

**NORTH UNIT IRRIGATION DISTRICT
JEFFERSON COUNTY, OREGON
RESOLUTION NO 2024-06**

A Resolution Regarding Surplus Water Supplies

FINDINGS:

- A. NUID holds live flow water rights from the Deschutes River, which are junior in priority to other Deschutes River live flow water rights. As a result, NUID is the first to have its Deschutes River live flow water rights curtailed when live flow is insufficient to satisfy all live flow water rights. In recent years, severe drought conditions have led to earlier and more drastic reductions in available Deschutes River live flow to NUID.
- B. NUID holds storage rights and secondary use rights from Wickiup Reservoir. Due to the same severe drought conditions in recent years, along with requirements stemming from the Endangered Species Act and other factors, NUID's stored water supplies in Wickiup Reservoir have also come under increased pressure.
- C. NUID holds live flow water rights from the Crooked River, along with contractual rights to up to 10,000 acre feet of stored water from Prineville Reservoir. Again, due to severe drought conditions in recent years, requirements stemming from the Endangered Species Act, and other factors, NUID's water supplies in the Crooked River and Prineville Reservoir have also come under increased pressure.
- D. As a result of the above, despite the best efforts of NUID staff to utilize all available water for on-farm use and consumption, NUID patrons have been subjected to significant reductions in their annual allotments, with such reductions becoming increasingly acute in recent years.
- E. Meanwhile, consistent with the Deschutes Basin Habitat Conservation Plan and in coordination with other Deschutes Basin irrigation districts, efforts are underway for other districts to conserve water, with such conserved water being made available to NUID as additional Deschutes River live flow. Such efforts include, but are not limited to, the ongoing piping of ditches and canals in Arnold, Central Oregon, and Lone Pine irrigation districts.
- F. Because this additional supply of conserved water to NUID is largely in the form of Deschutes River live flow, as opposed to more predictable releases of stored water from Wickiup Reservoir, there are times throughout the irrigation season during which water becomes available to NUID which NUID cannot divert and deliver for many reasons. For example, there are times when additional live flow may be available to NUID for diversion and delivery, but a prolonged wet weather event causes NUID patrons to reduce water consumption. Moreover, there are times when this reduced demand occurs in conjunction with Haystack Reservoir—which functions as NUID's regulating reservoir within NUID's deliver system—already storing water at full

capacity. These instances in which additional, or surplus, water supplies are likely to become more frequent as the other Deschutes Basin irrigation districts continue with their piping efforts.

G. In addition, there are also times during the irrigation season in which NUID is required to release water from Wickiup Reservoir in order to comply with the Endangered Species Act. In most circumstances, NUID is able to then divert the additional water releases at its diversion at the North Canal Diversion Dam. However, there are instances in which there is no immediate NUID patron demand for the water, and again, Haystack Reservoir may already be full.

H. Finally, there are also instances in which other Deschutes Basin irrigation districts may alter the amount of water that they either leave undiverted or spill from their systems, whether due to regular operation or emergencies. And again, based on immediate demand and existing Haystack Reservoir contents, NUID may or may not be able to divert and deliver these additional supplies.

NOW THEREFORE, be it resolved by the Board of Directors as follows:

Section 1. Resolution.

1. During times of surplus (un-allocated, unassigned, available, etc.) water, NUID staff will email district patrons as soon as water becomes available and for the anticipated time frame, quantity, and expected duration.

2. District patrons may order the available water on a first come, first serve basis without their allotments being affected. [NOTE: Another approach may be to set a higher allotment at the start of irrigation season but require that a portion of the allotment only be taken during times of surplus.]

3. Patrons may not order more at any delivery that has historically been delivered through that delivery. [NOTE: The ultimate cap is the duty under the appurtenant water rights. In some ways, point here may be to incentivize NUID patrons to put in their own bulge storage ponds, such that they are directly rewarded by the investment, without being penalized on their allotment. Another approach might be to set a higher allotment for those who can take the water at the District's directive ... which again, means that they'll get more water but on a potentially less certain schedule or rotation.]

4. Patrons with ten acres or more of land for which assessments have been paid in full may order up to 1.5 percent of water based on total acreage. [NOTE: The concepts in paragraphs 4-7 need to be fleshed out further.]

A. Example: If a patron has 100 acres and has paid the entire assessment, the patron may order up to 1.5% of its total acreage in CFS. 100 acres = 1.5 CFS.

5. Patrons with less than ten acres of land for which assessments have been paid in full may order up to 0.10 percent of water based on total acreage.

A. Example:

6. For those patrons seeking to order surplus water, existing water orders must be turned off before converting to surplus water.

7. District staff may increase the percentage available to patrons if the full quantity of surplus water during the identified time frame and duration is not used.

Section 2. Effective Date.

1. This Resolution shall take effect immediately upon adoption by the Board of Directors.

ADOPTED BY THE BOARD OF DIRECTORS OF NORTH UNIT IRRIGATION DISTRICT
AT A REGULAR MEETING ON THIS ____ DAY OF _____ 2024, BY THE
FOLLOWING VOTES.

AYES: _____

NAYS: _____

ABSENT: _____

ATTEST:

Michael Kirsch, Board Chair

Joshua Bailey, Secretary-Manager