November 16, 2018

VIA EMAIL ONLY - ttec@usbr.gov

Title Transfer
CE Coordinator, Bureau of Reclamation
Mail Stop 84-53000, Denver Federal Center
Denver, CO 80523

RE: Comments on Proposal to Create Categorical Exclusion for Title Transfer
(Proposed Amendments to Departmental Manual - 516 DM 14)

To Whom it may Concern:

These comments are submitted at the request of the Board of Directors of the Minidoka Irrigation District ("MID") in response to the Bureau of Reclamation’s (Reclamation) October 17, 2018 notice of proposed revisions and requests for comments regarding a proposed revision to the Departmental Manual to establish a new categorical exclusion for the transfer of title of certain projects and facilities from Reclamation to a qualifying non-Federal project entity.

MID is part of the original Minidoka Project, one of the oldest Reclamation projects. MID operates and maintains diversion works and a water delivery system that provides irrigation water to approximately 77,000 acres in Minidoka and Cassia counties, Idaho.

MID desires to obtain a transfer of title of its facilities from Reclamation. It is pleased that Reclamation is taking steps to streamline and expedient the title transfer process.

MID supports the comments made in the letter written by the Idaho Water Users Association. Title transfer is a benefit to the water user community. It reduces the responsibility of Reclamation concerning the operation, maintenance, management, regulation of and liability for project works and would provide MID with greater autonomy and flexibility to manage its facilities. Transfer of title reduces costs to MID and enhances its ability to control local water resources. Most importantly, it would allow operational decisions to be made in a much more timely and efficient manner.

As pointed out in the IWUA letter, the current title transfer process is expensive and takes significant resources and time, even though operations following transfer are not significantly
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different than those existing before transfer. The primary purpose of MID is to deliver water to 
its water users in an efficient manner. That purpose would not change with transfer of title.

Even if title is transferred, that does not sever the ties with Reclamation. Reclamation operates 
all of the storage facilities that store irrigation water that ultimately is delivered to MID. The 
relationship between MID and Reclamation concerning the storage facilities will remain in place 
even if title transfer is accomplished.

At the time of its creation, MID entered into contracts with Reclamation to assist in the payment 
of the costs of the power plant located at Minidoka Dam. In exchange for that, MID receives 
power provided at cost-based contracted rates. This power is then used to furnish energy to 
pumps located on the project that lift water from one delivery system into another. Continued 
access to the power at the existing rate structure is necessary in order to maintain the economic 
viability of the project. MID fully supports the right of Reclamation projects to continue 
receiving the project power rates following the transfer of title.

In summary, MID supports Reclamation's efforts to streamline the title transfer process. It also 
supports the effort to allow projects that obtain transfer of title to retain the right to project power 
rates. It is MID's intention that once the categorical exclusion is finalized, it will work with 
Reclamation to accomplish title transfer.

Thank you for your attention to these comments.

Sincerely,

FLETCHER LAW OFFICE

[Signature]

Kent Fletcher

KF/brd 
pc: Minidoka Irrigation District 
    John Simpson 
    Travis Thompson 
    Idaho Water Users Association 
    Senator James Risch 
    Senator Mike Crapo 
    Congressman Raul Labrador 
    Congressman Mike Simpson 
    Governor C.L. “Butch” Otter 
    Brenda Burman, Commissioner (USBR) 
    Lorri Gray, Regional Director (USBR, Pacific Northwest Region)