

105TH CONGRESS  
1ST SESSION

# H. R. 1282

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1997

Mr. CRAPO (for himself and Mrs. CHENOWETH) 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 convey 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. CONVEYANCE OF FACILITIES.**

4       (a) DEFINITIONS.—In this section:

5               (1) BURLEY.—The term “Burley” means the  
6       Burley Irrigation District, an irrigation district or-  
7       ganized under the law of the State of Idaho.

8               (2) DIVISION.—The term “Division” means the  
9       Southside Pumping Division of the Minidoka  
10      project, Idaho.

1           (3) SECRETARY.—The term “Secretary” means  
2     the Secretary of the Interior.

3           (b) CONVEYANCE.—

4           (1) IN GENERAL.—The Secretary shall, without  
5     consideration or compensation except as provided in  
6     this section, convey to Burley, by quitclaim deed or  
7     patent, all right, title, and interest of the United  
8     States in and to the withdrawn and acquired lands,  
9     easements, and rights-of-way of or in connection  
10    with the Division, together with the pumping plants,  
11    canals, drains, laterals, roads, pumps, checks,  
12    headgates, transformers, pumping plant substations,  
13    buildings, transmission lines, and other improve-  
14    ments or appurtenances to the land or used for the  
15    delivery of water from the headworks of the South-  
16    side Canal at the Minidoka Dam and reservoir to  
17    land in Burley, including all facilities used in con-  
18    junction with the Division (including the electric  
19    transmission lines used to transmit electric power  
20    for the operation of the pumping facilities of the Di-  
21    vision and related purposes for which the allocable  
22    construction costs have been fully repaid by Burley).

23           (2) COSTS.—The first \$80,000 in administra-  
24    tive costs of transfer of title and related activities  
25    shall be paid in equal shares by the United States

1 and Burley, and any additional amount of adminis-  
2 trative costs shall be paid by the United States.

3 (c) WATER RIGHTS.—

4 (1) TRANSFER.—The Secretary shall transfer  
5 to Burley, through an agreement among Burley, the  
6 Minidoka Irrigation District, and the Secretary, in  
7 accordance with and subject to the law of the State  
8 of Idaho, all natural flow, waste, seepage, return  
9 flow, and ground water rights held in the name of  
10 the United States for the benefit of, and for use on  
11 land within, the Burley Irrigation District.

12 (2) ALLOCATION OF STORAGE SPACE.—The al-  
13 location to Burley of storage space in Minidoka Res-  
14 ervoir, American Falls Reservoir, and Palisades Res-  
15 ervoir, in accordance with Burley Contract Nos. 14–  
16 06–100–2455 and 14–06–W–48 is affirmed, subject  
17 to the obligation of Burley to continue to assume  
18 and satisfy its allocable costs of operation and main-  
19 tenance associated with the storage facilities oper-  
20 ated by the Bureau of Reclamation.

21 (d) PROJECT RESERVED POWER.—

22 (1) IN GENERAL.—The Secretary shall continue  
23 to provide Burley with a permanent right to project  
24 reserved power from the Minidoka Reclamation  
25 Power Plant, Palisades Reclamation Power Plant,

1       Black Canyon Reclamation Power Plant, and Ander-  
2       son Ranch Reclamation Power Plant at the cost of  
3       production and delivery to Burley in accordance with  
4       understandings and commitments made by the Sec-  
5       retary in acquiring the plants, the reclamation laws,  
6       and contracts for electric power in existence of the  
7       date of enactment of this Act.

8               (2) RIGHT OF FIRST REFUSAL.—If the United  
9       States decides to transfer out of Federal ownership  
10      title to the Minidoka Power Plant or Dam, the Sec-  
11      retary shall grant to entities entitled to storage  
12      water in Lake Walcott (the reservoir created by  
13      Minidoka Dam) under spaceholder contracts with  
14      the United States a right of first refusal to acquire  
15      the power plant or dam and related facilities at such  
16      reasonable cost and subject to such terms and condi-  
17      tions as may be agreed on by the spaceholders and  
18      the Secretary.

19      (e) RIGHT OF JOINT USE.—Burley 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 Burley, subject to compliance by the  
23      Minidoka Irrigation District with the terms and conditions  
24      of a contract between Burley and Minidoka Irrigation Dis-

1 triet, and any amendments or changes made by agreement  
2 of the irrigation districts.

3 (f) LIABILITY.—

4 (1) IN GENERAL.—Effective on the date of con-  
5 veyance of the lands, easements, and rights-of-way  
6 under subsection (b), the United States shall not be  
7 held liable by any court for damages of any kind  
8 arising out of any act, omission, or occurrence relat-  
9 ing to the conveyed lands, easements, and right-of-  
10 way, except for damage caused by an act of neg-  
11 ligence or other tortious conduct committed by the  
12 United States or by its employees, agents, or con-  
13 tractors of the United States before the conveyance.

14 (2) NO INCREASE IN LIABILITY.—Paragraph  
15 (1) does not increase the liability of the United  
16 States beyond that currently provided in chapter  
17 171 of title 28, United States Code (commonly  
18 known as the “Federal Tort Claims Act”).

19 (f) COMPLETION OF CONVEYANCE.—

20 (1) IN GENERAL.—The Secretary shall complete  
21 the conveyance under subsection (b) (including such  
22 action as may be required under the National Envi-  
23 ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
24 seq.)) not later than 2 years after the date of enact-  
25 ment of this Act.

1           (2) DEFAULT.—If the conveyance is not com-  
2       pleted by January 1, 2000, through no fault of Bur-  
3       ley—

4           (A) the right, title, and interest of the  
5       United States described in subsection (b)(1) are  
6       conveyed to Burley on that date by operation of  
7       law; and

8           (B) the Secretary shall provide evidence of  
9       the conveyance at the request of Burley.

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