

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Bureau of Reclamation Consent Agreement

<p>Background:</p> <p>As part of the central pipeline project, it will be necessary to cross the West Extension Main Canal. The County proposes to assume the consent given by the United States to Westland Irrigation District to cross the canal. The amendment to the consent agreement is before the Board for consideration, along with the terms for the consent.</p>	<p>Requested Action:</p> <p>Approve Amendment to Consent to Use and authorize a commissioner to sign</p>
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ATTACHMENTS: Proposed Agreement; Original Consent

*****For Internal Use Only*****

Checkoffs:

- () Dept. Heard (copy)
- () Human Resources (copy)
- (X) Legal (copy)
- () (Other - List:)

To be notified of Meeting:

Needed at Meeting:

Scheduled for meeting on: February 9, 2022

Action taken:

Follow-up:

**AMENDMENT NO. 1
TO
BUREAU OF RECLAMATION
CONSENT TO USE NO. 16-07-1U-L0224
Umatilla Basin Project, Oregon**

THIS AMENDMENT is made and entered to this _____ day of _____, 2022, between the **UNITED STATES OF AMERICA**, acting by and through its Department of the Interior, Bureau of Reclamation, hereinafter referred to as the United States, and **Umatilla County**, a political subdivision of the State of Oregon, hereinafter referred to as the Grantee.

WITNESSETH:

WHEREAS, on February 13, 2017, the United States entered into Consent to Use No. 16-07-1U-L0224 with the Westland Irrigation District, as Grantee, to allow the Grantee to own, install, operate, and maintain a 42-inch steel irrigation pipeline across the United States' right-of-way for the West Extension Main Canal; and

WHEREAS, the Westland Irrigation District has divested itself of the lands and all interests associated with the proposed irrigation pipeline; and

WHEREAS, Umatilla County, as the new owner, has a continued requirement for said pipeline in association with an ongoing water project; and

WHEREAS, it has been administratively determined that amendment of the contract to reflect the change in ownership and other conditions necessitated by the acquisition of the facilities by a public entity will be in the public interest and will not substantially injure the interest of the United States in the property affected.

NOW THEREFORE, in consideration of the premises and the mutual covenants and stipulations hereinafter states, the parties hereto do mutually agree, effective on the date of execution hereof, as follows:

a. The following conditions are hereby modified:

1) The Granting Clause to the original contract is hereby amended to read as follows:

"... and Umatilla County, a political subdivision of the State of Oregon, hereinafter referred to as the Grantee."

2) Condition 5.a. is amended to read as follows:

“ The Grantee shall provide Reclamation's Umatilla Field Office and the District fifteen (15) days’ notice of intent to commence construction and/or installation activities, and five (5) days’ notice prior to entering the subject easement or premises for the purposes of construction and/or installation activities.”

b. The following conditions are added hereto to Condition 5 “Special Stipulations” and are made a part hereof:

“g. No construction, repair, or maintenance activities shall take place during the irrigation season (March 1 through October 31 of each year).

h. Construction hours shall be Monday through Friday between the hours of 7 a.m. and 5 p.m.

i. A key to the canal access gate will be provided to the Grantee’s contractor during construction activities. The contractor shall ensure that the canal gate remains closed and locked during all non-construction hours.

j. The Grantee shall conduct an inspection of its facilities prior to February 1 of each year and provide a letter of inspection and current emergency contact information to the District.”

ALL OTHER TERMS AND CONDITIONS SHALL BE AND REMAIN THE SAME.

IN WITNESS WHEREOF, the parties hereto have executed this agreement, effective the day and year first above written.

UNITED STATES OF AMERICA

Carolyn Chad
Deputy Area Manager
Columbia-Cascades Area Office
Columbia-Pacific Northwest Interior Region 9
Bureau of Reclamation
Department of the Interior

ACKNOWLEDGMENT

STATE OF WASHINGTON

COUNTY OF YAKIMA

On this ____ day of _____, 2022, personally appeared before me, the undersigned Notary, _____, 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 she is authorized to execute said instrument.

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

Notary Public in and for the
State of Oregon
Residing at:
My commission expires: