



Manager's Message



North Unit Irrigation District

Newsletter

I've bumped into many of our patrons around town and I'm often asked "where are we now with the frog"? Usually there are some expletives in that question and conversation, but I'll leave those to your imagination. In response, I thought it good to better understand "where we've been" compared to "where we are today". Proceed to pages 3 and 4 for an abbreviated chronological sequence of "where we've been" (a painful memory) and "where we are today".

The information provided is simply a reminder that although this issue has not been on the front cover of local news in recent months there has been and continues to be a lot of ongoing work to protect the district's interests—as best we can. As I noted last year without the support of the NUID

board of directors, district employees, patrons, local businesses and the community, the chronological sequence provided could have looked a lot different—particularly if environmental groups had been victorious in their efforts to take over operations of our reservoirs and the river system to protect the Oregon spotted frog (OSF). The challenges that we'll face will continue to be difficult, complex and expensive for the foreseeable future. Fortunately we continue to cultivate relationships that are important to us and will continue to work with our basin partners in an effort to retain some normalcy in the way in which we conduct our business. Like it or not, change is upon us and how we address that change will define who we are as a district and a community into the future.

District Charges

The 2018 district operating budget was approved and district charges were set at the board of directors' meeting on November 14, 2017. An explanation of the 2018 district charges is included with this newsletter.

The approved budget is available for inspection at the district office.

Temporary Water Right Transfers

The district has been participating in a pilot project for temporary transfers, which allows a landowner to dry up a piece of land and move the water right to another parcel for the water season.

Please contact the district office for a list of all requirements, procedures or questions. The district fee to process a temporary transfer is \$200 per transfer.

Ownership Changes

Ownership changes such as, marriage, divorce, death, establishing trusts, LLC's or other entities all need to be reported to the district. It is important that our records are kept current and match the ownership documents recorded with the

county. These changes can directly effect those waterusers that are required to complete Reclamation Reform Act certification forms. Please update us as these changes occur.

The district office will be closed for the holidays beginning at noon December 22, 2017 through December 25, 2017. Also beginning at noon on December 29, 2017 through January 1, 2018.

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District Right-of-Ways/Easements

It's the season for maintenance and general upkeep of the project. All canals, laterals, roads and control devices of the district are within the right-of-ways established by the Bureau of Reclamation when the project was constructed. They were established to allow the district to

operate, maintain and repair the district's works. Landowners and waterusers may not encroach on or restrain the district from free access on these lands. The rights-of-ways are not to be used as public thoroughfares. Please keep these areas clear of buildings, fences, equipment,

etc. Maps of right-of-way widths are available at the district office. Tree and woody vegetation removal from canals and easements is part of routine operations and maintenance, removal improves canal integrity.

Retiring District Employees

The year 2017 began the start of many changes at the district. Several long time employees have retired or are set to retire in the near future. In June, Ron Yaw a member of the maintenance personnel retired after 38 years of employment with NUID. His retirement was shortly followed by the 58-11 Ditchrider Mike Walters who said farewell after 34 years with the district.

In February, 2018 longtime Office Manager Vicki McKelvy intends to retire.

Her 40 years of employment makes her the longest standing employee in NUID history. Maintenance Foreman Jim Ennis has plans to retire in March 2018 with a 37 year career with the district.

It goes without saying that longevity is one thing these employees all have in common. A great deal of history and experience will be lost with their departures. Thank you for your years of commitment we hope it serves as an example to the next generations that will be replacing you.

New Office Manager Introduction

With the impending retirement of current and longtime Office Manager Vicki McKelvy, who will be dearly missed, the district has recently employed standout applicant Marlene Lloyd. Originally from Southern Oregon Marlene is a grad-

uate of Northern Arizona University and is an experienced accountant. In her off time she is an accomplished weaver. Welcome aboard Marlene you have some big shoes to fill and we are thankful to have you.

Board Member Elections

Phillip Fine and Mike Kirsch both ran uncontested and will each serve another 3-year term on the district's board of directors effective January 1, 2018. Director Fine represents Division 1 and has been on the board since 2001. He cur-

rently serves as Vice Chairman of the board. Director Kirsch represents Division 2 and has been a member of the board since 2012. The district appreciates Director Fine and Director Kirsch's continued time and service.

Instream Water Leasing

The Deschutes River Conservancy and the district are collaborating to offer their annual water leasing program for 2018. Deadline for sign up is March 1, 2018

For questions contact the district office. In addition information regarding the program can be obtained by visiting the district's website.

Equipment Rental

Remember to schedule your equipment rental jobs before March 1, 2018 in order to allow district staff time to complete your project prior to the 2018 irrigation season. Contact Kirk or Gary for arrangements.

Farm Fair Information

The annual Central Oregon Farm Fair & Trade Show is scheduled for February 7-8, 2018 from 9 am - 4 pm at the Jefferson County Fairgrounds.

Office Hours

Non Irrigation Season:

Monday - Friday 8:00 - 4:30

Phone: (541) 475-3625

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Email: nuid@northunitid.com

Website: www.northunitid.com

Manager: Mike Britton

mbritton@northunitid.com

Assistant Manager: Kirk Holcomb

kholcomb@northunitid.com

Office Manager: Vicki McKelvy

vmckelvy@northunitid.com

Office Manager: Marlene Lloyd

mlloyd@northunitid.com

Watermaster: Gary Calhoun

gcalhoun@northunitid.com

Office Staff:

Pam Watson

pwatson@northunitid.com

Sue Light

slevitt@northunitid.com

Carla Bridges

cbridges@northunitid.com

Board of Directors:

Division 1: Phil Fine

Vice Chairman

Division 2: Mike Kirsch

Division 3: Martin Richards

Chairman

Division 4: Richard Macy

Division 5: Vern Bare

Manager's Message

Chronological Sequence of Events Regarding the Oregon Spotted Frog

August 29, 2014	U.S. Fish & Wildlife Service (USFWS) lists the Oregon Spotted Frog (OSF) as threatened species under the Endangered Species Act
July 21, 2015	Center for Biological Diversity (CBD) sends 60-day notice of intent to sue the U.S. Bureau of Reclamation (USBR) – failure to consult with USFWS following listing of Oregon Spotted Frog
August 12, 2015	WaterWatch of Oregon (WW) sends 60-day notice of intent to sue USBR and Deschutes Basin Districts (NUID, COID, TID) who manage and operate basin reservoirs (Wickiup, Crane Prairie, Crescent)
September 18, 2015	Districts begin implementing voluntary changes to operations of Crane Prairie, Wickiup, and Crescent Lake reservoirs
September 18, 2015	USBR requests to initiate Endangered Species Act (ESA) section 7 consultation with USFWS
December 18, 2015	CBD files lawsuit against USBR
January 11, 2016	WW files lawsuit against USBR and Deschutes Districts
February 5, 2016	Districts implement further voluntary changes to operations of Crane Prairie, Wickiup, and Crescent Lake reservoirs
February 9, 2016	CBD and WW file motion for preliminary injunction that if granted would have all but eliminated the ability for NUID to deliver water to its patrons in 2016
April 6, 2016	Federal Judge Ann Aiken denies plaintiffs' motion for preliminary injunction and orders parties to participate in settlement discussions
June 1, 2016	Parties begin settlement discussions
October 28, 2016	USBR, Districts, CBD, and WW reach settlement agreement
November 9, 2016	Judge Aiken approves settlement agreement, and CBD and WW's claims are dismissed; settlement governs reservoir activities until section 7 consultation is completed or until July 31, 2017, whichever occurs first
December 30, 2016	USBR submits its Biological Assessment to USFWS
May 24, 2017	Court approves USBR, CBD, and WW settlement agreement regarding the United States' payment of CBD and WW attorneys' fees
September 29, 2017	USFWS issues its final Biological Opinion and Incidental Take Statement

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Manager's Message

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"Where Are We Now" – Administration

Pending	USBR to complete National Environmental Policy Act (NEPA) process and issue its final Decision Document per settlement
Ongoing	Districts to continue work on the Deschutes Basin Habitat Conservation Plan (HCP) August 14-15, 2017: NEPA scoping meetings held November 17, 2017: Deadline for Request for Proposals (RFPs) - NEPA contractor 2018 will focus on NEPA compliance and development of Environmental Impact Statement (EIS)
July 31, 2019	Target date for USFWS and National Marine Fisheries Service approval of HCP and issuance of incidental take permits

"Where Are We Now" – Operations

Crane Prairie Reservoir Operations

- (1) Reservoir storage volumes limited to between 35,000 and 50,000 acre-feet. Full reservoir pool of not less than 45,000 acre-feet must be met by March 31 and held until July 15. Reservoir elevation drop restrictions after July 15.
- (2) Priority with which Crane Prairie and Wickiup reservoirs fill with target elevations to guide the fill of Crane Prairie Reservoir.
- (3) Stabilize water elevations during the Oregon spotted frog breeding season.

Wickiup Reservoir Operations

- (1) Minimum instream flows in the Deschutes River downstream of Wickiup Dam. The minimum instream flow at the WICO gage will be 600 cfs from March 31st through September 15th, and 100 cfs from September 16th through March 30th.
- (2) Modified ramping rates to provide a more gradual change in flows before and after the irrigation season.
- (3) From April 1st through July 15th, storage demands by AID, COID, and LPID would be met by releasing water from Wickiup Reservoir. Water released from Crane Prairie Reservoir after July 15th would be used to repay NUID for the use of Wickiup Reservoir storage by the other three districts.

Crescent Dam Operations

The minimum instream flow in Crescent Creek below Crescent Dam will be 30 cfs from March 15th through November 30th, and 20 cfs from December 1st through March 14th. Releases of additional water from Crescent Lake Reservoir will continue during the summer to meet TID's irrigation needs, but they will be lower than historical releases, because the release of additional water during winter would reduce the amount of storage available for release in summer.

RESOLUTION 2017-03

November 14, 2017

A motion was made by Director Fine and seconded by Director Macy to adopt the following resolution, and when put to vote, the motion unanimously passed:

WHEREAS, on the 14th day of November 2017, the Board of Directors of the North Unit Irrigation District adopted a resolution fixing the time for the making and collecting of irrigation district charges for the year 2018.

WHEREAS, it is necessary to provide funds for the operation and maintenance of the distribution facilities of the irrigation system of said district as well as to provide funds for the district's administration expenses in conducting its business affairs.

OPERATION AND MAINTENANCE CHARGES

NOW, THEREFORE, IT IS HEREBY ORDERED THAT the Board of Directors of the North Unit Irrigation District do hereby compute a charge necessary to be raised by said district to pay and be applied towards the cost of operation, maintenance, repairs and administration in conducting the business affairs of the district's irrigation system. The charge shall be in the sum of \$59.13 for each acre or portion of an acre on all its irrigable lands within the boundaries of said district. Landowners with less than an acre of irrigable land will be charged a minimum charge based on one acre of irrigable land.

ACCOUNT CHARGE

NOW, THEREFORE, IT IS HEREBY ORDERED THAT the Board of Directors sets the account charge at \$170 per owner of an account or accounts as set forth in Resolution No. 2013-02 adopted January 8, 2013.

HCP/NEPA/OSF/CR SPECIAL ASSESSMENT

NOW, THEREFORE, IT IS HEREBY ORDERED THAT the Board of Directors established a special assessment to cover the costs of the Habitat Conservation Plan, which includes a NEPA, the Oregon Spotted Frog litigation, the Crooked River legislation implementation and PR/Marketing for these issues. The charge shall be in the sum of \$3.47 per acre on all irrigable lands within the boundaries of the said district.

BE IT FURTHER ORDERED that said charges are due and payable at the close of business on the 31st day of December 2017.

BE IT FURTHER ORDERED that the 15th day of April 2018 shall become and is made the date fixed that if a charge is not paid that interest shall be charged on all such unpaid charges at the rate of 1 1/3 percent per month, each and every month, or fraction of a month after April 15, 2018, to such date the delinquent charges are paid.

BE IT FURTHER ORDERED that the secretary may file a Notice of Lien at any time after April 15, 2018 with the County Clerk in and for Jefferson County, Oregon as allowed and described in ORS 545.494 regarding the charge or charges remaining unpaid. The procedure for filing liens is set forth in Resolution 2008-15 adopted by the board of directors on September 9, 2008.

EXCESS WATER CHARGES

BE IT FURTHER ORDERED that in regards to the Deschutes water right acres that the first acre foot or fraction thereof of water delivered in excess of 2.0 acre feet per acre, if available, shall be charged at the rate of \$35.48 per acre foot. All water delivered in excess of 3.0 acre feet per acre, if available, shall be charged at the rate of \$41.39 per acre foot.

BE IT FURTHER ORDERED that in regards to the Crooked River water right acres that the first acre foot or fraction thereof of water delivered in excess of 1.0 acre foot per acre, if available, shall be charged at the rate of \$35.48 per acre foot. All water delivered in excess of 2.0 acre feet per acre, if available, shall be charged at the rate of \$41.39 per acre foot.

BE IT FURTHER ORDERED that said excess water charges are due and payable at the close of business on the 31st day of December 2018. The 15th day of April 2019 shall become and is made the date fixed if a charge is not paid, that interest shall be charged on all such unpaid charges at the rate of 1 1/3 percent per month, each and every month, or fraction of a month after April 15, 2019 to such date the delinquent charges are paid.

BE IT FURTHER ORDERED that the secretary may file a Notice of Lien at any time after April 15, 2019, in regards to said excess water charges, with the County Clerk in and for Jefferson County, Oregon as is allowed in ORS 545.494 regarding the charge or charges remaining unpaid. The procedure for filing liens is set forth in Resolution 2008-15 adopted by the board of directors on September 9, 2008.

NORTH UNIT IRRIGATION DISTRICT

DEBT CHARGES

RESOLUTION 2017-04

November 14, 2017

A motion was made by Director Macy and seconded by Director Kirsch to adopt the following resolution, and when put to vote, the motion unanimously passed:

WHEREAS, on the 14th day of November 2017, the Board of Directors of the North Unit Irrigation District adopted a resolution fixing the time for the making and collecting of irrigation district charges for the year 2018.

WHEREAS, it is necessary to provide funds for debt repayment.

CONSTRUCTION CHARGE

NOW, THEREFORE, IT IS HEREBY ORDERED THAT the Board of Directors of the North Unit Irrigation District do hereby compute a charge necessary to be raised by said district for the repayment obligation under the District's repayment contract with the Bureau of Reclamation. The charge shall be in the sum of \$2.35 per acre on all Deschutes and Crooked River water right lands, with the exception of lands that have prepaid their construction obligation.

BOND CHARGE

NOW, THEREFORE, IT IS HEREBY ORDERED THAT the Board of Directors sets the charge for repayment of bonds sold to finance the main canal lining at \$3.78 per acre on Deschutes water right acres.

SAFETY OF DAMS CHARGE

NOW, THEREFORE, IT IS HEREBY ORDERED THAT the Board of Directors executed a repayment contract with the Bureau of Reclamation for repayment of the District's share of the costs to modify Wickiup Dam under the Reclamation Safety of Dams Act Amendments of 1984 (Public Law 98-404). The Board of Directors sets the charge for repayment of the Safety of Dams at \$.50 per acre on all Deschutes water right acres. The contract also specifies an annual account charge based on the number of accounts under one ownership, with acreage of 10 acres or less. The Board of Directors sets this charge at \$15.18 per account on landowners with Deschutes water rights.

BE IT FURTHER ORDERED that said charges are due and payable at the close of business on the 31st day of December 2017.

BE IT FURTHER ORDERED that the 15th day of April 2018 shall become and is made the date fixed that if a charge is not paid that interest shall be charged on all such unpaid charges at the rate of 1 1/3 percent per month, each and every month, or fraction of a month after April 15, 2018, to such date the delinquent charges are paid.

BE IT FURTHER ORDERED that the secretary may file a Notice of Lien at any time after April 15, 2018 with the County Clerk in and for Jefferson County, Oregon as allowed and described in ORS 545.494 regarding the charge or charges remaining unpaid. The procedure for filing liens is set forth in Resolution 2008-15 adopted by the Board of Directors on September 9, 2008.