



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

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Gentlemen:

Recent years have brought an increasing number of complex planning issues involving land use, water and irrigation districts before this Planning Commission and other sections of Deschutes County government. One of the hallmarks of these requests has been disparate views of what privileges, prerogatives and provisions have been afforded irrigation districts under federal law, particularly the Carey Act and the Canal Act. Opinions have sometimes been expressed and promulgated by parties with limited background in this area. Additionally, "facts" and claimed implications submitted during applications and reviews are not always consistent. For example, one district reported it was formed under the Canal Act on one application, while claiming formation under the Carey Act on another. Claims as to what these acts actually imply is even more variable. Both of you are involved in the Basin Study Workgroup examining options for the Deschutes Basin watershed; even in that setting, misconceptions periodically arise. Ultimately, the results of this workgroup, as well as future land use requests, will come before the Planning Commission and/or Board of County Commissioners.

The Planning Commission in recent years has become more proactive in seeking educational input from agencies and professionals with expertise in an attempt to obtain an informed background of specific issues. Such a method has proven invaluable in enabling better understanding of not only the issues, but also in facilitating what questions to ask and ultimately address. The most recent examples of this approach involve work sessions with the Oregon Departments of Environmental Quality (DEQ) and Land Conservation and Development (DLCD) on water quality issues in southern Deschutes Country and sessions with University of Oregon graduate students and local agencies about wildfire and flood plain risk mitigation and policy changes.

Consequently, the Planning Commission is respectfully requesting your assistance in providing a background and overview of:

- the provisions and privileges accorded by the Carey Act and the Canal Act, and how the Bureau views and administrates them;
- the authority governing each of the districts in the Deschutes, Tumalo, Crooked River and Whychus “basins”;
- the process for addressing requests for new reservoir or storage structures;
- which prerogatives are adjudicated to easement/right-of-way holders and servient owners under each act;
- which prerogatives and issues fall to the Bureau of Reclamation to resolve, arbitrate or mitigate in the event of conflict among districts, patrons, landowners or local /state agencies or government;
- how local government can address such issues;
- how low-head hydro impacts district diversion and infrastructure prerogatives;
- any other area or issue your experience suggests would be helpful.

The Bureau of Reclamation and irrigation districts have played such an important role in the history and development of this region. This Commission feels it is incumbent upon it to gain a better understanding of larger perspectives in order to better serve all parties. While written information will be helpful and essential, if either or both of you are willing to participate in an educational work session, the Community Development Department can make that possible.

Thank you for your consideration. We look forward to a timely reply; our area is anticipating an increasing number of applications and requests as regional growth pressures and our current drought further evolve.

Sincerely,

DESCHUTES COUNTY PLANNING COMMISSION

Hugh Palcic, Chair

c: Deschutes County Board of Commissioners
Nick Lelack, Director, Community Development Department