

Reclamation Manual

Policy

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| Subject: | Determination of Irrigation Suitability of Proposed Project Lands, and Identification of Lands That May Receive Project Irrigation Water on Operating Projects |
| Purpose: | Establishes requirements for irrigation suitability land classification associated with Bureau of Reclamation activities and specifies which lands on operating projects may receive project irrigation water. |
| Authority: | Reclamation Act of 1902 (32 Stat. 388); Fact Finders Act of 1924, Subsection 4.D. (43 Stat. 702, 43 U.S.C. 462); Omnibus Adjustment Act of May 25, 1926 (44 Stat. 636); Reclamation Project Act of 1939, Section 8 (53 Stat. 1192, 43 U.S.C. 485g); and the Reclamation Reform Act of 1982 (96 Stat. 1261, 43 U.S.C. 390, <i>et seq.</i>). |
| Approving Official: | Commissioner |
| Contact: | Policy and Administration (84-50000) |

1. **Introduction.** Reclamation is required by statute to assess the irrigation suitability of proposed project lands to support new projects that include an irrigation purpose. The Secretary of the Interior (Secretary) must determine the suitability of lands of each new project with respect to their ability to support a family and pay water charges so that all lands may bear the burden of cost according to their productive value.¹ Reclamation utilizes the irrigation suitability land classification (land classification) process to determine if the preceding criteria have been met. This policy and the associated Reclamation Manual (RM) directives and standards (D&S), *Irrigation Suitability Land Classification for New Projects or Operating Projects* (PEC-12-01), state the requirements for land classification. Once a project is operating, Reclamation will only deliver project irrigation water for lands exhibiting certain required characteristics. These characteristics are stated in this policy. This policy also specifies lands to which project irrigation water will not be delivered.
2. **Applicability.** This Policy applies to all irrigation suitability land classifications performed as part of investigations and planning for new Reclamation projects, or new blocks, units or divisions of a project(s), that include an irrigation purpose, as well as irrigation suitability land classification and/or reclassification requested by water user organizations on operating projects, or required by contract.
3. **Definitions.** The following definitions apply to this Policy and to PEC 12-01 wherever the defined terms are used.
 - A. **Arable Land.** Classified land that, when farmed in adequate size units for prevailing climatic and economic settings and provided with the necessary on-farm improvements, will generate sufficient income from the commercial production of crops under

¹Fact Finders Act of 1924, Subsection 4.D.

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irrigation to pay all farm production expenses; provide a reasonable return to the farm family's labor, management, and capital; and pay the operation, maintenance, and replacement costs of associated project irrigation and drainage facilities.

- B. Irrigable Land.** Land, not limited to that which has been classified, under a specific Reclamation project plan for which a project irrigation water supply is or can be made available, and is provided or planned to be provided with irrigation, drainage, flood protection, and other facilities for sustained irrigation.
- C. Irrigation Suitability Land Classification (Land Classification).** The systematic evaluation of lands and their designation by categories (land classes) based on similar physical and chemical characteristics and related economic conditions with respect to suitability for agricultural production under irrigation and irrigation service under a plan for water and land resources development.
- D. Irrigation Suitability Land Reclassification (Reclassification).** The process of reevaluating land on an operating project that has already been classified.
- E. Irrigation Water.** Water used to irrigate land primarily for the production of commercial agricultural crops or livestock, and domestic and other uses that are incidental thereto. (See Paragraph 3.G. of RM Policy, *Water-Related Contracts-General Principles and Requirements*, PEC P05, for a definition of the associated term “irrigation use.”).
- F. Operating Project.** Generally, an operating project is one for which the Secretary has:
- (1) executed repayment and/or water service contracts,² and
 - (2) issued public notice of completion,³ even though additional blocks, units, or divisions may be added at a later time.
- G. Project Water.** Surface or ground water, including project return flows, which is pumped, diverted, and/or stored, and for which Reclamation has the right of use. (See Paragraph 3.L. of PEC P05 for a more detailed definition of “project water.”)
- 4. Responsibilities.** Land classifications conducted by Reclamation to support authorization and construction of new projects, or new blocks, units, or divisions of a project (projects), must have the concurrence of the Secretary.⁴

²Omnibus Adjustment Act of 1926, Section 46.

³Ibid.

⁴Ibid.

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- A. **Commissioner.** The Commissioner is responsible for approving land classifications performed on lands for new projects before submitting them to the Secretary with a recommendation for concurrence.
- B. **Regional Directors.** The Commissioner delegates to the regional directors the authority to perform and approve land classifications and/or reclassifications performed on operating projects at the request of water user organizations. Each regional director is also responsible for:
- (1) Scheduling and completing land classification activities on lands for new projects then submitting land classification reports to the Commissioner with a recommendation for approval.
 - (2) Ensuring all land classifications performed in their region conform to the requirements of Reclamation policy and directives and standards, and are performed in a technically adequate manner.
 - (3) Providing oversight within his/her region to ensure project irrigation water is only provided to lands with characteristics that allow delivery.
- C. **Area Managers.**
- (1) Supporting regional directors by completing land classification activities on lands for new projects, or by completing land classifications or reclassifications at the request of water user organizations on operating projects.
 - (2) Monitoring activities within his/her area to ensure project irrigation water is only provided to lands with characteristics that allow delivery.
5. **Land Classification to Assess Irrigation Suitability of Proposed Project Lands.** Land classification investigations provide supporting data for the authorization and construction of new Reclamation projects with an irrigation purpose. Reclamation utilizes its land classification process during project investigations to ensure project lands to be included for irrigation will meet statutory requirements. Detailed information, including required procedures for the land classification process, is found in RM D&S PEC 12-01.
6. **Characteristics of Lands That Allow Delivery of Water on Operating Projects.** Federal Reclamation law requires that a contract be in effect between Reclamation and the water user organization prior to delivery of water.⁵ This Policy does not alter that requirement in any way. Reclamation has authority to deliver project irrigation water to lands regardless of their classification status and even if they have never been classified, as long as no additional Federal construction investment is required to enable the delivery and the lands to receive the water exhibit at least one of the following characteristics:

⁵Omnibus Adjustment Act of 1926, Section 46.

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- A. The lands are in a project area for which all irrigation construction repayment obligations associated with the provision of project irrigation water have been paid out.
 - B. The lands are in a project area currently under a contract with Reclamation for delivery of water and the use of delivered water is consistent with the provisions of the contract.
 - C. The lands will only receive a temporary, unplanned supply of excess project water for 1 year or less.
 - D. The lands will receive project water for authorized nonagricultural irrigation uses.⁶
 - E. The lands are in a project area that has previously been classified by Reclamation as arable and irrigable through use of Reclamation land classification methodology.
 - F. The lands have been exempted by specific legislation from the requirement for classification as arable and irrigable.
7. **Lands on Operating Projects to Which Project Irrigation Water Will Not Be Delivered.**
- A. Reclamation will not deliver project irrigation water to lands that do not exhibit at least one of the characteristics set forth in Paragraph 6 above.
 - B. Reclamation will not deliver project irrigation water to lands that are designated as ineligible excess lands for acreage limitation purposes, unless covered under a contract pursuant to Section 215 of the Reclamation Reform Act of 1982.
8. **Classification and Reclassification of Lands on Operating Projects.** Nothing in this Policy prohibits water user organizations from requesting to have project lands classified or reclassified. In addition, nothing in this Policy overrides contract provisions that require periodic land classification or reclassification. All land classifications performed at the request of a water user organization or performed as required by contract will conform to requirements stated in RM D&S PEC 12-01. The cost of conducting a user-requested reclassification shall be paid by a 50/50 cost share. Fifty percent shall be paid by the water user in advance, and 50 percent is considered non-reimbursable in accordance with Section 8(g) of the Reclamation Project Act of 1939.

⁶The category of water use referred to here as “nonagricultural irrigation” has been referred to under past policy as “noncommercial irrigation.” The uses within the category are illustrated in PEC P05’s footnote 6. PEC P05 moves these uses from the irrigation to the Municipal and Industrial (M&I) water use category, but only within the prospective applicability PEC P05 establishes for its water use definitions. The exception stated herein at Paragraph 6.D. applies if the use of the water for nonagricultural irrigation is authorized, which may require a case-specific determination. For assistance in making such a determination, see PEC P05’s statement of applicability under Paragraph 2, the flowchart provided in its Appendix A, and the definitions of “irrigation use” and “M&I use” at its Paragraphs 3.G. and 3.I.

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