

**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 delivery system—already storing water at full capacity. These instances in which additional, or surplus, water supplies (referred to herein as

“surplus water”) are likely to occur more frequently 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 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 operations 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 water, NUID staff will email district patrons as soon as such surplus water becomes available and describe the anticipated time frame, quantity, and expected duration of the surplus water. Additionally, NUID’s Online Water Ordering Portal (Portal) will be modified to track surplus water orders.

2. District patrons may order the available surplus water on a first-come, first-serve basis without their allotments being affected.

3. A patron may not order more at any delivery point that has historically been delivered through that delivery point, and in any event, cannot exceed the annual volume authorized for the patron’s lands under the applicable NUID water rights.

4. Patrons with 10 acres or more of land for which assessments and/or other charges have been paid in full may order up to 1.5 percent of surplus water based on total acreage. This limit on the amount of surplus water ordered applies to each separate duration of surplus water that becomes available.

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

5. Patrons with less than 10 acres of land for which assessments and/or other charges have been paid in full may order up to 0.15 CFS of surplus water. This limit on the amount of surplus water ordered applies to each separate duration of surplus water that becomes available.

6. Patrons with 500 or more acres of land for which assessments and/or other charges have been paid in full may order up to 1.5 percent of surplus water based on total acreage but may not order more than 7.5 CFS of surplus water. This limit on the amount of surplus water ordered applies to each separate duration of surplus water that becomes available. This cap on each surplus water order is to ensure larger patrons (those with over 500 acres for which assessments

and/or other charges have been paid in full) cannot monopolize all surplus water. This cap may be increased or removed at the discretion of the District manager if overall patron demand for surplus water during any particular time frame and duration of surplus water is low.

7. Existing water orders may be converted to surplus water orders by first turning off the current water order and then placing an order for surplus water.

8. Allotted water and surplus water may be ordered concurrently but must have separate orders placed on the Portal.

9. At the discretion of the District manager, the percentage and/or total amount of surplus water available to patrons may be increased if the full quantity of surplus water during the identified time frame and duration of availability is not fully ordered or used.

10. If a patron receives surplus water and, as a result of the surplus water exceeds the two-foot per acre cap, thereby receiving “excess water” as that term is defined in NUID’s repayment contract with the U.S. Bureau of Reclamation, the patron will be charged the excess water rate for such water in excess of the two-foot per acre cap.

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