

**AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION
AND THE YUMA IRRIGATION DISTRICT
TO TRANSFER TITLE TO A FEDERALLY OWNED PROJECT FACILITY AND
ASSOCIATED LANDS WITHIN THE GILA PROJECT, ARIZONA**

TABLE OF CONTENTS

1. Preamble	2
2. Recitals	2
3. Scope of Agreement	3
4. Definitions	3
5. Determinations	4
6. Commitments of the Parties	6
7. Compliance with Federal Law	10
8. Congressional Notice of Title Transfer	12
9. Notices	12
10. Signatures	13
EXHIBIT A – Project Facility to be Transferred (Project Map)	
EXHIBIT B – Warranty Deed Legal Description (Fee Title Land)	
EXHIBIT C – FY 2023 Review of Operation and Maintenance and Pre-Transfer Facility Report	
EXHIBIT D – Categorical Exclusion	
EXHIBIT E – Arizona State Historic Preservation Office Concurrence	
EXHIBIT F – Board of Director's Resolution 2024-2 – Approval of Title Transfer Package	
EXHIBIT G – Conveyance Document – Quitclaim Deed	
EXHIBIT H – Notice to Congress	
EXHIBIT I – Board of Director's Resolution 2024-3 – Release of Liability	
EXHIBIT J – Board of Director's Resolution 2023-4 - Memorandum of Agreement and Contributed Funds Act Agreement	

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1. PREAMBLE

THIS AGREEMENT is made this _____ day of _____, 20____, pursuant to the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019, (Pub. L. 116-9, Title VIII, Subtitle A; 133 Stat. 804; 43 U.S.C. 2902, et seq.) (hereinafter referred to as “Dingell Act”); Act of June 17, 1902 (Ch. 1093, 32 Stat. 388)) and acts supplementary thereto or amendatory thereof (hereinafter referred to as the “Federal Reclamation Laws”) between the UNITED STATES OF AMERICA (hereinafter referred to as the “United States”), acting through the Department of the Interior Bureau of Reclamation (hereinafter referred to as “Reclamation”) and the Yuma Irrigation District (hereinafter referred to as the “District”), organized and existing under the laws of the State of Arizona, with its principal place of business and office in Yuma, Arizona.

2. RECITALS

- a. The Dingell Act provides for the transfer of title to eligible Reclamation project facilities to qualifying entities on the completion of repayment of capital costs without further authorization from Congress; and
- b. The United States holds title to the irrigation and supporting facilities of the Gila Project, Yuma Mesa Division, South Gila Valley Unit (Unit) (collectively, Project). The District is responsible for the operation, maintenance, and replacement of the Project facilities under contract No. 14-06-300-1270 dated July 23, 1962, as amended and supplemented on October 25, 1965; May 10, 1971; May 17, 1973; and on June 27, 1985, by contract No. 5-07-30-W0093. The aforementioned contracts also provide for the delivery of Colorado River water by the United States for the irrigation of lands within the District service area and for the repayment of project costs to the United States; and
- c. Public Law 98-530 (98 Stat. 2698), the Ak-Chin Water Rights Settlement Act (Settlement Act), enacted on October 19, 1984, authorized and directed the Secretary of the Interior to amend the repayment contracts of the three districts in the Yuma Mesa Division (the Yuma Irrigation District, the Yuma Mesa Irrigation and Drainage District, and the North Gila Valley Irrigation and Drainage District) to conform to the provisions of the Settlement Act. Specifically, Section 2(g)(4) of the Settlement Act provided that all remaining repayment obligations owing to the United States on the date of the Settlement Act are to be discharged. Consequently, contract No. 5-07-30-W0093 discharged all repayment obligations of District as of October 19, 1984; and

- d. When the United States constructed the Unit, the United States acquired lands, rights-of-way, and easements under the Federal Reclamation Laws and the Act of August 30, 1890 (hereinafter referred to as the “Canal Act”); and
- e. The District is a recognized irrigation district organized under the laws of the State of Arizona, and responsible for the delivery of irrigation water to approximately 10,600 acres of irrigable land within the Unit; and
- f. The District and the United States executed Memorandum of Agreement (hereinafter referred to as “MOA”) 23-07-34-L2153, on March 16, 2023, defining the roles and responsibilities related to accomplishing title transfer of the office building within the Unit; and
- g. The District and the United States executed Agreement for the Contribution of Funds 23-07-34-L2153, on April 19, 2023. This agreement provides for the District to fund the title transfer actions described in the MOA; and
- h. The District passed Resolution 2024-2 on September 10, 2024 to verify and approve for submission to the Commissioner of Reclamation and to Congress the draft final title transfer agreement package which includes the Title Transfer Agreement, Quitclaim Deed, and Transfer Eligibility Report, as provided in Exhibit F, attached hereto and by reference made a part hereof.

NOW THEREFORE, it is hereby mutually agreed as follows:

3. SCOPE OF AGREEMENT

- a. This Agreement is for the transfer of title to the Project Facility described herein. The contracts between the District and the United States shall continue in full force and effect as originally written, executed, amended, and supplemented.

4. DEFINITIONS

Unless otherwise noted, the definitions set forth in the Dingell Act and the following definitions apply to this Agreement:

- a. “Agreement” means this agreement between the United States and the District.
- b. “District” means the Yuma Irrigation District, located in Yuma County, Arizona.
- c. “Parties” means both the United States, acting by and through Reclamation, and the District.
- d. “Project” means the Gila Project, located in the State of Arizona.

e. “Project Facility to be Transferred,” “Project Facility,” and “Facility” shall mean the eligible facilities that are operated and maintained by the District and that were constructed by the United States in support of the pumping and water conveyance system for the Unit, along with certain lands and interests in land, as identified in Exhibits A and B.

5. DETERMINATIONS

- a. Determinations Required. The Dingell Act requires that the United States, acting through Reclamation, make certain findings and determinations regarding the eligibility of the facilities to be transferred and the qualifications of the District. These findings and determinations are set forth below or otherwise contained in this Agreement.
 - i. The District is a Qualifying Entity Under 43 U.S.C. § 2902(5). The District is a lawfully organized political subdivision of the State of Arizona and has been the operator of the Project Facility since 1962. The District is responsible for the operation, maintenance, and care of the Project Facility in support of the water distribution system. The District has technical and financial capacity to, and intends to, continue to operate, maintain, and care for the Project Facility to be Transferred for the same purposes for which the property has been managed under the Reclamation laws.
 - ii. The Project Facility to be Transferred is an Eligible Facility Under 43 U.S.C. § 2902(2), (3) and 2903. Reclamation has screened the Project Facility to be Transferred by an examination in the field, as identified in Exhibit C, FY 2023 Review of Operations and Maintenance and Pre-Transfer Facility Report, attached hereto and by reference made a part hereof, a review of the records of Reclamation and the District, as well as by the historic and current uses, and determined that it is eligible for transfer pursuant to the Dingell Act. The eligibility requirements for the facility to be included in a title transfer as set forth in the Dingell Act and agency policy are met and reflected as determinations or conditions of this Agreement.
 - iii. Repayment Obligations. Public Law 98-530 (98 Stat. 2698), the Ak-Chin Water Rights Settlement Act (Settlement Act), enacted on October 19, 1984, authorized and directed the Secretary of the Interior to amend the repayment contracts of the three districts in the Yuma Mesa Division (Yuma Irrigation District, the Yuma Mesa Irrigation and Drainage District, and the North Gila Valley Irrigation and Drainage District) to conform to the provisions of the Settlement Act. Specifically, Section 2(g)(4) of the Settlement Act provided that all remaining repayment obligations owing to the United States on the date of the Settlement Act are to be discharged. Consequently, contract No. 5-07-30-W0093 discharged all repayment obligations of the District as of October 19, 1984.

- iv. Consultation. This Agreement has been developed in consultation with any existing water and power customers affected by the conveyance of the eligible facility in accordance with 43 U.S.C. § 2903(a)(2). The only existing water and power customers affected by the conveyance of the eligible facility are the Project beneficiaries and are represented by the elected Yuma Irrigation District Board of Directors who are in support of this transfer as reflected by their 2023-4 Resolution dated September 12, 2023 as identified in Exhibit J, Memorandum of Agreement and Contributed Funds Act Agreement.
- v. No Unmitigated Environmental Effect. The environmental review process described below in Section 7 of this Agreement confirms there is no unmitigated environmental effect associated with this transfer.
- vi. Trust Responsibilities. This transfer of title does not affect Reclamation trust responsibilities for any federally recognized Indian Tribes. Reclamation initiated early communications with the Tribes about the proposed title transfer process. Reclamation staff collaborated with Tribal staff regarding the Project Facility to be Transferred to the District and the associated process. The Tribes have not communicated any concerns or disagreements with the transfer of title as documented in Exhibit E, Arizona State Historic Preservation Office Concurrence, attached hereto and by reference made a part hereof.
- vii. Financial Interest of the United States The transfer of title is in the financial interest of the United States. In reaching this conclusion, Reclamation considered whether the consideration to be paid to the government plus any additional benefits to the United States equals or exceeds the value of outstanding repayment obligations and revenue streams to the United States. Furthermore, Reclamation anticipates that the United States will receive certain unquantified benefits from the transfer in the form of avoided administrative and oversight costs, reduced federal liability arising from ownership of the Project Facility to be Transferred, and fulfillment of the self-governance objectives of the Reclamation programs.
- viii. Treaty Compliance. This transfer of title complies with any applicable international and Tribal treaties and agreements and interstate compacts and agreements. Reclamation, in working with the District, beneficiaries, and stakeholders to assess potential adverse impacts to the interests of beneficiaries and stakeholder, have determined no adverse impacts throughout the process and the Title Transfer Eligibility Report.

- ix. Public Interest Protected. This transfer of title protects the public aspects of the Project Facility to be Transferred. Reclamation staff have worked with the District, beneficiaries, and stakeholders to assess potential adverse impacts to the interests of beneficiaries and stakeholders. No adverse impacts have been determined as documented throughout the process.
- x. No Adverse Impact on Water Delivery. This transfer of title will not result in an adverse impact on fulfillment of existing water delivery obligations, consistent with historical operations and applicable contracts. The District will continue to fulfill existing water delivery obligations.
- xi. Environmental Site Assessment Compliance. No dam or diversion works are included in the Project Facility and associated lands to be Transferred through this action. Therefore, no determination on this point is required for this transfer. Additionally, on October 8, 2024, the District passed Board Resolution 2024-3, releasing the United States from liability for any hazardous materials located on the Project Facility to be Transferred.
- xii. Power Uses Not Affected. The transfer will not adversely impact applicable federal power rates, repayment obligations, or other Project power uses.

6. COMMITMENTS OF THE PARTIES

- a. The District shall:
 - i. Acceptance of Title. The District shall accept title to Project Facility to be Transferred “as is” without warranty.
 - ii. Operation of Transferred Facility. The District shall manage and use the Project Facility to be Transferred for substantially the same purposes for which it is being used at the time of this Agreement. The District’s commitment was affirmed on September 12, 2023, when the District Board passed Resolution No. 2023-4, whereby, among other things, the District Board acknowledged its intention to continue to operate and maintain the Project Facility to be Transferred consistent with current and historical use herein as identified as Exhibit J, attached hereto and made a part hereof. The District shall be solely responsible for the care, operation, and maintenance of the Project Facility without cost or expense to the United States.
 - iii. Consideration for Title. Total compensation to be paid by the District for title transfer is \$0.00.
 - iv. Cultural Resource Compliance. The National Historic Preservation Act requirements have been satisfied, as documented in Exhibit E.

v. District Resolution. In a resolution passed September 12, 2023, Exhibit J, the District verified and affirmed its commitment to the title transfer, and its eligibility as a qualifying non-federal entity, including the applicability of the Categorical Exclusion (CE) Qualification Factors discussed below and as herein identified in Exhibit D, attached hereto and by reference made a part hereof. Specifically, the District affirmed their qualification factors of the MOA which discussed the following:

1. The District has the technical capability to maintain and operate the facility and lands on a permanent basis and an ability to meet financial obligations associated with the transfer asset.
2. The District has no plans to change the maintenance, operations, or use of the lands with the transferred facility.
3. The District confirms there are no competing demands for use of the transferred facility.
4. The District confirms the facility proposed for transfer is not hydrologically integrated with other facilities thereby impacting other contractors, stakeholders or activities.
5. The transfer would not include lands or facilities involving Indian trust responsibilities.
6. The District ensures that issues involving existing contracts and agreements, and interstate compacts and agreements, are resolved, and treaty and international agreement obligations are fulfilled prior to transfer.
7. The District confirms it will have responsibility for all commitments and agreements into the future.
8. Potentially affected state, local, and tribal governments, appropriate Federal agencies, and the public will be notified of the initiation of discussion to transfer title and will have: (a) the opportunity to comment and suggest options for remedying any problems; and (b) full access to relevant information, including proposals, analyses, and reports related to the proposed transfer. The title transfer process will be carried out in an open and public manner. If a project or facility is not eligible for transfer under Public Law 116-9, Title VIII, the transfer proponent may seek legislation to authorize the negotiated terms of the transfer of each project or facility.

- vi. Recording. The District, at its own cost, shall record a copy of this Agreement including the duly executed deeds with the appropriate local jurisdiction as may be necessary and provide a recorded copy to Reclamation.
- b. The United States shall:
 - i. Transfer of Title. The United States shall transfer all of its right, title, and interest in and to the Project Facility as further described herein and pursuant to the terms and conditions herein. Specifically, Reclamation shall convey to the District by quitclaim deed in the form contained in Exhibit G, attached hereto and by reference made a part hereof, all the United States' right, title, and interest in the Project Facility to include the constructed, operated, and maintained office building, and one (1) parcel of acquired land, as well as any rights-of-way and easements whether directly acquired under the federal Reclamation Laws, granted and reserved under the Canal Act and exercised or in use by the United States for the Project Facility.
 - ii. Description of Project Facility. The Project Facility to be Transferred shall include the following, as also described and depicted in Exhibits A, B, and G:
 - 1. Office Building. All portions of the constructed, operated, and maintained Project Facility (office building) and appurtenances thereunto belonging or appertaining, including but not limited to structures, fixtures, and improvements thereon whether or not permanently attached thereto.
 - 2. One Fee Simple Parcel. One (1) parcel of land, including both the surface and mineral estates, encompassing approximately 1.29 acres, more or less; together with all improvements and appurtenances thereunto belonging or appertaining, including but not limited to, facilities, and fixtures, whether or not permanently attached.
 - 3. Rights-of-Way and Easements. All rights-of-way and easements, whether directly acquired, acquired by condemnation, granted or reserved by state law, or reserved by the Canal Act and amendments thereof and supplemental thereto and exercised or in use by the United States for the presently constructed Project Facility (office building) and associated lands within the Yuma Irrigation District of the Gila Project, depicted on Exhibits A and B, attached hereto and by reference made a part hereof, together with the right to enter upon the rights-of-way and easements for the purposes of repairing maintaining, or reconstructing the Project Facility or other facilities located thereon;

Provided, however, that the statutory reservation of rights to the United States under the Canal Act shall stand and are not affected by this transfer of title. This reservation of rights to the United States may in the future be exercised by the United States with respect to the lands that are the subject of this title transfer.

4. Additional Interests. The Parties have sought to identify the Project Facility to be Transferred. To the extent that additional facilities, parts of facilities, and/or associated land interests are subsequently identified that the Parties agree should have appropriately been included, such additional facilities, parts of facilities, and/or associated land interests will, subject to necessary regulatory compliance activities (see Section 7 of this Agreement), if any, and in coordination with involved stakeholders, automatically be considered part of this Agreement and an appropriate deed executed by Reclamation if needed.
- iii. Water Rights: Reclamation holds no water rights in the Project Facility and associated lands.
- iv. Third-Party Authorizations. Following the execution of this Agreement, the District shall coordinate with Reclamation for the transfer and delivery of all third-party authorizations and agreements related to the Project Facility to be Transferred to which the benefits, payments, and responsibilities of the United States arising after the date of the quitclaim deed shall inure to the benefit of and be binding upon the District. Reclamation will provide existing electronic records to the District at no charge. The District shall reimburse the United States for all costs of duplication and delivery.
- v. Record Review. Following the execution of this Agreement, Reclamation shall provide the District reasonable access to all non-privileged United States records pertaining to the design, construction, operation, and maintenance of, and specification for, the Project Facility to be Transferred. The District shall notify Reclamation in writing of the specific records it wishes to have copied. Reclamation shall provide one copy each of all identified records following the receipt of said request from the District. Reclamation will provide existing electronic records to the District at no charge. The District shall reimburse the United States for all costs of any requested duplication and delivery.
- vi. Federal Divestiture. Upon the transfer of the identified Project Facility, the facility will no longer be considered part of a Reclamation Project, and Reclamation will be entirely divested of all rights, interest and responsibilities related to the Project Facility as described in this Agreement. Further, the Project Facility shall no longer be authorized for federal use and shall no longer be held in federal ownership, control or jurisdiction.

- vii. Liability. Effective on the date and time of title transfer, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the transferred Project Facility other than damages caused by acts of negligence committed by the United States or by agents or employees of the United States, subject to the provisions of the Federal Tort Claims Act 28 USC §§ 2671 *et. seq.* Nothing in this section increases the liability of the United States beyond that currently provided in the Federal Tort Claims Act.
- viii. Officials Not to Benefit. No Member of or Delegate to the Congress, Resident Commissioner, or official of the District will be admitted to any share or part of the Agreement or to any benefit that may arise out of it other than as a water user in the same manner as other water users.
- ix. Freedom of Information Act. Any information furnished to Reclamation under this Agreement is subject to the Freedom of Information Act (5 U.S.C. § 552).
- x. Compliance with Laws and Regulations. Following title transfer, the District shall continue to comply with all applicable federal, state, and local laws and regulations.
- xi. Severability. If any one or more provisions contained in the Agreement is, for any reason, held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability will not affect any other provisions of this Agreement. This Agreement is to be construed as if such invalid, illegal, or unenforceable provisions had never been contained in this Agreement, unless the deletion of such provision or provisions would result in such a material change so as to cause the fundamental benefits afforded the Parties by this Agreement to become unavailable or materially altered.
- xii. Non-Assignability. This Agreement and the rights and obligations hereunder are not assignable without the express written consent of the Parties.

7. COMPLIANCE WITH FEDERAL LAW

The Dingell Act provides that before conveying an eligible facility to a qualifying entity, the Secretary shall comply with applicable federal environmental laws, including the following:

- a. The National Environmental Policy Act of 1969 (42 U.S.C. § 4321 et seq.)(NEPA). The NEPA requirements have been satisfied with the issuance of the Title Transfer of Yuma Irrigation District South Gila Headquarters Categorical Exclusion (CE), which was utilized for NEPA compliance for this title transfer because it was determined by Reclamation that CE qualifications were met. The CE was signed on March 4, 2022, as shown in Exhibit D.
- b. The Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.)(ESA). Reclamation conducted a review of the Project Facility and made the determination that the conveyance action, as proposed, will have no effect to species listed as threatened or endangered under the ESA. Further, it was determined there would be no adverse modification to critical habitat. This determination was based on the premise that no ESA-listed species or designated critical habitat are known to occur within, or immediately adjacent to, the Project Facility to be Transferred.
- c. The National Historic Preservation Act of 1966 (54 U.S.C. § 300101 et seq.)(NHPA). The NHPA requirements have been satisfied. In accordance with NHPA, Reclamation has worked with the District, the Arizona State Historic Preservation Officer (SHPO), and Tribes to complete consultation on the proposed title transfer. This included field surveys of all above-ground buildings and structures. No cultural resources were identified during the inventory. The SHPO, the District, the Tribes, and Reclamation agreed the proposed title transfer actions will have no historic properties affected per 36 CFR 800.4(d)(1). SHPO concurrence with Reclamation's findings was signed on July 28, 2021 as shown in Exhibit E.
- d. The Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. § 9601 et seq.)(CERCLA). The CERCLA requirements have been satisfied. Reclamation completed a Low-Intensity Real Property Questionnaire Checklist land that is the subject of the title transfer within Yuma County, Arizona: Township 8 South, Range 22 West, Sections 33. The environmental transaction screenings included site visits on July 25, 2023, and a search of the Reclamation and District files. The screenings and completion of the report and checklists were performed in conformance with the scope and limitations of the American Society for Testing and Materials (ASTM) Practice E1528-14 and Reclamation Manual Directive and Standards LND 08-02 and other applicable Reclamation standards. Based on the checklists, there was no evidence of recognized environmental conditions in connection with the Project Facility to be Transferred. In addition, the natural

resource specialists completing the checklists determined the risk of contamination was low. On October 8, 2024, the District passed Board Resolution 2024-3, releasing the United States from liability for any hazardous materials located on the Project Facility to be Transferred, agreed that if the transfer is completed that the District is the potentially responsible party, and will accept the premises and appurtenances “as is,” as shown in Exhibit I.

8. CONGRESSIONAL NOTICE OF TITLE TRANSFER

Notice to Congress. Pursuant to 43 U.S.C. § 2903, on _____, Reclamation submitted to Congress the required written notice of this proposed title transfer, contained in Exhibit H, indicating Reclamation will convey all right, title, and interest of the United States in and to the District subject to the terms and conditions included in this Agreement unless Congress enacts a joint resolution disapproving the conveyance within 90 days of notice. Congress has not passed a joint resolution rejecting this transfer of title to the District. Therefore, Reclamation is authorized to enter into this Agreement.

9. NOTICES

- a. Principal Contacts. The principal contacts for any notice or request authorized or required by this Agreement will be as follows:

Yuma Area Office Manager
Bureau of Reclamation
7301 Calle Agua Salada
Yuma, Arizona 85364
928-343-8100

District Manager
Yuma Irrigation District
9510 Avenue 7E
Yuma, Arizona 85365
928-726-1047

- b. Notices in Writing. All notices given under this Agreement shall be in writing and may be delivered by personal delivery; electronic mail (e-mail); via recognized delivery services such as United Parcel Service (UPS) or Federal Express (FedEx); or by deposit in the United States Postal Service (USPS).
- c. Change of Principal Contact. The designation of the principal contact addressee or the address may be changed by notice given to the other Party.

10. SIGNATURES

IN WITNESS THEREOF, the authorized signatures for the United States and the District below signify their acceptance of the terms of this Agreement.

United States of America
U.S. Department of the Interior
Bureau of Reclamation
David Palumbo, Acting Commissioner

Date

President, Yuma Irrigation District

Date

By: _____

Title: _____

DISTRICT OF COLUMBIA)
: §
)

On the _____ day of _____, 20____, _____, personally appeared before me, known to me to be the official of the UNITED STATES OF AMERICA that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

Notary Public in and for the District of Columbia
Residing at _____
My commission expires: _____

NOTARIAL ACKNOWLEDGMENT

State of Arizona)

County of Yuma)

On this ____ day of _____, 20 __, before me, _____, a Notary Public in and for said

County and State personally appeared _____, _____ of
Name Title

Yuma Irrigation District (District), known to me to be the person described in the foregoing
instrument, and acknowledged to me that _____ executed the same on behalf of the District in
the capacity therein stated and for the purpose therein contained.

(Notary Seal)

Notary Public

Description of document this notarial certificate is being attached to:	
Type/Title	Agreement to Transfer Title
Date of Document	
Number of Pages	15 pages and Exhibits A, B, C, D, E, F, G, H, I, and J
Additional Signers (other than those named in the notarial certificate)	Bureau of Reclamation

EXHIBIT A – PROJECT FACILITY TO BE TRANSFERRED (PROJECT MAP)

THE UNITED STATE OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
AND YUMA IRRIGATION DISTRICT
TO TRANSFER TITLE TO FEDERALLY OWNED PROJECT FACILITY, INTERESTS,
AND ASSOCAITED LANDS WITHIN THE GILA PROJECT

EXHIBIT A

Yuma County, Arizona – Project Facility Map



EXHIBIT B – WARRENTY DEED LEGAL DESCRIPTION (FEE TITLE
LAND)

STATE OF ARIZONA, County of Yuma, ss.

I do hereby certify that the within instrument was filed and recorded at the
request of

Bureau of Reclamation

1963 JUN 20 AM 9 24

8564

In Docket
VERNON C. WRIGHT, County Recorder

at Page 789-791

By

Cira M. Bettis, Deputy Recorder

225

WARRANTY DEED

THIS INDENTURE, made this 18th day of June
1963, between YUMA IRRIGATION DISTRICT, a Municipal Corporation,
organized and existing under and by virtue of the laws of the State
of Arizona, hereinafter styled District and THE UNITED STATES OF AMERICA
and its assigns, hereinafter styled the United States;

WITNESSETH: That the District for and in consideration of
the sum of One Dollar (\$1.00) lawful money of the United States of
America to it in hand paid in pursuance of the provisions of the Act
of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or
supplementary thereto, by the United States, the receipt whereof is hereby
acknowledged, has granted, bargained and sold, conveyed and confirmed
and by these presents does grant, bargain and sell, convey and confirm
unto the United States and to its assigns forever all that real property
situate, lying and being the County of Yuma, State of Arizona, described
as follows, to wit:

A portion of the north 330 feet of the east 330
feet of the north half of the north half of the
northeast quarter of the southeast quarter (N-1/2 N-1/2
NE-1/4 SE-1/4) of Section thirty-three (33), township
eight (8) south, range twenty-two (22) west, Gila and
Salt River Meridian, Yuma County, Arizona, more particularly
described as follows:

CHECKED AS TO ENGINEERING DATA

Engineer

DOCKET 354 PAGE 789

The west one hundred sixty (160) feet of the north three hundred thirty (330) feet of the east three hundred thirty (330) feet of the north half of the north half of the northeast quarter of the southeast quarter (N-1/2 N-1/2 NE-1/4 SE-1/4) of section thirty-three (33), containing one and twenty one hundredths (1.21) acres, more or less.

Subject to the easements or rights of way existing or of record in favor of the public or third parties.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To have and to hold, all and singular the said premises, together with the appurtenances, unto the United States and to its assigns forever.

And the District and its successors do hereby covenant that they will forever warrant and defend all right, title and interest in and to the said premises and the quiet and peaceable possession thereof unto the United States, and to its assigns, against the acts and deeds of the District and all and every person and persons whomsoever lawfully claiming or to claim the same.

In Witness Whereof, the District has hereunto set its hand and seal the day and year first above written.

YUMA IRRIGATION DISTRICT

By: Geo S. Brack
(President)

ACKNOWLEDGMENT

State of Arizona }
County of Yuma }

ss.

On this 18th day of June, 1963,
before me, the undersigned officer, personally appeared Lee S.
Bradley of the County of Yuma,

State of Arizona, known to me (or satisfactorily
proven) to be the person described in the foregoing instrument, and
acknowledged that he executed the same in the capacity
therein stated and for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

W.W. Priestley
Notary Public in and for the
County of Yuma
State of Arizona

My Commission Expires:

October 5, 1966

(SEAL)

354 NO 791

**EXHIBIT C – FY 2023 REVIEW OF OPERATION AND MAINTENANCE AND
PRE-TRANSFER FACILITY REPORT**



— BUREAU OF —
RECLAMATION

FY 2023 Review of Operation and Maintenance and Pre-Transfer Facility Report for Yuma Irrigation District Administration Building

Gila Project, Arizona

Lower Colorado Basin



Mission Statements

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated Island Communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

FY 2023 Review of Operation and Maintenance and Pre-Transfer Facility Report for Yuma Irrigation District Administration Building

Gila Project, Arizona

Lower Colorado Basin

prepared by

Yuma Area Office
Technical Support Office
Erik Gallardo, Civil Engineer

Cover Photo: Yuma Irrigation District Administration Building. (Reclamation/Erik Gallardo)

Contents

	Page
Contents.....	iii
Acronyms and Abbreviations	1
Operation and Maintenance (O&M) Category Definitions.....	2
Category 1	2
Category 2	3
Category 3	3
Location Map	4
I. Examination Team.....	5
III. Examination Report Review of O&M	7
Facilities Examined.....	7
IV. Conclusions	7
V. Recommendation	8
Status of Outstanding O&M Recommendations Within DSIS	8
New O&M Recommendations Implemented Within DSIS	8
VI. Background	9
Project Authorization	9
Project History.....	9
General Description.....	10
Repayment Obligations	10
Weather Conditions and Operating Status.....	10
VII. Examination of Associated Facility	11
General.....	11
YID Administration Building	11
VIII. Photographs	12

Acronyms and Abbreviations

°F	degrees Fahrenheit
Canal	Gila Gravity Main Canal
D&S	Directives and Standards
District	Yuma Irrigation District
DSIS	Dam Safety Information System
LCB	Lower Colorado Basin
O&M	Operation and Maintenance
Project	Gila Project
River	Colorado River
RM	Reclamation Manual
RO&M	Review of Operation and Maintenance
System	South Gila Carriage and Distribution System
Team	Examination Team
YAO	Yuma Area Office, Yuma, AZ
YID	Yuma Irrigation District

Operation and Maintenance (O&M) Category Definitions

Category 1

Category 1 O&M recommendations will be made for the correction of severe deficiencies where immediate and responsive action is required to ensure structural safety and operational integrity of a facility.

Based on the severity of the deficiency and the condition of the structure or facility at the time of the examination, the examination team (Team) will mutually prescribe an appropriate timeframe for completing the O&M recommendation. Suggested remedial measures will be discussed at the time of the examination and included in the examination report. Within 30 days following preparation or receipt of the examination report containing a category 1 O&M recommendation, the responsible regional director will notify all concerned offices (i.e., Director, Dam Safety and Infrastructure, Attention Asset Management Division: 86-67200 (policy-amd-om@usbr.gov) and the Deputy Commissioner – Operations, Attention: 96-40000) of the operating office's or entity's plan for accomplishing the work and a scheduled completion date.

If a category 1 finding requires immediate critical action, then, within 10 calendar days after the inspection, the Team will notify the responsible regional director of the immediate and responsive action that needs to be taken by the operating office or entity. This communication will be issued in a separate transmittal within 10 days of the inspection prior to the inspection report being issued. Additionally, within 30 days of receipt of the examination report the responsible regional director will notify all concerned offices (i.e., Director, Dam Safety and Infrastructure, Attention Asset Management Division: 86-67200 (policy-amd-om@usbr.gov) and the Deputy Commissioner – Operations, Attention: 96-40000) of the operating office's or entity's plan for accomplishing work and a scheduled completion date.

Status reports will be provided by the responsible Area Manager, corresponding regional director, the Director, Dam Safety and Infrastructure, Attention Asset Management Division: 86-67200 (policy-amd-om@usbr.gov) and the Deputy Commissioner – Operations, Attention: 96-00000 every 6 months (October 1 and April 1) until the O&M recommendation is complete. All new Category 1 O&M Recommendations resulting from each facility review will be entered into the Dam Safety Information System (DSIS) within 30 calendar days of report transmittal and will include both a scheduled completion date and a preliminary cost estimate per Paragraph 7.A.(1).(b) in Reclamation Manual (RM) Directive and Standard (D&S) FAC 01-04, *Review of Operation and Maintenance Program Examination of Associated Facilities (Facilities Other Than High- and Significant-Hazard Potential Dams)*.

Category 2

Category 2 O&M recommendations will be made for a wide range of important matters where action is needed to prevent or reduce further damage or preclude possible operational failure of the facility.

Such O&M recommendations are intended to be acted upon following receipt of the corresponding examination report by the operating office or entity. Those O&M recommendations that can be included, scheduled, and accomplished as part of the normal O&M program will be undertaken as soon as weather or water conditions allow to permit quality remedial actions. Some O&M recommendations may require a longer time to accomplish because of the need to budget funds, complete designs, or secure equipment, materials, or personnel. In such cases, the related planning and budgeting must be initiated in a timely manner.

Any category 2 O&M recommendation remaining incomplete at the time of the following examination will be addressed during that examination and within the corresponding examination report.

Category 2 O&M recommendations shall not be re-dated (the recommendation shall always maintain the original recommendation date, even if re-issuing the recommendation and making editorial changes to the recommendation language).

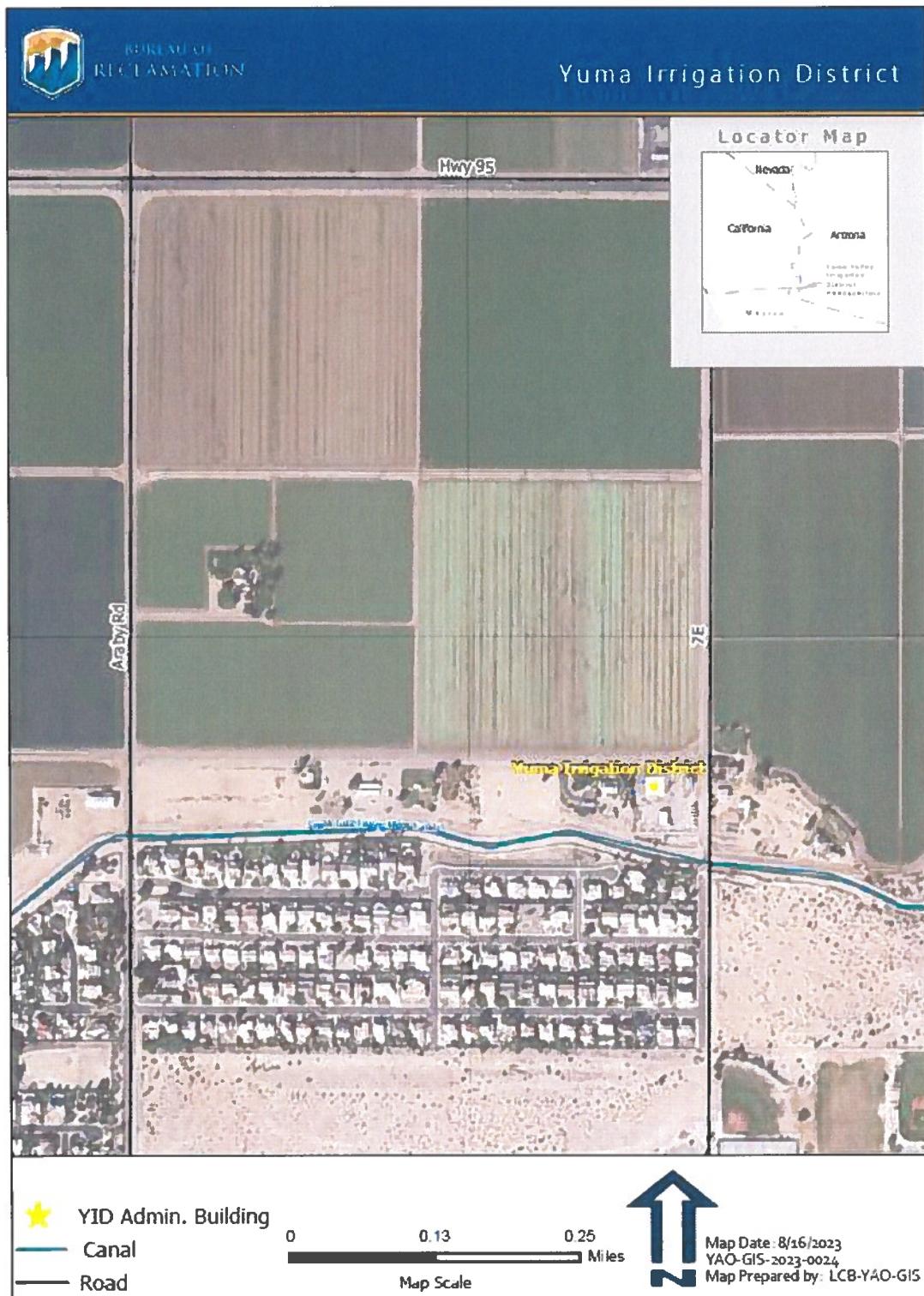
Status updates for all outstanding recommendations will be updated in DSIS by field, area, or regional offices on an annual basis. All new category 2 O&M recommendations resulting from each facility review will be entered into DSIS within 60 days of report transmittal and will include both a preliminary scheduled completion date and a preliminary cost estimate.

Category 3

Category 3 O&M recommendations will be made for less important matters which are believed to be sound and beneficial suggestions to improve or enhance the O&M of the project or facility. The status of each category 3 O&M recommendation will be provided in the subsequent examination report.

Status reports on an annual basis are not required for these O&M recommendations. All new category 3 O&M recommendations resulting from each facility review will be entered into DSIS within 60 days of report transmittal and will include both a preliminary scheduled completion date and a preliminary cost estimate.

Location Map



I. Examination Team

Bureau of Reclamation, Lower Colorado Region, Yuma Area Office, Technical Support Office, Yuma, Arizona
--

Erik Gallardo, Civil Engineer

Chris Patane, Construction Control Representative

Yuma Irrigation District, Yuma, Arizona
--

Rex Green, Manager

II. Author/Examiners/Peer Reviewer Signature Page

ERIK GALLARDO Digitally signed by ERIK GALLARDO
Date: 2023.08.17 17:02:26 -07'00'

Erik Gallardo Author/Co-Examiner Date

CHRISTOPHER PATANE Digitally signed by CHRISTOPHER PATANE
Date: 2023.08.21 07:16:21 -07'00'

Chris Patane Co-Examiner Date

Peer Review Certification

This report has been reviewed and is believed to be in accordance with the standards of the profession.

SAMUEL GARCIA Digitally signed by SAMUEL GARCIA
Date: 2023.08.22 09:13:51 -07'00'

Samuel Garcia Jr., P.E. Peer Reviewer Date

III. Examination Report Review of O&M

In accordance with Bureau of Reclamation Manual (RM) Directives and Standards (D&S) FAC 01-04¹, *Review of Operation and Maintenance (RO&M) Program Examination of Associated Facilities (Facilities Other Than High- and Potential Significant-Hazard Dams)*, an RO&M examination of the Yuma Irrigation District Administration was conducted on July 25, 2023. The Team consisted of personnel from Reclamation's Yuma Area Office (YAO) and the Yuma Irrigation District (YID). Only the project works facilities owned by Reclamation were examined during this RO&M examination.

Facilities Examined

The Team inspected the Yuma Irrigation District Administration Building.

Copies of examination report are kept on file at Reclamation's LCB Office, Engineering Services Office, in Boulder City, Nevada, and at the YAO Technical Support Office in Yuma, Arizona.

The Team discussed preliminary findings during and at the conclusion of the field examination. This report reflects the conditions at the time of the field examination and generally does not include changed conditions that may have occurred since that time.

Reclamation would like to thank YID personnel for their participation and support in the completion of the examination. Rex Green's knowledge of the district and its history was of great help to the Team.

IV. Conclusions

The Yuma Irrigation District Administration Building is being operated and maintained in a satisfactory manner. The overall condition of the facility is considered satisfactory.

¹ Available via the following public-accessible website: <http://www.usbr.gov/recman/fac/fac01-04.pdf>

V. Recommendations

Status of Outstanding O&M Recommendations Within DSIS

Category 1: None.

Category 2: None.

Category 3: None.

New O&M Recommendations Implemented Within DSIS

Category 1: None.

Category 2: None.

Category 3: None.

VI. Background

Project Authorization

On February 21, 1911, the U.S. Congress passed the Warren Act (Public Law 61-406, 36 Stat. 925, 43 U.S.C. 523-525), which authorized the U.S. Government through the Secretary of the Interior to contract with an organized irrigation district for the supply and storage of irrigation water, and to cooperate with such districts in the construction and use of water reservoirs and canals under Reclamation projects and for other purposes.

Project History

Modern irrigation in the South Gila Valley began in 1915 with the first of many privately owned water supply wells being drilled and placed in service. Farmers relied on well water supplies to irrigate their crops since flows in the nearby unregulated Gila River were unpredictable and often destructive.

YID was organized by vote of the landowners on February 18, 1919.

In 1947, the U.S. Congress enacted the *Gila Project Reauthorization Act* (Public Law 80-272, 61 Stat. 628), which granted up to 300,000 acre-feet of River water per year to be diverted from the Canal to the Yuma Mesa Division of the Project and reduced the irrigable lands in the North and South Gila Valleys to a total of 15,000 acres. These agricultural areas were then designated as the North Gila Valley Unit and the South Gila Valley Unit, respectively, in the Yuma Mesa Division of the Project. At that time, there were 6,231 acres of land in the North Gila Valley Unit, which were getting diversions from the Canal, leaving 8,769 acres of land in the South Gila Valley Unit eligible to receive River water from the Project.

The South Gila Carriage and Distribution System (System) was created in 1962 when Reclamation began construction of additional water delivery facilities from the Canal to serve District lands in the South Gila Valley Unit that were eligible to receive River water. Such diversions from the Canal were to supplement the District's existing irrigation well water supplies. The Canal was constructed by Reclamation from 1963 to 1965 to provide irrigation water for up to 7,013 acres of land within YID through five lateral turnouts and four farm turnouts. Six lateral turnouts located on the Canal were either constructed or improved to provide the remainder of eligible lands within YID with water from the Project. The delivery facilities constructed included an extensive underground distribution system consisting of both pumped pipe laterals and gravity-flow pipe laterals.

Following the passage of the *Ak-Chin Water Rights Settlement Act of 1984* by the U.S. Congress (Public Law 98-530, 98 Stat. 2698, as amended by the *Act of 10/24/1992* [Public Law 102-497, 106 Stat. 3258]), a fourth supplemental and amendatory contract (No. 5-07-30-W0093) was agreed to between the United States and YID, dated June 27, 1985. This agreement provided, among other things, that in exchange for a one-time cash payment to YID and YID's current repayment obligation under the 1962 contract (No. 14-06-300-1270) being discharged or forgiven, YID agreed to restrict its entitlement to River water to no more than 250,000 acre-feet per year (which includes the North

Gila and Yuma Mesa Units of the Project), limit water deliveries to no more than 10,600 irrigable acres within YID, and also agreed to supply or deliver no more than 5,000 acre-feet of water, in the aggregate, for domestic use during any calendar year.

General Description

YID was originally comprised of approximately 10,600 acres of agricultural lands in the South Gila Valley, which falls within an area bounded by the Canal and Highway 95 to the east, the City of Yuma and the Southern Pacific Railroad tracks to the west, the Gila River to the north, and the Canal to the south. A general location map is included at the beginning of this report which shows the District's Administration.

Repayment Obligations

YID fulfilled their repayment obligations following the passage of the *Ak-Chin Water Rights Settlement Act of 1984* by the U.S. Congress (Public Law 98-530, 98 Stat. 2698, as amended by the *Act of 10/24/1992* [Public Law 102-497, 106 Stat. 3258]). A fourth supplemental and amendatory contract (No. 5-07-30-W0093) was agreed to between the United States and YID, dated June 27, 1985.

Weather Conditions and Operating Status

The Team encountered no adverse weather conditions during the examination. Morning lows were mild and daytime highs were hot. There was sufficient visibility for performing observations and working conditions were suitable.

Table 1 – Weather conditions during the examination, Yuma, AZ.

Date	Temperature		Wind (miles per hour)			Visibility
	Maximum	Minimum	Average	Maximum	Maximum Gust	
July 25, 2023 Yuma, AZ	113°F	92°F	7	10	0	10 miles

Source: Weather Underground²

² Available via the following public-accessible website: <http://www.wunderground.com/>

VII. Examination of Associated Facility

General

On July 25, 2023 the Team held a meeting at the Yuma Irrigation District office prior to commencing the examination. Some of the items discussed were the inspection procedure(s) to complete the field examinations required by RM D&S FAC 01-04, which outlines the requirements for this RO&M examination.

YID Administration Building.

The building is a single-story commercial building with 8-inch-thick Pumice Block exterior bearing walls and 2x12 roof joist at 16 inches on center, except the vault area located on the south-east corner which is composed of 12-inch concrete walls. The interior walls consist of 2x6 insulated wood studs spaced at 16 inches on center with gypsum board finishing. The roof is comprised of rolled asphalt sheets on top of plywood sheathing and insulation.

The suspended acoustical ceiling showed no signs of ponding nor any water seepage to the framing members. There were no clear signs of any deterioration occurring for the structural components or any water intrusion occurring on the building interior or exterior walls.

Table 2: YID Administration Building Component Assessment

Condition:	Satisfactory	Fair	Poor	Unsatisfactory
Roof	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exterior Walls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interior Walls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floors/Ceilings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foundations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: No visible deficiencies were observed.

VIII. Photographs

Photographs referenced in this report can be found in this section beginning on the next page.

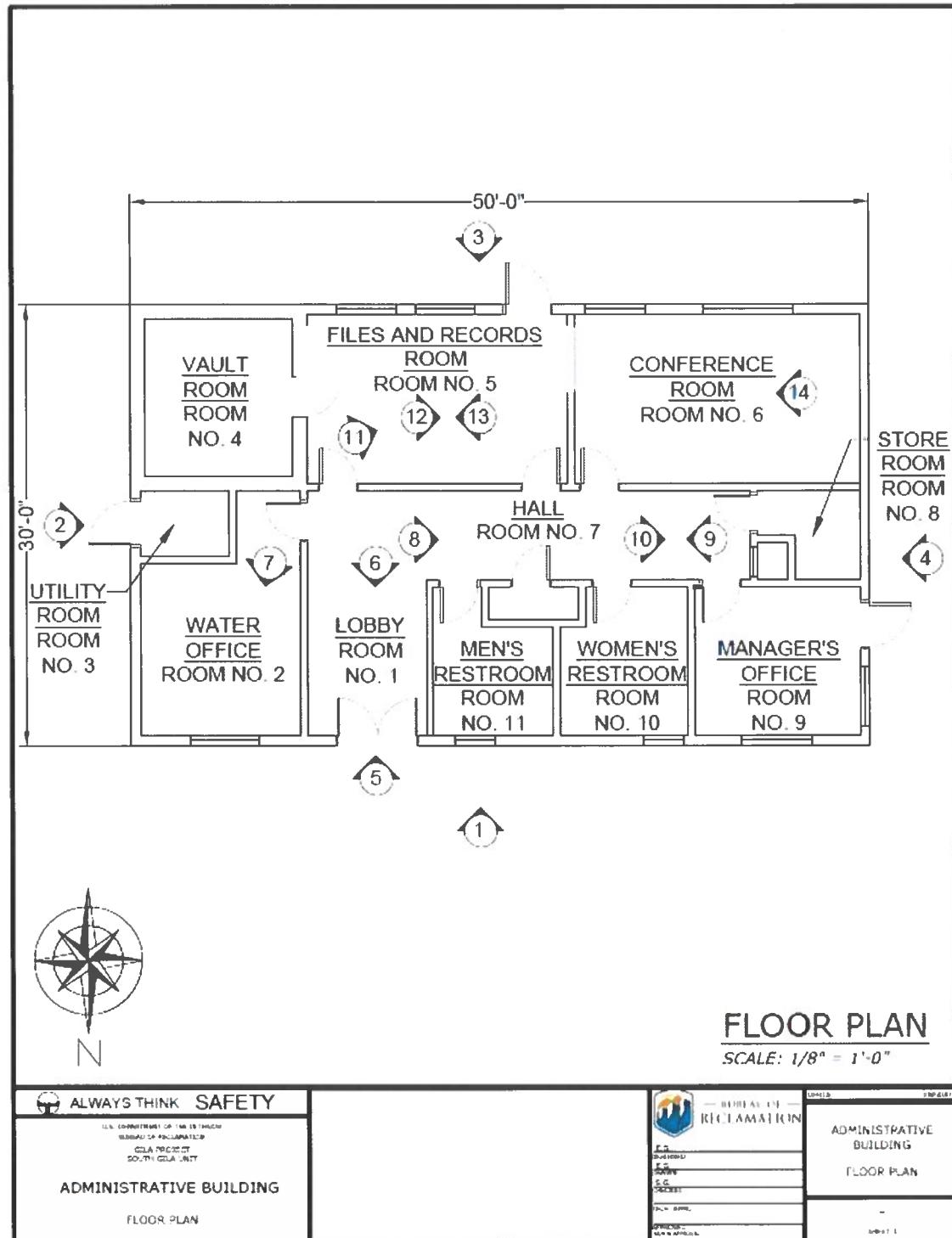




Photo 1: North side of the building. (Reclamation/C. Patane)



Photo 2: East side of the building. (Reclamation/C. Patane)

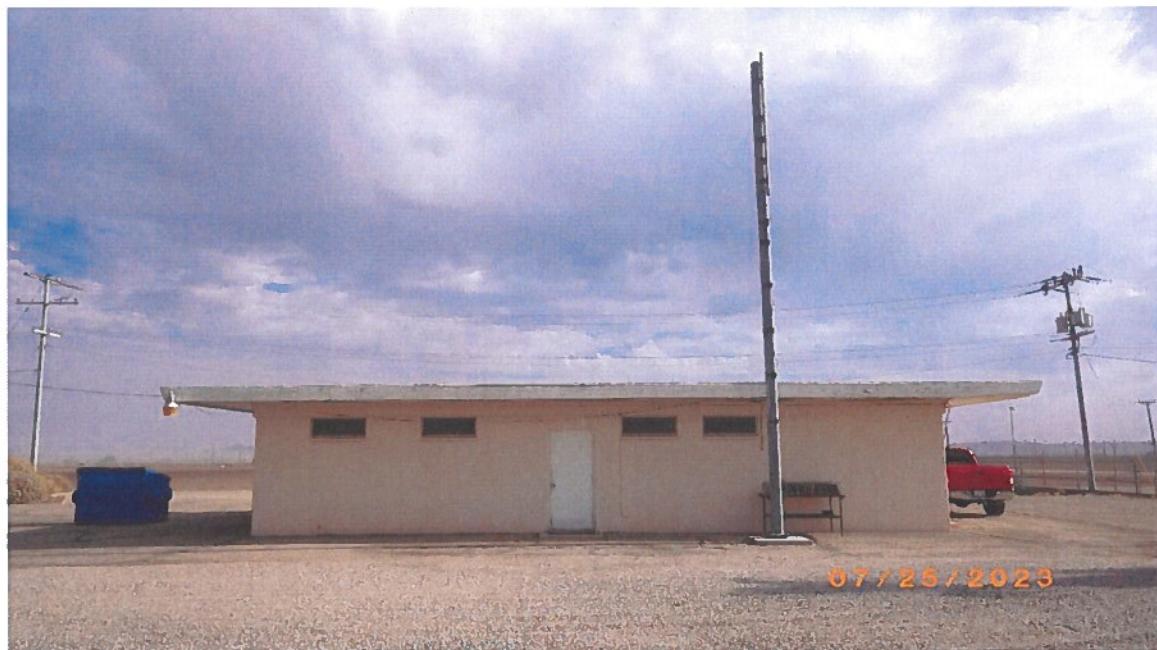


Photo 3: South side of the building. (Reclamation/C. Patane)



Photo 4: West side of the building. (Reclamation/C. Patane)



Photo 5: Entrance to the building. (Reclamation/C. Patane)



Photo 6: Interior of building looking out to the entrance (Reclamation/C. Patane)



Photo 7: Water office room 2. (Reclamation/C. Patane)



Photo 8: Interior hallway facing West. (Reclamation/C. Patane)



Photo 9: Interior hallway facing East. (Reclamation/C. Patane)

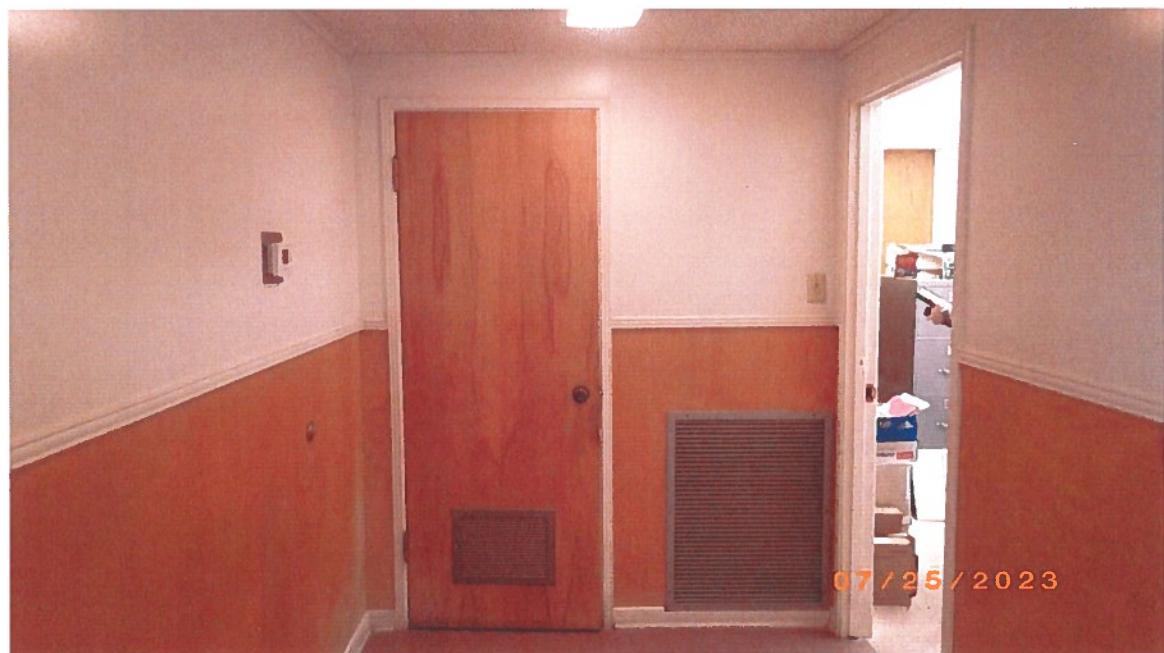


Photo 10: Interior hallway facing West. (Reclamation/C. Patane)

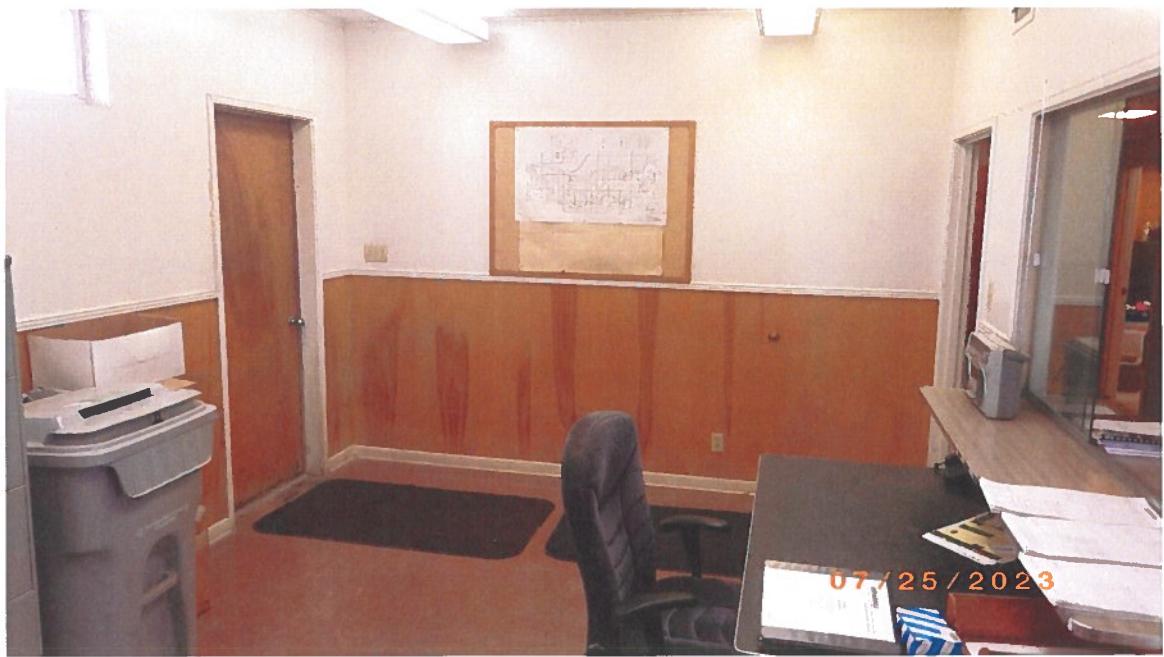


Photo 11: Files and records room number 5. (Reclamation/C. Patane)



Photo 12: Typical suspended acoustical ceiling. (Reclamation/C. Patane)



Photo 13: Entrance to Vault Room number 4. (Reclamation/C. Patane)



Photo 14: Conference room, Room number 6. (Reclamation/C. Patane)

EXHIBIT D – CATEGORICAL EXCLUSION

BUREAU OF RECLAMATION
LOWER COLORADO REGION—YUMA AREA OFFICE
Categorical Exclusion Checklist

DATE: 03/2/2022

CATEGORICAL EXCLUSION NO.: YAO-CEC-22-010

PROJECT NAME: Title Transfer of Yuma Irrigation District South Gila Headquarters

Proposed Action: The Bureau of Reclamation proposes to Title Transfer a 1.29 acre parcel of Reclamation land to the Yuma Irrigation District (YID). The parcel of land (No. 668-52-124) is located at 9510 Avenue 7E, along the South Gila Valley Main Canal in Yuma, Arizona. The YID office building and associated facilities are also included in the Title transfer.

Project Area: The project is located north of Interstate 8 at the intersection of East County 9½ Street and Avenue 7E, see attached location map.

EXCLUSION CATEGORY: The proposed activity considered under this CEC is in accordance with the following categorical exclusion(s) listed in Departmental Manual 516:

516 DM 14.5 paragraph f:

Transfer from Federal ownership of facilities and/or interest lands to a qualifying entity where there are no competing demands for use of the facilities; where facilities are not hydrologically integrated; where, at the time of transfer, there would be no planned change in land or water use, or in operation, or maintenance of the facilities; and where the transfer would be consistent with the Secretary's responsibilities, including but not limited to existing contracts or agreements, the protection of land resources and water rights held in trust for Federally recognized Indian tribes and Indian Individuals, and ensuring compliance with international treaties and interstate compacts.

EVALUATION OF CRITERIA FOR CATEGORICAL EXCLUSION

1. This action or group of actions would have significant effect on the quality of the human environment. (40 CFR 1502.3)
2. This action or group of actions would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. (NEPA Section 102(2) (E) and 43 CFR 46.215 (c))
3. This action would have significant impacts on public health and safety. (43 CFR 46.215 (a))

No Uncertain Yes

No Uncertain Yes

No Uncertain Yes

4. This action would have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas. (43 CFR 46.215 (b))

5. The action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. (43 CFR 46.215 (d))

6. This action would establish a precedent for future action or represent a decision in principle about the future actions with potentially significant environmental effects. (43 CFR 46.215 (e))

7. This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. (43 CFR 46.215 (f))

8. This action would have significant impacts on properties listed or eligible for listing on the National Register of Historic Places as determined by Reclamation. (43 CFR 46.215 (g))

9. This action would have significant impacts on species listed or proposed to be listed, on the List of Threatened or Endangered Species or have significant impacts on designated Critical Habitat for these species. (43 CFR 46.215 (h))

10. This action would violate Federal, State, local, or tribal law or requirements imposed for protection of the environment. (43 CFR 46.215 (i))

11. This action will adversely affect Indian Trust Assets (ITA). (S.O. 3175)

12. This action would have a disproportionately high and adverse effect on low income or minority populations. (43 CFR 46.215 (j))

13. This action would limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007). (43 CFR 46.215 (k))

14. This action would contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or result in actions that may promote the introduction, growth, or expansion of the range of such species. (Federal Noxious Weed Control Act and EO 13112) (43 CFR 46.215 (l))

No Uncertain Yes

NEPA ACTION PROPOSED

Categorical Exclusion	<input checked="" type="checkbox"/>
EA	<input type="checkbox"/>
EIS	<input type="checkbox"/>

COMMITMENTS, EXPLANATION, REMARKS

Commitments

1. Project area is located within previously disturbed areas.
2. A Phase I environmental site assessment shall be completed by YID.
3. Hazardous materials (asbestos and lead based paint) survey shall be conducted for the YID office.

401 Water Quality Certification

A water quality certification will not be required for this action.

404 Permit

A 404 permit will not be required for this action.

Endangered Species Act

Reclamation has conducted a review of potential threatened and endangered species that may have the potential for occurrence within the Proposed Action area. Through this review, Reclamation has made a “no effects” determination under the Endangered Species Act on all species with the potential for occurrence. This determination was reached based on a review of the following items, 1) the scope of the proposed action; 2) a list of sensitive species with the potential for occurrence or the presence of listed critical habitat; and 3) potential impacts to habitat from the project. Activities associated with the Proposed Action would occur in an area that is already utilized for maintenance activities and office space by YID. In addition, the surrounding area is associated with continuous agricultural farming and residential housing. Habitat required for the presence of sensitive species or critical habitat was not identified near the Proposed Action area. Additionally, no native vegetation, wetlands, or riparian habitats will be impacted.

Migratory Bird Treaty Act

No take of protected species is anticipated; no suitable habitat for protected species will be impacted through implementation of the project.

Cultural Resources

On August 27, 2019, the Arizona State Historic Preservation Officer (SHPO) concurred with Reclamation’s determination of *no historic properties affected* for demolition and reconstruction of the Yuma Irrigation District (YID) headquarters office building, located at 9510 Avenue 7E. On July 28, 2021, the SHPO concurred with Reclamation’s determination of *no historic properties affected* for title transfer of the underlying 1.29- acre parcel, as well. No historic properties were identified on the parcel, which was disturbed during construction of the office building in 1962-1963. The Section 106 process for both undertakings is now complete, and the title transfer may proceed.

Indian Trust Assets

ITAs have not been identified in the project area, thus no impact to ITAs is anticipated.

Tribal Coordination

Project is not on Tribal land.

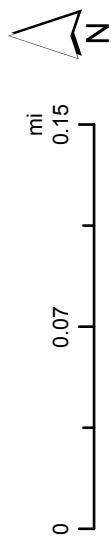
Preparer: JULIAN DESANTIAGO Digitally signed by JULIAN DESANTIAGO
Date: 2022.03.03 07:24:53 -07'00' Date: 3/3/22
Environmental Protection Specialist

Concurrence with Items 8 & 13: ANDREA KAYSER Digitally signed by ANDREA
KAYSER Date: 2022.03.02 15:05:26 -07'00' Date: 3/2/22
Cultural Resources Management
Professional

Concurrence with Item 11: CHRISTOPHER WALLIS Digitally signed by CHRISTOPHER
WALLIS Date: 2022.03.03 08:08:22 -07'00' Date: 3/3/22
ITA designee

Recommended: JULIAN DESANTIAGO Digitally signed by JULIAN DESANTIAGO
Date: 2022.03.03 07:25:14 -07'00' Date: 3/3/22
Environmental Planning & Compliance Group Manager

Approved: MICHAEL NORRIS Digitally signed by MICHAEL NORRIS
Date: 2022.03.04 09:48:31 -07'00' Date: 3/4/22
Area Manager (Yuma Area Office)



DISCLAIMER: This map and data are provided as-is and are intended for general reference only. None of the parties involved in preparing the map or data contained herein warrant or represent the data to be complete and accurate.

Date: 1/25/2022

EXHIBIT E – ARIZONA STATE HISTORIC PRESERVATION OFFICE
CONCURRENCE



SHPO-2019-1575 (159708) Rec: 07-07-21

United States Department of the Interior



IN REPLY REFER TO:

YAO-7200

2.1.1.04

BUREAU OF RECLAMATION
 Yuma Area Office
 7301 Calle Agua Salada
 Yuma, AZ 85364

07/06/2021

VIA ELECTRONIC MAIL

Ms. Kathryn Leonard
 Arizona State Historic Preservation Officer
 1100 W Washington St.
 Phoenix, AZ 85007

Subject: Consultation Under Section 106 of the National Historic Preservation Act for
 Transfer of Title to Land Underlying Yuma Irrigation District South Gila Headquarters
 (LC-AZ-19-05)

Dear Ms. Leonard:

On August 27, 2019, your office concurred on a *no historic properties affected* determination for the demolition and reconstruction of the Yuma Irrigation District (YID) headquarters office building (SHPO-2019-1575 [150009]). YID is now requesting title transfer of the underlying land, as well. Because the land is owned by the Bureau of Reclamation (Reclamation), Reclamation is the lead federal agency for the undertaking in compliance with Title 54 USC 30618, as implemented through the Code of Federal Regulations Part 800 (36 CFR 800). Reclamation is consulting and requesting concurrence from your office on a determination of *no historic properties affected* for the title transfer.

The 1.29-acre parcel is located north of Interstate 8 at the intersection of East County 9½ Street and Avenue 7E. The legal location is Section 33 (NE¼ SE¼) of Township 8 South, Range 22 West, and appears on the USGS 7.5' Yuma East, Arizona topographic quadrangle (Enclosure 1). The parcel is bounded on the west by a private home, on the east by an equipment yard, on the north by an asphalt road, and on the south by a Reclamation canal.

The Area of Potential Effect (APE) for the 2019 demolition and reconstruction project included the entire 1.29 acre-parcel, which contained the office building, shop, and parking area (Enclosure 2). No historic properties have been identified on the parcel. The APE was disturbed during construction of the YID office building in 1962-1963 and it is unlikely that subsurface archaeological materials would be identified.

Reclamation called Mrs. Jill McCormick, Historic Preservation Officer for the Fort Yuma Quechan Indian Tribe, on June 28, 2021 to describe the title transfer and ask if the Cultural Committee had concerns. Mrs. McCormick responded by email on June 29, 2021, that they had no concerns (Enclosure 3). Mr. Justin Brundin, Cultural Resources Manager for the Cocopah Indian Tribe, was contacted by email on June 29, 2021. In a follow-up phone call to Mr. Brundin on July 6, 2021, he said he had no comments.

INTERIOR REGION 8 • LOWER COLORADO BASIN

ARIZONA, CALIFORNIA*, NEVADA*

* PARTIAL

Reclamation is consulting and requesting concurrence from your office on a determination of *no historic properties affected* for the title transfer. Please contact Ms. Andrea Kayser, Archaeologist, via email at akayser@usbr.gov if you have any questions. We would appreciate your reply within 30 days.

Sincerely,

CHRISTOPHER WALLIS

Christopher M. Wallis
Acting Area Manager

Digitally signed by
CHRISTOPHER WALLIS
Date: 2021.07.07
09:41:31 -07'00'

Enclosures – 3

CONCUR

No Historic Properties Affected

Mary Ellen Wahl 7/28/21

Arizona State Historic Preservation Office

2 Project Area and Environment

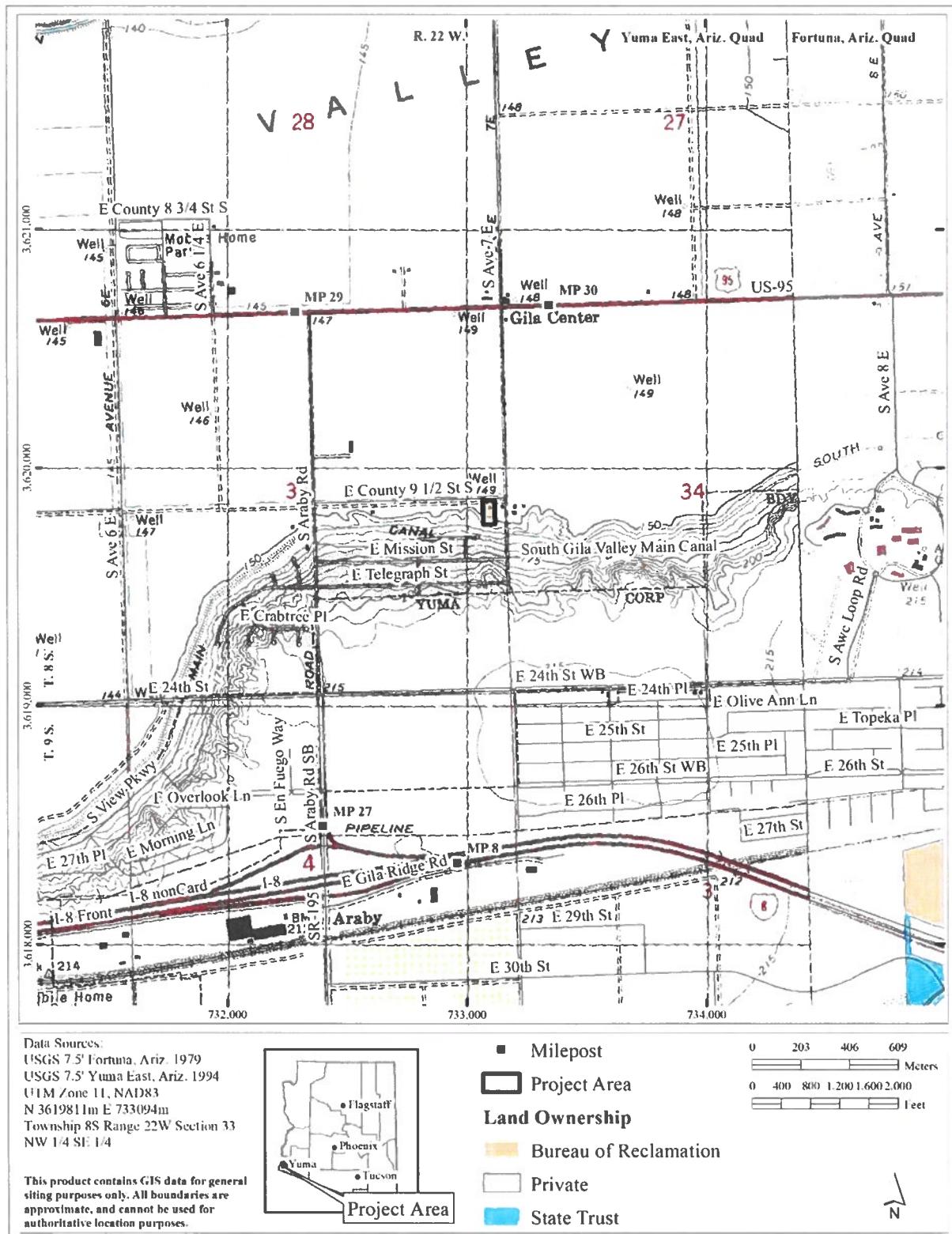


Figure 1. Portions of the USGS 7.5' Fortuna and Yuma East, Ariz. topographic quadrangles, showing the location of the subject parcel and land jurisdiction.

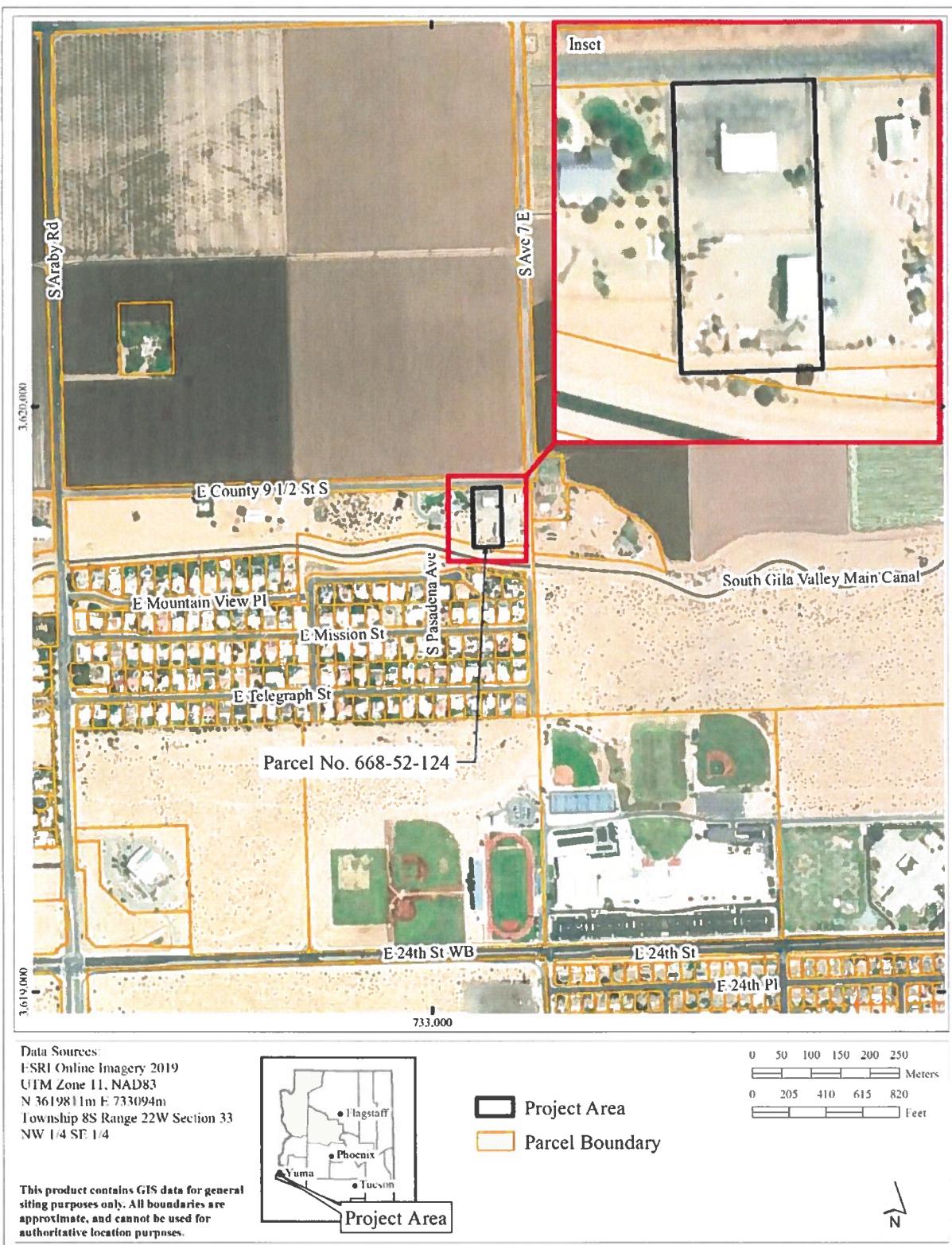


Figure 2. Contemporary aerial photograph of the subject parcel and surrounding area, showing the current built environment.

[EXTERNAL] Re: Yuma Irrigation District (YID) Office land title transfer

Jill McCormick <hpoquechantribe@gmail.com>

Tue 6/29/2021 9:59 AM

To: Kayser, Andrea <akayser@usbr.gov>
Cc: DeSantiago, Julian A <jdesantiago@usbr.gov>

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Andrea,

Good speaking with you yesterday as well. I just spoke to Manfred about the title transfer and we both agreed that we do not have any concerns with the transfer.

Jill

H. Jill McCormick, M.A.
Historic Preservation Officer
Quechan Tribe
Cell: 928-261-0254
Office: 760-572-2423



On Tue, Jun 29, 2021 at 8:59 AM Kayser, Andrea <akayser@usbr.gov> wrote:

Hi Jill,

Nice talking with you yesterday! The U.S. Bureau of Reclamation is considering transferring ownership of 1.29 acres of federal land underlying the Yuma Irrigation District (YID) office building, shop, and parking area (see attached map and aerial photo). The parcel is located at the intersection of East County 9½ Street and Avenue 7E, just east of Araby Rd. and south of US 95. Thomas Jones at Archaeological Consulting Services (ACS) previously evaluated the office building (constructed in 1962-1963) and recommended it *not eligible* for inclusion on the National Register of Historic Places (NRHP). Transferring the 1.29 acre lot to private ownership would be a federal undertaking subject to Section 106 consultation.

I am reaching out to ask if the Cultural Committee has any concerns about the title transfer? It is unlikely that subsurface archaeological materials would be identified, as the parcel was heavily disturbed in the past by construction of the office building, shop, and parking area. If there are no concerns, then I will move forward with a determination of *no historic properties affected* for the title transfer.

Please respond to this email at your earliest convenience.

Thank you,

Andrea Kayser, MA

Yuma Area Office Archaeologist
U.S. Bureau of Reclamation
Interior Region 8, Lower Colorado Basin
7301 Calle Agua Salada
Yuma, Arizona 85364
akayser@usbr.gov

**EXHIBIT F – BOARD OF DIRECTOR’S RESOLUTION – APPROVAL OF
TITLE TRANSFER PACKAGE**

YUMA IRRIGATION DISTRICT

RESOLUTION 2024-2

Resolution Approving Title Transfer

WHEREAS, the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019, (Pub. Law. 116-9, Title VIII, Subtitle A; 133 Stat. 804; 43 U.S.C. 2902, et seq.) (the Dingell Act) provides for the transfer of title to eligible Reclamation project facilities and certain associated real property interests to qualifying entities on the completion of repayment of capital costs without further authorization from Congress;

WHEREAS, the United States holds title to the irrigation and supporting facilities of the Gila Project, Yuma Mesa Division, South Gila Valley Unit (Project). Yuma Irrigation District (YID or the District) is responsible for the operation, maintenance, and replacement of the Project facility under contract No. 14-06-300-1270 dated July 23, 1962, as amended and supplemented on October 25, 1965; May 10, 1971; May 17, 1973; and on June 27, 1985, by contract No. 5-07-30-W0093. The aforementioned contracts also provide for the delivery of Colorado River water by the United States for the irrigation of lands within the District service area and for the repayment of project costs to the United States;

WHEREAS, when the United States constructed the Project, the United States acquired lands, rights-of-way, and easements under the Federal Reclamation Laws and the Act of August 30, 1890 (the Canal Act), including the lands underlying the District's office and shop;

WHEREAS, the District is a recognized irrigation district organized under the laws of the State of Arizona and a qualifying entity under the Dingell Act, and is responsible for the delivery of irrigation water to approximately 10,600 acres of irrigable land;

WHEREAS, the District's office and shop, and the lands underlying the same, are eligible facilities under the Dingell Act;

WHEREAS, the District believes that the title transfer of the office, shop and underlying lands will benefit all District landowners;

WHEREAS, Reclamation and the District have taken various steps to proceed with title transfer, including that certain Memorandum of Agreement dated March 16, 2023 (MOA 23-07-34-L2153), that certain Agreement for Contribution of Funds dated April 19, 2023 (CFA 23-07-34-L2153), and the draft Title Transfer Agreement, Transfer Eligibility Report, and quitclaim deeds;

WHEREAS, the various agreements and documents must be presented to and approved by the Commissioner of Reclamation and Congress;

WHEREAS, Reclamation's Lower Colorado Basin Region is prepared to submit the same to the Commissioner, and, if approved, the Commissioner would submit notification to Congress as required by the Act; and,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors has reviewed and approves the following for submission to the Commissioner and, provided neither the Commissioner nor Congress disapproves the conveyance, authorizes execution by the District President of:

1. Title Transfer Agreement (Agreement Between the United States of America Department of the Interior Bureau of Reclamation and Yuma Irrigation District to Transfer Title to Federally Owned Project Facility, Interests and Lands Associated within the Gila Project, Arizona);
2. Yuma Irrigation District Title Transfer Quitclaim Deeds; and,
3. Yuma Irrigation District Transfer Eligibility Report (non-binding, informal report).

The foregoing Resolution having been read, motioned, and seconded for its passage and adoption. After consideration, roll was called thereon and the following members of the Board of Directors of the Yuma Irrigation District present, voted in favor of the passage of the motion and adoption of such Resolution as follows: Ayes: Mark R. Smith, Floyd Dunn, Amanda Brooks. Nays: None. Passage of said Resolution having been unanimously consented to by the elected Board of Directors of the Yuma Irrigation District constituting a quorum was by President Mark R. Smith declared duly passed and adopted this 10th day of September, 2024.

YUMA IRRIGATION DISTRICT



President of the District

Attest:



Secretary of the District

EXHIBIT G – CONVEYANCE DOCUMENT – QUITCLAIM DEED

Please return a certified copy
Of recorded document to:
U. S. Bureau of Reclamation
32 C Street N.W.
Ephrata, WA 98823

**THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
AND YUMA IRRIGATION DISTRICT
TO TRANSFER TITLE TO FEDERALLY OWNED PROJECT FACILITY,
INTERESTS, AND ASSOCIATED LANDS WITHIN THE GILA PROJECT,
ARIZONA**

QUITCLAIM DEED

THE UNITED STATES OF AMERICA (Grantor), herein after referred to as the **United States**, acting by and through the Department of the Interior, Bureau of Reclamation, pursuant to Title VIII of the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019 (Public Law 116-9, 133 Stat. 804; 43 U.S.C. 2902, et seq), and for good and valuable consideration as detailed in the approved Agreement Between the United States of America and Yuma Irrigation District to Transfer Title to Federally Owned Facility Within the Gila Project

_____, _____, 20____ hereinafter referred to as "Title Transfer Agreement," and by this reference made a part hereof, and recorded in the Auditor's Office of Yuma County, Arizona does hereby **REMISE, RELEASE, AND FOREVER QUITCLAIM** unto the **YUMA IRRIGATION DISTRICT (Grantee)**, an irrigation district duly organized under the laws of the State of Arizona, its successors and assigns, all of the right, title and interest, without warranties, of the United States in and to the project facility, including certain land and interests in land, as described below for the purposes described in Public Law 116-9 and subject to all the conditions, restrictions and limitations therein prescribed.

PROJECT FACILITY, including certain land and interests in land, transferred herein include the following situated in Yuma County, Arizona, to wit:

1. Real property described in Exhibit A, attached hereto and by this reference made a part hereof; **TOGETHER WITH** all improvements and appurtenances thereunto belonging or in anywise appertaining, included but not limited to the project facility and associated lands.
2. All portions of the constructed, operated, and maintained facility, improvements and appurtenances thereunto belonging or in anywise appertaining, the location of which is shown on Exhibit B (map), attached hereto and by this reference made a part thereof, including but not limited to, project facility and associated lands within the Gila Project of the Bureau of Reclamation.

3. All rights-of-way and easements, whether directly acquired, acquired by condemnation, granted or reserved by state law, or reserved by the Act of August 30, 1890 (43 U.S.C. 945) and amendments thereof and supplemental thereto and exercised or in use by the United States for the presently constructed project facility and associated lands within the Yuma Irrigation District of the Gila Project, depicted on Exhibit C, attached hereto and by reference made a part hereof, together with the right to enter upon the rights-of-way and easements for the purposes of repairing maintaining, or reconstructing the project facility or other facilities located thereon; **TOGETHER WITH** all and singular the improvements and appurtenances thereunto belonging or in anywise appertaining, including but not limited to all facilities, transmission lines, transformers, fixtures, and improvements thereon whether or not permanently attached thereto, and roads located thereon; and

TOGETHER WITH all third party agreements associated with said project facility, including certain land and interests in land.

SUBJECT TO the following conditions, reservations, exceptions, and other outstanding rights:

1. valid existing rights;
2. the rights, if any, that were reserved in the original patents on said premises;
3. rights-of-way of record or in use for roads and highways, utilities, and railroads; and
4. the reservation of a right-of-way for ditches and canals being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (43 U.S.C. 945) as it has been or may hereafter be amended; and

ALSO SUBJECT TO permits, licenses, leases, rights-of-use, or rights-of-way of record outstanding in third parties on, over, or across said project lands or facilities in accordance with the Title Transfer Agreement, including certain lands or interests in land, to which the benefits and responsibilities of the United States arising after the date of this deed shall inure to the benefit of and be binding upon the Yuma Irrigation District.

NOTICE IS HEREBY GIVEN THAT THE INFORMATION CONTAINED IN THIS NOTICE IS IN ACCORDANCE WITH THE AUTHORITY OF REGULATIONS PROMULGATED UNDER SECTION 120(h) OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE LIABILITY, AND COMPENSATION ACT (CERCLA OR "SUPERFUND"), 42 U.S.C. SECTION 9620(h).

- a. The United States has completed a Low-Intensity Real Property Questionnaire Checklist for the property being conveyed, including site visits on July 25, 2023, and a search of files at the Bureau of Reclamation to identify available information with respect to hazardous substances that were stored for one year or more, known to have been released, or disposed of on the property. The property is being conveyed to the Grantee in the same condition as existed on the dates of said site inspections. The Grantee stipulates that it is the potentially responsible party and accepts the premises

b. and appurtenances as is, therefore releasing the United States of all current and future liability. On October 8, 2024, the District passed Board Resolution 2024-3, releasing the United States from liability for any hazardous materials located on the Project Facility to be Transferred, agreed that if the transfer is completed that the District is the potentially responsible party, and will accept the premises and appurtenances "as is," as shown in Exhibit D.

FURTHER CONVEYANCES may be required because of the discovery of additional project facilities for the Yuma Irrigation District Office and associated lands within the Gila Project, currently operated and maintained by the Yuma Irrigation District located in Yuma County, Arizona, that are not depicted or listed on the Exhibits, or to more specifically and legally describe the project facilities; then the United States, through the Bureau of Reclamation, and the Yuma Irrigation District shall make reasonable efforts to accomplish such conveyances on the same terms and conditions set forth hereinabove.

IN WITNESS WHEREOF, the United States, through its duly appointed officer, has hereunto set hand and seal the _____ day of _____, 20 ____.

UNITED STATES OF AMERICA

By:

Michael D. Norris, Area Manager
Yuma Area Office
Interior Region 8: Lower Colorado Basin
Bureau of Reclamation
Department of the Interior

NOTARIAL ACKNOWLEDGMENT

State of Arizona)

County of Yuma)

On this ____ day of _____, 20____, before me, _____, a Notary Public in and for said

County and State personally appeared _____, Area Manager, Yuma Area
Name

Office, Lower Colorado Region, Bureau of Reclamation, United States Department of the
Interior, known to me to be the person described in the foregoing instrument, and acknowledged
to me that _____ executed the same on behalf of the United States of America in the capacity
therein stated and for the purpose therein contained.

(Notary Seal)

Notary Public

Description of document this notarial certificate is being attached to:	
Type/Title	Contract and License No. 23-07-34-L2153
Date of Document	
Number of Pages	6 pages and Exhibits A, B, C, and D
Additional Signers (other than those named in the notarial certificate)	Yuma Irrigation District

ACCEPTANCE OF YUMA IRRIGATION DISTRICT

The foregoing conveyance is hereby accepted by the Yuma Irrigation District. further agrees, by this acceptance, to the sufficiency of the conveyance and to comply with the terms and covenants of the within and foregoing Quitclaim Deed. Yuma Irrigation District further agrees by this acceptance to assume and be bound by all the obligations, conditions, covenants, and agreements therein contained.

YUMA IRRIGATION DISTRICT

By: _____

Name: _____

Title: _____

NOTARIAL ACKNOWLEDGMENT

State of Arizona)

County of Yuma)

On this ____ day of _____, 20____, before me, _____, a Notary Public in and for said County and State personally appeared _____, Manager, Yuma Irrigation
Name

District (District), known to me to be the person described in the foregoing instrument, and acknowledged to me that _____ executed the same on behalf of the District in the capacity therein stated and for the purpose therein contained.

(Notary Seal)

Notary Public

Description of document this notarial certificate is being attached to:	
Type/Title	Contract and License No. 23-07-34-L2053
Date of Document	
Number of Pages	6 pages and Exhibits A, B, C, and D
Additional Signers (other than those named in the notarial certificate)	Bureau of Reclamation

STATE OF ARIZONA, County of Yuma, as.
I do hereby certify that the within instrument was filed and recorded at the
request of

Bureau of Reclamation } 1963 JUN 20 AM 9 24 8564
In Docket 354 at Page 789-791 }
VERNON C. WRIGHT, County Recorder By Cira G. Bell, Deputy Recorder 225

WARRANTY DEED

THIS INDENTURE, made this 18th day of June
1963, between YUMA IRRIGATION DISTRICT, a Municipal Corporation,
organized and existing under and by virtue of the laws of the State
of Arizona, hereinafter styled District and THE UNITED STATES OF AMERICA
and its assigns, hereinafter styled the United States;

WITNESSETH: That the District for and in consideration of
the sum of One Dollar (\$1.00) lawful money of the United States of
America to it in hand paid in pursuance of the provisions of the Act
of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or
supplementary thereto, by the United States, the receipt whereof is hereby
acknowledged, has granted, bargained and sold, conveyed and confirmed
and by these presents does grant, bargain and sell, convey and confirm
unto the United States and to its assigns forever all that real property
situate, lying and being the County of Yuma, State of Arizona, described
as follows, to wit:

A portion of the north 330 feet of the east 330
feet of the north half of the north half of the
northeast quarter of the southeast quarter (N-1/2 N-1/2
NE-1/4 SE-1/4) of Section thirty-three (33), township
eight (8) south, range twenty-two (22) west, Gila and
Salt River Meridian, Yuma County, Arizona, more particularly
described as follows:

CHECKED AS TO ENGINEERING DATA

Frank J. Russell
Engineer

DOCKET 354 PAGE 789

The west one hundred sixty (160) feet of the north
three hundred thirty (330) feet of the east three
hundred thirty (330) feet of the north half of the
north half of the northeast quarter of the southeast
quarter (N-1/2 N-1/2 NE-1/4 8E-1/4) of section
thirty-three (33), containing one and twenty one
hundredths (1.21) acres, more or less.

Subject to the easements or rights of way existing
or of record in favor of the public or third parties.

Together with all and singular the tenements, hereditaments and
appurtenances thereunto belonging or in any wise appertaining, and the
reversion and reversions, remainder and remainders, rents, issues and
profits thereof.

To have and to hold, all and singular the said premises, together
with the appurtenances, unto the United States and to its assigns forever.

And the District and its successors do hereby covenant that they
will forever warrant and defend all right, title and interest in and to the
said premises and the quiet and peaceable possession thereof unto the
United States, and to its assigns, against the acts and deeds of the District
and all and every person and persons whomsoever lawfully claiming or to claim
the same.

In Witness Whereof, the District has hereunto set its hand and
seal the day and year first above written.

YUMA IRRIGATION DISTRICT

By: Geo S. Beall
(President)

ACKNOWLEDGMENT

State of Arizona }
County of Yuma } ss.

On this 18th day of June, 1963,
before me, the undersigned officer, personally appeared Lee S.
Bradley of the County of Yuma,

State of Arizona, known to me (or satisfactorily
proven) to be the person described in the foregoing instrument, and
acknowledged that he executed the same in the capacity
therein stated and for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Bill Priestley
Notary Public in and for the
County of Yuma
State of Arizona.

My Commission Expires:

October 5, 1966

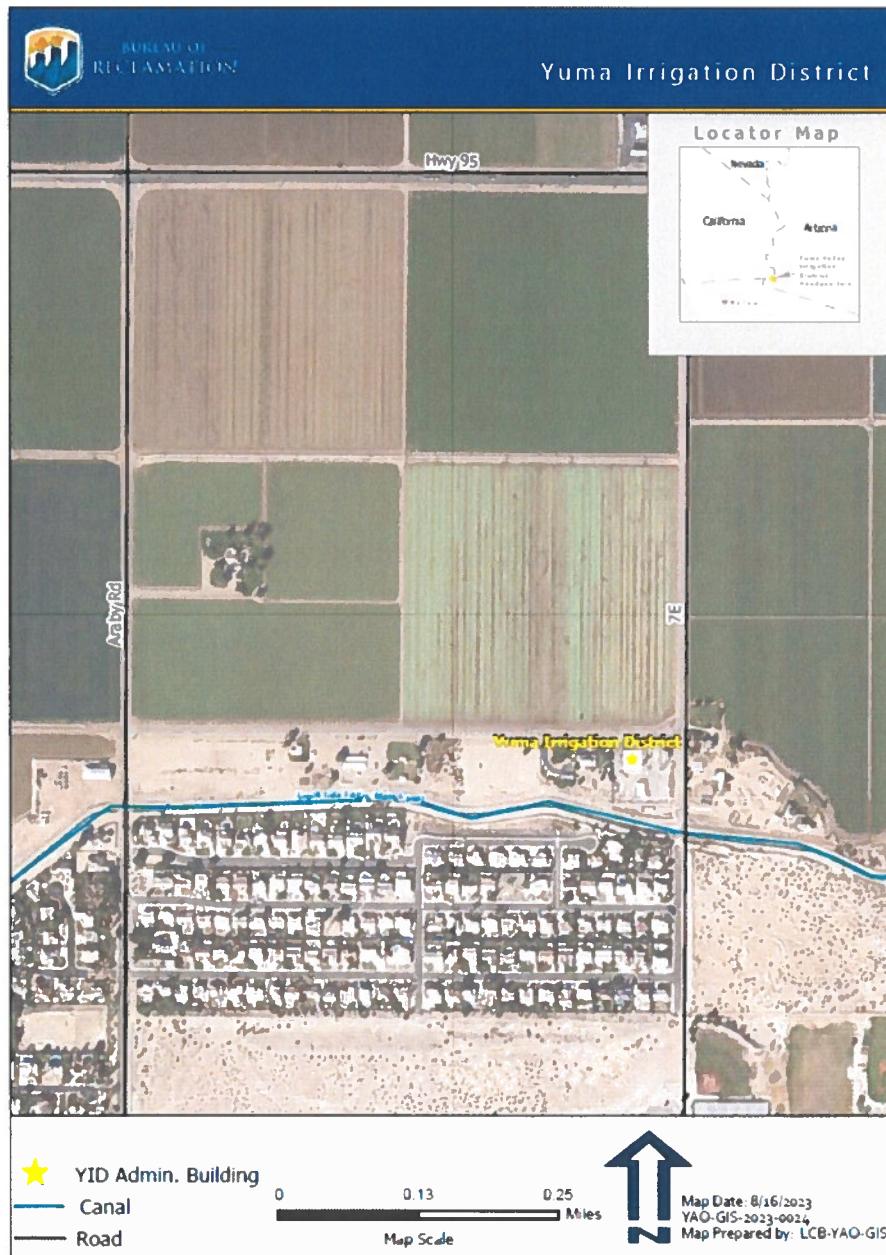
(SEAL)

354-794

THE UNITED STATE OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
AND YUMA IRRIGATION DISTRICT
TO TRANSFER TITLE TO FEDERALLY OWNED PROJECT FACILITY, INTERESTS,
AND ASSOCIATED LANDS WITHIN THE GILA PROJECT

QUITCLAIM DEED: EXHIBIT B

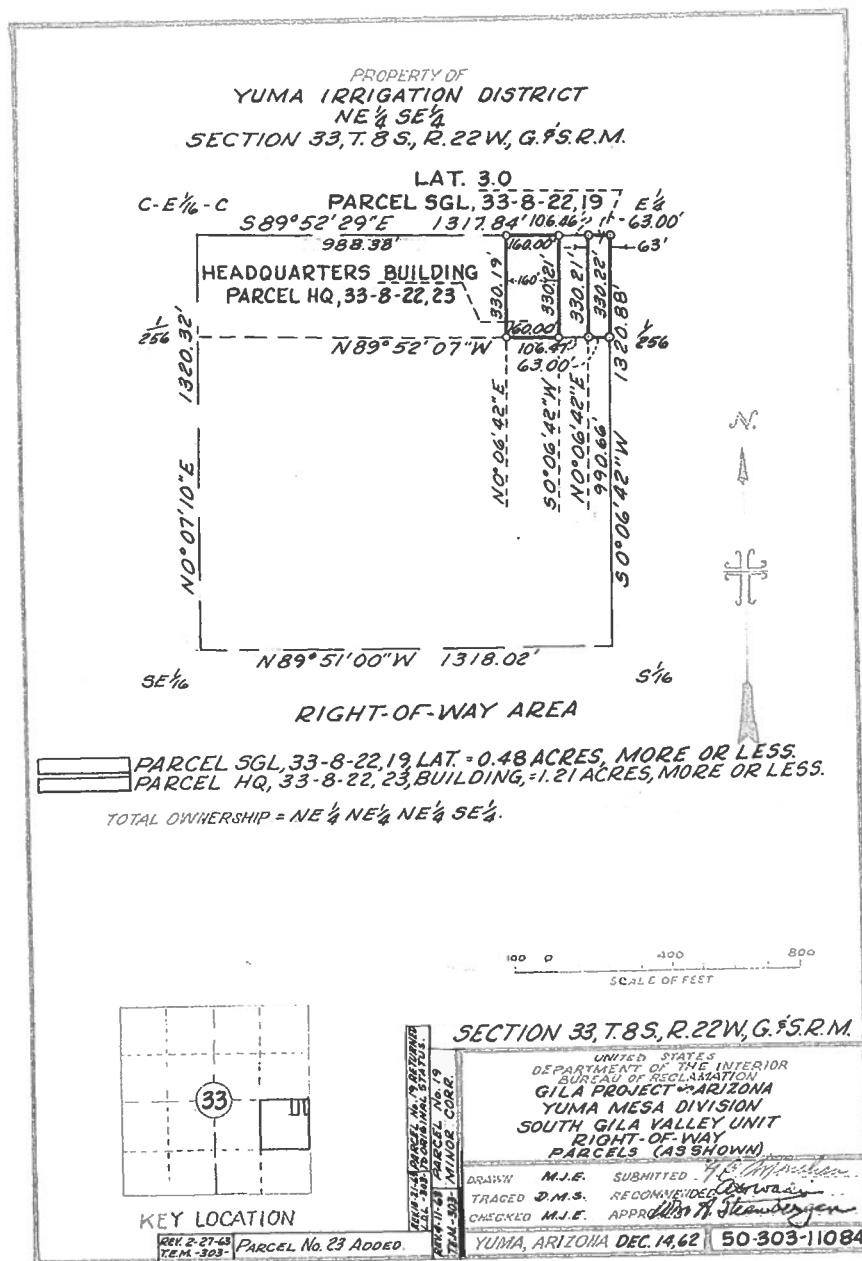
Yuma County, Arizona – Project Facility Map



THE UNITED STATE OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
AND YUMA IRRIGATION DISTRICT
TO TRANSFER TITLE TO FEDERALLY OWNED PROJECT FACILITY, INTERESTS,
AND ASSOCIATED LANDS WITHIN THE GILA PROJECT

QUITCLAIM DEED: EXHIBIT C

Yuma County, Arizona – Land Interest To Be Transferred



YUMA IRRIGATION DISTRICT

RESOLUTION 2024-3

Hazardous Materials Release

WHEREAS, the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019, (Pub. Law. 116-9, Title VIII, Subtitle A; 133 Stat. 804; 43 U.S.C. 2902, et seq.) (the Dingell Act) provides for the transfer of title to eligible Reclamation project facilities and certain associated real property interests to qualifying entities on the completion of repayment of capital costs without further authorization from Congress; and

WHEREAS, the United States holds title to the irrigation and supporting facilities of the Gila Project, Yuma Mesa Division, South Gila Valley Unit (Project). Yuma Irrigation District (YID or the District) is responsible for the operation, maintenance, and replacement of the Project facility under contract No. 14-06-300-1270 dated July 23, 1962, as amended and supplemented on October 25, 1965; May 10, 1971; May 17, 1973; and on June 27, 1985, by contract No. 5-07-30-W0093. The aforementioned contracts also provide for the delivery of Colorado River water by the United States for the irrigation of lands within the District service area and for the repayment of project costs to the United States; and

WHEREAS, Reclamation and the District have taken initial steps to proceed with title transfer; and

WHEREAS, the various roles and obligations of Reclamation and the District for the title transfer process is identified and set through the *Memorandum of Agreement* approved and executed by Reclamation and District; and

WHEREAS, as part of that MOA the District must agree to release Reclamation for liability for any hazardous materials located on lands being transferred pursuant to federal law.

(Remainder of page intentionally left blank.)

NOW, THEREFORE, BE IT RESOLVED that the District Board of Directors agrees and authorizes the following:

1. The Board has reviewed the land it seeks to acquire through title transfer.
2. On the condition title transfer of the lands is completed, the Board agrees that the District is the potentially responsible party and will accept the premises and appurtenances as is; therefore, releasing the United States of all current and future liability.

Dated: October 8, 2024



Mark R. Smith
President, Yuma Irrigation District

ATTEST:



Maryann Warner
Secretary, Yuma Irrigation District

EXHIBIT H – NOTICE TO CONGRESS



— BUREAU OF —
RECLAMATION

Congressional Notification

Conveyance of Title to Project Works (Office Building and Land) to Yuma Irrigation District

Pursuant to the John D. Dingell, Jr. Conservation, Management, and Recreation Act of March 12, 2019

NOTICE TO CONGRESS

This is written notice of a proposed conveyance to the Yuma Irrigation District (District) of all right, title, and interest of the United States in the Yuma Irrigation District Office Building and Land (Project Facility). The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation (Reclamation), is authorized to make this conveyance under the John D. Dingell, Jr. Conservation, Management, and Recreation Act of March 12, 2019, Title VIII, Subtitle A, Section 8003(a)(1) (Pub. L. 116-9, 43 U.S.C. 2902 et seq.).

Summary of Title Transfer Agreement

The Title Transfer Agreement and associated legal instruments will convey title to the Project Facility, consisting of the office building and the approximately 1.29 acres of fee title land associated with the office building.

Upon conveyance of title, the District will take ownership and manage these assets to meet current needs in compliance with all applicable Federal, state, and local laws, and in conformance with the terms of the Title Transfer Agreement. There are no foreseeable changes to current operations. Reclamation has determined that conveyance of these facilities is in the financial interest of the United States and will provide the District with more autonomy to operate the South Gila Valley Unit of the Yuma Mesa Division, Gila Project, Arizona.

Project Background

The Project Facility, located in Yuma County, Arizona, was authorized for construction under the Reclamation Act of June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, including the Gila Project Reauthorization Act of July 30, 1947 (61 Stat. 628). Project construction was completed in 1963. The Project Facility includes the office building and associated land. The Project Facility was designed and constructed as an office building and appurtenant facilities to assist with District operations. The District office centralizes employees and equipment to more efficiently meet the operation and maintenance needs of the irrigation facilities within the District. Benefits of this title transfer include the removal of the District office and associated land as a federal asset along with related federal administrative and inspection responsibilities, as well as liability. The District is the current operator and has been responsible for the operation and maintenance of the Project Facility as part of the South Gila Valley Unit since 1962 pursuant to its contract with the United States.

Project Assets for purposes of the Title Transfer Agreement are the office building and associated land.

Title Transfer Analysis

All Project beneficiaries have been consulted to confirm that the title transfer would not result in an adverse impact on fulfillment of existing water or power delivery obligations consistent with historical operations and applicable contracts.

The title transfer is in the financial interest of the United States. Public Law 98-530 (98 Stat. 2698), the Ak-Chin Water Rights Settlement Act (Settlement Act), enacted on October 19, 1984, authorized and directed the Secretary of the Interior to amend the repayment contracts of the three districts in the Yuma Mesa Division (Yuma Irrigation District, the Yuma Mesa Irrigation and Drainage District, and the North Gila Valley Irrigation and Drainage District) to conform to the provisions of the Settlement Act. Specifically, Section 2(g)(4) of the Settlement Act provided that all remaining repayment obligations owing to the United States on the date of the Settlement Act are to be discharged. Consequently, contract No. 5-07-30-W0093 discharged all repayment obligations of Yuma Irrigation District as of October 19, 1984.

The title transfer complies with all applicable federal and state laws, including the National Historic Preservation Act of 1966 (54 U.S.C. 300101 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601, et seq.), and the National Environmental Policy Act (42 U.S.C. 4321, et seq.). Reclamation has determined that it is appropriate to use the categorical exclusion in 516 Departmental Manual 14.5 F (1) for this title transfer. The Categorical Exclusion was fully reviewed and approved on March 4, 2022.

Determination of Eligibility

Reclamation has determined that the proposed conveyance to the District of all right, title, and interest of the United States in the office building and associated land meets the requirements set forth in 43 U.S.C. 2901, et seq. This determination is based on an analysis of the proposed conveyance and the terms of the Title Transfer Agreement.

Future Actions

Reclamation will convey all right, title, and interest of the United States in and to the Project Facility subject to the terms and conditions included in the Title Transfer Agreement with the District unless Congress enacts a joint resolution disapproving the conveyance within 90 days of this notice.

**EXHIBIT I – BOARD OF DIRECTOR'S RESOLUTION – RELEASE OF
LIABILITY**

YUMA IRRIGATION DISTRICT

RESOLUTION 2024-3

Hazardous Materials Release

WHEREAS, the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019, (Pub. Law. 116-9, Title VIII, Subtitle A; 133 Stat. 804; 43 U.S.C. 2902, et seq.) (the Dingell Act) provides for the transfer of title to eligible Reclamation project facilities and certain associated real property interests to qualifying entities on the completion of repayment of capital costs without further authorization from Congress; and

WHEREAS, the United States holds title to the irrigation and supporting facilities of the Gila Project, Yuma Mesa Division, South Gila Valley Unit (Project). Yuma Irrigation District (YID or the District) is responsible for the operation, maintenance, and replacement of the Project facility under contract No. 14-06-300-1270 dated July 23, 1962, as amended and supplemented on October 25, 1965; May 10, 1971; May 17, 1973; and on June 27, 1985, by contract No. 5-07-30-W0093. The aforementioned contracts also provide for the delivery of Colorado River water by the United States for the irrigation of lands within the District service area and for the repayment of project costs to the United States; and

WHEREAS, Reclamation and the District have taken initial steps to proceed with title transfer; and

WHEREAS, the various roles and obligations of Reclamation and the District for the title transfer process is identified and set through the *Memorandum of Agreement* approved and executed by Reclamation and District; and

WHEREAS, as part of that MOA the District must agree to release Reclamation for liability for any hazardous materials located on lands being transferred pursuant to federal law.

(Remainder of page intentionally left blank.)

NOW, THEREFORE, BE IT RESOLVED that the District Board of Directors agrees and authorizes the following:

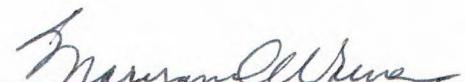
1. The Board has reviewed the land it seeks to acquire through title transfer.
2. On the condition title transfer of the lands is completed, the Board agrees that the District is the potentially responsible party and will accept the premises and appurtenances as is; therefore, releasing the United States of all current and future liability.

Dated: October 8, 2024



Mark R. Smith
President, Yuma Irrigation District

ATTEST:



Maryann Warner
Secretary, Yuma Irrigation District

**EXHIBIT J– BOARD OF DIRECTOR’S RESOLUTION – MEMORANDUM OF
AGREEMENT AND CONTRIBUTED FUNDS ACT**

**Yuma Irrigation District
an Arizona Municipal Corporation**

Resolution 2023-4 of the Board of Directors

WHEREAS, the Yuma Irrigation District (YID or District) has a contract with the U. S. Department of Interior for a Colorado River entitlement with the U. S. Department of Interior.

The District facilities are owned by the Federal Government and operated and maintained by the District; and,

WHEREAS, pursuant to existing law, the District is eligible to pursue transfer of legal title of certain parcels and facilities of the District's office and shop within the District; and,

WHEREAS, YID has requested title of all parcels and facilities of the District's office and shop in the Yuma Irrigation District and intends to operate and maintain the eligible parcels and facilities of the District's office and shop for substantially the same purpose for which the eligible parcels and facilities of the District's office and shop are currently being used; and,

WHEREAS, a draft Memorandum of Agreement outlining the processes and expected roles and responsibilities to successfully transfer title of certain Reclamation parcels and facilities of the District's office and shop to YID has been reviewed; and,

WHEREAS, transaction and administrative costs are estimated to be \$50,000 as determined by Reclamation to be associated with preparing this title transfer; and,

WHEREAS, Reclamation is requesting that YID affirm the District's interest in proceeding with the title transfer process.

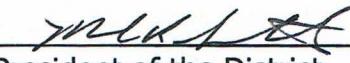
NOW, THEREFORE, BE IT RESOLVED that the District Board of Directors agrees and affirms the following:

1. YID agrees to the draft language of the Memorandum of Agreement between Reclamation and YID for transfer of the parcels and facilities of the District's office and shop of Yuma Irrigation District.
2. YID agrees to the estimated transaction and administrative costs necessary to initiate the title transfer process, as outlined in the draft Contributed Funds Act Agreement.

The foregoing Resolution having been read and seconded the motion for its passage

and adoption. After consideration, roll was called thereon and the following members of the Board of Directors of the Yuma Irrigation District present, voted in favor of the passage of the motion and adoption of such Resolution as follows: Ayes: Mark R. Smith, Floyd Dunn, Amanda Brooks. Nayes: None. Passage of said Resolution having been consented to by more than a majority of all members elected to the Board of Directors of the Yuma Irrigation District constituting a quorum was by President Mark R. Smith declared duly passed and adopted this 12th day of September, 2023.

THE BOARD OF DIRECTORS OF THE
YUMA IRRIGATION DISTRICT


President of the District

Attest:


Secretary of the District