

**Statement of Robert Johnson, Commissioner
Bureau of Reclamation
U.S. Department of the Interior
Before the
House Committee on Natural Resources
Subcommittee on Water and Power**

**H.R. 496
October 24, 2007**

I am Robert Johnson, Commissioner of the Bureau of Reclamation. I appreciate the opportunity to provide the Department's views on H.R. 496, legislation to authorize the Secretary to participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon. The Department cannot support H.R. 496.

The Tumalo Irrigation District (District) and the facilities in question are not part of a Reclamation project. During the 1990's the District did have a repayment contract for rehabilitation of Crescent Lake Dam. The District satisfied its repayment obligation to the United States in 1998, and holds title to all project facilities.

The Tumalo Irrigation District Water Conservation Project (Project) would convert approximately 6 miles of open canal in the District into a pipeline. It is Reclamation's understanding that the Project, known locally as the Tumalo Feed Canal pipeline, would conserve up to 20 cubic feet per second (cfs) of water for instream use. The Administration supports the objective of the District to conserve water and to improve instream flows while not diminishing the amount of water available for agricultural uses. Furthermore, we recognize the improvements made in S. 1037 over legislation introduced in the previous Congress.

H.R. 496 authorizes the Secretary to participate in the planning, design, and construction of the Project and provides authorization for \$4.0 million to be appropriated for the Federal share of the Project. Project sponsors anticipate the Federal share of the Project would be made in the form of a grant; however, the language in Section 3(a)(1) does not clearly give the Secretary such authority.

Most importantly, the Department is concerned that use of Reclamation funds on non-Reclamation projects would adversely impact water projects which Congress has charged Reclamation with operating and maintaining. Reclamation activities are targeted to perform essential functions at Federal projects, such as security, operations and maintenance (O&M), resource management, dam safety, and construction.

As conceived, the District's water conservation project may be ideally suited to compete for funds within the Department of the Interior's existing water conservation programs like the Water 2025 Program. Through such conservation programs, local entities develop innovative on-the-ground solutions to water supply problems with financial assistance from Reclamation. However, because of the reasons stated above, the Department cannot support the legislation as written.

This concludes my testimony. I would be pleased to answer any questions.

**Statement of Robert Johnson
Commissioner, Bureau of Reclamation
Before the
Subcommittee on Water and Power
Committee on Resources
U.S. House of Representatives
On
H.R. 3323**

Madam Chairwoman and Members of the Subcommittee, I am Robert Johnson, Commissioner of the Bureau of Reclamation. I am pleased to be here today to provide the Administration's views on H.R. 3323, the Goleta Distribution System Conveyance Act of 2007, to authorize the Secretary of the Interior to convey a certain federally-owned water distribution system of the Cachuma Project in California to the Goleta Water District. The Administration supports H.R. 3323.

H.R. 3323 would transfer title of the federally owned distribution system associated with the Cachuma project that is within the boundaries of the Goleta Water District, Goleta, California. The features that would be transferred to the Goleta Water District include 59 miles of pipelines and laterals, two pump stations and regulating features, associated structures, and lands and rights of way. The proposed transfer would apply only to land and facilities and would not affect the District's existing water service contract with Santa Barbara County Water Agency or the Federal Government receipts from water deliveries under that contract.

The Goleta Water District has operated and maintained this distribution system since 1952 and fully met its repayment obligation in 2002. This title transfer will enable the district to gain greater local control of the distribution facilities that were constructed for their use. It will also eliminate the need for some administrative obligations that exist for the District. For example, once title is transferred, the district will no longer be required to seek approval from Reclamation for easements, crossing permits, or work on the facilities.

In addition, this title transfer protects the financial interest of the United States. Transferring title to these facilities will reduce a number of administrative burdens on Reclamation including periodic facility reviews that are currently required because it is a Reclamation owned facility, and the processing of paperwork that currently consumes significant staff time. It will also ensure that long term responsibility for the operation, maintenance, management, and regulation, as well as liability, for the transferred lands and facilities will rest with the District.

The process and cooperative approach used to negotiate and develop this transfer should be a model for future title transfers throughout the West. Reclamation and the District have worked effectively and cooperatively throughout this process to address the elements required for title transfer. We thank the District and Representative Capps for

their work on this transfer and look forward to continuing to work with them as the process draws to a close.

Madam Chairwoman, thank you for your consideration of this bill. That concludes my testimony and I would be pleased to answer any questions.

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**H.R. 3437
October 24, 2007**

Madam Chairwoman and Members of the Subcommittee, my name is Bob Johnson, and I am Commissioner of the Bureau of Reclamation. Thank you for the opportunity to appear today to present the Department's views on H.R. 3437, a bill to authorize funding for repair to the Mancos Project (Project) and referred to as the Jackson Gulch Rehabilitation Project (Rehabilitation). This bill would require that 80% of the costs of project rehabilitation activity that would be authorized under this bill's provisions be borne by taxpayers. Project rehabilitation is currently the contractual obligation of the Mancos Water Conservancy District (District) to fulfill pursuant to its standing O&M contract. Relieving the District of this obligation would set a precedent for other projects across the country in need of rehabilitation. For these reasons, the Administration opposes this bill.

The Project is located in southwestern Colorado near Mancos, consisting of a 10,000 acre-foot reservoir, an inlet canal, and an outlet canal. This Project provides supplemental irrigation water for approximately 13,746 acres of irrigated farmland. Additionally, this project provides municipal and industrial (M&I) water for the Town of Mancos and the surrounding rural area, and to Mesa Verde National Park.

The Project was completed in 1948. During the twenty-year period from 1942 to 1962, the District paid Reclamation in advance for O&M costs for Project facilities. However, in 1962, responsibility for O&M of the facilities was fully transferred to the District as provided for in the Repayment Contract. Title to Project facilities remains with the United States.

The proposed legislation would authorize \$6,452,311 for the federal share of the cost of rehabilitating the 59-year old Project. This amount represents 80% of the costs of rehabilitation. Reclamation has previously assisted the District in cost estimates for the new work and has also assisted in reviewing their current project needs for a long term rehabilitation plan. The District has completed a study through a private engineering firm to assess the Project needs and to prepare a study for the repair/replacement of facilities. The requested funds appear sufficient to make the needed repairs and improvements, as outlined in the District's plan.

Reclamation agrees that there is a need for rehabilitation of the Project. Due to its age, major rehabilitation is needed on the inlet and outlet canals and associated structures. Delivery of agricultural and M&I water could be affected if these repairs are not completed. The District, however, is solely responsible for the operation, maintenance, and replacement of these facilities, pursuant to their contract and should not be relieved of that obligation.

Madam Chairwoman, this concludes my testimony. I am pleased to answer any questions.