

Staff Report

TO: Water Resources Commission

FROM: Ivan Gall, Director

DATE: September 10, 2026

SUBJECT: Agenda Item A

BURNT RIVER IRRIGATION DISTRICT MEASUREMENT ACCURACY WAIVER REQUEST

I. Introduction

Burnt River Irrigation District (BRID) has submitted a request for an accuracy waiver for reported water use. Per Division 85 rules, this waiver must be evaluated by the Commission. Approval of the accuracy waiver request will result in approximately 130 points of diversion (PODs) already within the BRID boundaries authorized by certificates being reissued in BRID's name as a part of the petition for approval of the district mapping process (ORS 541.325-541.331). *This is an action item.*

II. Integrated Water Resources Strategy Recommended Action

- 1.A – Improve water resource data collection and monitoring

III. Background

The Burnt River Irrigation District (BRID) is in Baker County in east-central Oregon and provides irrigation water for about 15,000 acres (Attachment 1). Unity Dam and Reservoir are located on the Burnt River about 40 miles southwest of Baker, Oregon and are central to BRID's water management.

Since the early to mid-1990s under the House Bill 3111 program, BRID has invested in the development of a petition to adjust the legal descriptions of places of use for water right records within district boundaries to match the current places of use associated with 160 PODs. Under this process, the Burnt River Irrigation District will be issued confirming certificates, previously in the name of landowners within the district, resulting in an increase of 130 points of diversion requiring water use reporting. (ORS 537.099; OAR 690-085).

The public entity reporting rules also require that water use be measured within fifteen percent accuracy [OAR 690-85-0010(3)]. Public entities may request that the Commission waive compliance with this accuracy requirement if the entity shows that complying with the rules would cause economic hardship on the entity and that the information collected would not materially aid water management [OAR 690-85-0010(6)].

IV. Discussion

Per OAR 690-85-0010(6), BRID has submitted a request for a waiver of accuracy required under OAR 690-085-0010(3) (Attachment 2). In accordance with the rules, BRID refers to the following information in support of their waiver request:

Complying with the rule would cause an economic hardship on the governmental entity [OAR 690-085-0010(6)(a)]. The districts are relatively small operators irrigating pastureland for livestock and hay on small profit margins. The increase in costs for labor and infrastructure would be very difficult to manage for the district. Even with the Department's 75 percent cost share match, BRID's share of the purchase and installation alone would be about \$800,000. This does not include the cost of requiring additional staff to review and maintain these meters, or contracting dollars required to install meters.

The information to be collected would not materially aid water management because the regulation for or of the use is unlikely due to the absence of other water rights [OAR 690-085-0010 (6)(b)(A)]. The exchange described in certificates 51710 and 51711 results in a management approach that relies on quantifying a water balance of the reservoir instead of prior appropriation. Additionally, the district boundaries encompass nearly all irrigation use in the Burnt River watershed. The few water rights outside the district are on small upland tributaries near Durkee and are not impacted by actions of the district. Because water is managed within the district regarding total water available instead of priority date, the information needed for water management, including water use, is the measurement of water going into and leaving the district.

V. Alternatives

The Commission may consider the following alternatives:

Alternative 1: Direct the Department to draft a special order for the Commission chair to sign that:

- 1) grants a waiver of compliance from the fifteen percent accuracy requirement [OAR 690-085-0010(3)] by issuing a special order for all 160 PODs implicated in the 3111 re-mapping process (Attachment 3), including the 130 PODs authorized by certificates being reissued in BRID's name as a part of the petition for approval of the district mapping process, and
- 2) allows staff to rescind the order if a review of local conditions finds that management needs or economic hardship impacts have changed to the extent that the waiver should be rescinded.

Alternative 2: Direct the Department to further evaluate the request and return with a revised recommendation

Alternative 3: Deny the accuracy waiver request.

VI. Recommendation

The Director recommends **Alternative 1:** Direct the Department to draft a special order for the Commission chair to sign that:

- 1) grants a waiver of compliance from the fifteen percent accuracy requirement [OAR 690-085-0010(3)] by issuing a special order for all 160 PODs implicated in

the HB 3111 re-mapping process (Attachment 3), including the 130 PODs authorized by certificates being reissued in BRID's name as a part of the petition for approval of the district mapping process, and

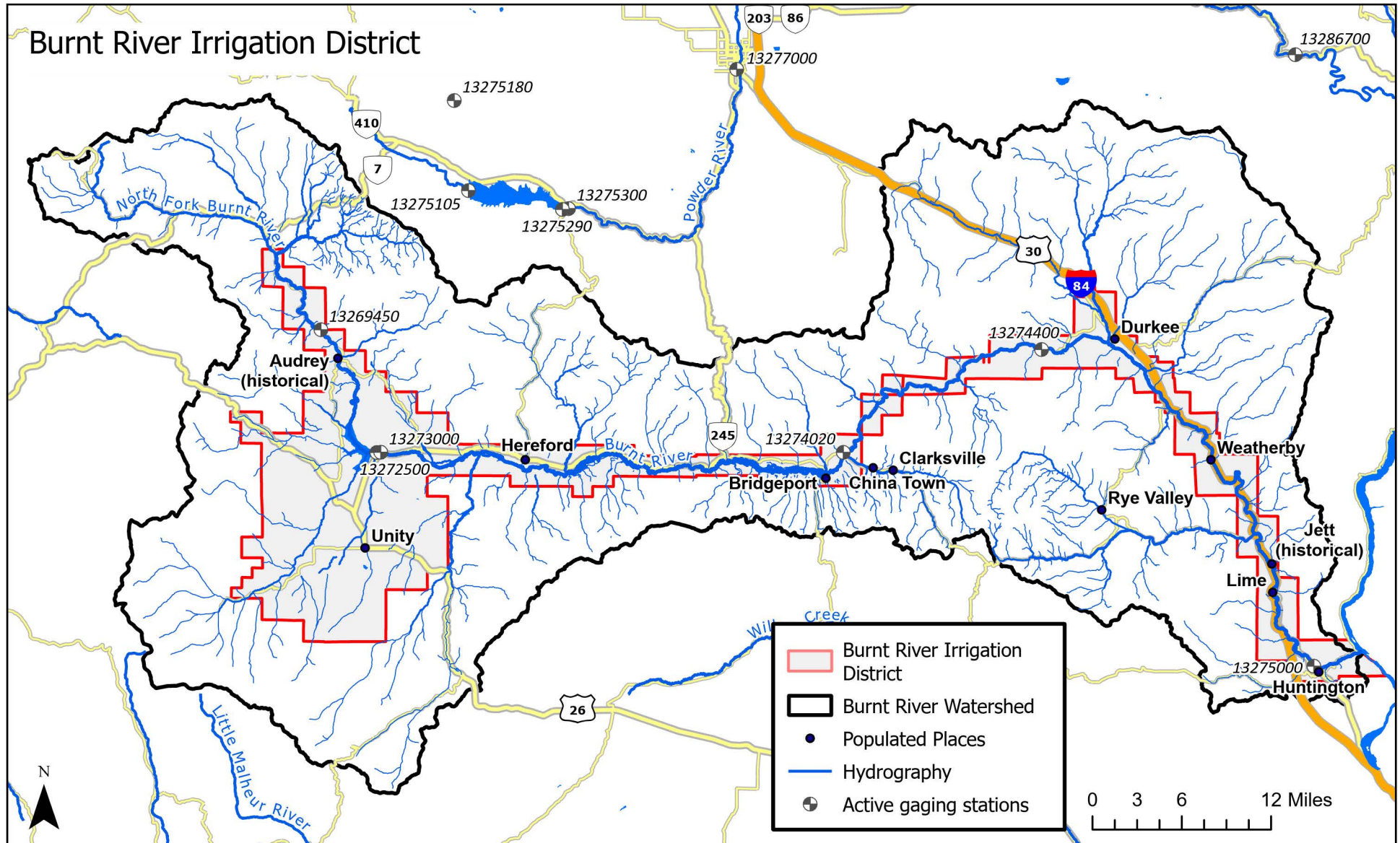
2) allows staff to rescind the order if a review of local conditions finds that management needs or economic hardship impacts have changed to the extent that the waiver should be rescinded.

Attachments:

1. Map of BRID, including gage locations
2. BRID accuracy waiver request letter
3. List of certificates associated with the waiver request

Rachel LovellFord
(503) 930-7681

Jason Spriet
(971) 719-6623



Ms. Rachel LovellFord and Mr. Jason Spriet
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301

August 15, 2026

RE: Burnt River Irrigation District Water Use Reporting Accuracy Waiver Request

Dear Ms. LovellFord and Mr. Spriet,

Through the petition for approval of a district remapping process (ORS 541.325-541.331), Burnt River Irrigation District (BRID) has been working with OWRD's East Region office to map water right locations within the district. As a part of that work, the confirming certificates will be issued in the name of BRID, along with points of diversion associated with those rights. With this change, BRID, a governmental entity, would then be required under ORS 537.099 and OAR 690-85-0010 to report water use from these additional approximately 130 PODs.

BRID is submitting this request for a measurement accuracy waiver (ie. OAR 690-85-0010 (3); 15 percent accuracy requirement) for all rights that would be newly assigned to BRID. Per OAR 690-085-0010 (6), the Commission may waive compliance with the 15 percent accuracy rule and/or any of the requirements of OAR 690-085-0015 (Methods for Measuring and Computing Water Use). We believe we qualify for this waiver because complying with the accuracy requirement for each POD would cause an economic hardship on the governmental entity; and because the information to be collected would not materially aid water management.

Economic Hardship. This requirement would result in the installation, monitoring, and maintenance of more than 130 new measuring devices on all PODs re-assigned in the name of the district. Our patrons are relatively small operators irrigating pastureland for livestock and hay on small margins. The increase in costs for labor and infrastructure would be very difficult to manage for most patrons. BRID's share of the purchase and installation would be unattainable on BRID's annual budget. This does not include requiring additional staff to review and maintain these meters.

No material aid to water management. BRID relies on tools like gaging stations. Operating them in partnership with Idaho Power and OWRD throughout the district from significant sources above district land to the mouth of the Burnt River, including SF Burnt River, NF Burnt River, Burnt River below Unity Dam, Burnt River at Hereford, Burnt River at Clarks Creek, and Burnt River near Huntington to manage water within the district. BRID will continue to cooperate on funding and operation of gages, and plans to support the replacement of the old gage on the South Fork Burnt River. Water management within the basin is extremely limited

by the geography of the basin, as the district boundaries encompass nearly all irrigation use in the Burnt River watershed. The few water rights outside the district in the watershed are on small upland tributaries near Durkee and are not impacted by the district. Measurements above the reservoir, below the reservoir, and through the canyon down to the mouth of the river provide adequate tracking of the district's use and management to support BRID's management and OWRD's regulatory work.

We ask that the Commission consider our request for an accuracy waiver. This waiver, if granted, will allow BRID to utilize the district transfer processes, and more flexibly manage water. If not granted, the water rights will remain with the individual holders and transfers will need to go through the standard process. If any more information is needed, we will be happy to provide it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill Moore", with a horizontal line drawn underneath.

Bill Moore, Board Chairman (Unit 1 Director)

A handwritten signature in blue ink, appearing to read "Pat Sullivan", with a horizontal line drawn underneath.

Pat Sullivan (Unit 2 Director)

A handwritten signature in blue ink, appearing to read "Ted Bloomer", with a horizontal line drawn underneath.

Ted Bloomer (Unit 3 Director)

Board Of Directors of the Burnt River Irrigation District

Petitioned/Original Certificate Number	Acres Petitioned	Superceeding/ Confirming Right Certificate Number	Acres Remaining	Superceeding/ Remaining Right Certificate Number
1048	95	96442		
1367	112.1	96443		
1401	154.8	96444		
2307	40	96445	15	96446
3329	165	96447		
3346	161.7	96448		
4881	40	96449		
5376	10.6	96450		
5389	18	96451		
5821	92	96452		
5824	15.6	96453		
5827	31	96454		
5832	139.4	96455		
5833	19.7	96456		
5839	122.5	96457		
5840	55	96458		
5841	42	96459		
5842	146.5	96460		
5846	30	96461		
5853	179	96462		
5855	40.5	96463		
5861	58.7	96464		
5863	85	96465		
5866	32	96466		
5867	37.5	96467		
5874	85.5	96468	12	96469
5875	274.5	96470	9	96471
5876	22	96472		
5877	110.4	96473		
5878	40	96474		
5879	210.5	96475		
5880	52.5	96476	Mining Use	96477
5881	150	96478		
5882	35	96479		
5884	399	96480		
5886	384	96481	70.5	96482
5887	267.5	96483		
5891	227	96484		
5892	115.6	96485		
5893	169.5	96486		
5894	254	96487		
5900	7	96488		
5906	36	96489	16	96490
5907	111.2	96491		
5912	67.5	96492		

5917	29.9	96493		
5919	65	96494	9	96495
5920	56	96496		
5925	20	96497		
5927	366	96498	242	96499
5935	79	96500		
5944	5	96501		
5945	74.5	96502		
5946	80	96503		
5947	202.5	96504		
5949	16.6	96505		
5956	172	96506		
5957	166.5	96507		
5960	164	96508		
5964	42	96509		
5966	79.5	96510		
5967	67.2	96511		
5968	144.9	96512		
5969	140	96513		
5971	162	96514		
5972	428.3	96515		
5973	80	96516		
5974	118	96517		
5975	4	96518		
5976	53.5	96519		
5977	42	96520	171.5	96521
5987	139.1	96522	24.7	96923
5991	89	96523		
5992	40	96524		
5997	204.5	96525		
5998	267.7	96526		
6000	12	96527		
6004	239.7	96528	2	96529
6007	6.1	96530		
6008	47	96531		
6009	970.5	96532	19	96533
6010	49	96534		
6012	64.5	96535		
6016	25	96536		
6019	12	96537		
6020	12	96538		
6021	213.59	96539		
6022	140.3	96540		
6026	20	96541	26.5	96542
6028	15.4	96543		
6029	79.5	96544		
6034	36.2	96545		

6038	657	96546	77	96547
6039	148.8	96548		
6040	138	96549	15	96550
6041	305.5	96551		
6045	45.8	96552		
6046	70	96553		
6048	95.5	96554		
6049	88	96555	121	96556
6052	489	96557	9	96558
6053	122	96559		
6054	211	96560		
6055	57	96561		
6056	362.6	96562		
6057	216	96563		
6058	88.7	96564		
6061	85	96565	16	96566
6063	176	96567		
6087	347.5	96568		
6137	211.5	96569		
6312	40.3	96570		
6664	42.4	96571		
7248	0	96572		
8091	35	96573		
8519	316	96574		
8520	142.8	96575		
8596	100.8	96576		
8602	0	96577		
8696	7.7	96578		
9041	566.7	96579		
9286	68.8	96580		
9880	264.8	96581		
10074	0	96582		
10129	15	96583		
11025	20	96584		
11112	82.7	96585		
11413	1228.6	96586	561.1	96587
11527	120.7	96588		
12052	0	96589		
12298	0	96590		
24535	52.6	96591		
27333	168.1	96592		
29473	81	96593		
29475	32	96594		
29682	0	96595		
29802	1160.8	96596		
32390	288	96597		
36714	9	96598		

36715	26	96599		
36716	13.5	96600		
36831	21.5	96601		
36955	118.4	96602	11.2	96603
44926	416.2	96604		
45357	28.5	96605		
50887	258.7	96606		
51710	6965.9	96608		
51711	8828.5	96609		
59985	60	96610		
65563	17.9	96611		
68506	33.4	96612		
68629	77.1	96613		
72307	1.1	96614		
72370	363.4	96615		
75965	16	96616		
76627	152	96617	11.11	96618
78606	1228.6	96619	561.1	96620
91290	61	96621		
95120	1.62	96622		
95121	1.62	96623		
Grand Totals:	37,933.43	N/A	1,999.71	N/A