



State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900

# Application for Allocation and Use of Conserved Water

If your application is found to be incomplete, inaccurate or does not include the required fees, we will return it to you. If any requested information does not apply to your application, insert "n/a." If you need additional space to answer any of the questions, attach a separate sheet of writing paper and reference the section number and question. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. APPLICANT INFORMATION

APPLICANT/BUSINESS NAME <b>COID: Steve Johnson</b> <b>NUID: Mike Britton</b>		PHONE NO. <b>COID: (541) 548-6047</b> <b>NUID (541) 475-3652</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>COID: 1055 SW Lake Court</b> <b>NUID: 2024 NW Beech St</b>		FAX NO. <b>COID: (541) 548-0243</b> <b>NUID: (541) 475-3652</b>	
CITY <b>COID: Redmond</b> <b>NUID: Madras</b>	STATE <b>OR</b>	ZIP <b>COID: 97756</b> <b>NUID: 97741</b>	E-MAIL** <b>stevej@coid.org</b> <b>mbritton@northunitid.com</b>

## 2. AGENT INFORMATION

The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME <b>Deschutes River Conservancy (as representative only, not agent)</b>		PHONE NO. <b>(541) 382-4077</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>700 NW Hill St</b>		FAX NO. <b>541-382-4078</b>	
CITY <b>Bend</b>	STATE <b>OR</b>	ZIP <b>97701</b>	E-MAIL** <b>zach@deschutesriver.org</b>

\*\* BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.

## 3. IRRIGATION & WATER CONTROL DISTRICTS

Is the project within the boundaries of an irrigation district or water control district?

Yes  No

If yes, include Exhibit E and list the name and mailing address of the district:

Central Oregon Irrigation District, Steve Johnson, District Manager

1055 SW Lake Court, Redmond, OR, 97756

North Unit Irrigation District, Mike Britton, District Manager

2024 NW Beech St., Madras, OR, 97741

Did an irrigation district organized under ORS Chapter 545 or a water control district organized under ORS Chapter 553 file this allocation of conserved water?

Yes  No

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If yes, when was the District's OAR 690-018-0025 allocation of conserved water policy adopted? COID: 5/10/2005 (updated 11/9/2010), NUID: 10/7/2008

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**4. CURRENT WATER RIGHT INFORMATION**

A separate page providing the information in Section 4 must be completed for each certificate, permit, decree, or other right involved in the proposed allocation of conserved water.

Water Right Subject to Transfer (check and complete **one** of the following):

<input checked="" type="checkbox"/> Certificated Right	<u>83571, 88876</u>	_____
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Un-certificated Right	_____	_____
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved	_____	_____
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed	_____	_____
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

Name on Permit, Certificate, or Decree: Central Oregon Irrigation District (83571) & North Unit Irrigation District (88876)

County: Deschutes, Crook, Jefferson

Provide the following information about the water right of record:

- Priority Date: 83571 (Deschutes River) carries two priority dates: 10/31/1900 for 978.297 cfs and 12/2/1907 for 392.080 cfs. 88876 (Crooked River) carries a priority date of 9/18/1968.
- Source of Water: Deschutes River (83571). Crooked River (88876)
- Type of Use: Certificate 83571: IRR (43,439.51 acres), Pond Maint. (210.81 acres), IND (87.1 acres), Dust Abatement (2.8 acres), MU (805.457 acres), QM (65.37 acres), MI (16 acres), DO and LV.
- Certificate 88876: IRR (8,525.80 acres), IND/MFG (5.0 acres).

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Does the application have a water right involving more than one water right holder?

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Yes  No

If yes, are all water right holders applying for this allocation of conserved water?

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Yes  No. If no, see Exhibit J.

A) What is the maximum rate and annual duty (volume) of water that may be diverted as stated on the water right of record? (If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)

- Rate\* (cfs): Certificate 83571: Priority dates of 10/31/1900 for 978.297 cfs and 12/2/1907 for 392.080 cfs for a total of 1,350.071 cfs. In addition, Certificate 83571 is rate limited by season: Season 1 (4/1 - 4/30 & 10/1 - 10/31) = 1 cfs to 80 acres, Season 2 (5/1 - 5/14 & 9/16 - 9/30) = 1 cfs to 60 acres and Season 3 (5/15 - 9/15) = 1 cfs to 32.4 acres. Certificate 88876: 129.52 (combined maximum rate for 88876 & 88877 together (post CW-75) is 130.39) cfs

Note: 1 miner's inch = 1/40 cfs; 1 cfs = 448.8 gpm

- Duty\* (acre feet): Certificate 83571: 9.91 acre-feet per acre, including a 45% transmission loss for a maximum of 442,254 af. Certificate 88876: 3.97 acre-feet per acre for a maximum of 22,096.65 acre-feet.

Note: 1 cfs = 1.983471 ac-ft/day

\* If there are multiple **Priority Dates** on the water right, list the rate and duty by priority date.

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B) What is the maximum amount of water that can be diverted using the pre-project facilities? (*If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.*)

1. Rate (cfs): Certificate 83571: 776.126 cfs (POD #1/CO Canal, including Inchoate, Season 3).

A combined total of 130.39 cfs under Certificates 88876 & 88877.

2. Duty (acre feet): Certificate 83571: 249,102.13 af. Note: this does not include any cancellations, conserved water projects, transfers, or leases that occurred prior to this application.

C) Describe the pre-project water delivery system. Include information on the diversion structure, pumps, and conveyance facilities (including canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use). *Provide sufficient detail to confirm that the applicant is ready, willing, and able to exercise the right.*

Central Oregon Irrigation District is planning to pipe an open earth lateral off of the Central Oregon Canal, known as the I-Lateral. The COID Central Oregon Canal Diversion is located near Bend on the Deschutes River (approximately RM 170) at SW 1/4, NE 1/4, Sec 13, T.18 S., R.11 E., W.M. Water is diverted through a headgate structure and travels through the Central Oregon Canal before reaching the diversion for the I-Lateral. The proposed piping project is approximately 4,800 feet (0.91 miles) and will eliminate ditch losses in the piped section conserving 1,300.00 acre-feet.

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**5. CONSERVATION MEASURES**

A) Describe the type of project, check all that apply:

- On-Farm efficiency project
- Distribution project, such as a ditch piping or lining project
- Other, \_\_\_\_\_

B) Describe the proposed changes to the physical system, operations and application methods that will result in the conservation of water. If these proposed changes will change the point of diversion, see point of diversion requirement for Exhibit B. Provide sufficient detail for public noticing the project.

The I-Lateral project proposes to replace approximately 4,800 feet (0.91 miles) of open unlined canal with High Density Polyethylene (HDPE) buried pipe. The project is located in a high seepage loss area. By piping the open canal, water seepage through the unlined floor and sides of the canal will be eliminated.

C) Place of Use\*: Entire authorized POU under Certificate 83571 \_\_\_\_\_

Township	Range	Section	Quarter/Quarter	Total No. Acres
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\* Not required for a distribution project that does not propose to affect the on-farm rate or duty. If the entire water right is being affected, just state "entire right affected."

**6. CONSERVED WATER**

A) What amount of water will be needed for the existing, authorized use after implementing conservation measures? (If the water right is only limited by rate, do not list a duty, and conversely, if the water is only limited by duty, do not list a rate.)

- 1. Rate\* (cfs): See Attachment #1.
- 2. Duty\* (acre feet): See Attachment #1.

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\* If there are multiple **Priority Dates** on the water right, list the rate and duty by priority date.

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B) What amount of water will be conserved as a result of the implementation of the conservation measures? Subtract 6A from the smaller of 4A or 4B under "irrigation system" above.

- 1. Rate\* (cfs): See Attachment #1.  
C-83571: 4.049 cfs
- 2. Duty\* (acre feet): See Attachment #1.  
C-83571: 1,300.00 acre-feet

\* If there are multiple **Priority Dates** on the water right, list the rate and duty by priority date.

C) What portions of the conserved water will be allocated to the state and applicant?

- 1. Portion going to the state (list by percent, rate and duty):  
see Attachment #1 Percent see Attachment #1 Rate (cfs)  
see Attachment 1 Duty (AF)
- 2. Portion going to the applicant (list by percent, rate and duty):  
see Attachment #1 Percent see Attachment #1 Rate (cfs)  
see Attachment 1 Duty (AF)

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D) The priority for the conserved water is requested to be:

- The same as the original right, or
- One minute junior to the original right.

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E) If all or part of the applicants' portion of the conserved water is to be used for an out-of-stream use at an identified location:

1. Name and address of the person using the water: not yet determined
2. Description of the type of beneficial use of the water: irrigation
3. Legal description of the place of use: not yet determined

F) If all or part of the applicants' portion of the conserved water is to be leased\*, dedicated or temporarily reserved instream, a statement identifying the quantity of water to be managed as an instream water right: See Attachment #1 for a detailed proposal. A total of 2064.4 af of Crooked River water with a priority date of September 18, 1968 will be permanently protected and managed as an instream water right for the benefit of fish and wildlife.

*\* Water can be temporarily protected instream without filing an OAR 690-077 Instream Lease application.*

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## 7. LOCATION OF PROPOSED USE

- A) For new out-of-stream uses, describe the boundaries of the expected area within which the diversion structures and places of use of the applicants' conserved water right would be located. This is land other than that to which this water right is appurtenant. See Exhibit B.

See Attachment #1

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- B) For instream uses, to the extent possible, identify the stream reach(es) for which the state's portion of the conserved water should be managed under an instream water right. Be as explicit as possible, by giving river miles, or other identifying information that might be included in the instream certificate.

See Attachment #1

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- C) Describe the proposed benefit to instream uses.

for instream use for conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and other ecological values.

other, please describe: \_\_\_\_\_

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## 8. MITIGATION

- A) Describe any expected effects on other water rights from the proposed allocation of conserved water. Identify what currently happens to the water that is proposed to be conserved.

The water to be conserved is lost from the system through seepage. The water that is lost from the system through seepage is generally not available to other appropriators on the Deschutes or Crooked Rivers above Lake Billy Chinook. It eventually enters the Deschutes River and its tributaries around Lake Billy Chinook. Conservation projects that apply this conserved water to a new consumptive use have the potential to reduce stream flows entering the lower Deschutes River, potentially injuring instream water rights. This project expressly intends to produce no net change in consumptive use. It exchanges Deschutes River conserved water for existing Crooked River agricultural water rights. Conditions on North Unit Irrigation District's remaining Crooked River water rights ensure that the resulting Crooked River instream water rights remain instream. As a whole, this project ensures that no harm to lower Deschutes River water rights will occur.

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- B) Describe any mitigation or other measures that are planned to avoid harm to other water rights.

The conserved water from this project is to be allocated to NUID's Crooked River lands as described in this application, and will carry priority dates of both 1900 and 1907. When natural flow is not sufficient to meet the 1907 priority date for NUID's Crooked River lands, any deficiency shall be made up from Crane Prairie Reservoir under Certificate 76714 as part of Central Oregon Irrigation District's storage account.

## 9. FUNDING

If more than 25% of the conserved water is proposed to be allocated to the applicant then provide Exhibit C and identify what portion of project funds (expressed as a percentage) come from federal or state public sources that are not subject to repayment. Not Applicable

Does the Oregon Watershed Enhancement Board (OWEB) have a contractual interest in this project?

Yes  No

If yes, what is the OWEB project number? 212-4999-9941

## 10. PROJECT SCHEDULE

If project is not yet complete:

Proposed date construction has/will begin: November, 2012

Proposed date construction will be completed and notice of project completion will be filed: April 30, 2013

Proposed date the project will be finalized: April 1, 2014

If project is already complete:

Date it was implemented: \_\_\_\_\_ (Provide Exhibit K)

The applicant requests:

- That the allocation be finalized, or
- Additional time be granted to prove that the project worked to the applicant's satisfaction before finalizing the allocation of conserved water. Indicate the amount of time desired \_\_\_\_\_ (up to five years after completion of the project may be allocated).

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**11. ACKNOWLEDGMENT OF FORFEITURE**

Complete this if the Certified Water Right Examiner's map shows less acreage has been irrigated over the past five years than allowed under the right.

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I am aware that \_\_\_\_\_ acre(s) have not been irrigated for the last five years and I am abandoning that portion of the water right and make no further claim for the water. I ask that this \_\_\_\_\_ acre(s) portion of the right be permanently canceled.

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**12. EXHIBITS**

Check each of the following attachments included with this application. All attachments are required unless otherwise noted. The application will be returned if all required attachments are not included.

**Exhibit (Form) A – Evidence of Use Affidavits**

- Provide if 1) it is an on-farm efficiency project, or 2) specific acreage is being affected by the project. Consult with Department staff regarding the evidence needed for distribution projects. At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original, not a copy. The form is available at [http://www.wrd.state.or.us/OWRD/PUBS/docs/forms/Evidence\\_of\\_Use\\_Form\\_3\\_01\\_10.pdf](http://www.wrd.state.or.us/OWRD/PUBS/docs/forms/Evidence_of_Use_Form_3_01_10.pdf).

**Exhibit B – Map**

- Provide if the entire water right is not part of the conservation project and/or new lands shall receive water. Consult with Department staff if there is any question regarding the need for submittal. See OAR 690-018-0040(17) and 690-018-0062(3)(a).

**Exhibit C - Project Funding Description**

- Provide if more than 25% of water goes to applicant. See OAR 690-018-0040(18).

**Exhibit D – Identification and Resolution of Water Right Conflicts**

- Provide if construction has begun or been completed and if more than 25% of the project costs have been expended prior to filing this application. See OAR 690-018-0040(19).

**Exhibit E – Letter of Approval from the Irrigation District**

- Provide if project is located within boundaries of an irrigation district and the district is not the applicant. See OAR 690-018-0040(20).

**Exhibit F – District Conserved Water Policy**

- Provide if applicant is an Irrigation District or Water Control District. See OAR 690-018-0040(21) & 690-018-0025.

**Exhibit G - Land Use Information Form**

- See OAR 690-018-0040(22). The land use form is available at: [http://www.wrd.state.or.us/OWRD/PUBS/docs/forms/Land\\_Use\\_Form\\_3\\_01\\_10.pdf](http://www.wrd.state.or.us/OWRD/PUBS/docs/forms/Land_Use_Form_3_01_10.pdf)

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- Provide if application involves:
- on-farm efficiency project, and/or
  - distribution project affecting specified lands. Provide a report of ownership and lien information or a current recorded deed to the subject lands.

**Exhibit I – Support Letters from ODFW, DEQ and OPRD**

- Letters from ODFW, DEQ, and OPRD indicating that they have been consulted and indicating that at least one of the agencies attests that conserved water is needed to support instream uses. See OAR 690-018-0050(4)(f).

**Exhibit J – Water Right Clarification & Notification of Affected Persons**

- Provide if the application involves water rights for
- lands under multiple ownerships and not all of the water right holders are applicants, and the project is not being submitted by a District as a distribution project and/or
  - which the current final proof survey maps for lands involved in the application do not adequately describe the location of the place of use or the associated priority dates of the associated water rights

Consult with Department staff if there is any question regarding the need for submittal.

**Exhibit K – Evidence that the Project was Implemented Within 5 Years.**

- Provide if project was completed before application submittal. See OAR 690-018-0040(12)(a).

**Fees:**

- Amount enclosed: \$ 1,175  
See OAR 690-018-0040(25) and the Department's Fee Schedule at [www.wrd.state.or.us/OWRD/PUBS/forms.shf](http://www.wrd.state.or.us/OWRD/PUBS/forms.shf) or call (503) 986-0900.

### 13. SIGNATURE

I understand that prior to Department approval of the allocation of conserved water, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: Bend Bulletin

I (we) affirm that the information contained in this application is true and accurate.

_____	_____	_____
Applicant Signature	Name (print)	Date
_____	_____	_____
Agent Signature	Name (print)	Date

**Before submitting your application, be sure you have:**

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all water right holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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I (we) affirm that the information contained in this application is true and accurate.

Martin Richards      Martin Richards      3-8-13  
Applicant Signature      Name (print)      Date

REPRESENTATIVE Signature      Name (print)      Date

**Before submitting your application, be sure you have:**

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all water right holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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**13. SIGNATURE**

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I (we) affirm that the information contained in this application is true and accurate.

Carroll Penhollow CARROLL PENHOLLOW 3-12-13  
Applicant Signature Name (print) Date

Tod Heisler Tod Heisler March 5, 2013  
Representative Agent Signature Name (print) Date

- Before submitting your application, be sure you have:**
- Answered each question completely.
  - Included the required attachments.
  - Provided original signatures for all water right holders or other parties with an interest in the right.
  - Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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I (we) affirm that the information contained in this application is true and accurate.

[Signature] STEVEN C. JOHNSON 21 Oct, 2013  
Applicant Signature Secretary-Manager Name (print) Date  
Central Oregon Irrigation District

Agent Signature Name (print) Date  
**REPRESENTATIVE**

- Before submitting your application, be sure you have:
- Answered each question completely.
  - Included the required attachments.
  - Provided original signatures for all water right holders or other parties with an interest in the right.
  - Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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**13. SIGNATURE**

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I (we) affirm that the information contained in this application is true and accurate.

Martin Richards      Martin Richards      10-21-13  
Applicant Signature      Board Chair - NUID      Name (print)      Date

Agent Signature

Name (print)

Date

**Before submitting your application, be sure you have:**

- Answered each question completely.
- Included the required attachments.
- Provided original signatures for all water right holders or other parties with an interest in the right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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**Allocation of Conserved Water  
North Unit Initiative Phase 2: COID I-Lateral**

**ATTACHMENT 1**

On 5/29/2012 North Unit Irrigation District submitted an application for the allocation of conserved water for Phase 1 of the North Unit Initiative. The application was assigned the number CW-75 and involved allocating water conserved from the lining of NUID's Main Canal onto lands which had been previously irrigated using Crooked River water. The displaced Crooked River water rights were permanently allocated instream upon each incremental final order for CW-75 on 9/24/2013.

This application is for Phase 2 of the North Unit Initiative and is intended to follow the same approaches as CW-75 (i.e. Phase 1) for calculating changes in rate and duty for NUID's water rights. The changes described in the application are intended to be additive to the changes described in CW-75.

**6. A) What amount of water will be needed for existing authorized use after conservation measures?**

1. **Deschutes River – COID Certificate 83571.** This water right has had many transfers and other modifications which have affected the rate and duty associated with the water right. This application describes the water right from the Central Oregon Canal (POD #1) as having a maximum rate of 773.867 cfs and a maximum duty of 248,039.21 acre-feet annually, with a 10/31/1900 and 12/2/1907 priority date for the balance allowed by the decree. The maximum rate for POD #1 varies by season as follows:

**Pre-Project COID Water Right: C-83571 (POD#1)**

Season	Days	Priority	%	cfs/acre	Rate (cfs)
Season 1	61	1900		1/80	313.406
Season 2	30	1900		1/60	417.865
Season 3	123	1900	71.39%	0.031	552.458
Season 3	123	1907	28.61%	0.031	221.409

*\*Season 3 total = 773.867 cfs (POD #1 only)*

This project is expected to conserve 1,300.00 acre-feet annually. The Applicants used the OWRD rate calculator for COID to determine how much of the 1,300.00 acre-feet will be removed from C-83751 in each of COID's three seasons. The table below describes the rate and duty, by season, which will be removed from C-83571 upon final order for this allocation of conserved water. The Applicants used the OWRD rate calculator for COID to determine the correct breakdown between the 1900 and 1907 priority dates in Season 3.

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**Conserved Water**

Season	Days	Priority	Rate (cfs)	Duty (af)
Season 1*	56	1900	1.640	182.13
Season 2	30	1900	2.186	130.10
Season 3	123	1900	2.885	703.91
Season 3	123	1907	1.164	283.86

Total **1300.00**

*\*Number of days in season 1 reduced to prevent enlargement consistent with prior agreed-upon practice by OWRD and COID*

**Post-Project Duty**

The Applicants request that the maximum duty for Certificate 83571 (POD #1 only) be reduced by 1,300.00 acre-feet, for a new maximum duty of **246,739.21 acre-feet** (248,039.21 acre-feet less 1,300.00 acre-feet).

**Post-Project Rate**

The Applicants request that the maximum seasonal rates for POD #1 be reduced by the amount of water conserved through the project, yielding new, post-project seasonal rates as in described the table below:

**Post-Project COID Water Right: C-83571 (POD#1)**

Season	Days	Priority	%	Rate (cfs)
Season 1	61	1900		311.766
Season 2	30	1900		415.679
Season 3	123	1900	71.39%	549.573
Season 3	123	1907	28.61%	220.245

*\*Season 3 total = 769.818 cfs (POD #1 only)*

**2. Crooked River – NUID Certificates 88876 & 88877 (formerly 72283 & 72284).** The tables below summarize the reduction in acreage and duty for Certificate 88876 (formerly 72283) and the combined maximum rate for Certificates 88876 and 88877 (formerly 72283 and 72284).

**Acrees**

The Applicants intend to allocate 1,300 acre-feet of conserved Deschutes River water under Certificate 83571 to approximately 520 acres within NUID currently irrigated under Certificate 88876 at a maximum duty of 2.5 acre-feet per acre. As outlined below, this project under the NUID Water Supply Initiative will reduce acreage under of Certificates 88876 only.

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**Figure 1**

<p><i>Pre CW-75 acres under Certificate 88876:</i> 8,530.3 ac</p> <p><i>Reduction in acres under Certificate 88876 by CW-75:</i> 8,530.3 ac – 2957.4 ac = 5,572.9 ac</p> <p><i>Reduction in acres under Certificate 88876 from this project:</i> 1,300 af / 2.5 af per ac = 520 ac</p> <p><i>Post-Project acres remaining under Certificates 88876:</i> 5,572.9 ac [post CW-75] - 520 ac [Phase II] = <b>5,052.9 ac post-project</b></p>
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**Summary of Reduction in Acres from Projects Under the NUID Water Supply Initiative**

Project	C-88876	C-88877	Total
Pre CW-75	8530.3 ac	286.9 ac	8817.2 ac
CW-75	-2957.4 ac	194.6 ac	-3152 ac
<i>This Project</i>	<i>520 ac</i>	<i>0 ac</i>	<i>520 ac</i>
<i>Post Project</i>	<i>5,052.9 ac</i>	<i>92.3 ac</i>	<i>5,145.2 ac</i>

**Duty**

Each acre watered under Certificate 88876 receives a maximum duty of 3.97 acre-feet per acre over 5,572.9 acres. The maximum duty for Certificate 88876 is 22,096.65 acre-feet (post Final order for CW-75. See table below). The Applicants request a reduction in the total duty of 2,064.4 acre-feet for a new maximum duty of 20,032.25 acre-feet.

**Figure 2**

<p><i>Pre CW-75 maximum duty under Certificate 88876:</i> 33,822.8 af</p> <p><i>Reduction in duty under Certificate 88876 from Final Order for CW-75:</i> 11,726.15 af</p> <p><i>Reduction in duty under Certificate 88876 from this project:</i> 2,064.4 af</p> <p><i>Post-project maximum duty under Certificate 88876:</i> 33,822.8 af [original] – 11,726.15 af [CW-75 Final Order reduction] - 2,064.4 af [Phase II reduction] = <b>20,032.25 af post-project</b></p>
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**Summary of Reduction in Duty from Projects Under the NUID Water Supply Initiative**

Project	C-88876	C-88877	Total
Pre CW75	33,822.8 af	1,147.6 af	34,970.4 af
CW75, Final Order	-11,726.15 af	778.4 af	-12,504.55 af
Phase II	-2,064.4 af	0 af	-2,064.4 af
Post Project	20,032.25 af	369.2 af	20,401.45 af

**Rate**

Certificates 88876 and 88877 each carry an individual rate limitation. They also share a combined total maximum rate of 198.25 cfs (pre CW-75). The total maximum rate for Certificate 88876 will be reduced proportionally to the reduction in acreage. Certificate 88877 will not be individually affected by this allocation of conserved water. However, the combined maximum rate shared by Certificates 88876 and 88877 will be reduced proportionally to the reduction in acreage.

**Figure 3**

Pre CW-75 maximum rate under Certificate 88876: 198.25 cfs over 8,530.3 acres
Pre CW-75 per acre rate under Certificate 88876: 198.25 cfs / 8,530.3 acres = 0.0232 cfs/acre
Reduction in rate under Certificate 88876 from Final Order for CW-75: 68.73 cfs
Reduction in rate under Certificate 88876 from this project: 0.0232 cfs/ac * 520 = 12.06 cfs
Post project rate reduction under Certificate 88876: 198.25 cfs [Pre CW-75] – 68.73 cfs [CW 75 Final Order reduction] – 12.06 cfs [Phase II reduction] = <b>117.46 cfs post-project</b>

**Summary of Reduction in Rates Under Certificates 72283 and 72284 from Projects Under the NUID Water Supply Initiative**

Project	C-88876	C-88877
Pre CW75	198.25 cfs	7.17 cfs
CW75, Final Order 1	-68.73 cfs	4.86 cfs
Phase II	-12.06 cfs	0 cfs
Post Project	117.46 cfs	2.31 cfs

Note: Per acre rate for C-88877 = 7.17 cfs / 286.9 ac = 0.0250 cfs/ac

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**Figure 4**

Post CW-75 maximum combined rate under Certificates 88876 & 88877: 130.39 cfs over 5,665.2 acres
Post CW-75 per acre rate under Certificates 88876 & 88877: 130.39 cfs / 5,665.2 acres = <u>0.0230 cfs/acre</u>
Reduction in combined rate under Certificates 88876 & 88877 from this project: 0.0230 cfs/ac * 520 acres = 11.96
Post project combined rate reduction under Certificate 88876 & 88877: 130.39 cfs [Post CW-75]– 11.96 cfs [Phase II] = <b><u>118.43 cfs post-project</u></b>

**Summary of Reduction in Combined Maximum Rate Under Certificates 88876 and 88877 from Projects Under the NUID Water Supply Initiative**

Project	Combined Maximum Rate
Post-CW 75	130.39 cfs
Phase II	-11.96 cfs
Post Project	118.43 cfs

The combined maximum rate under Certificates 88876 and 88877 following this project will be greater than the sum of the individual rates of Certificates 88876 and 88877. NUID expects that this will change following future phases of the NUID Water Supply Initiative.

**3. Crooked River - Certificates 72281 and 72282.** The maximum rates, duties, and POUs for Certificates 72281 and 72282 which provide supplemental Crooked River water to lands served by Certificates 72279 and 72280 will remain unchanged; however pumping under these rights will be limited as described in the Additional Conditions in Section 6.A.4 below. Table 3 of Attachment 2 summarizes these water rights.

**4. Additional Conditions Applicable to Crooked River Certificates 72281, 72282, 88876, and 88877.** NUID will ensure its future pumping under Certificates 72281, 72282, 88876, and 88877 is protective of (1) The up to 7,880 af of conserved water added to the Crooked River through CW-75, (2) the 1,300 af of conserved water added to the Crooked River through this allocation of conserved water, and (3) the historical stream flow that is expected to be present based on records of historical flows downstream of NUID’s pump station.

To accomplish this, NUID agrees to limit its pumping to protect these stream flows pursuant to certain established flow rate minimums. The actual pumping limitations put in place each year will reflect a declaration by OWRD of whether there are “Non-Dry Year” or “Dry Year” conditions present at the start of each irrigation season using the evaluation protocol described in **Attachment 3**.

In sum, NUID is requesting that Certificates 72281, 72282, 88876, and 88877 be conditioned to reflect minimum stream flow rate requirements in the Crooked River that are established in **Attachment 3**, and which will be annually determined by whether OWRD declares that year is a Non-Dry Year or Dry year, in order to protect the minimum stream flow rates identified in **Attachment 3**.

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**6. C) What portions of the conserved water will be allocated to the state and Applicant?**

**1. Applicant Portion:** The Applicants request that the 1,300 acre-feet of the conserved Deschutes River water generated by the project under Certificate 83571 be allocated to irrigate an additional 520 acres of the acreage that is currently being irrigated with Crooked River primary water under Certificate 88876. (Based on the order in which Crooked River primary acres will be replaced with Deschutes River conserved water as established by NUID, NUID anticipates that all of the conserved Deschutes River water made available under this Phase II application will be allocated to lands under Certificate 88876, with no lands under Certificate 88877 receiving conserved water under this Phase II application.) The allocation of the conserved water would be at the maximum duty of 2.5 acre-feet per acre instead of the current maximum duty of 4.0 acre feet per acre now authorized for these lands under Certificate 88876. The maximum rate for these lands will vary by season with a maximum rate in Season 3 of 4.049 cfs. **Table 4 of Attachment 2** summarizes the proposed allocation of the conserved water.

NUID will identify the particular lands that will receive the conserved water prior to any request by NUID for issuance of a Final Order for this Application.

**2. State Portion:** Approximately 520 acres of Crooked River primary water rights from Certificate 88876 will be allocated to the state for instream use in the Crooked River after the completion of the project.

The place of use of the instream water will be from the point of diversion identified in Certificate 88876 to the mouth of the Crooked River. The new instream water right will have a maximum duty of 2,064.4 acre-feet (3.97 acre-feet per acre for 520 acres), and a maximum rate of 4.86 cfs (2,064.4 acre-feet across a 214-day irrigation season) that will be protected instream from April 1 through October 31, and will retain the original priority date of Certificate 88876. These details are also summarized in **Table 5 of Attachment 2**.

**Figure 5**

*State Portion - Maximum Duty Allocated Instream Crooked River:*

$$520 \text{ acres} \times 3.97 \text{ acre-feet per acre} = \underline{\underline{2,064.4 \text{ acre-feet instream}}}$$

*State Portion - Maximum Rate Allocated Instream Crooked River:*

$$\text{Days in irrigation season from April 1 through October 31} = 214 \text{ days}$$

$$1 \text{ cfs} = 1.98347 \text{ af per day}$$

$$2,064.4 \text{ acre-feet} / 214 \text{ days} / 1.98347 \text{ af per cfs per day} = \underline{\underline{4.86 \text{ cfs instream}}}$$

**3. Adjustment to Applicant's Crooked River Pumping Demand Accounting pursuant to OWRD's 1996 memorandum:** NUID requests that OWRD reduce the proportion of water that it requires NUID to pump from the Crooked River coincident with the reduction of acreage under Certificates 88876 and 88877 and the formula adopted in the July 10, 1996 memorandum from B. Main to M. Pagel (see **Attachment 4**).

As described in **Attachment 4**, OWRD currently requires NUID to pump sufficient water from the Crooked River to supply the demand created by acreages watered under Certificates 88876 and 88877. Phase 1 of the North Unit Initiative (CW-75), which involves a conserved water application from the lining of NUID Main Canal is currently being evaluated by OWRD and will adjust this pumping requirement in two phases as shown below. Pre-CW-75, OWRD required NUID to meet 16.775% of its total irrigation demand by pumping from the Crooked River based on the following calculations of NUID's overall irrigation demand from both the Crooked and Deschutes Rivers:

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**Figure 6**

**Pre CW-75 Crooked River Pumping Requirements**

*Ratio of Crooked River Lands to Total Lands Watered by NUID:*

$$9,000 \text{ Crooked River acres} / (50,000 \text{ Deschutes River acres} + 9,000 \text{ Crooked River acres}) = 0.1525$$

*Average Loss from Crooked River Pumps to Delivery Point:*

10%

*Calculation of Crooked River Irrigation Demand:*

$$(0.1525 * \text{Total Demand}) + 0.1 * (0.1525 * \text{Total Demand}) = 0.16775 * \text{Total Demand, or } 16.775 \% \text{ of Total Demand}$$

*Note: The total acreage for NUID's Crooked River lands and Deschutes River lands identified in Figure 6 (per OWRD's 1996 Memorandum) do not exactly match the acreages identified in Figure 7. The calculation for NUID's Crooked River pumping requirements in Figure 7 reflect the actual acreages in NUID currently under irrigation from both the Crooked River and Deschutes River.*

After the issuance of the Final Order for this project, after appeals if any, NUID requests that OWRD require NUID to meet 9.61% of its total demand by pumping from the Crooked River. This figure is based on the following calculations:

**Figure 7**

**Post Final Order Crooked River Pumping Requirements**

Crooked River Lands

*Pre CW-75 Crooked River Lands:*  
8,817.20 ac

*Reduction in Crooked River lands from Final Order for CW 75:*  
3,152 ac

*Reduction in Crooked River lands from this project:*  
520 ac

*Post Final Order Crooked River Lands:*  
8,817.2 ac [Pre CW-75] – 3,152 ac [CW-75 Final Order reduction] -  
520 ac [Phase II reduction] = 5,145.2 ac

Deschutes River Lands

*Pre CW-75 Deschutes River lands:*  
50,049.90 ac

*Increase in Deschutes River lands from Final Order for CW 75:*  
3,152 ac

*Increase in Deschutes River lands from this project:*  
520 ac

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*Post Final Order Deschutes River lands:*

50,049.9 [Pre CW-75] + 3,152 [CW-75 Final Order increase] + 520 ac  
[Phase II increase] = 53,721.9 ac

*Post - Final Order Pumping Requirements*

*Ratio of Crooked River Lands to Total Lands:*

5,145.2 Crooked River acres / (53,721.9 Deschutes River acres +  
5,145.2 Crooked River acres) = 0.0874

*Average Loss from Crooked River Pumps to Delivery Point:*

10%

*Post- Final Order Crooked River Demand Ratio*

0.0874 (ratio) \* Total Demand + 0.10\*(0.0874 \* Total Demand) =  
0.0961 \* Total Demand, or 9.61% of Total Demand

**7. A) Describe boundaries of proposed use of conserved water.**

As described in **Section 6** above, the Applicants intend to allocate approximately 1,300 acre-feet of Deschutes River conserved water to approximately 520 acres of land that currently receive Crooked River primary water under Certificate 88876, thereby replacing the use of the Crooked River water. The Applicants will divert this 1,300 acre-feet of Deschutes River water from any or all of the points of diversion identified under Certificates 72279, 72280, and 83571 and deliver it to the new POUs through its existing delivery system.

NUID will identify the particular lands to receive the Deschutes River conserved water instead of Crooked River water prior to requesting issuance of a Final Order for this Application.

**7. B) Describe location of instream use.**

The new Crooked River instream water will be protected in the Crooked River from the NUID Crooked River pumps located at approximately RM 27.5 to the mouth where the Crooked River enters Lake Billy Chinook on the Deschutes River.

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ATTACHMENT 2

Table 1. COLD Deschutes River (primary) water rights from Certificate 83571 conserved through the project

Certificate	Priority Date	Source	Season	Before Project		Project		Post Project	
				Maximum Rate (cfs)	Maximum Duty (AF)	Rate Conserved (cfs)	Duty Conserved (AF)	Maximum Rate (cfs)	Maximum Duty (AF)
83571	10/31/1900	Deschutes River	1	313.406	34,750.46	1,640	182.13	311,766,238	34,568.33
	10/31/1900	Deschutes River	2	417.855	24,821.18	2,186	130.10	415,678,583	24,691.08
	10/31/1900	Deschutes River	3	552.458	194,545.62	2,885	703.91	549,572,424	133,841.71
	12/2/1907	Deschutes River	3	221.409	53,921.95	1,164	283.86	220,245	53,638.09
<b>Combined Total</b>				<b>773,867</b>	<b>248,039.21</b>	<b>4,049</b>	<b>1,300.00</b>	<b>769,818</b>	<b>246,739.21</b>

Table 2. Crooked River (primary) water rights from Certificates 72283 and 72284 affected by the project

Before CW-75						
Certificate	Priority Date	Source	Acres	Maximum Rate (cfs)	Maximum Duty (AF)	Per Acre Duty (AF/acre)
72283	9/18/1968	Crooked River	8,530.30	198.25	33,822.80	3.97
72284	9/18/1968	Crooked River	286.90	7.17	1,147.60	4.00
<b>Combined Total</b>				<b>8,817.2</b>	<b>34,970.4</b>	
CW-75 Reductions						
Certificate	Priority Date	Source	Acres	Rate Reduction (cfs)	Duty Reduction (AF)	Per Acre Duty (AF/acre)
72283	9/18/1968	Crooked River	2,957.40	68.73	11,726.15	Not Applicable
72284	9/18/1968	Crooked River	194.60	4.86	778.40	
<b>Remaining Crooked River Rights (starting point)</b>						
Certificate	Priority Date	Source	Acres	Maximum Rate (cfs)	Maximum Duty (AF)	Per Acre Duty (AF/acre)
88876	9/18/1968	Crooked River	5,572.90	129.52	22,096.65	3.97
88877	9/18/1968	Crooked River	92.30	2.31	369.20	4.00
Phase II Reductions						
Certificate	Priority Date	Source	Acres	Rate Reduction (cfs)	Duty Reduction (AF)	Per Acre Duty (AF/acre)
88876	9/18/1968	Crooked River	520.00	12.06	2,064.40	Not Applicable
88877	9/18/1968	Crooked River	-	-	-	
Post Project						
Certificate	Priority Date	Source	Acres	Maximum Rate (cfs)	Maximum Duty (AF)	Per Acre Duty (AF/acre)
88876	9/18/1968	Crooked River	5,052.90	117.46	20,032.25	3.97
88874	9/18/1968	Crooked River	92.30	2.31	369.20	4.00
<b>Combined Total</b>			<b>5,145.2</b>	<b>118.43*</b>	<b>20,401.5</b>	

Table 3. Crooked River (secondary) water rights from Certificates 72283 and 72284.

Certificate	Priority Date	Source	Acres	Maximum Rate (cfs)	Maximum Duty (AF)	Per Acre Duty (AF/acre)
72281	6/23/1955	Crooked River	49,866.00	200	199,464.00	4
72282	6/23/1955	Crooked River	133.9	3.95	535.50	4
<b>Combined Total</b>			<b>49,999.9</b>	<b>200*</b>	<b>199,999.5</b>	<b>4</b>

Table 4. NUID's portion of the conserved water.

Originating Certificate	Priority Date	Source	Season	Rate (cfs)	Maximum Duty (AF)	Per Acre Duty (af/acre)	Acres
83571	10/31/1900	Deschutes River	1	1,640	182.13		
	10/31/1900	Deschutes River	2	2,186	130.10		
	10/31/1900	Deschutes River	3	2,885	703.91	2.5	520
	12/2/1907	Deschutes River	3	1,164	283.86		
<b>Combined Total</b>				<b>4,05</b>	<b>1,300.00</b>		

Table 5. State's portion of the conserved water.

Originating Certificate*	Priority Date	Source	Season	Maximum Rate (cfs)	Maximum Duty (AF)	Reach
72283	9/18/1968	Crooked River	4/1 through 10/31	4.86	2,064.4	Crooked River from the POD identified in Certificates 72283 to the mouth

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**ATTACHMENT 3**

NUID requests that OWRD impose conditions to limit NUID's exercise of its Crooked River water rights under Certificates 72281, 72282, 88876 and 88877 (formerly 72283, and 72284). These conditions will limit NUID's post-project exercise of these rights to ensure protection of the minimum stream flows in the Crooked River downstream of the Certificates' POD as particularly described in the sections below.

**1. Non-Dry Year and Dry Year Declarations by OWRD**

NUID requests that the underlying foundation for setting the minimum post-project Crooked River flows be based on whether OWRD declares in writing that "dry year" or "non-dry year" conditions exist in the Crooked River basin. The Dry Year/Non-Dry Year Declaration metric ("Metric") was developed with the intention that a Dry Year will have an expected recurrence interval of three out of ten years over a thirty year period. NUID requests that OWRD's declaration be made during March of every year according to the following metrics:

- i. Dry Year Declaration – Established only if the following conditions apply:
  - a. OWRD's or Bureau of Reclamation's predicted March month-end contents of Prineville Reservoir are less than or equal to the 50% exceedance level of the contents at March 31 based on all data from the prior 30 years, **and**
  - b. Either:
    - i. The Prineville Reservoir outflow has not exceeded 75 cfs within 30 days of the actual date of OWRD's Non-Dry Year/Dry Year declaration, **or**
    - ii. The Prineville Reservoir outflow has exceeded 75 cfs within 30 days of the actual date of OWRD's Non-Dry Year/Dry Year declaration **only** to supply irrigation demands for downstream users.
- ii. Non-Dry Year Declaration – Established if any of the following conditions apply:
  - a. The conditions necessary for a Dry Year Declaration do not apply, **or**
  - b. When OWRD fails to make any written Dry Year Declaration by April 1 of that year.
- iii. The OWRD shall maintain discretion to apply and interpret the Dry Year Declaration metric in **Section 1.i** if there is an extenuating circumstance(s) with respect to predicted March month-end contents of Prineville Reservoir or its outflows 30 days prior to a Dry or Non-Dry Year Declaration so as to target a Dry Year recurrence interval of three out of ten years over a thirty year period.
- iv. NUID and DRC may jointly make a written petition to OWRD to administratively revise the Metric if they expect that the recurrence interval of a Dry Year Declaration over a thirty-year period will change from three out of ten years, and OWRD shall be allowed to amend the Metric in response to their petition. The anticipated conditions that could change the recurrence interval of a Dry Year include the allocation of uncontracted storage from Prineville Reservoir, the reallocation of contracted storage

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from Prineville Reservoir, significant changes to reservoir operations, and changes in long-term precipitation patterns.

**2. Minimum Crooked River Flows: After Issuance of the Final Order**

NUID requests that OWRD condition its Certificates 72281, 72282, 88876, and 88877 (formerly 72283 and 72284) to limit NUID’s use of water after issuance of the Final Order for this Application to ensure that NUID may only exercise these water rights if and when existing Crooked River stream flows meet or exceed the stream flows levels set during Non-Dry Years as set out below in Column J of **Table 1**, or meet or exceed the stream flow levels set during Dry Years as set out in Column J of **Table 2**.

The historical stream flows downstream of the District’s pumps on the Crooked River (pre-Project) include but are not limited to (1) irrigation return flows, (2) spring and tributary inputs, (3) undiverted irrigation deliveries, (4) instream water rights, and (5) any non-irrigation releases (uncontracted or contracted water) from Prineville Reservoir available above the District’s pumps, after being reduced for channel and transportation losses, ground water pumping effects, and the District’s pumping under Certificates 72281, 72282, 88876 and 88877 (formerly 72283, and 72284) at the historical per acre rates. The resulting historical flows in cfs are represented by the figures in Column B in Tables 1 and 2 below. (“**Columns B**”). The **Columns B** flows represent the historical stream flows immediately above the District’s pumps less the District’s historical pumping.

**3. Revisions of Columns J after Petition by Parties to OWRD**

After any Final Order is issued by OWRD in response to this Application, and in response to a joint petition by NUID and the DRC to modify the flow rates set in Column J of Tables 1 and 2 due to changed conditions, OWRD may revise the flow rates set in Column J of Tables 1 and 2.

**4. Daily Stream Flow Records**

NUID agrees it shall observe and record daily stream flow levels in the Crooked River at gauge 14087300 and time record at least once between 5 AM and 6 PM for each day that it considers operating its pumps on the Crooked River. (And in case of a future event that makes data from gauge 14087300 unavailable, then NUID will observe stream flow levels at an alternate gauge location established by OWRD that adequately describes stream flow in the reach downstream from the POD for Certificates 72281, 72282, 88876, and 88877.)

**5. NUID Diversions and Minimum Crooked River Stream Flows**

NUID agrees it shall not divert any water under Certificates 72281, 72282, 88876, and 88877 if that diversion would reduce the daily observed Crooked River stream flow level below the levels identified in Columns J in Tables 1 and 2.

**6. Submission of Daily Stream Flow Observations and Pumping Rates**

NUID agrees it shall record its daily near-real time stream flow observations and daily pumping rates and submit this information digitally to OWRD following the completion of each irrigation season and prior to the subsequent irrigation season, and/or anytime OWRD requests the information.

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**Table 1.** This table shows the development of the minimum monthly Crooked River stream flows required in Non-Dry Years after issuance of the Final Order, pursuant to the Non-Dry Year Declaration metric set forth in Section 1 above. Column J establishes the minimum stream flows. Columns D, E, F, and G are subject to the approval of and issuance of Final Orders 1 and 2 for CW-75. As described in Section 34, the described rates may also change under specified conditions.

A	B	C	D	E	F	G	H	I	J
Month	Pre-Project 70% Exceedance Stream Flow (cfs)	Proportion of Pumping During Month	CW-75 Final Order 1 - 7,092 af Allocated Monthly (af)	CW-75 Final Order 1 - 7,092 af Allocated Monthly (cfs)	CW-75 Final Order 2 - 788 af Allocated Monthly (af)	CW-75 Final Order 2 - 788 af Allocated Monthly (cfs)	Phase II - 1,300 af Allocated Monthly (af)	Phase II - 1,300 af Allocated Monthly (cfs)	Minimum Stream Flow (cfs) Post Final Orders
Apr	174.7	4.354%	308.795	5.189	34.311	0.577	56.604	0.951	181.417
May	74.7	13.997%	992.699	16.145	110.300	1.794	181.967	2.959	95.598
Jun	55.7	19.693%	1,396.602	23.471	155.178	2.608	256.004	4.302	86.081
Jul	29	21.736%	1,541.501	25.070	171.278	2.786	282.565	4.595	61.451
Aug	32.1	24.144%	1,712.279	27.848	190.253	3.094	313.870	5.105	68.146
Sep	93.42	13.481%	956.108	16.068	106.234	1.785	175.259	2.945	114.219
Oct	147.7	2.595%	184.016	2.993	20.446	0.333	33.731	0.549	151.574

**Description of Table 1**

Column	Calculation	Description
A	None	Month
B	None	This column represents the stream flow that was present 70% of the time during each month prior to this project from 2001 through 2010.
C	Monthly Total Crooked River Pumping from 2001-2010 / Total Annual Crooked River Pumping from 2001-2010	The proportion of NUID's annual pumping that occurred during each month based on data from 2001 through 2010.
D	7,092 af * Column C	The conserved water produced by CW-75 Final Order 1 will reduce NUID's demand by 7,092 af. NUID will protect this 7,092 af instream in the Crooked River. This column shows the portion of 7,092 af allocated to each month based on the proportion of NUID's total pumping that occurred during that month. These volumes are subject to any changes in CW-75 Final Order 1.
E	Column D / Number of Days in Month / 1.98347 af per cfs per day	Column D converted to a daily rate during each month.

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- F 788 af \* Column C  
The conserved water produced by CW-75 Final Order 2 will reduce NUID's demand by 788 af. NUID will protect this 788 af instream in the Crooked River. This column shows the portion of 788 af allocated to each month based on the proportion of NUID's total pumping that occurred during that month. These volumes are subject to any changes in CW-75 Final Order 2.
- G Column F / Number of Days in Month / 1.98347 af per cfs per day  
Column F converted to a daily rate during each month.
- H 1,300 af \* Column C  
The conserved water produced by this project will reduce NUID's demand by 1,300 af. NUID will protect this 1,300 af instream in the Crooked River. This column shows the portion of 1,300 af allocated to each month based on the proportion of NUID's total pumping that occurred during that month.
- I Column H / Number of Days in Month / 1.98347 af per cfs per day  
Column H converted to a daily rate during each month.
- J Column B + Column E + Column G + Column I  
Minimum stream flow is equal to the sum of the conserved allocated monthly and the stream flow that would have been present prior to the project. Columns D, E, F, and G are subject to the approval of and issuance of Final Orders 1 and 2 for CW-75. As described in Section 3, the described rates may also change under specified conditions.

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**Table 2.** This table shows the development of the minimum monthly Crooked River stream flows required in **Dry Years** after issuance of the **Final Order**, pursuant to the Dry Year Declaration metric set forth in Section 1 above. Column J establishes the minimum stream flows. Columns D, E, F, and G are subject to the approval of and issuance of Final Orders 1 and 2 for CW-75. As described in Section 34, the described rates may also change under specified conditions.

A	B	C	D	E	F	G	H	I	J
Pre-Project	CW-75 Final Order 1 -	CW-75 Final Order 1 -	CW-75 Final Order 2 - 788	CW-75 Final Order 2 - 788	Phase II -	Phase II -	Phase II -	Phase II -	Minimum
Exceedance 90%	7,092 af	7,092 af	Order 2 - 788	Order 2 - 788	1,300 af	1,300 af	1,300 af	1,300 af	Stream Flow
Stream Flow	Allocated	Allocated	at Allocated	at Allocated	Allocated	Allocated	Allocated	Allocated	Post Final
(cfs)	(af)	(cfs)	Monthly (af)	Monthly (cfs)	Monthly (af)	Monthly (cfs)	Monthly (af)	Monthly (cfs)	Orders
Apr	113.9	4.354%	308.795	5.189	34.311	0.577	56.604	0.951	120.617
May	22.9	13.997%	992.699	16.145	110.300	1.794	181.967	2.959	43.798
Jun	24	19.693%	1396.602	23.471	155.178	2.608	256.004	4.302	54.381
Jul	19	21.736%	1541.501	25.070	171.278	2.786	282.565	4.595	51.451
Aug	20.8	24.144%	1712.279	27.848	190.253	3.094	313.870	5.105	56.846
Sep	36.8	13.481%	956.108	16.068	106.234	1.785	175.259	2.945	57.599
Oct	118	2.595%	184.016	2.993	20.446	0.333	33.731	0.549	121.874

**Description of Table 2**

- A None
  - B None
  - C Monthly Total Crooked River Pumping from 2001-2010 / Total Annual Crooked River Pumping from 2001-2010
  - D 7,092 af \* Column C
  - E Column D / Number of Days in Month / 1.98347 af per cfs per day
  - F 788 af \* Column C
- Description**
- Month This column represents the stream flow that was present 90% of the time during each month prior to this project from 2001 through 2010.
  - C The proportion of NUID's annual pumping that occurred during each month based on data from 2001 through 2010.
  - D The conserved water produced by CW-75 Final Order 1 will reduce NUID's demand by 7,092 af. NUID will protect this 7,092 af instream in the Crooked River. This column shows the portion of 7,092 af allocated to each month based on the proportion of NUID's total pumping that occurred during that month. These volumes are subject to any changes in CW-75 Final Order 1.
  - E Column D converted to a daily rate during each month.
  - F The conserved water produced by CW-75 Final Order 2 will reduce NUID's demand by 788 af. NUID will protect this 788 af instream in the Crooked River. This column shows the portion of 788 af allocated to each month based on the proportion of NUID's total pumping that occurred during that month. These volumes are subject to any changes in CW-75 Final Order 2.

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G Column F / Number of Days in Month / 1.98347 af per cfs per day

Column F converted to a daily rate during each month.

H 1,300 af \* Column B

The conserved water produced by this project will reduce NUID's demand by 1,300 af. NUID will protect this 1,300 af instream in the Crooked River. This column shows the portion of 1,300 af allocated to each month based on the proportion of NUID's total pumping that occurred during that month.

I Column H / Number of Days in Month / 1.98347 af per cfs per day

Column H converted to a daily rate during each month.

J Column B + Column E + Column G + Column I

Minimum stream flow is equal to the sum of the conserved allocated monthly and the stream flow that would have been present prior to the project. These rates may change subject to CW-75 Final Orders 1 and 2. As described in **Section 4**, the described rates may also change under specified conditions.

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# Interoffice Memo

## South Central Region

1340 NW Wall Street, Suite 100, Bend, Oregon, 97701-1939, (503) 388-6669, Fax (503) 388-5101

DATE: July 12, 1996  
TO: MARTHA PAGEL  
FROM: BOB MAIN  
SUB: NORTH UNIT LD. WATER ACCOUNTING

During the review of North Unit Irrigation District's (NUID) HB-3111 petition, WaterWatch (WW) raised questions concerning how the Water Resources Department (WRD) and the public could be sure that NUID drew water from the correct sources for the lands NUID irrigates. A meeting was held in Bend, OR, on July 10, 1996 to resolve these questions. Attending were Chuck Schonmecker (NUID), Eric Glover (USBR), Reed Benson (WW), and Bob Main (WRD).

### Background:

NUID irrigates approximately 50,000 acres (priority 1913) from the Deschutes River and 9,000 acres (priority 1968) from the Crooked River. The lands irrigated from the Deschutes River also have a supplemental water right from the Crooked River (priority 1955). The water from these two sources is mixed together in the main canal, then distributed to the lands of the district. The amount diverted from each source is measured and recorded.

Since 1981, WRD has required that NUID pump sufficient water from Crooked River to supply the demand created by the 9,000 acres of Crooked River lands. The remainder of this memo will detail the process agreed to by the parties to ensure that this happens.

### THE PROCESS

#### Assumptions:

Total irrigated	59,000 acres
Crooked River irrigated	9,000 acres
average loss from Crooked River pumps to delivery point	10%
TD = "total acre feet delivered on the Project to date"	
CRD = "Crooked River Demand"	
Crooked River lands are irrigated at the same rate as Deschutes lands	

#### Then :

ratio of Crooked River lands to total irrigated is  $9000/59000 = .1525$   
Crooked River Demand =  $(.1525 \times TD) + .10 \times (.1525 \times TD) = .16775 \times TD$

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The watermaster produces the "storage report" approximately monthly during the irrigation season. The first storage report of the season is not calculated until demand exceeds the natural flow of the river. As part of the storage report the watermaster will add a section that will calculate the Crooked River Demand and will record the total pumped from Crooked River to date. After each storage report is produced, NUID will make a best effort to eliminate any deficit in the total pumped from Crooked River at a constant rate over the remainder of the irrigation season. In no case shall any deficit remain at the end of the irrigation season. NUID will supply to the watermaster, prior to each storage report, the total acre feet delivered and total pumped from Crooked River. The storage reports will remain on file in the watermaster's office and open to public inspection.

This process may require NUID to pump more water from Crooked River than is actually required by Oregon water law, for it assumes that the percentage of Crooked River acres in actual production in any given year is the same percentage as Deschutes River lands in actual production. In fact, a higher percentage of Deschutes lands are irrigated in any given year than Crooked River lands. If NUID were to establish an internal water ordering system that would allow accurate measurement of Crooked River deliveries, separate from all other deliveries, then the process for calculating Crooked River Demand will be renegotiated.

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**Conserved Water Application  
List of Exhibits**

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**Attachment # 1**

Attachment #1 is an addendum to the conserved water application and describes the COID and NUID water rights involved in the project in detail. It outlines the process agreed upon between COID, NUID & DRC for exactly how all water rights will be impacted by describing their starting points and showing the calculations for impacts to rate, duty and acreage. It also describes in detail what the ending point (post-project water rights) will look like. Included is a description of management agreement for managing instream flows in the Crooked River once the project is completed.

**Attachment #2**

Attachment #2 includes five tables showing the impacts to rate, duty and acreage for (1) COID's Deschutes River water right certificate C-83571; (2) NUID's Crooked River primary water right certificates C-88876 and C-88877; (3) NUID's Crooked River supplemental water right certificates C-72281 and C-72282; (4) NUID's portion of the conserved water resulting from allocating Deschutes River conserved water to 520 acres currently being served by Crooked River water rights; and (5) State portion of the conserved water (instream) resulting from allocating NUID primary water rights instream (management agreement not included in this table).

**Attachment #3**

Management agreement for managing minimum instream flows (post-project) in the Crooked River. Applicant requests that OWRD impose conditions to limit the Applicant's exercise of its Crooked River water rights under Certificates 72281, 72282, 88876, and 88877. These conditions will limit the Applicant's post-project exercise of these rights to ensure protection of the minimum stream flows in the Crooked River downstream of the Certificates' POD.

**Exhibit A**

COID Affidavit of Beneficial Use for the conserved water diverted through the Central Oregon Canal (POD #1).

**Exhibit B**

Project map for the portion of the I-Lateral which is to be piped.

**Exhibit C**

Identification and resolution of water right conflicts. As of the date this application is being submitted to OWRD, construction of the project has begun and more than 25 percent of project costs have been expended. Thus, the Applicant provides the following evidence that the Applicant has attempted to identify and resolve the concerns of water right holders in the area,

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governmental entities, and other organizations that have asked to be consulted regarding the allocation of conserved water.

The Applicant (NUID), and/or its authorized agent, the Deschutes River Conservancy (DRC), have met with or communicated with the following:

1) Water users: NUID sent a letter (copy attached) to all of its patrons outlining the project on November 18, 2011, and further held a patron meeting on December 8, 2011, at the Jefferson County Fairgrounds in Madras to discuss the project. NUID also sent a letter (copy attached) by registered mail to all 182 NUID landowners with appurtenant primary Crooked River water rights, which described the process by which primary Crooked River water rights would be replaced with Deschutes River conserved water. To date, NUID has received the support of its patrons, as evidenced by the fact that no patron has stepped forward to “opt-out” of the project as otherwise allowed by NUID’s Conserved Water Policy, and based on the positive response to NUID’s lottery for determining the order in which landowners with appurtenant Crooked River primary water rights will have these rights replaced with new Deschutes River primary water rights made available as a result of the project.

2) Governmental entities: The District and the DRC have had multiple meetings with the Oregon Water Resources Department, the Oregon Department of Fish and Wildlife (ODFW), the Oregon Department of Environmental Quality (ODEQ), and the U.S. Bureau of Reclamation to discuss the project. Letters in support of the project from ODFW, ODEQ, and the Oregon Parks and Recreation Department are attached to this Application at Exhibit I. Also, the U.S. Bureau of Reclamation awarded NUID a WaterSmart grant for the project in the amount of \$1 million.

3) Other organizations: The District and/or the DRC have had various meetings with the Confederated Tribes of the Warm Springs (CTWS), Portland General Electric, WaterWatch of Oregon, and others. The CTWS actively participated in studies to determine the water savings potential of lining the NUID main canal in support of the project, while PGE supported use of the Pelton Fund to help fund the project. A letter from WaterWatch of Oregon regarding the NUID Water Supply Initiative is attached.

**Exhibit D**

COID Conserved Water Policy

**Exhibit E**

NUID Conserved Water Policy

**Exhibit F**

Letters to Crook, Deschutes and Jefferson County Planning Departments describing Phase 2 of the NUID Water Supply Initiative.

**Exhibit G**

Land use information form

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**Exhibit H**

Letters of support from ODFW, DEQ and OPRD

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2013 COID Conserved Water Application

**EXHIBIT A - EVIDENCE OF USE AFFIDAVIT**

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APR 23 2013

State of Oregon )  
 )  
County of Deschutes ) SS

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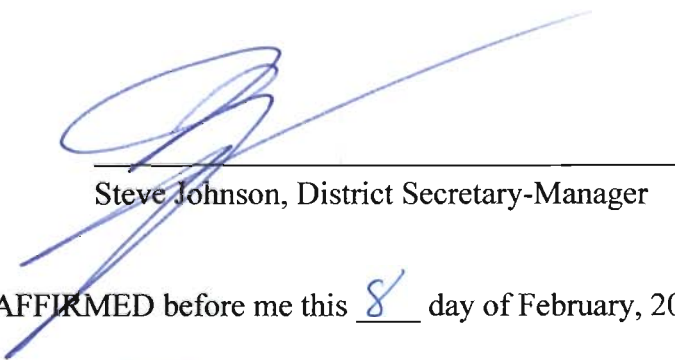
I, Steve Johnson, in my capacity as Secretary-Manager of the Central Oregon Irrigation District, mailing address 1055 SW Lake Court, Redmond, OR 97756, telephone number (541) 548-6047, being first duly sworn depose and say:

The Central Oregon Irrigation District (COID) Central Oregon Canal diverts water from the Deschutes River at a point of diversion located on the Deschutes River, with the location as follows:

COID Central Oregon Canal POD Deschutes River (approximately RM 170) - SW 1/4, NE 1/4, Sec 13, T.18 S., R.11 E., W.M. 1520 feet South and 1535 feet West from the NE Corner of Section 13.

Water is diverted into the COID Central Oregon Canal at this point of diversion at a maximum rate of 776.126 cubic feet per second as authorized under State of Oregon Water Right Certificate 83571. The point of diversion currently diverts water for the purposes of Irrigation, Pond Maintenance, Industrial, Municipal, Quasi-Municipal, Dust Abatement and Livestock. Water under Certificate 83571 was beneficially delivered through the COID Central Oregon Canal or temporarily leased through the Oregon Water Resources Department Instream Lease Program during the last five years.

DATED: February 8, 2013

  
\_\_\_\_\_  
Steve Johnson, District Secretary-Manager

SUBSCRIBED AND AFFIRMED before me this 8 day of February, 2013.

  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

My Commission Expires: 2/03/2014



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Exhibit C - Identification and Resolution of  
Water Right Conflicts

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2024 N.W. Beech Street  
Madras, Oregon 97741

(541) 475-3625  
(541) 475-3652  
Fax (541) 475-3905  
nuid@northunitid.com

November 18, 2011

Dear North Unit Irrigation District Landowner/Water User:

In 1968 North Unit Irrigation District (NUID) installed a pumping facility on the Crooked River near Terrebonne, Oregon to provide a supplemental water supply for NUID's Deschutes River lands and a primary water supply for NUID's Crooked River lands. Since 1968 the Crooked River pumping facility has remained fully operational and continues to be used today to meet district needs.

Beginning in 1981, the Oregon Water Resources Department (OWRD) required that NUID pump a sufficient amount of water (consistent with NUID's water rights) from the Crooked River to supply the demand created by the nearly 9,000 acres of Crooked River lands. In 1996, WaterWatch of Oregon, an environmental advocacy group, raised concerns about how OWRD and the public could be sure that NUID was diverting the appropriate amount of water from both the Crooked River and Deschutes River, consistent with NUID's water rights. In response to WaterWatch's concerns, OWRD, NUID, and WaterWatch in July 1996 developed a Crooked River Pumping Formula to ensure that NUID would divert the appropriate amount of water from both the Crooked River and Deschutes River, given the total number of primary acres to be irrigated from each source. Since that time NUID has been required to pump a set percentage of Crooked River water (16.775%) consistent with NUID's overall deliveries for the full irrigation season. For example if NUID delivered 100,000 acre-feet in an irrigation season, then 16,775 acre-feet would have to be pumped from the Crooked River even if the 16,775 acre-feet was otherwise available from the Deschutes River.

Since 1968 many things have changed. The price of power has steadily increased, the cost of maintaining the pumping facilities has increased, and perhaps most importantly, new environmental laws such as the Endangered Species Act have been enacted by Congress and the state legislature. Today, NUID budgets in excess of \$300,000 to cover the power costs associated with the "pumping requirement" imposed by OWRD in 1996. In 2010 power rates for the Crooked River pumping facility jumped nearly 9%, and NUID anticipated another increase of similar magnitude for 2011. Thankfully, the 2011 increase did not materialize, but NUID believes further increases in power costs for Crooked River pumping are highly likely over time. Another change has been the costs associated with maintaining the pumps and associated facilities. Although the current pumps (9 pumps at 450 hp each) and controls are 60 to 70 years old, they continue to perform well. However, given their current age, NUID believes their useful life could be nearing an end. Replacement costs for the pump motors alone are estimated to be in excess of \$1 million.

In 2005, anticipating the reintroduction of steelhead in the Crooked River, NUID began the process of seeking assistance to replace fish screens at the Crooked River pumping facility that did not

"Conserve Water - The Supply Is Limited"

comply with current fish screening standards. In 2007, NUID was able to replace the non-compliant screens at a cost of \$1.5 million, most of which was funded by other parties. Although the new screens now comply with applicable standards, NUID continues to have concerns about potential liability under the Endangered Species Act associated with the current operation of the Crooked River pumping facility.

Given the known costs and circumstances as well as potential unknown issues that may be on the horizon, NUID has undertaken the task of finding ways to relieve the district from its reliance on the Crooked River as a primary source of irrigation water. As such, this is the reason for writing to you today.

For several years now, NUID has been working with interested parties to develop a plan to reduce the district's reliance on the Crooked River. As a first step, a plan has been developed to line a 5-mile portion of the district's main canal. The lining would take place where the previous lining installed in the late 1990's ends. Based on recent studies and estimates, NUID anticipates the new lining project will conserve approximately 8,000 acre-feet of Deschutes River water per year, which would have otherwise been lost during transmission. The 8,000 acre-feet is considered to be the first phase (Phase I) of a multi-phase project, in which a total of 22,250 acre-feet will be conserved through various means, including additional canal lining. When completed, the full project will provide 2.5 acre-feet of water for each acre of land that is currently irrigated with NUID's primary Crooked River water right.

To date, approximately \$4.6 million dollars has been secured for the Phase I project. Contributors include the U.S. Bureau of Reclamation (\$1 million), the Oregon Watershed Enhancement Board (\$1 million), and the Pelton Fund, which was established as part of the relicensing of the Pelton-Round Butte hydroelectric project (\$2.6 million). NUID's out-of-pocket contribution to Phase I is approximately \$25,000, with the district intending to make in-kind contributions as well.

The Phase I project includes the following: Line approximately 5 miles of the NUID main canal, yielding approximately 8,000 acre-feet of conserved Deschutes River water. Apply the 8,000 acre-feet to approximately 3,200 acres of the Crooked River lands (i.e., lands currently irrigated with primary Crooked River water rights), at a duty of 2.5 acre-feet per acre. In turn, OWRD will adjust the mandatory amount NUID must pump from the Crooked River by 8,000 acre feet. The 8,000 acre feet that NUID would have otherwise pumped from the Crooked River will be left instream. NUID's board or directors adopted a "Lottery Policy" that will, at random, identify and prioritize the Crooked River lands eligible to participate in Phase I, as well as future phases of the overall project. A copy of the policy is attached.

Ultimately, the goal will be for NUID to eliminate the mandatory requirement to pump water from the Crooked River. At the same time, it should be underscored that the multi-phase project will not affect NUID's supplemental water rights from the Crooked River for the 50,000 acres currently covered with primary Deschutes River water rights. Thus, while the goal is to eliminate NUID's reliance on the Crooked River for primary irrigation rights, NUID plans to maintain the Crooked River pumping facility indefinitely for supplemental irrigation needs.

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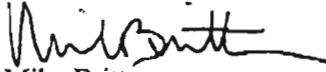
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A landowner/water user meeting has been scheduled for December 8, 2011, at 1:00 pm at the Jefferson County Fairgrounds, Maccie Conroy building, to further explain the project, process, costs and benefits.

Sincerely,



Mike Britton  
General Manager

Enclosures (2)

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**North Unit Irrigation District Water Supply Initiative  
Frequently Asked Questions**

**What will the project do?**

The project will conserve Deschutes River water, and make the conserved water available to irrigate lands in NUID currently irrigated with primary Crooked River water rights. At the same time, water that would have otherwise been pumped by NUID from the Crooked River will be left instream in the form of a new Crooked River water right to benefit fish and wildlife. The current plan is to enter into a new agreement to ensure that a minimum bypass flow is maintained at NUID's pumps to ensure that NUID is not diverting water from the Crooked River that was effectively "replaced" with conserved water from the Deschutes River.

**What benefits will the project provide to North Unit Irrigation District?**

After the project, NUID will no longer need to pump water from the Crooked River to supply primary irrigation water. The District anticipates it will save over \$300,000 per year in costs associated with power use and operations and maintenance expenses at the Crooked River pumping facility. Reduced pumping from the Crooked River will also help to reduce risks to NUID associated with the Endangered Species Act.

**What benefits will the project provide to the Crooked River?**

The project will contribute to lower mid-summer water temperatures in the Crooked River downstream from NUID's pumps. According to state agencies, current water temperatures are preventing certain fish species from moving through the lower Crooked River. Preliminary draft modeling by the Oregon Department of Environmental Quality shows that increased stream flows will reduce water temperatures in the Crooked River downstream from NUID's pumps. State agencies also predict that the project will increase early and late summer stream flows to aid in steelhead trout and Chinook salmon migration.

**What water rights will the project provide to North Unit Irrigation District?**

The project will provide up to 22,250 acre-feet of conserved Deschutes River water to NUID. The project will replace up to 8,900 acres of Crooked River water rights with Deschutes River water rights at a duty of 2.5 acre-feet per acre. The new conserved Deschutes River water rights will have the same priority date as NUID's current Deschutes River water rights.

**What water rights will the project provide to the Crooked River?**

The project will provide up to 22,250 acre-feet of instream water rights to the Crooked River. The new instream water rights will retain the same priority date as North Unit Irrigation District's primary Crooked River water rights.

**What about NUID's supplemental water rights?**

NUID will replace up to all of its 8,900 acres of primary Crooked River water rights with Deschutes River water rights. NUID will retain 50,000 acres of supplemental Crooked River water rights. The supplemental water rights are appurtenant to the same 50,000 acres that currently receive primary irrigation water from the Deschutes River. These supplemental Crooked River water rights are senior to the primary Crooked River water rights.

**How will the project protect water in the Crooked River?**

The instream water rights created through the project will be junior to NUID's supplemental water rights. The project will create a new minimum bypass flow at NUID's pumps. It is expected that this new minimum bypass will be honored when NUID is diverting water under its Crooked River

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supplemental water rights. Stated another way, NUID will only be able to use its supplemental Crooked River water rights when stream flow in the Crooked River exceeds the minimum bypass flow. And the bypass flow amount will be set so as to reflect what NUID would have otherwise pumped at the Crooked River pumping facility had the project not been implemented. Along these lines, the bypass flow requirement will vary depending on whether it is a normal or dry water year.

**How will a dry water year be determined?**

We are currently working with the Oregon Water Resources Department and others to define a dry water year and a normal water year. We expect that 2 out of 10 years will be a dry water year, resulting in a lower bypass flow requirement. We expect that 8 out of 10 years will be a normal year.

**How will the project legally move water between uses and users?**

The project will use Oregon's Allocation of Conserved Water Program and water right transfer statutes. The project will conserve Deschutes River water, allocate the conserved water to NUID, and restore a volume of water in the Crooked River equivalent to the volume of water conserved in the Deschutes River. The Deschutes River conserved water and the new Crooked River instream water will be quantified and legally protected under state-issued water rights.

**When will you complete the project?**

We expect to complete this project incrementally. We expect to complete the first phase of the project, including the lining of 5 miles of NUID's main canal and the required water rights processes, by April 2012. The first phase of the project will provide a little over one-third of the water for this project. We expect to complete the remaining phases incrementally over the next five years.

**Will the project provide water to NUID and the Crooked River before it is fully completed?**

This project will provide water rights to NUID and the Crooked River incrementally as we complete water conservation projects. As such, the project will incrementally increase the minimum stream flow in the Crooked River as individual phases of the project are completed.

**Will this project reduce the amount of water that NUID is required to pump from the Crooked River?**

An agreement with the Oregon Water Resources Department requires NUID to pump water from the Crooked River consistent with its water rights for primary irrigation. NUID needs to use a ratio of Crooked and Deschutes River water based on the ratio of their Crooked and Deschutes River primary water rights. This project will incrementally reduce the volume of water that NUID is required to pump from the Crooked River as NUID replaces its Crooked River primary water rights with Deschutes River water rights.

**Will NUID be able to pump from the Crooked River following the project?**

As described above, this project will incrementally reduce the amount of water that NUID is required to pump from the Crooked River. NUID will still be able to pump supplemental and any remaining primary water from the Crooked River following each phase of the project. Once all primary Crooked River water is replaced with conserved Deschutes River water, NUID will only be able to pump supplemental water from the Crooked River when the District's primary Deschutes River water rights are insufficient to meet District needs (consistent with how OWRD regulates the use of primary and supplemental water use) and the new minimum bypass flow at the Crooked River pumping facility developed through the project is met.

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2024 N.W. Beech Street  
Madras, Oregon 97741

(541) 475-3625  
(541) 475-3652  
Fax (541) 475-3905  
nuid@northunitid.com

January 6, 2011

Dear North Unit Irrigation District Landowner/Water User:

On November 15, 2011, the North Unit Irrigation District ("District") sent a letter to all patrons regarding the District's plans to reduce reliance on the Crooked River as a source of irrigation water for District lands. Through conservation projects that will diminish the amount of Deschutes River water lost to canal seepage, the District intends to utilize this "new" conserved Deschutes River water to replace existing Crooked River water use within the District. In particular, the initial quantity of new conserved Deschutes River water will be obtained by lining portions of the NUID Main Canal. The letter also informed patrons of a December 8, 2011 landowner meeting held at the Jefferson County Fairgrounds. The meeting provided an opportunity for landowners to ask questions about the water conservation project and the process for replacing Crooked River water use with new conserved Deschutes River water. In the letter and at the meeting, the water right "conversion process" was explained, including a new lottery process by which all Crooked River lands would be randomly selected, by parcel, and prioritized for inclusion into the process. The lottery drawing was conducted on December 9, 2011. The results are posted on the NUID website along with the Lottery Policy. A copy of the lottery results and Lottery Policy may also be obtained by contacting the District office.

**This letter is to inform you that the parcel(s) you currently own in the North Unit Irrigation District that contains Crooked River water rights has been selected and is eligible for conversion to the new conserved Deschutes River water, as previously communicated and per the District Lottery Policy.**

**What action do you need to take?**

Per the Lottery Policy: "A Parcel owner for any Parcel eligible for an allocation of newly available Deschutes River water under the lottery may accept or decline the allocation by notifying the District within 7 business days of the district mailing notice to the Parcel owner that newly available water is available to the subject Parcel. If the Parcel owner fails to either accept or decline the allocation within 7 business days, the lack of response will be treated as a decline, and the District will move on to the Parcel in the next lottery position. You have 7 days to notify the district of your intent to participate in the exchange."

The attached sheet provides the parcel number, lottery position, and number of acres selected. Once all of the acres have been confirmed, the District will start the water right transfer process. The landowner will be contacted to complete paperwork required by the Oregon Water Resources Department. Please contact the District office should you have any questions about the process or next steps.

Sincerely,

Mike Britton  
General Manager

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"Conserve Water - The Supply Is Limited"

North Unit Irrigation District  
2024 NW Beech Street  
Madras, OR 97741  
Phone: (541)475-3625  
Fax: (541)475-3905  
Email: [nuid@northunitid.com](mailto:nuid@northunitid.com)

Allocations of Newly Available Deschutes River Water

John Doe

**Lottery Position:**     xxx

**Parcel Number:**     1212121212

**Crooked River Acres:**     2.8

**ACCEPT:** \_\_\_\_\_     **DECLINE:** \_\_\_\_\_

Please check the appropriate box to accept or decline newly available Deschutes River water rights to replace Crooked River water rights.

Please sign this form and return to the district office by fax, mail or email within 7 business days of receiving this notice.

You may also call the district office with your selection within the 7 days, but then please submit the signed form for the district records.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





**WATERWATCH**

PROTECTING NATURAL FLOWS IN OREGON RIVERS

October 11, 2011

Tod Heisler, Executive Director  
Deschutes River Conservancy  
700 NW Hill Street  
Bend, OR 97701

Re: North Unit Irrigation District Water Supply Initiative

Dear Tod,

Thank you for involving WaterWatch in discussions regarding the North Unit Irrigation District Water Supply Initiative. Because we are still analyzing the many legal and resource issues associated with this project, we cannot provide you with an unqualified letter of support at this time. That said, we can say that we will not oppose the first phase of the project moving forward, if it is in accordance with representations made in the September 15, 2011 proposal. These include the protection of the specific flow amounts set forth in the document (as adjusted for this first increment), certainty that the minimum bypass flow to which NUID supplemental and primary diversions are subject to will be protected via administrative order and mechanisms in place to ensure that this project will not result in injury of lower Deschutes River instream water rights, as required by the Conserved Water Act. On our part, we will continue to evaluate the project with the eye towards reaching full support once we flush out some of the details.

We appreciate that DRC has put together a collaborative approach to restoring streamflows to the Crooked River. The increase of minimum bypass flows at the NUID diversion is an important component of a larger restoration effort for the Crooked River, which would ultimately include releases of stored water for fish from Bowman Dam. We appreciate the movement forward that this proposal embodies.

Sincerely,

Kimberley Priestley  
Senior Policy Analyst

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Exhibit D - Central Oregon  
Irrigation District Conserved  
Water Policy

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## Central Oregon Irrigation District

### Conserved Water Policy

Adopted: 10 May, 2005  
Revised: October 29, 2012

**A. Authority & Purpose.** The Board of Directors (the “**Board**”) of the Central Oregon Irrigation District (the “**District**”) is required to adopt this Conserved Water Policy (this “**Policy**”) pursuant to Oregon Administrative Rule (“**OAR**”) 690-018-0025. The rule requires that if the District seeks allocations of conserved water pursuant to ORS 537.455 to 537.500, then it must adopt a policy that, at a minimum:

- Describes how water saved by conservation measures will be allocated by the District
- Describes how the District will address the allocation of conserved water percentages under ORS 537.470
- Provides District patrons the opportunity to fund a share of the conservation project that is proportionate to the patron’s share of the water rights involved in the allocation of conserved water and to receive a corresponding share of the conserved water
- Provides District patrons an opportunity to petition for a vote by all District patrons on this Policy
- Provides District patrons an opportunity to appeal a proposed District conservation project to the Board for failure to follow this Policy

The purpose of this Policy is to provide District patrons with the information required by OAR 690-018-0025 and to set the procedures by which this Policy will be implemented.

**B. Definitions.** The following definitions shall apply in this Policy.

1. “**Commission**” means the Water Resources Commission.
2. “**Conservation**” means the reduction of the amount of water diverted to satisfy an existing beneficial use achieved either by improving the technology or method for diverting, transporting, applying or recovering the water or by implementing other approved conservation measures.
3. “**Conserved Water**” means that amount of water that results from conservation measures, measured as the difference between:
  - a. The smaller of the amount stated on the water right or the maximum amount of water that can be diverted using the existing facilities; and

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b. The amount of water needed after implementation of conservation measures to meet the beneficial use under the water right certificate.

4. **"District Allocation"** means the amount of Conserved Water allocated to the District by the Commission.
5. **"Funding Patron"** means a patron of the District that funds all or a portion of a water conservation project as provided in paragraph C of this Policy.

**C. Policy of Board. Conservation Measures**

1. Conserved water projects undertaken for the purposes of filing applications under ORS 537.455-500 are to address the following purpose:
  - a. Reducing certificated transmission loss within COID conveyance system on a cost effective basis.
    1. Allocation priority will be for establishing new acres of irrigation on a maximum 75% to irrigation and 25% to in-stream requirement, or as per Oregon Revised Statutes if different.
    2. Board shall reserve the right to alter the irrigation allocation based on the funding of the project by potential project partners for purposes other than irrigation or to be leased or sold to another user for use on additional lands if found to be in the best interest of the District.
2. **Patrons May Fund Part of Water Conservation Project.** Patrons may fund a water conservation project in an amount that is proportionate to the patron's share of the water rights involved in the allocation of Conserved Water. Patrons that provide funding to the District for a water conservation project in advance, or within one year of, the District first making expenditures for the conservation project shall be a Funding Patron and receive the portion of the District Allocation to which Funding Patron is entitled under this Policy. Proportionate costs will include all costs associated not only with the completion of the project, but those costs associated with the planning and design of the project, all accompanying and necessary application and processing fees, including but not limited to legal and consulting fees to secure the Final Order from the Oregon Water Resources Department, and/or to respond to any legal challenges subsequent to receipt of the Final Order until conclusively resolved as determined by the Board of Directors:

<b>Example Project:</b>	Total Project Cost	\$200,000
	Total Conserved Water	300 acre feet
	Minimum In-stream Contribution (25%)	75 acre feet
	Net Available	225 acre feet
	Cost per Acre foot	\$889/acre foot

3. **Allocation of Conserved Water.** Except for a Funding Patron, no patron shall be entitled to any of the District Allocation other than the amount necessary to maintain the patron's full rate and duty at its regular turn out(s). A Funding Patron shall be entitled to a portion of the District Allocation equal to the percentage of the funding for the water conservation project paid to the District by the Funding Patron.

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**D. Petitions to Vote on Policy.** District patrons may petition the Board to hold a vote of all District patrons on the approval of this Policy. The petition must be signed by fifteen (15) percent of the total number of votes that may be cast in an election for a director pursuant to ORS 545.189(1) to be valid and to cause the District to hold a vote. Upon receiving a valid petition, the District shall hold a vote of all District patrons. The vote shall be whether to approve or reject this Policy. The vote shall be conducted according to the laws and procedures that govern District elections.

**E. Appeal of Water Conservation Projects.** Proposed water conservation projects shall be discussed and approved by the Board at any one of its regularly scheduled Board meetings. Patrons may comment on the proposed water conservation project during the Board meeting at which it is discussed. If the Board approves the proposed water conservation project, any patron in good standing may appeal the Board's decision in writing within two weeks from the date of the Board's decision. The appeal shall include the name, address, and telephone number of the patron appealing the Board's decision, a concise statement of the reasons the patron believes the proposed water conservation project does not comply with this Policy, and a concise statement of how the water conservation project should be modified to comply with this Policy. The Board shall consider a properly filed appeal at its next regularly scheduled meeting. The Board shall limit its consideration to whether the proposed water conservation project complies with this Policy. The patron appealing the Board's decision shall have an opportunity to address the Board concerning the patron's appeal. The Board may take any of the following actions: (1) grant the appeal and reject the proposed water conservation project, (2) modify the proposed water conservation project as proposed by the appealing patron to comply with this Policy, (3) direct the District Manager to modify the proposed water conservation project so as to comply with this Policy, or (4) reject the appeal and approve the proposed water conservation project as proposed.

**F. Policy Review and Updates.** The Board shall review and update this Policy at the first regularly scheduled Board meeting following every fifth anniversary of the Board either adopting or reviewing and updating this Policy. The Board may, in its sole discretion, review and update this Policy at any other Board meeting. The Board shall follow the process and provisions of this Policy, as required by OAR 690-018-0025(2), whenever reviewing and updating this Policy.

**G. Applicability.** This Policy applies only to applications for allocations of conserved water filed with the Oregon Water Resources Department by the District after November 5, 2004. This Policy does not apply to applications for allocations of conserved water filed by individuals, including District patrons.

**Affirmed and Renewed 11/09/2010**

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Exhibit E - North Unit Irrigation District  
Conserved Water Policy

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**NORTH UNIT IRRIGATION DISTRICT  
Jefferson County, Oregon**

**RESOLUTION No. 2008-16**

**A RESOLUTION ADOPTING A CONSERVED WATER POLICY**

The Board of Directors of the North Unit Irrigation District (Jefferson County, Oregon) (hereinafter referred to as "the District") hereby adopts the following Conserved Water Policy.

**"North Unit Irrigation District  
Conserved Water Policy"**

**Authority & Purpose for Policy**

The Board of Directors (Board) of the District is required to adopt a Conserved Water Policy pursuant to Oregon Administrative Rule (OAR) 690-018-0025. The rule requires that the District adopt a policy that, at a minimum:

- Describes how water saved by conservation measures will be allocated by the District;
- Describes how the District will address the allocation of conserved water percentages under ORS 537.470;
- Provides District patrons the opportunity to fund a share of the conservation project that is proportionate to the patron's share of the water rights involved in the allocation of conserved water and to receive a corresponding share of the conserved water;
- Provides District patrons an opportunity to petition for a vote by all district patrons on the Policy pursuant to applicable statutes governing elections or recalls in the subject districts; and
- Provides District patrons an opportunity to appeal a proposed District conservation project to the District Board for failure to follow this Policy.

**Conserved Water Program**

Oregon's "conserved water program" is a voluntary program under which the District may develop a water conservation project and then apply for use of the conserved water. ORS 537.455 through 537.500. This Policy directs how the District will assess proposed water conservation projects and details the required elements of OAR 690-018-0025.

District water conservation efforts benefit all patrons within the District. Water conserved by improving or modifying the District's water delivery system or practices shall be considered water conserved by the District. All conserved water allocations resultant from District conservation efforts shall be made to the District, subject only to the right of District patrons to fund water conservation efforts as described below.

### **Conserved Water Application**

As a prerequisite to utilizing conserved water under Oregon's conserved water program, the District must submit an application to the Oregon Water Resources Department (WRD) requesting an allocation of conserved water. ORS 537.465. The application must be accompanied by the appropriate fee and there may be costs required to provide notice. There is a state public review process for such applications.

To initiate a water conservation project proposal, District staff shall prepare either (i) the state application form according to WRD requirements, or (ii) a project summary including all project specifications, and an analysis of projected water savings, to the Board for review and approval. Because every conserved water project is unique, each Board approval shall specify how conserved water shall be used within the District and will describe the allocation of conserved water percentages under ORS 537.470. If approved by the Board, the District may submit the application to WRD for its review.

### **Allocation of Conserved Water**

The Board will observe Oregon law when allocating conserved water, including without limitation the following regulations:

OAR 690-018-0020(4) "Conserved Water" means that amount of water that results from conservation measures, measured as the difference between:

- (a) The smaller of the amount stated on the water right or the maximum amount of water that can be diverted using the existing facilities; and
- (b) The amount of water needed after implementation of conservation measures to meet the beneficial use under the water right certificate.

OAR 690-018-0012(1) Pursuant to ORS 537.470(3), after determining the quantity of conserved water, if any, required to mitigate the effects on other water rights, the Commission shall allocate 25 percent of the remaining conserved water to the state and 75 percent to the applicant, unless the applicant proposes a higher allocation to the state or more than 25 percent of the funds used to finance the conservation measures comes from federal or state public sources. If more than 25 percent of the funds used to finance the conservation measures comes from federal or state public sources and is not subject to repayment, the Commission shall allocate to the state a percentage equal to the percentage of public funds used to finance the conservation measures and allocate to the applicant a percentage equal to the percentage of other funds used to finance the conservation measures. In no event, however, shall the applicant receive less than 25 percent of the remaining conserved water unless the applicant proposes a higher allocation to the state.

OAR 690-018-0012(2) A water right affected by an allocation of conserved water under this program shall retain its original priority date. The priority date of the conserved water rights shall be either the same as or one minute after that of the original right.

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### **Patron Funding**

District patrons may fund a water conservation project in an amount that is proportionate to the patron's share of the water rights involved in the allocation of Conserved Water. Patrons that provide funding to the District for a water conservation project in advance, or within one year of, the District first making expenditures for the conservation project shall be a "Funding Patron" and receive the portion of the conserved water allocated to the District by the Commission (the "District Allocation") to which the Funding Patron is entitled under this Policy.

Except for a Funding Patron, no patron shall be entitled to any of the District Allocation other than the amount necessary to maintain the patron's full rate and duty at its regular turn out(s). A Funding Patron shall be entitled to a portion of the District Allocation equal to the percentage of the funding for the water conservation project paid to the District by the Funding Patron.

### **Appeal Process**

If the Board approves a particular proposed water conservation project, any District patron in good standing may appeal the Board's decision.

Form of Request for Appeal: A District patron wishing to appeal a Board decision to pursue a water conservation project must submit to the Board a request for appeal. All such requests must:

- be in writing;
- be submitted within two weeks following the date of the Board's decision;
- include the name, address, and telephone number of the District patron appealing the Board's decision and a concise statement of the reasons the patron believes the proposed water conservation project should be modified to comply with this Policy.

Upon receiving a properly submitted request, the Board shall consider the appeal at one of the next two regularly scheduled meetings. The District shall provide notice to the requesting patron of the date the appeal will be heard.

Grounds for Appeal: The Board shall limit its consideration to whether the proposed water conservation project complies with this Policy. The District patron appealing the Board's decision shall have an opportunity to address the Board concerning the appeal.

Decision by the Board: On appeal, the Board may make one of the following determinations:

- grant the appeal and reject the proposed water conservation project;
- modify the proposed water conservation project as proposed by the appealing water user;
- direct the District manager to work with the applicant to modify the proposed water conservation project so as to comply with this Policy; or
- reject the appeal and approve the proposed water conservation project as proposed.

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**Petitions to Vote on Policy**

District patrons may petition the Board to hold a vote of all District patrons on the approval of this Policy. The petition must be signed by fifteen percent of the total number of votes that may be cast in an election for a director pursuant to ORS 545.189(1) to be valid and to cause the District to hold a vote. Upon receiving a valid petition, the District shall hold a vote of all District patrons. The vote shall be whether to approve or reject this Policy. The vote shall be conducted according to the laws and procedures that govern District elections.

**Policy Review and Updates**

The Board shall review and update this Policy at the first regularly scheduled Board meeting following every fifth anniversary of the Board either adopting or reviewing and updating this Policy. The Board may, in its sole discretion, review and update this Policy at any other Board meeting. The Board shall follow the process and provisions of this Policy, as required by OAR 690-018-0025(2), whenever reviewing and updating this Policy.

**Applicability**

This Policy applies to all applications for allocations of conserved water filed with WRD by the District following the date of adoption described below. Pursuant to OAR 690-018-0025(3), this Policy does not apply to applications for allocations of conserved water filed by individuals, including District patrons.

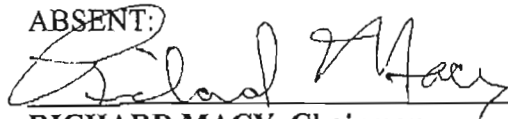
\*\*\*\*

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.**

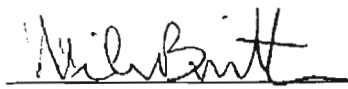
**ADOPTED BY THE BOARD OF DIRECTORS OF NORTH UNIT IRRIGATION DISTRICT AT A REGULAR MEETING HELD ON THE 7<sup>TH</sup> DAY OF OCTOBER, 2008, BY THE FOLLOWING VOTES.**

AYES:         5  
NAYS:         -0-

ABSENT:

  
\_\_\_\_\_  
RICHARD MACY, Chairman

ATTEST:

  
\_\_\_\_\_  
MIKE BRITTON, Secretary-Manager

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## Exhibit F - Letters to Counties

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9/21/2012

Deschutes County Planning Department  
1300 NW Wall St, Suite 200  
Bend, OR 97701

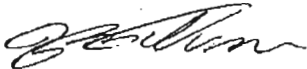
RE: PROPOSED INSTREAM WATER TRANSFER IN YOUR JURISDICTION

---

We are notifying you of our intent to transfer a water right to instream use. We will be submitting an application to the Oregon Water Resources Department changing the place of use of a water right from the Crooked River at the North Unit Irrigation District pumps to where the Crooked River joins the Deschutes River at Lake Billy Chinook.

The lands within NUID where the water will come from will remain irrigated, but with Deschutes River water resulting from a conserved water project in Central Oregon Irrigation District. The project is known as the 'COID I-Lateral Piping Project' and involves the piping of approximately 1 mile open ditch. Water saved by the project will result in the transfer of approximately 1,300 acre-feet of conserved water to NUID. If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at the number below.

Sincerely,



Zachary Tillman, DRC  
541-382-4077 x.21  
[zach@deschutesriver.org](mailto:zach@deschutesriver.org)

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SALEM, OREGON

9/21/2012

Crook County Planning Department  
300 NW 3<sup>rd</sup> St, Room 11  
Prineville, OR 97754

RE: PROPOSED INSTREAM WATER TRANSFER IN YOUR JURISDICTION

---

We are notifying you of our intent to transfer a water right to instream use. We will be submitting an application to the Oregon Water Resources Department changing the place of use of a water right from the Crooked River at the North Unit Irrigation District pumps to where the Crooked River joins the Deschutes River at Lake Billy Chinook.

The lands within NUID where the water will come from will remain irrigated, but with Deschutes River water resulting from a conserved water project in Central Oregon Irrigation District. The project is known as the 'COID I-Lateral Piping Project' and involves the piping of approximately 1 mile open ditch. Water saved by the project will result in the transfer of approximately 1,300 acre-feet of conserved water to NUID. If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at the number below.

Sincerely,



Zachary Tillman, DRC  
541-382-4077 x.21  
[zach@deschutesriver.org](mailto:zach@deschutesriver.org)

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OCT 15 2013  
SALEM, OR



9/21/2012

Jefferson County Planning Department  
85 SE 'D' St  
Madras, OR 97741

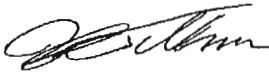
RE: PROPOSED INSTREAM WATER TRANSFER IN YOUR JURISDICTION

---

We are notifying you of our intent to transfer a water right to instream use. We will be submitting an application to the Oregon Water Resources Department changing the place of use of a water right from the Crooked River at the North Unit Irrigation District pumps to where the Crooked River joins the Deschutes River at Lake Billy Chinook.

The lands within NUID where the water will come from will remain irrigated, but with Deschutes River water resulting from a conserved water project in Central Oregon Irrigation District. The project is known as the 'COID I-Lateral Piping Project' and involves the piping of approximately 1 mile open ditch. Water saved by the project will result in the transfer of approximately 1,300 acre-feet of conserved water to NUID. If you have any questions regarding the proposed application, or are interested in receiving additional information, please call me at the number below.

Sincerely,



Zachary Tillman, DRC  
541-382-4077 x.21  
[zach@deschutesriver.org](mailto:zach@deschutesriver.org)

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# Exhibit G - Land Use Information Form

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SALEM, OREGON

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# Land Use Information Form



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

Applicant: Central Oregon Irrigation District North Unit Irrigation District  
First Last

Mailing Address: 700 NW Hill St.

Bend OR 97701 Daytime Phone: 541-382-4077 x.21  
City State Zip

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
17	14	25	W ½			<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Pipe Ditch
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Deschutes

## B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water  Water Right Transfer  Permit Amendment or Ground Water Registration Modification  
 Limited Water Use License  Allocation of Conserved Water  Exchange of Water

Source of water:  Reservoir/Pond  Ground Water  Surface Water (name) Deschutes River

Estimated quantity of water needed: 4.049  cubic feet per second  gallons per minute  acre-feet

Intended use of water:  Irrigation  Commercial  Industrial  Domestic for \_\_\_\_\_ household(s)  
 Municipal  Quasi-Municipal  Instream  Other \_\_\_\_\_

Briefly describe:

Pipe 0.91 miles of open canal, eliminating ditch losses of 4.049 cfs. Refer to Attachment #1 of CW application for more details.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): DCC 18.16.020CM

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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SALEM, OREGON

Name: KEVIN HARRISON Title: PRINCIPAL PLANNER

Signature: [Signature] Phone: 541-385-1401 Date: 11/13/12

Government Entity: RESHUTES COUNTY

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

## Exhibit H - Letters of Support from Agencies

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SALEM, OREGON

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# Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife  
High Desert Region  
61374 Parrell Road  
Bend, Oregon 97702  
(541) 388-6363  
FAX (541) 388-6281



October 10, 2011

Tod Heisler, Executive Director  
Deschutes River Conservancy  
700 NW Hill Street  
Bend, OR 97701

**RECEIVED**

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WATER RESOURCES DEPT  
SALEM, OREGON

Dear Todd,

This letter is in support of the North Unit Irrigation District (North Unit Irrigation District) Water Supply Initiative, as described in the September 15, 2011 draft process document. The purpose of the initiative is to support both agricultural and environmental needs. When the entire project is completed, 22,250 acre-feet of water that was historically used by NUID will be legally protect for in-stream use downstream of NUID's pumps in the Lower Crooked River. Flows provided in-stream during dry and normal precipitation years, respectively will range from 87 to 125 cfs, and 108 to 220 cfs for minimum flow in the lower Crooked River down stream of the NUID pumps. As the project is implemented, it will incrementally eliminate the need for NUID to pump water from the Crooked River to meet their primary irrigation needs, reducing energy demand and irrigation costs while improving in-stream flows.

The project provides an incremental improvement in the health of the Crooked River and is a good first step to improving water quality and fish habitat in the Crooked River. By increasing stream flows and reducing water temperatures downstream from NUID's pumps, this initiative will improve conditions for resident and reintroduced anadromous fish in the lower Crooked River. By itself, this initiative does not meet temperature criteria needed for anadromous fish, but makes significant progress toward this objective. In addition to temperature, the initiative will provide higher spring and fall streamflows in order to assist the downstream migration of steelhead Chinook salmon smolts and fall migration of upstream migrating adults.

While the water temperature in the lower canyon is not likely to reach the water temperature standard in the summer, implementing this project, in combination with other stream flow restoration projects in the Crooked River mainstem in the future, will likely decrease water temperatures in the lower canyon from above 25C to close to 20C and is likely to allow the lower Crooked River canyon to support redband trout and steelhead at a reduced but sustainable population level. After full implementation of this project a major spike in water temperatures

that occurs now below the NUID pumps will be eliminated helping reduce the temperature block for fish in the lower Crooked River. In the long term, as other stream improvement actions are undertaken, smoothing out water withdrawals to maintain consistent higher flows over the summer will improve habitat throughout the lower canyon reach, provide lower consistent water temperatures and maintain forage and refuge areas for fish populations that choose to reside in the lower canyon.

This initiative reflects a collaborative approach to meeting multiple water needs in the Crooked River basin. The collaborative approach fostered by this initiative aligns closely with how the Oregon's Integrated Water Resources Strategy is envisioned to be implemented. To date, few opportunities have existed to restore stream flow in the Crooked River Basin. The NUID Water Supply Initiative will be the first project to restore stream flow in the lower Crooked River and is one piece of a larger effort needed to restore flows in the Crooked River.

Thank you for your efforts to improve flows and instream habitat conditions for native fish in the Crooked River.

Sincerely,

*Amy M. Stuart*

Amy Stuart

cc. ODFW – Dale, Kepler, McIntosh, Hodgson  
ODEQ –Nigg, Lamb

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OCT 22 2013

WATER RESOURCES DEPT  
SALEM, OREGON

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SALEM, OR



# Oregon

John A. Kitzhaber, MD, Governor

## Department of Environmental Quality

Eastern Region Bend Office  
475 NE Bellevue Drive, Suite 110  
Bend, OR 97701-7415  
(541) 388-6146  
Fax (541) 388-8283

October 4, 2011

Tod Heisler, Executive Director  
Deschutes River Conservancy  
700 NW Hill St  
Bend, OR 97701

Mike Britton, Manager  
North Unit Irrigation District  
2024 NW Beech St  
Madras, OR 97741

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OCT 22 2013

WATER RESOURCES DEPT  
SALEM, OREGON

Re: North Unit Irrigation District Water Supply Initiative

Dear Mike and Tod:

The Oregon Department of Environmental Quality supports the North Unit Irrigation District Water Supply Initiative, as described in the draft proposed process document of September 15, 2011.

River temperatures in the Crooked River are elevated above state water quality criteria during summer months. Based on data we collected in 2005, river temperatures increase rapidly below the NUID diversion from the Crooked River, in large part due to the low river flows below this diversion in July and August. Preliminary temperature modeling results indicate that decreased pumping will contribute to lowered river temperatures below the point of diversion.

We appreciate the work that has gone into drafting the proposed pumping scenarios and look forward to working with you as the details are finalized. We expect that the proposed new minimum river flows below NUID's pumps will benefit water quality in the Crooked River. If the proposed scenarios are altered from those presented in the draft document dated September 15, 2011, we will re-evaluate our support at that time.

Thank you again for your efforts to improve instream conditions in the Crooked River below the NUID pumps. Let me know if you have any additional questions. I can be reached at (541) 633-2035.

Sincerely,

Eric Nigg  
DEQ Water Quality Manager

cc: Amy Stuart, Deschutes Watershed Manager, ODFW  
Linda Hayes-Gorman, Eastern Region Division Administrator, DEQ  
Bonnie Lamb, Basin Coordinator, DEQ





# Oregon

John A. Kitzhaber, MD, Governor

Parks and Recreation Department  
Region 3 Office  
1645 NE Forbes Road, Suite 112  
Bend, OR 97701  
(541) 388-6211  
FAX (541) 388-6391  
[www.oregonstateparks.org](http://www.oregonstateparks.org)



November 10, 2011

Brett Golden  
Program Manager for Planning, Monitoring, and Evaluation  
Deschutes River Conservancy  
700 NW Hill St  
Bend, OR 97701

**Re: North Unit Irrigation District Water Supply Initiative**

Dear Mr. Golden,

Thank you for the opportunity to comment on the North Unit Irrigation Water District (NUID) Water Supply Initiative.

According to the information provided, it is our understanding that NUID will be lining portions of its canals that will result in conserved Deschutes River water. It will apply the conserved water to lands in North Unit Irrigation District currently served by the Crooked River. The result of this project is to provide up to 22,250 acre-feet of conserved Deschutes River water, simultaneously providing up to 22,250 acre-feet of in-stream water rights to the Crooked River. This project will contribute to low mid-summer water temperatures in the Crooked River downstream of NUID's pumps, thus benefiting flows past Smith Rock State Park.

As a landowner providing recreational opportunities on both the Deschutes and Crooked rivers, Oregon Parks and Recreation Department (OPRD) supports water conservation that allows for more water in-stream. Furthermore, as the administrator for the State Scenic Waterway Program on the Deschutes River, this flow improvement project will add considerably to the scenic value of the river.

Please do not hesitate to contact me should any further questions arise.

Sincerely,

Greg Ciannella  
Natural Resource Specialist/Scenic Waterway Coordinator  
OPRD – Region 3  
541.388.6236

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SALEM, OREGON

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