

purposes or use, or for the general use and benefit of people within or without the city, all waters of the north fork of the Umatilla River, the springs at the head which form the stream, and its tributaries to the confluence of the north fork with the main stream of the Umatilla River in the northwest quarter of section 22, township 3 north of range 37 east of the Willamette Meridian, which north fork is a tributary of the Umatilla River situated in Umatilla County.

(2) The City of Pendleton, its water commission, any of the city's agents, agencies and officers, and others on its behalf, may appropriate all such waters for these purposes and uses for the benefit and use of the city, as above set forth, either by the city in its own name, or by any of its agents, agencies or officers or by any other persons on its behalf.

(3) No person shall appropriate or be granted a permit to the use of any of such waters, except as provided in this section. But the City of Pendleton may, under this grant, divert such waters from their watershed and convey them to the city and elsewhere for use by it for public or municipal purposes or use or for the general use and benefit of people within or without the city. All of such waters are withdrawn from future appropriation, except for use and benefit of the city as set forth in this section.

(4) The point of diversion of a water right granted under this section may be exercised at the main stem of the Umatilla River situated in Umatilla County to a point not below the westerly city limit of the City of Pendleton.

(5) Prior to exercising the right granted under this section, the City of Pendleton shall submit to the Water Resources Department a notice of intent to exercise the right. The notice of intent shall be made on a form prescribed by the department and shall set forth:

(a) The name and mailing address of the applicant;

(b) The source of the water supply including the name and mailing address of any owner of the land upon which the source of the water supply is located;

(c) The nature and the amount of the proposed use;

(d) The time within which construction of the right is proposed to begin;

(e) The time required to complete construction of the right;

(f) The time required for the complete application of the water to the proposed beneficial use;

(g) The point of diversion of the exercise of the right; and

(h) Any other information required by the department that is necessary to understand the nature of the proposed project.

(6) Prior to submitting a notice of intent pursuant to subsection (5) of this section, the City of Pendleton shall hold a public meeting in the water basin in which the right is located to discuss the proposed project and receive comments from the public.

(7) Within 14 days after receiving a notice of intent submitted pursuant to subsection (5) of this section, the department shall, in the weekly notice published by the department, give public notice of the submission of the notice of intent.

(8) The Confederated Tribes of the Umatilla Indian Reservation and the City of Pendleton have entered into an agreement addressing the development and use of the City of Pendleton's water rights in the Umatilla River and the impact on tribal interests from such development. The agreement includes implementation of the minimum streamflow in the main stem of the Umatilla River resulting from the exercise by the City of Pendleton of its surface water right of the north fork of the Umatilla River under this section. The City of Pendleton shall exercise such right consistent with the agreement or successor agreements between the City of Pendleton and the tribes provided in this subsection. In no event will the City of Pendleton exercise the right granted under this section so as to reduce streamflows in the Umatilla River to be less than state in-stream water rights for the Umatilla River existing as of January 1, 2002. [Amended by 1995 c.359 §1; 2001 c.298 §1]