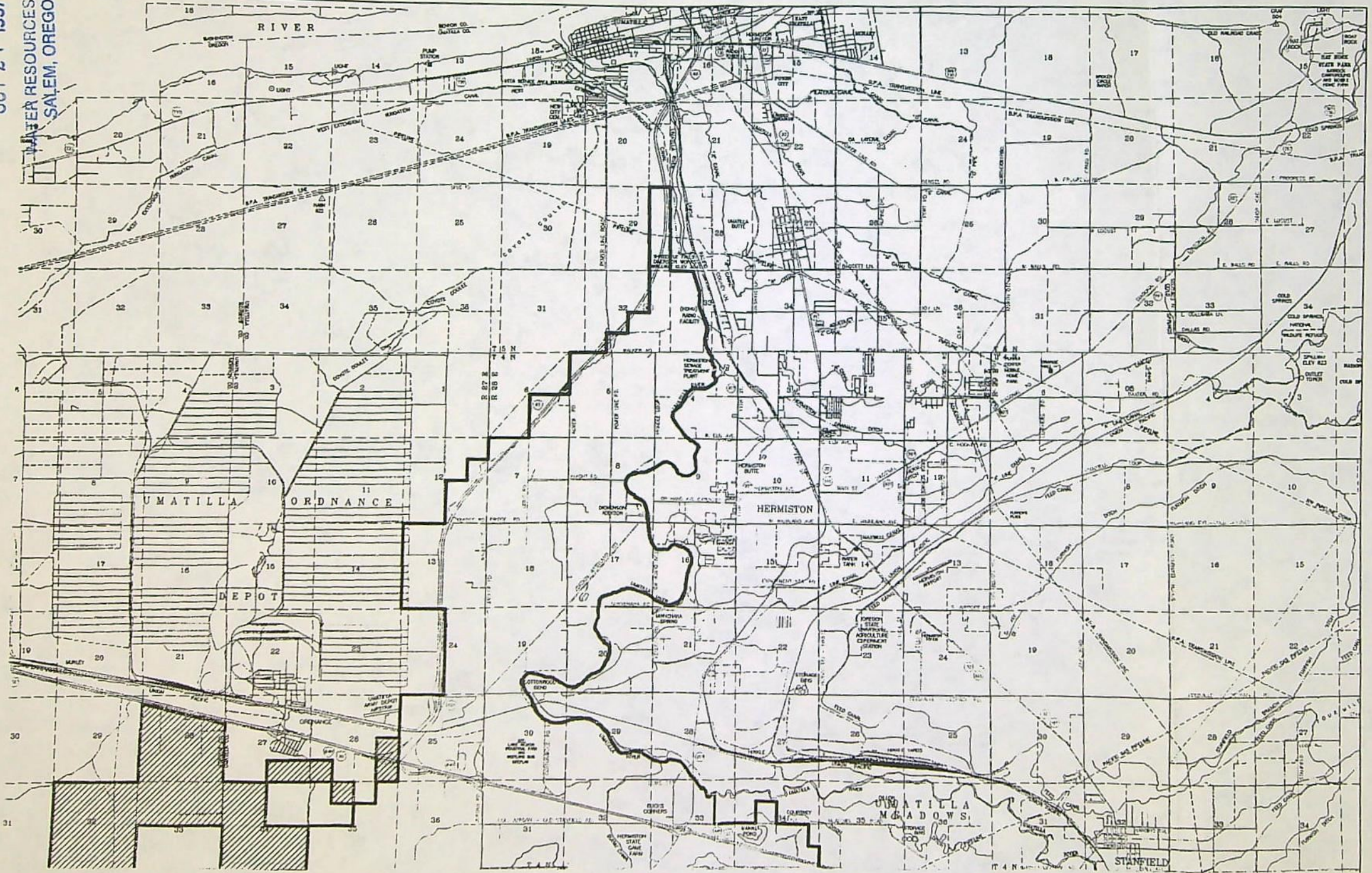


Application No. 83590  
Permit No.

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SALEM, OREGON





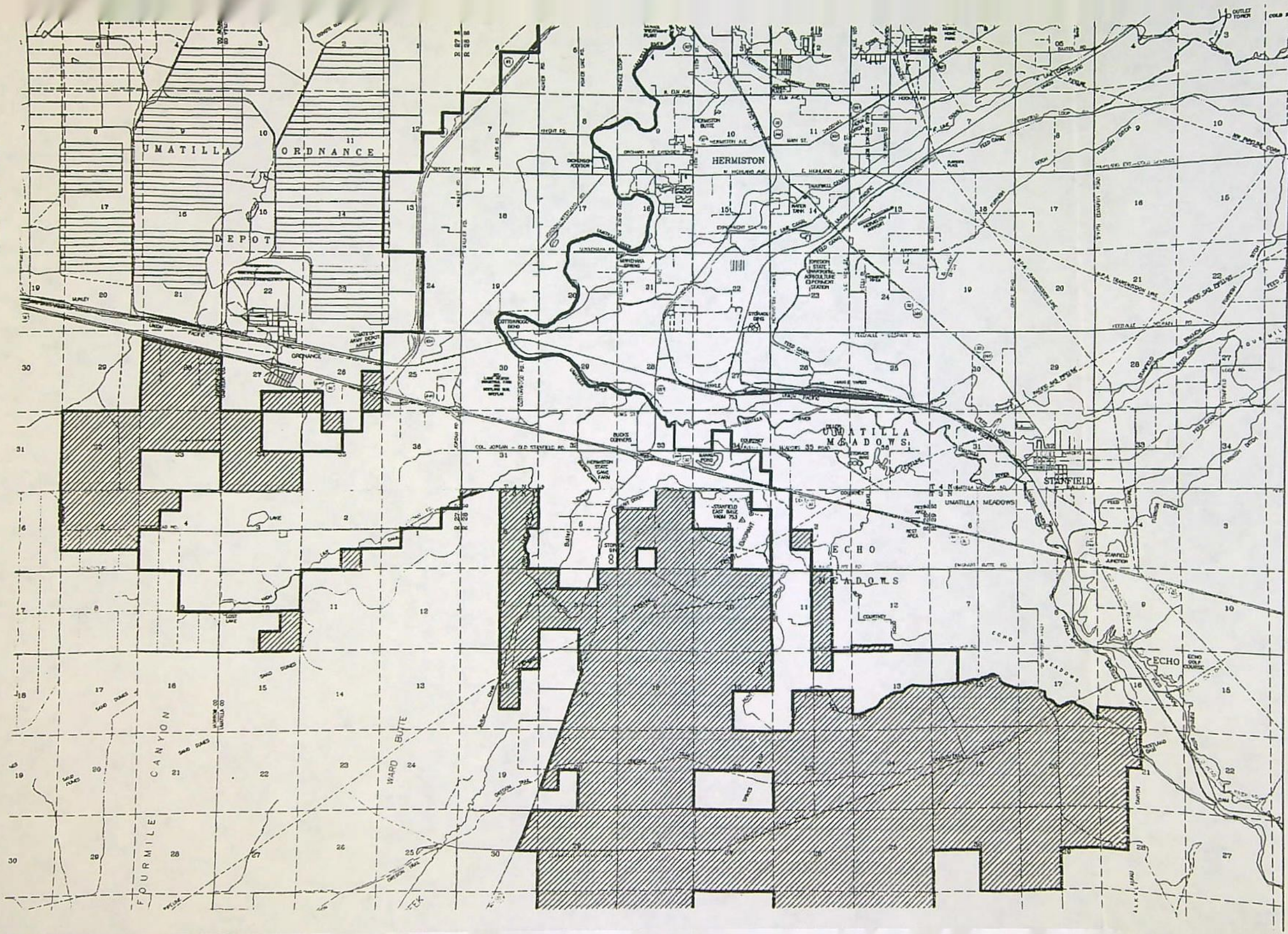
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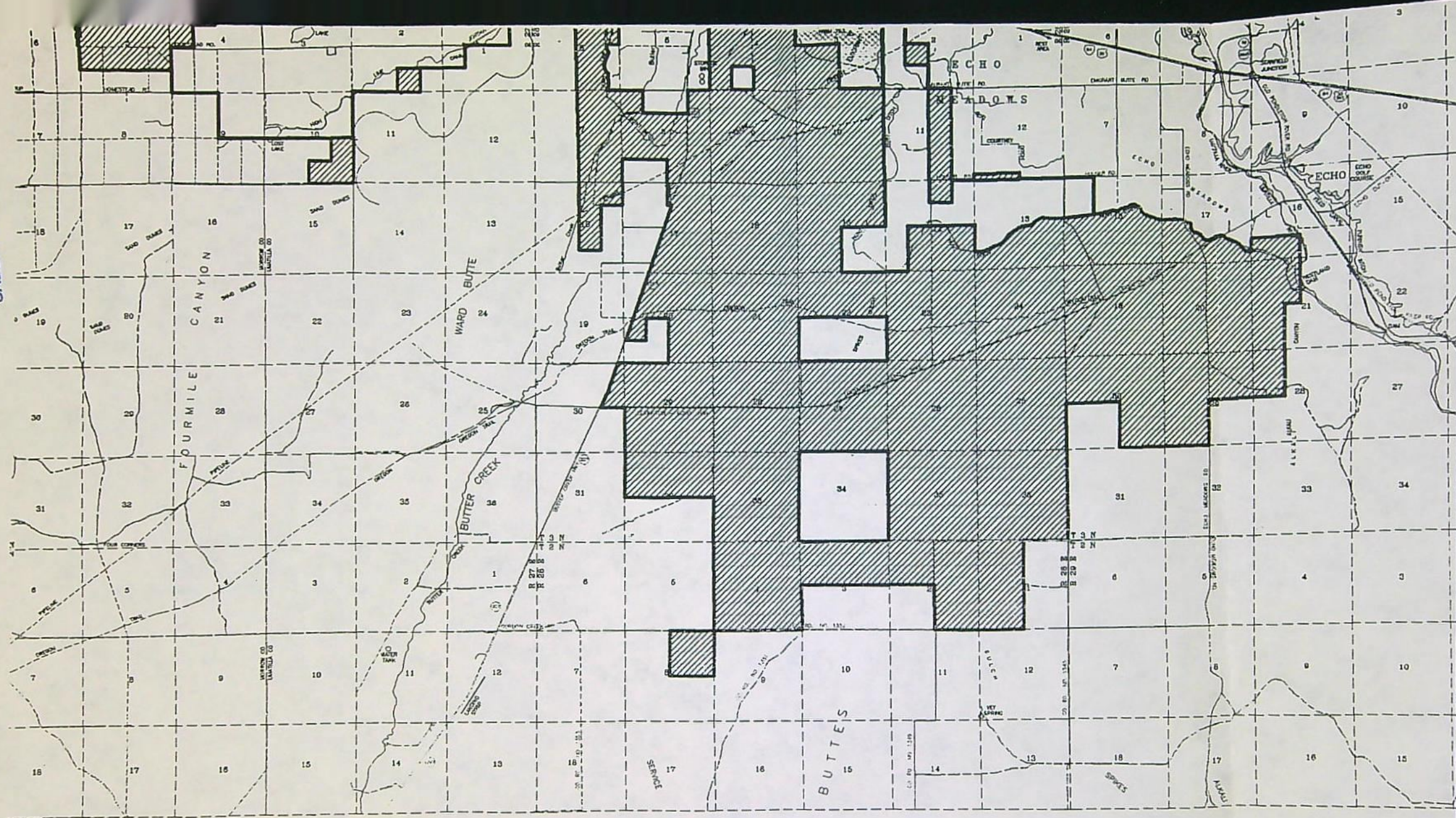
WATER RESOURCES DEPT.  
SALEM, OREGON



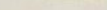
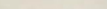
Application No. 83590

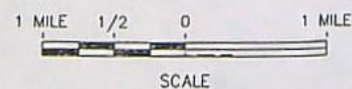
Permit No.







LEGION:            EXISTING DISTRICT BOUNDARY  
                        PROPOSED DISTRICT BOUNDARY  
                        ADDITIONAL DISTRICT AREA  
                        EXCLUDED DISTRICT AREA



THIS MAP IS BEING PROVIDED BY U.E.C.A., WHICH MAY NOT BE COMPLETE OR ACCURATE BUT WAS OBTAINED FROM THE BEST INFORMATION AVAILABLE.

# WESTLAND IRRIGATION DISTRICT SERVICE BOUNDARY

DATE: 12/93

SCALE: AS SHOWN

DRAWN BY: J.Y.K

REF: WLDW

Accession No. 74318

MAY - 3 1994



PAGE 1 OF PAGES 1

1. DATE OF ORDER				2. CONTRACT NO. (If any)		3. ORDER NO.		4. REQUISITION/REFERENCE NO.	
23 Oct 1997						1425-98-PG-10-07050		97-1031000-0003A	

5. ISSUING OFFICE (Address correspondence to)		1425-98-PG-10-07050	97-1051000-0003A
Bureau of Reclamation - PN 1150 N. Curtis Road Boise, ID 83706-1234	PNRO	6. SHIP TO: (Consignee and address, ZIP Code) Bureau of Reclamation - PN 1150 N. Curtis Road Boise, ID 83706-1234	PNRO
		SHIP VIA:	

7. TO: CONTRACTOR (Name, address, and ZIP Code)		SHIP VIA:
Oregon Water Resources Department 00000376 158 12th Street NE  Salem OR 97310-0210  Contact: Dave Nelson Vendor TIN: Phone: 503-378-8455X305		8. TYPE OF ORDER <input checked="" type="checkbox"/> A. PURCHASE -- Reference your _____  Please furnish the following on the terms and conditions specified on both sides of this order and on the attached sheets, if any, including delivery as indicated. This purchase is negotiated under authority of: _____  <input type="checkbox"/> B. DELIVERY -- Except for billing instructions on the reverse, this delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract.

9. ACCOUNTING AND APPROPRIATION DATA		10. REQUISITIONING OFFICE	
See Schedule		Contact: Phil Graf Bureau of Reclamation - PN 1150 N. Curtis Road Boise, ID 83706-1234	
11. BUSINESS CLASSIFICATION (Check appropriate box(es))			
<input checked="" type="checkbox"/> SMALL	<input type="checkbox"/> OTHER THAN SMALL	<input type="checkbox"/> DISADVANTAGED	<input type="checkbox"/> WOMEN - OWNED

12. F.O.B. POINT DESTINATION	14. GOVERNMENT B/L NO.	15. DELIVER TO F.O.B. POINT ON OR BEFORE <i>(Date)</i>  10/23/97	16. DISCOUNT TERMS  Net Due: 30
13. PLACE OF INSPECTION AND ACCEPTANCE			

17. SCHEDULE (See reverse for Rejections)						
ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED, (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)	QUANTITY ACCEPTED (G)
0001	<p>Application for permit to use surface water. See attached letter.</p> <p>Accounting and Appropriation Data: A40 0030 6907 001 00 0 0 1031000 259Z BOC: 259Z \$2901.25</p> <p>Application No. 83090 Permit No. <b>RECEIVED</b> OCT 27 1997 WATER RESOURCES DEPT. SALEM, OREGON</p>	1.00	EA	2901.250000	2,901.25	

SEE BILLING INSTRUCTIONS ON REVERSE	18. SHIPPING POINT	19. GROSS SHIPPING WEIGHT	20. INVOICE NO.	\$0.00	17(H) TOT. (Cont. Pages)
	21. MAIL INVOICE TO: (Include ZIP Code)  Bureau of Reclamation - PN 1150 N. Curtis Road Boise, ID 83706-1234			\$2,901.25	17(I) GRAND TOTAL

22. UNITED STATES OF AMERICA BY (Signature)	23. NAME (Typed)  Sue Fraser 208 378-5103 TITLE: CONTRACTING/ORDERING OFFICER
--	--



12/21/01 Adam  
Peres

FILE#: S 83590

U.S. BUREAU OF RECLAMATION

Name 1150 N CURTIS RD  
Address BOISE, ID 83706-1234

Assign

Address

Beginning construction

Completion of construction

Extended to

Complete application of water

Extended to

Form 111

12/22/99 Adam

FILE#: S 83590

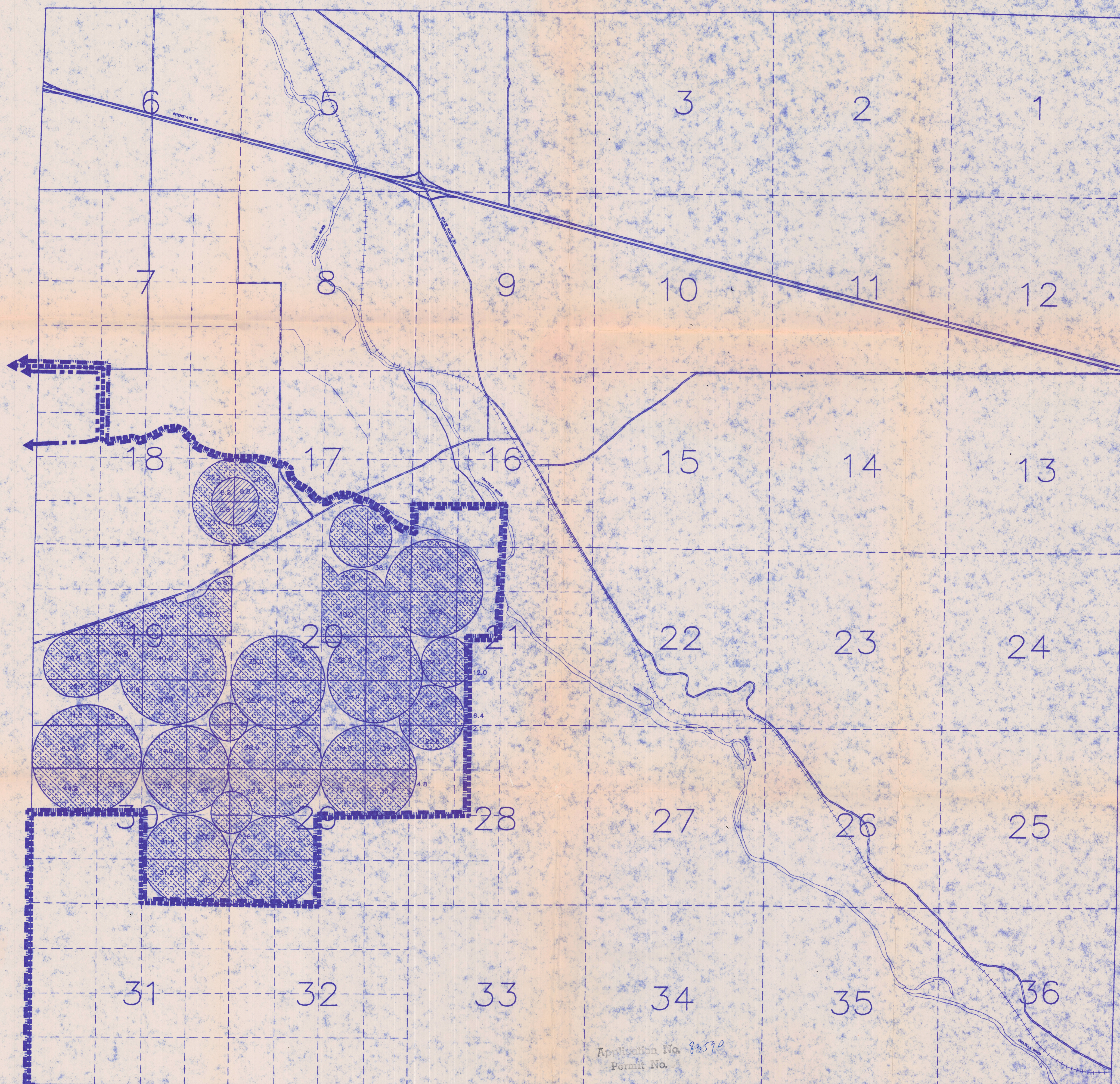
U.S. BUREAU OF RECLAMATION

1150 N CURTIS RD  
BOISE, ID 83706-1234



# TOWNSHIP 3 NORTH RANGE 29 EAST W.M.

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SALEM, OREGON



Application No. 83590  
Permit No.

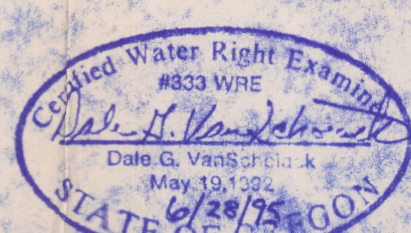
- 1924 DISTRICT BOUNDARY
  - 1986 PETITIONS
  - PROPOSED 1993 BOUNDARY
  - 1985 WATER RIGHT
  - ORIGINAL WATER RIGHT
  - 1993 PETITION
  - BUREAU OF RECLAMATION APPL S-74318
- 29.5 INDICATES IRRIGATED ACREAGE IN PARCEL OR 40 ACRE TRACT

## BUREAU OF RECLAMATION APPLICATION S-74318 FOR SUPPLEMENTAL IRRIGATION FROM MCKAY RESERVOIR FOR WESTLAND IRRIGATION DISTRICT

MAP 1 OF 2

JUNE 1995

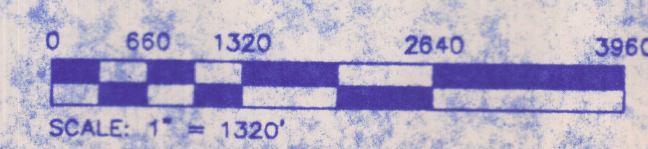
THIS MAP REFLECTS THE ACREAGE VALUES SHOWN  
IN THE OWRD'S "SATISFACTORY REPORT OF TECHNICAL REVIEW"  
DATED MARCH 10 1995.



PREPARED BY:

**SCM** Consultants, Inc.

Architects & Engineers  
Kennewick, WA 99538

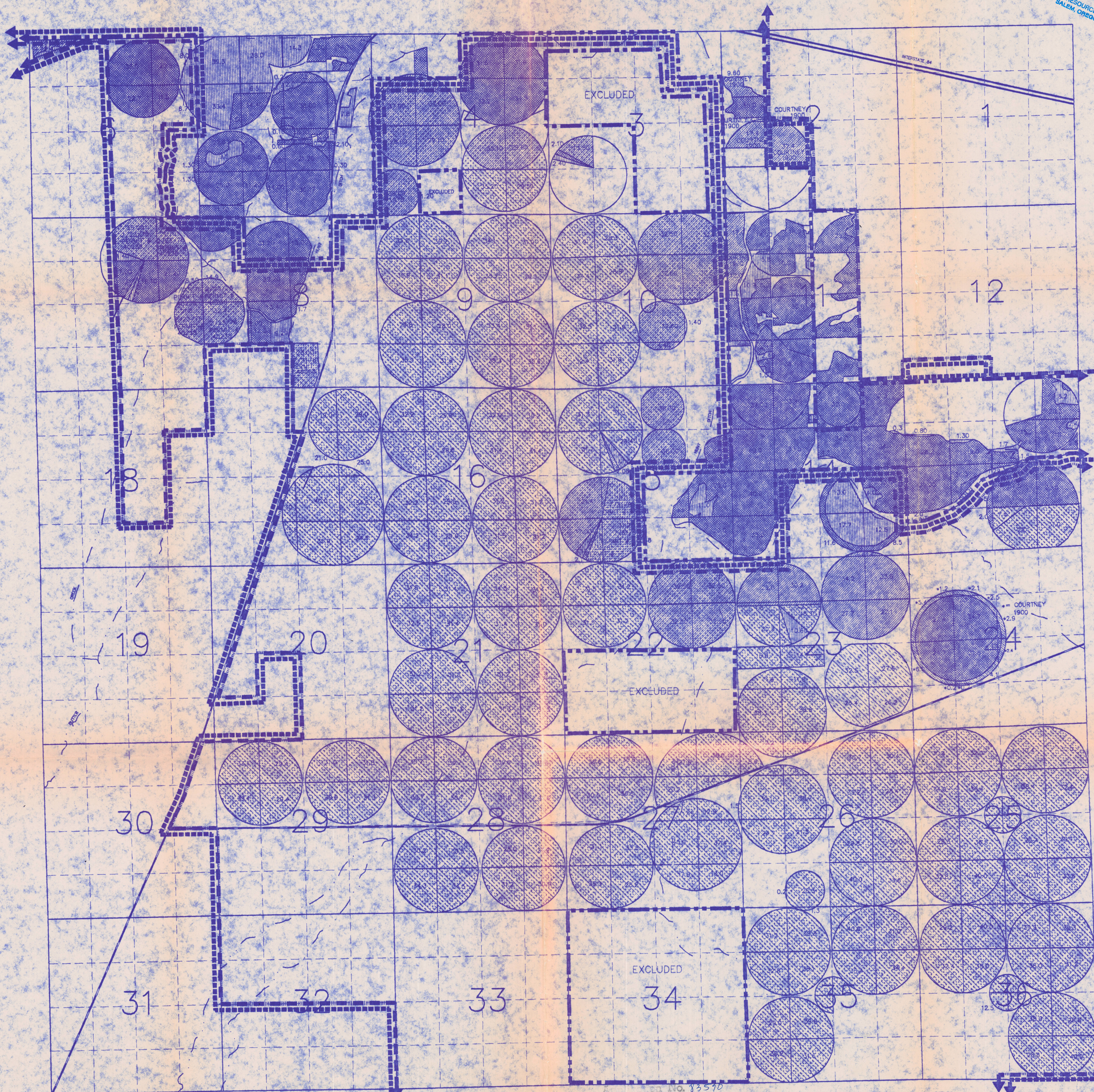


2674BUR2.DWG





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SALEM, OREGON



- - - - - 1924 DISTRICT BOUNDARY  
 - - - - - 1988 PETITIONS  
 - - - - - PROPOSED 1993 BOUNDARY  
 [Pattern] 1903 WATER RIGHT  
 [Pattern] 1907 WATER RIGHT  
 [Pattern] 1961 WATER RIGHT  
 [Pattern] 1961 WATER RIGHT  
 [Pattern] PRIVATE CONTRACT  
 [Pattern] BUREAU OF RECLAMATION APPLICATION S-74318

**BUREAU OF RECLAMATION APPLICATION S-74318 FOR  
 SUPPLEMENTAL IRRIGATION FROM MCKAY RESERVOIR FOR  
 WESTLAND IRRIGATION DISTRICT**  
**MAP 2 OF 2**  
 JUNE 1995

THIS MAP REFLECTS THE ACREAGE VALUES SHOWN  
 IN THE DWR'S "SATISFACTORY REPORT-TECHNICAL REVIEW"  
 DATED MARCH 10 1995.  
 [Signature]  
 STATE OF OREGON  
 PREPARED BY:  
 [Signature]  
 Architects & Engineers  
 Kennel, WA 99336

SCALE: 1" = 1320'  
 0 660 1320 2640 3960  
 2674BUR1.DWG

