



WATER START-UP

Water start-up always depends on wind and rain, but this year snow and ice have played an even bigger factor. We usually start working on the main canal early January. This year we were unable to even see the canal until mid-February.

Crews will work overtime to get the systems ready to run water, but at this time we still don't have a target date. We will keep our website updated as work progresses.

The main canal will be watered up as soon as we are safely able to. We will take water into Boardman a few days later. Irrigon and pump stations will follow that.

Watch the website for updates:
www.westextension.com

CANAL IRRIGATORS: Please have all your headgate and screen work complete by Monday, March 20.

IRRIGON SYSTEM & PUMP STATIONS: Plan for start-up after April 1. Please close any open valves by March 30.



WEST EXTENSION IRRIGATION DISTRICT SPRING 2017 NEWSLETTER

NOW TAKING CREDIT / DEBIT CARDS!

WEID can now take credit and debit cards. Cards can only be accepted in person, we are not able to take payments over the phone at this time. There is a 2.9% processing fee assessed at the time of the charge. We can accept Visa, MasterCard, American Express and Discover.

WEID Project Update

WATER RIGHTS UPDATES: The State of Oregon has a "5-Year Non-Use" law (see pages 2 & 3). We are in the process of reviewing water rights, identifying areas where water rights should be removed (houses, shops, driveways, etc.) and where they either need to be used or moved (dry areas that haven't been irrigated for awhile). The first round of letters notifying landowners of these situations went out last summer, with more going out this winter and spring. If you get a letter, please read it carefully and respond right away to protect your water right.

IRRIGON PRESSURE SYSTEM: WEID crews completed replacing a large section of old steel mainline this winter. This will not only save water, but will also make the system more reliable. This work is part of WEID's multi-year commitment to upgrade the pump station and replace these old lines. There are just a few short sections remaining.

BOARDMAN LATERALS: The Lateral 7 piping project was completed in the Spring and the open lateral was eliminated. This project will save over 400 acre-feet of water annually. The next projects will be to enclose Lateral 5 and to pipe Lateral 11. We are actively seeking funding to be able to pipe Laterals 9, 12, 13, 15 and 17 within the next few years. These piping projects help to shore up WEID's water supply, better managing drought years and the high cost of pumping water.

HOW TO CONTACT THE DISTRICT:

WEBSITE: www.westextension.com

DISTRICT OFFICE: 541-922-3814

WATER ORDER LINE: 541-922-9372 (call or text)

EMERGENCY & WEEKEND DITCHRIDER PHONE: 541-314-0005

Water Orders: Landowners with 20 acres or more are required to use the call-in number to order water. Calls must reach the office before 7 am the day before making the change. Water adjustments are made to the main canal at 8 am and 3 pm and it takes 18 hours for the water to make it to the end.

Flood Irrigators: As in the past, you need to call in prior to taking water for the season and then anytime you will not be taking water. We will be on the same schedule as last year starting with the A schedule. Let the office know if you need a new headgate tag.

Oregon Water Law Questions and Answers

Prepared for West Extension Irrigation District Patrons

Introduction: Pressure to improve the environment has steadily increased throughout the Western States, but more importantly in Oregon. The passage in 1997 of Oregon's Coastal Salmon Restoration Initiative reflects the trend in environmental restoration. That document directs Oregon Water Resources Department (OWRD) to augment in-stream flows for salmon-bearing streams. In response to this, OWRD has encouraged its watermasters and staff to take opportunities to cancel water rights that are no longer being used. The internet and sites such as Google Earth and Oregon Map are easily available for OWRD staff and others to identify potential areas of non-use. The OWRD uses such aerial imagery sites to confirm use of water. Thus, the "use it or lose it" phrase is becoming more and more a concern for those who struggle with using their full water right annually. This document is prepared for our water users to better understand their responsibility as an irrigator within the WEID.

Who owns the water? Oregon law provides that the water is publicly owned. A water right is required before any entity or person may divert water from its natural course.

What is a water right? It is an authorization from the State to make use of the water – either surface water or groundwater. Water rights are issued by the Oregon Water Resources Department (OWRD). WEID has seven primary water rights and one supplemental right for the benefit of its irrigators.

Who actually owns the water right? The State courts have determined that the water right is "owned" by the entity or person whose name is on the water right. That is WEID or the US Bureau of Reclamation for our water rights. The water is owned in trust for the benefit of our irrigators. There are three parts to "holding" a water right – 1) the appropriation (taking of the right from its natural course); 2) the delivery (such as down the main canal and laterals or through a pump station); and 3) the beneficial use of the water (irrigating the land). You, as an irrigator have responsibility to assure the water is put to beneficial use (see more explanation below).

I've heard of exempt use, so what is that? The law includes limited exceptions to the general rule that a water right is required; these are called exemptions. Typically in our area, they are domestic groundwater wells for household needs, stock watering, gardens and non-commercial lawns up to ½ acre. Those are privately owned systems (not part of WEID).

How does the irrigation district fit in? The WEID has gone through the processes to obtain water rights for its patrons. It diverts and delivers the water in compliance with state and federal laws. Water is available to each patron because they have a water right, and the District charges an annual fee for the water right. It is up to each patron to use the water by putting it to "beneficial use."

What does beneficial use mean? Water rights are issued for a specific purpose, such as irrigation, without waste. It is a broad term, but means "use for the prescribed purpose without waste".

So, if I turn my sprinklers on for one day a year, is that beneficial use? No, there would be no beneficial purpose to that. Use must be to the benefit of the landowner – crops, lawn, garden, pasture and so forth should be grown. The use also needs to cover the area where the water right lays on the property. For instance, if you have 2.0 acres of water rights, you need to irrigate those same 2.0 acres to protect the rights from forfeiture due to non-use.

How much water can I use? Each water right has a specified rate (the amount of water you can take at any time) and a duty (the total amount you can use during the irrigation season). As an irrigation district, WEID has set its rate to 8.5 gallons per minute per acre up to 4.5 acre-feet per acre annually. In some dry years the WEID Board of Directors may determine that it will deliver less water.

What does “use it or lose it” mean? This phrase refers to a basic element of water law – that the right must be regularly exercised in order to remain valid. A certificated (as opposed to a permit) water right remains valid forever, so long as it is used. If the water right is not used for a period of five or more years, it becomes subject to forfeiture and cancellation. The process is not automatic. The state must first prove that a right has not been used. More and more, however, OWRD watermasters are using aerial imagery to identify areas of non-use. See ORS 540.610 for details.

What is the difference between a “permit” and a “certificate”? Water rights are issued in two stages. The first stage is a permit, which is the initial authorization for a water user to develop its sources and make use of the water. The second stage is the certificate which is issued after the water use is fully developed. This “vests” the water right. It can last forever and can be lost only by showing that a right has been forfeited due to non-use (see above). Non-use cannot occur under a permit, but once the certificate is issued, the five year “clock” starts. All of WEID’s water rights are certificated, so we are trying to be diligent about potential non-use areas.

What is a transfer of water right? For our purposes, the term “transfer” is used for a change in place of use for a certificated water right. One user gives up the water right and another user takes it. These can be temporary (one year) or permanent. A transfer application must be filed with OWRD. Rights within an irrigation district must be filed by the irrigation district or receive approval of the district prior to transfer. WEID keeps a list of folks wanting water rights to be transferred ONTO their property and those wanting water rights to be transferred OFF their property.

What if I don’t want the WEID water right? You can request WEID to transfer OFF all or part of any right that you don’t want. The right can be removed if the area can be dried up (no seepage or high water table for instance). The District will work with you to remove the unwanted rights from your property. If filed by February 1 of each year, it will be done for the upcoming water season.

Can I buy or sell WEID water rights? Yes, as long as the right can be delivered by the District and does not result in injury to any other water user. Both parties should contact the District so the transfer of rights can be prepared and filed with the OWRD. Filing and preparation costs will need to be paid by the receiving party to WEID for such transfer.

If I buy or sell my land, what happens to the water right? Water rights are appurtenant to the real property, so they are deemed to be included in the land sale. If they are expressly reserved to the seller in a contract, they should be transferred off the property within five years of the last water use in order to avoid possible forfeiture.

Can I get water rights for my property? All the water rights in WEID are designated, but sometimes there are folks wanting to give up all or a part of their water. This is usually due to a change in use of their property or to new buildings. To get on the waiting list for water rights, contact the WEID office to file a form requesting water. A staff member can advise you of the waiting time and costs of a water right transfer.

Reclamation Reform Act (RRA) FORMS

West Extension Irrigation District is a federal District and falls under the discretionary provisions of the Reclamation Reform Act (RRA). Patrons taking water from the Umatilla River (main canal and laterals) need to abide by the RRA provisions. If you meet any of the criteria listed below, you are required to file an RRA form with the District office prior to taking water each year. Your total acres would include any federal projects lands such as within another federal irrigation district. This law covers you if you own, lease, rent or operate a farm with district water rights.

The filing threshold (lowest number of farmed water rights) differs for each irrigation district, so if you hold land in more than one district you should contact each one.

2017 Filing Thresholds

Qualified Recipient: 240 acres. This is individuals, families, entities which benefit 25 or less persons.

Limited Recipient: Land which benefits 26 persons or more.

Public Entity: Land holdings of 40 acres or more.

Trusts (25 persons or less) 240 acres. (26 persons or more) 40 acres.

Lisa Baum, our Office Manager, is our RRA specialist so address any questions to her. She can assist you with preparing your RRA forms, if you need help. Remember that if your ownership increases during the irrigation season, you have 0-30 days to file the proper RRA forms. New filers have to file before receiving water. Those who have filed for the season have 30 days to amend their current form. The government audits our books every three years for compliance.

To learn more about the RRA, checkout this website: <http://www.usbr.gov/rra/>

**AQUATIC HERBICIDE APPLICATION
OFFICIAL NOTICE**

West Extension Irrigation District uses the aquatic herbicides ACROLIEN (Magnicide-H), COPPER SULFATE and ENDOTHALL in its main canal to treat pond weed and algae. The District has a NPDES permit from Oregon DEQ that allows it to apply these products.

Each product is applied two to five times during the season, starting in mid-May and continuing to mid-September. A notice of treatment will be posted on the door of the District office 48 hours prior to each treatment.

If you have dairy animals or are delivering to a public site (schools, parks, mobile home park), you are required to close your headgate during the treatment times. If you have livestock and are using irrigation water as stock water, you may want to close your headgate during treatment times.

If you would like further information on this notice or the aquatic herbicide products, please contact the District office at 541-922-3814.

If you would like to be notified prior to any application, please contact the District in writing providing a telephone number with an answering machine or an e-mail address. We will contact you 24 hours prior to the canal application.

Your Delivery System - Your Responsibility

At this time of the year, we are all thinking about water and anticipating its startup. In getting ready, don't forget to clean your headgate area, your screens, filters, boxes, etc. It's also the time to think of replacing broken or wornout valves and nozzles. Don't forget that the District depends upon your help with the cleaning of open ditches along and through your property. We noticed that landowners with fences along our canal and laterals need to do some work to remove weeds and overgrowth into the canal prism.

Quite a few of you have shared delivery lines. Easements often weren't given for the pipelines that were privately installed. As they deteriorate, we hear concerns about whose responsibility it is for repair. The landowner through which the shared delivery line is running is responsible to maintain and repair the line on their property unless a written agreement is in place. Replacement of a line is typically a group effort of those benefitting from the line. We encourage you to get agreements in writing for these private lines.

1st half payment due April 1.

2nd half payment due July 1.

Accounts must be current in order to take water.

