

**WEST EXTENSION IRRIGATION DISTRICT  
RESOLUTION NO. 22-009**

**CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION  
WATER RIGHT SETTLEMENT**

WHEREAS, the Board of Directors (BOD) of the West Extension Irrigation District (WEID) has water rights from the Umatilla River, operates Three Mile Falls Diversion Dam and relies on return flows in the Umatilla River, and

WHEREAS, the WEID has been working with its legal team to identify, claim and protect return flows in the Umatilla River under its 1928 McKay return flow certificate, an action that has been informally put "on hold" by both Water Resources Department and the Bureau of Reclamation, and

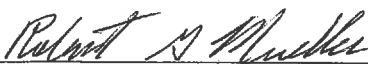
WHEREAS, the BOD of the WEID works cooperatively with all parties in the Umatilla Basin towards a meaningful water rights settlement for the CTUIR, and

WHEREAS, the BOD has met with representatives on the CTUIR. A settlement has been negotiated that will provide instream water to the CTUIR, keep the WEID whole under their water rights, allow for pumping from Reclamation's Phase I Exchange pumping plant on the Columbia River, and provide a known cost for pumping, and

WHEREAS, under the settlement, the District will no longer have use of the Three Mile Falls Diversion Dam and will cease its interest and operation the dam. While the individuals of the Board and District may not agree generally with dam removal, the Board agrees that it will not object to any action taken by Reclamation or CTUIR relative to Three Mile Falls Diversion Dam, including operational changes or removal of the facility, NOW


THEREFORE BE IT RESOLVED that the BOD of the WEID agrees to the draft language dated July 21, 2020 of the attached CTUIR and WEID water right settlement, and agrees that the CTUIR should move forward with this document as part of the final settlement.

ADOPTED BY THE BOARD OF DIRECTORS OF THE WEST EXTENSION IRRIGATION DISTRICT THIS 14th DAY OF DECEMBER, 2022.

  
\_\_\_\_\_  
Robert Mueller, Director Division 1

  
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Abraham McNamee, Director Division 2

  
\_\_\_\_\_  
Von Studer, Director Division 3

  
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Vern Frederickson, Director Division 4  
Vice Chairman

  
\_\_\_\_\_  
Dalarie Philippi, Director Division 5  
Chairman

**Draft Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and West Extension Irrigation District (WEID) Umatilla River water right settlement (Settlement). 7.1.20 (Revised 7.21.20)**

During each irrigation season (March 1 through October 31), WEID shall receive an exchange credit consistent with the structure of the current Umatilla Basin Project Phase I Exchange Agreement (Exchange Agreement) for all Umatilla river flows, regardless of flow origin, designation, or priority date. The exchange credit shall be up to a maximum seasonal volume of 36,000 acre-feet and free from other restrictions on the instantaneous rate or annual volume that can be exchanged. This water shall be measured in the Umatilla River at the UMTO gage (14032400) or a suitable replacement. For example, if there is 36,000 acre-feet of flow measured at the UMTO gage between March 1 and October 31, WEID shall receive 36,000 acre-feet of exchange credit.

The Exchange Agreement and other relevant documents shall be modified by the State of Oregon and Bureau of Reclamation (or other federal agency) consistent with the terms and conditions of this Settlement.

In trade for the above provisions, WEID agrees to the following, as of the effective date of this agreement (which shall be no later March 1 the year following this Settlement Agreement's approval by the U.S. Congress and signing by the U.S. President):

1. will not object to to support the removal of the Bureau of Reclamation's Three Mile Falls Dam when requested by the CTUIR (removal of such dam solely at the discretion of the CTUIR);
2. to never again, for any reason under any condition, divert water from the Umatilla River, its tributaries, any reservoir located anywhere on or upstream of the Umatilla River, any return flow or alluvium groundwater flows or alluvium water sources connected to the Umatilla River (no diversions from the Umatilla River from any water supply source);
3. to never forfeit, abandon, sell, transfer or relinquish their Umatilla River water rights, so that such forfeiture, abandonment, sale, transfer or relinquishment result in another party diverting water from the Umatilla River and/or reducing WEID water rights below 36,000 acre-feet in detriment to WEID's exchange and this agreement; and
4. to make an annual payment to the Bureau of Reclamation or other designated entity to partially offset Columbia River pumping costs of \$80,000 per year for the first five years (after implementation of this Settlement), and thereafter each year with an increase in the payment amount of \$5,600 every five years (first five years \$80,000, second five years \$85,600, etc.).