

**Statement of Kira Finkler, Deputy Commissioner for External
and Intergovernmental Affairs
Bureau of Reclamation
U.S. Department of the Interior
Before the
Committee on Natural Resources
Subcommittee on Water and Power
U.S. House of Representatives**

**HR 3263 – The Lake Thunderbird Efficient Use Act of 2011
December 2, 2011**

Chairman McClintock and members of the Subcommittee, I am Kira Finkler, Deputy Commissioner for External and Intergovernmental Affairs at the Bureau of Reclamation (Reclamation). I am pleased to present the views of the Department of the Interior (Department) on HR 3263, a bill to authorize the Secretary of the Interior to allow the storage and conveyance of non-project water at the Norman Project in Oklahoma. For reasons I will discuss below, the Department supports this bill.

Lake Thunderbird, located on the Little River in central Oklahoma, was constructed as part of the Norman Project for municipal and industrial water supply, flood control, recreation, and fish & wildlife purposes. The Central Oklahoma Master Conservancy District (District) operates the Norman Project under contract with the United States. The District holds all Project water rights and currently provides water to the member cities of Norman, Del City and Midwest City.

The Lake Thunderbird watershed experienced a major drought between 2005 and 2006 which resulted in unprecedented low lake levels. Shortly thereafter, the District and Reclamation jointly determined that the stored water supply in the lake would require augmentation in the future to meet demands of the member cities during potential recurring drought periods.

HR 3263 would facilitate a proposal by the District to purchase raw water from Oklahoma City in times of drought and store it in Lake Thunderbird to augment the yield of the reservoir. The water would come from Atoka Reservoir in southeast Oklahoma, which is owned and operated by Oklahoma City. Oklahoma City conveys this water approximately 100 miles through the existing Atoka pipeline that crosses the Lake Thunderbird watershed just upstream of the reservoir. The District and Oklahoma City would tap the Atoka pipeline and construct a short pipeline to Lake Thunderbird. Because the purchased water does not originate within the Lake Thunderbird watershed, Reclamation does not have authority to approve this action. If the required authority was in place, Reclamation could approve a water service contract and provide the means for the action to move forward.

The Department supports this legislation because: (1) Reclamation has confirmed an immediate and critical water need exists; (2) studies conducted in 2010 indicate that Lake Thunderbird can be used to store the non-project water, if and when space is available, with no adverse impacts

to the environment, recreation, and local economy; (3) the action would be carried out solely by the District at no cost to the Federal government; and (4) based on a well attended public meeting in 2009 and on comments received on the environmental compliance document, the proposed action is generally supported by interested parties. We also support the legislation with the understanding that it has no negative effect on any pre-existing federal or other rights in the watershed of origin.

This concludes my statement. I am pleased to answer any questions.

**Statement for the Record
Bureau of Land Management
U.S. Department of the Interior
House Natural Resources Committee
Subcommittee on Water & Power
H.R. 976, Termination of Hydropower Reservations Relating to Specific BLM Patents in
California
December 2, 2011**

Thank you for the opportunity to present this Statement for the Record on H.R. 976, which would terminate hydropower reservations on two patents issued by the Bureau of Land Management (BLM) for certain lands in Madera County, California. While the BLM has no objection to this bill, its role in this matter—to issue patents as authorized by law—is strictly ministerial. Accordingly, the BLM defers to the Federal Energy Regulatory Commission (FERC) on the termination of the reservations encumbering the patented lands.

Background

Under the Federal Water Power Act of 1920 (FPA), the filing of an application for hydroelectric power development automatically withdraws lands from entry, location, or disposal under the public land laws. If FERC decides that the power development value of the withdrawn lands will not be injured or destroyed by location, entry, or selection under the public land laws and notifies the Secretary of that determination, Section 24 of FPA requires that the Secretary open the lands to location, entry, or selection, subject to a reservation to the United States of the right to use the lands in the future for power development.

In 1920 and 1924, lands managed by the U.S. Forest Service in Madera County, California, were withdrawn for the Federal Power Commission's Power Project 105 on behalf of Southern California Edison Company. In 1983, the BLM issued a patent (04-83-0065) with a Section 24 power reservation for 103 acres within the Power Project 105 withdrawal area. By letter dated April 30, 1986, FERC determined that this power project site withdrawal was "non-essential" and formally vacated the withdrawal. Subsequently, the BLM reopened the formerly withdrawn federal lands to the operation of the public land and mining laws. An additional 41 acres of the previously withdrawn lands were conveyed in 1987 under patent 04-87-0050.

In 2006, Donald Smith requested that the BLM take administrative action to terminate the Section 24 power reservation from patent 04-83-0065. The BLM understands that the interested entities—FERC, the local utility Southern California Edison, and the U.S. Forest Service—do not object to termination of the Section 24 power reservation encumbering the patented lands. The Department of the Interior does not have the authority to remove the Section 24 power reservation from the patent; rather, this may only be accomplished through an Act of Congress.

H.R. 976

H.R. 976 terminates the Section 24 power reservation included in patent 04-83-0065 for the parcels of public land conveyed in 1983. The legislation also terminates any Section 24 power reservation that may have been deemed to be omitted from patent 04-87-0050 for the parcels of

public land conveyed in 1987. Enactment of H.R. 976 would provide Mr. Smith with clear title to these lands.

Conclusion

Thank you again for the opportunity to present this Statement for the Record on H.R. 976.