

Madam Speaker, S. 538 would simply convey certain facilities of the Minidoka project, which was authorized in 1902, to the Burley Irrigation District. This fulfills the contract the District had with the Federal government.

Per their agreement, the water users of the Burley Irrigation District have paid their obligations to the U.S. Treasury. Having fulfilled this responsibility under the Reclamation Act, the Water District has been working diligently with Congressman CRAPO and me over the last year to develop this important legislation.

Madam Speaker, S. 538 transfers the rights and use of the facility for which the District already has a right of title.

In April of this year we heard testimony from Roger Ling before the House Subcommittee on Water and Power, chaired by my good friend JOHN DOOLITTLE. Mr. Ling, who is an Idaho Citizen, and a member of the Burley Irrigation District, laid out for the subcommittee in detail the fascinating history of how this project came to fruition. He made a compelling case why the Burley water users deserve to receive the title which they have lawfully paid for.

I am very pleased to have the opportunity to assist Burley in working through the intent of the Reclamation Act. I am convinced that the District will do a tremendous job managing the Minidoka facility, including the environmental aspects of this project.

I would like to address some concerns my democratic colleagues have with regard to NEPA. This is not a complicated bill. S. 538 simply authorizes a title transfer. Nothing more, nothing less. The everyday workings of the irrigation district will not change. The simple "paper" transfer will not have an environmental impact. Therefore, an environmental assessment or impact study is not necessary and a waste of resources. And it is my understanding of this bill that, so long as the day-to-day operations are unchanged, NEPA is deemed to be complied with.

The only change to the Burley Irrigation District will be that the people who have worked for decades to pay for the Minidoka facility will finally receive that which is due to—ownership title.

I thank Chairman DOOLITTLE for bringing this important legislation before the House, and I urge my fellow Colleagues to vote for its passage.

Mr. CRAPO. Madam Speaker, I rise to voice my strong support for S. 538, a bill to convey title to certain facilities in the Minidoka Project to the Burley Irrigation District in Idaho. This bill represents a watershed for irrigators in the western United States by setting a model for future legislation involving facility title transfers.

Burley Irrigation District is a waterusers cooperative operating in southern Idaho for the benefit of local irrigators and was authorized in 1904 under the Reclamation Act. Under authority outlined in the Act, the Secretary of the Interior, through the Bureau of Reclamation, transferred to the District the care, operation, and maintenance of certain project works. In 1926, the District entered into a contract with the United States to assume the care, operation, and maintenance of the South Side Pumping Division, together with certain telephone lines.

In this contract, the District agreed to pay to the United States the balance of all construction indebtedness of landowners, including in-

terest and penalties, operation and maintenance charges, and book value of equipment and supplies transferred to the District.

Supplemental contracts between the District and the United States have transferred responsibility for certain transmission lines, transformer stations, and the main South Side Canal from its headworks to the first lift pumping station of the South Side Pumping Division.

Since that time, the District has repaid out all construction and other costs allocated to it under the various contracts. The District has been in continuous operation, maintenance, and management of the distribution facilities and pumping plants for 72 years.

S. 538 is consistent with the Reclamation Act of 1902 and the need of the United States to divest itself of title to property for which it has liability, but not the operation and maintenance responsibilities. Moreover, it fulfills the spirit of the Reclamation Act and the goal of reducing the size of the federal government by transferring to private hands title to Bureau of Reclamation facilities.

I would like to take a moment to address certain questions that had been raised by the Administration regarding the intentions of this bill. These issues have already been clarified with the Secretary of the Interior, but I would like to state them here for the purpose of placing them in the RECORD.

First, the question of what is meant in this legislation by the inclusion of return flows as part of the water rights transfer. As a result of the irrigation of the lands within Burley Irrigation District and Minidoka Irrigation District, there are return flows to the Snake River. Under the Foster Decree, when these districts are using stored water to which they are entitled under their spaceholder contracts for irrigation of their lands, they receive a credit for the return flows to the river which is used on a proportionate basis to reduce their use of stored water. The Decree is administered by the State of Idaho, and the extent of return flows depends on the operation of the districts' distribution systems. These rights clearly belong to the districts and inure the benefit of the districts and the landowners therein.

Second, a concern had been raised about this bill potentially changing the crediting system of return flows from the way it is currently carried out and, in particular, adversely affecting the Minidoka Irrigation District. Let me assure you that nothing in the bill is intended to modify the crediting of return flows from the way they are currently credited. Of course, it is extremely difficult to differentiate the source of return flows, but I would expect that the agreement to be negotiated between the Burley Irrigation District, the Minidoka Irrigation District, and the Secretary of the Interior, would address the partitioning of credits in a manner that will preserve the status quo.

Finally, the Administration had raised a question about the possible impact on storage rights of provisions in the bill transferring natural flow rights. The Bureau of Reclamation has been informed that nothing under this bill is intended to transfer or impair storage rights held by the Bureau, and nothing is intended to impair the operations of the Minidoka Project by the Secretary of the Interior. To the extent operational issues or concerns arise as a result of the transfer, I would expect the Burley Irrigation District and the Secretary to address such matters in the agreement that will be negotiated under the bill.

These questions have been addressed to the satisfaction of the Administration, and all sides have given their assent to this legislation.

Madam Speaker, this legislation is the product of months of intensive negotiations involving the District, the Administration, and Congress. It is fair and cost-effective to the American taxpayer, and it is simply wise public policy. The compromises reached allow all those involved to feel a sense of ownership in this legislation. Accordingly, I would like to express my appreciation to the distinguished subcommittee chairman, Mr. DOOLITTLE, the ranking member, Mr. DEFAZIO, as well as the full committee Chairman YOUNG and Ranking Member MILLER, and the Administration for their hard work and cooperation on this important bill.

I would also like to express my thanks to my colleague from Idaho, Mrs. CHENOWETH, for her invaluable help in passing this legislation. And, of course, I extend special appreciation to the bill's sponsor in the other body, Senator CRAIG, and applaud his persistence in this endeavor.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Madam Speaker I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

REREFERRAL OF MEMORIAL NO. 303 TO COMMITTEE ON AGRICULTURE AND COMMITTEE ON RESOURCES

Mr. HANSEN. Madam Speaker, I ask unanimous consent that Memorial No. 303 received by the House from the legislature of the State of Idaho be referred to the Committee on Agriculture as well as the Committee on Resources.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

REREFERRAL OF EXECUTIVE COMMUNICATIONS 10321 AND 10322 TO COMMITTEE ON AGRICULTURE

Mr. HANSEN. Madam Speaker, I ask unanimous consent that the Committee on Resources be discharged from consideration of Executive Communications 10321 and 10322 and that such Executive Communications be referred to the Committee on Agriculture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.