

104TH CONGRESS  
2D SESSION

# H. R. 4295

To authorize the Secretary of the Interior to transfer certain facilities of the Minidoka Project to the Burley Irrigation District, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1996

Mr. CRAPO introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To authorize the Secretary of the Interior to transfer certain facilities of the Minidoka Project to the Burley Irrigation District, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. TRANSFER OF CERTAIN MINIDOKA PROJECT**  
4               **FACILITIES.**

5       (a) IN GENERAL.—The Secretary of the Interior  
6 (hereinafter referred to as the “Secretary”) shall, subject  
7 to subsection (d), convey by quitclaim deed or patent all  
8 right, title, and interest of the United States in and to  
9 the withdrawn and acquired lands and rights-of-way of the  
10 Southside Pumping Division (hereinafter referred to as

1 the “Division”) of the Minidoka Project, Idaho, together  
2 with the canals, drains, laterals, roads, pumps, checks,  
3 headgates, transformers, substations, buildings, trans-  
4 mission lines and other improvements or appurtenances  
5 located thereon and used for the delivery of water from  
6 Lake Walcott reservoir to the lands within Burley Irriga-  
7 tion District, including all facilities used in conjunction  
8 therewith including the electric transmission lines used for  
9 the operation of the pumping facilities of the project for  
10 which the allocable construction costs have been fully re-  
11 paid, to Burley Irrigation District (hereinafter referred to  
12 as the “District”), at no cost to the District. The adminis-  
13 trative cost of transfer of title and related activities shall  
14 be shared equally between the United States and the Dis-  
15 trict up to a total cost of \$80,000 at which time the Unit-  
16 ed States shall pay all remaining costs incurred.

17 (b) WATER RIGHTS.—The Secretary shall also trans-  
18 fer to the District, in accordance with and subject to State  
19 law, all natural flow and ground water rights held by the  
20 Secretary for the benefit of and for the use on the land  
21 within the District, and the allocation of storage space in  
22 Minidoka, American Falls, and Palisades reservoirs to the  
23 District in accordance with the terms of contract Nos. 14–  
24 06–100–2455 and 14–06–W–48 of the District is hereby  
25 affirmed, subject to the requirement that the District con-

1 tinue to assume its allocable costs of operation and main-  
2 tenance associated with such storage facilities.

3 (c) ELECTRIC POWER.—The Secretary shall also pro-  
4 vide the District with a permanent right to project reserve  
5 power from the Minidoka, Palisades Black Canyon, and  
6 Anderson Ranch reclamation power plants at the cost of  
7 production in accordance with understandings and com-  
8 mitments made by the Secretary in acquiring such plants,  
9 the Reclamation Act, and the existing contracts for such  
10 electrical power. Upon the decision of the Federal Govern-  
11 ment to transfer operation and maintenance or title of the  
12 Minidoka Power Plant, the Secretary shall grant to those  
13 entities entitled to storage water in Lake Walcott under  
14 spaceholder contracts with the United States a right of  
15 first refusal to acquire the power plant and related facili-  
16 ties at such reasonable cost and subject to such terms and  
17 conditions as may be mutually agreed between  
18 spaceholders and the Secretary.

19 (d) USE OF CANAL.—The District shall continue to  
20 recognize the right of Minidoka Irrigation District to the  
21 joint use of the gravity portion of the Southside Canal  
22 being transferred to the District, subject to its compliance  
23 with those terms and conditions of that certain contract  
24 between the District and Minidoka Irrigation District, and

1 any amendments or changes hereafter made by agreement  
2 of said irrigation districts.

3 (e) FEDERAL LIABILITY.—Effective on the date of  
4 conveyance of the title of the distribution and related  
5 works of the Division, the United States shall not be held  
6 liable by any court for damages of any kind arising out  
7 of any act, omission, or occurrence relating to the trans-  
8 ferred works, except for damages caused by acts of neg-  
9 ligence committed by the United States or by its employ-  
10 ees, agents, or contractors prior to the date of conveyance.  
11 Nothing in this section shall be deemed to increase the  
12 liability of the United States beyond that currently pro-  
13 vided in the Federal Tort Claims Act (28 U.S.C. 2671  
14 et seq.).

15 (f) TIMETABLE.—The United States shall complete  
16 the transfer, including such action as may be required  
17 under the National Environmental Policy Act of 1969 (42  
18 U.S.C. 4321 et seq.) within 24 months of the passage of  
19 this Act.

20 (g) TRANSFER BY OPERATION OF LAW.—If the  
21 transfer is not completed by January 1, 1999, the title  
22 and interest of the United States cited in this section are  
23 conveyed to the District on that date by operation of law.

- 1 Upon the request of the District the Secretary shall pro-
- 2 vide evidence of the transfer.

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