

Supporting Statement A

INDIVIDUAL LANDHOLDER'S CERTIFICATION AND REPORTING FORMS FOR ACREAGE LIMITATION 43 CFR PART 426 AND 43 CFR PART 428

OMB Control Number 1006-0005

Terms of Clearance: None

General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question "Does this ICR contain surveys, censuses, or employ statistical methods?" is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The Reclamation Act of 1902, Sections 206, 224(c), and 228 of the Reclamation Reform Act of 1982 (RRA), and Section 5302 of the Omnibus Budget Reconciliation Act of 1987 mandate and/or authorize the collection of information in this information collection request (ICR). Respectively, they establish a policy of Federal assistance through irrigation development, establish ownership and pricing provisions for Reclamation irrigation water deliveries, require RRA form submittal (including water district responsibility for submittal and collection thereof) as a condition for the receipt of Reclamation irrigation water, and establish audit requirements.

In response to litigation, the revised Acreage Limitation Rules and Regulations (Regulations, 43 CFR part 426) were published (effective January 1, 1997). Comments received during the rulemaking process for the revised Regulations led to the creation of 43 CFR part 428 ("Information Requirements for Certain Farm Operations in Excess of 960 Acres and the Eligibility of Certain Formerly Excess Land"), which supplements the Regulations by establishing (among other things) the RRA form submittal requirements for certain farm operators.

In accordance with the requirements of the RRA, an information collection has taken place since 1984 to administer and enforce the acreage limitation provisions of Federal reclamation law. The RRA forms included in this ICR reflect the requirements of **43 CFR 426.18** that became effective January 1, 1998, and **43 CFR 428.4 through 428.8** that generally became effective January 1, 2001.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

The RRA forms described below are to be completed and submitted to districts by landholders and certain farm operators subject to the acreage limitation provisions of Federal reclamation law. Districts and Reclamation use the data included on the landholders' and farm operators' forms to (a) identify all landholders and farm operators in the district required to submit RRA forms, (b) determine the acres on which each landholder or farm operator is entitled to receive Reclamation irrigation water, pursuant to Federal reclamation law, and (c) determine the rate to be charged for such water deliveries. Historically, a landholder whose entire westwide landholding totals 40 acres or less is exempt from the requirement to submit these forms. As of January 1, 1997, qualified recipients were provided RRA forms submittal exemptions of 80 acres or less, or 240 acres or less, depending on their district's RRA forms submittal category. As of January 1, 2001 (generally), farm operators were provided an RRA forms submittal exemption on 960 acres or less when land is entirely held by trusts or legal entities. Land held by individuals is not considered in determining if a farm operator must submit a form.

No changes have been made to the currently approved forms. In order to obtain the draft instructions proposed for approval, one change has been made (where applicable) to the currently approved instructions that correspond to the forms. This change improves the clarity and specificity of the information provided by the respondents by stating that a Social Security Number is not to be provided where an Employer Identification Number is requested. This will prevent landholders from creating unnecessary privacy issues when a Social Security Number is erroneously provided. All remaining changes are typographical in nature.

List of forms

Following is a list of the landholder forms and a brief discussion of the purpose of each form. A detailed discussion of the purpose of each question on the forms is provided in Attachment 1.

Form 7-2180EZ, "EZ Certification of Individual's Landholdings." This form allows certain individuals with uncomplicated landholdings to complete a simplified form. To be eligible to complete Form 7-2180EZ, the landholder's entire landholding must be located in only one district, the acreage must not exceed 960 acres, the entire landholding must be held directly

(i.e., no legal entities may be involved), the landholder must not be claimed as a dependent within the meaning of the Internal Revenue Code, either the landholder or the landholder's spouse (if married) is a U.S. citizen or a resident alien, and the landholder must be subject to the discretionary provisions.

Form 7-2180, "Certification of Individual's Landholdings." This form is to be used by individuals and single families who are subject to the discretionary provisions to certify their landholdings. This form is also to be used by part owners and beneficiaries of entities and trusts that are subject to the discretionary provisions to indicate their interest in the holdings of those entities or trusts.

Form 7-2181, "Certification of Entity's Landholdings." This form is to be used by all types of multiple ownerships that are subject to the discretionary provisions, including, but not limited to, tenancies-in-common, partnerships, and corporations, to certify their landholdings. However, it is not to be used by trusts.

Form 7-2184, "Certification of Religious or Charitable Organization's Landholdings." This form is to be used by religious or charitable organizations that are subject to the discretionary provisions to certify their landholdings. A separate form is needed for these organizations because the acreage limitation provisions of Federal reclamation law applicable to land held by religious and charitable organizations differ from those covering other types of landholders.

Form 7-2190EZ, "EZ Report of Individual's Landholdings." This form allows certain individuals with uncomplicated landholdings to complete a simplified form. To be eligible to complete Form 7-2190EZ, the landholder's entire landholding must be located in only one district, the acreage must not exceed 160 acres (320 acres for a married couple), the entire landholding must be held directly (i.e., no legal entities may be involved), the landholder must not be claimed as a dependent within the meaning of the Internal Revenue Code, and the landholder must be subject to the prior law provisions.

Form 7-2190, "Report of Individual's Landholdings." This form is to be used by individuals and single families who are subject to the prior law provisions to report their landholdings. This form is also to be used by part owners and beneficiaries of entities and trusts that are subject to the prior law provisions to indicate their interest in the holdings of those entities or trusts.

Form 7-2191, "Report of Entity's Landholdings." This form is to be used by all types of multiple ownerships that are subject to the prior law provisions, including, but not limited to, tenancies-in-common, partnerships, and corporations, to report their landholdings. However, it is not to be used by trusts.

Form 7-2194, "Report of Religious or Charitable Organization's Landholdings." This form is to be used by religious or charitable organizations that are subject to the prior law provisions to report their landholdings. A separate form is needed for these organizations because the acreage limitation provisions of Federal reclamation law applicable to land held

by religious and charitable organizations differ from those covering other types of landholders.

Form 7-21PE, “Declaration of Public Entity’s Landholdings.” This form is to be used by public entities to declare their holdings in districts subject to the discretionary provisions or prior law provisions. A separate form is needed for these entities because the acreage limitation provisions of Federal reclamation law applicable to land held by public entities differ from those applicable to other types of landholders.

Form 7-21PE-IND, “Attachment Sheet for Form 7-21PE.” This form is to be used by public entities that hold land (either wholly or partially) through a legal entity. Form 7-21PE-IND was developed in lieu of modifying Form 7-21PE due to the isolated occurrence of public entities that own or lease land through a wholly or partially owned legal entity. The one-page Form 7-21PE-IND is completed in conjunction with Form 7-21PE.

Form 7-21TRUST, “Declaration of Trust’s or Estate’s Landholdings.” This form is to be completed by all trusts. In general, trusts are exempted from application of the acreage limitation provisions of Federal reclamation law; however, land held in trust must be attributed to a landholder(s) and the amount of land eligible to receive water when held by a trust can be limited by the entitlements of the parties to whom the land held in trust is attributed. Therefore, a separate form is needed for trusts because it is necessary to gather information regarding the trust, the land held in trust, and the parties to whom the land is attributed.

Form 7-21VERIFY, “Verification of Landholdings.” This form is to be completed annually by landholders who are required to submit RRA forms but have no change in their landholdings from the previous year. Annual verification is necessary to satisfy the RRA requirement for annually providing information on landholdings to ensure that Reclamation and district(s) information on individual landholdings remains accurate and up to date. Landholders may also use this form to report renewals or extensions of leases with terms of 1 year or less, provided no other aspects of the leases have changed, or to report a change in a farm operator.

Form 7-21FARMOP, “Declaration of Farm Operator Information.” This form is to be completed by farm operators who provide services to more than 960 nonexempt acres westwide, that are held by a single trust or legal entity or any combination of trusts and legal entities. In addition, this form is to be completed by part owners of legal entities that are farm operators if that farm operator is providing services to land the part owner formerly owned as “excess” and sold at a price approved by Reclamation.

Form 7-21FC, “Selection of Full-Cost Land.” This form allows discretionary provisions or prior law provisions landholders whose total landholdings exceed their nonfull-cost entitlements to select land which is subject to full-cost pricing. The only exception is for public entities – full-cost land information is included on Form 7-21PE.

Form 7-21XS, “Designation of Excess Land.” This form allows discretionary provisions or prior law provisions landowners whose total ownerships exceed their ownership entitlements to designate land which is to be considered excess. The only exception is for public entities – excess land information is included on Form 7-21PE.

Form 7-21XSINAQ, “Information Sheet for Involuntarily Acquired Eligible Land Designated As Excess Land.” This form may be completed by landholders who involuntarily acquire nonexcess land then designate that land as excess. Landholders are instructed that they may use a separate sheet of paper instead of this form. This form (or a similar, separate sheet of paper) is considered to be a part of Form 7-21XS for landholders that involuntarily acquire eligible excess land.

Form 7-21INFO, “General Information About the RRA Forms.” This document provides general information including definitions of terms used in the RRA forms. This form is strictly an informational form. There is no information collected by this form; therefore, there are no respondents or burden hours associated with this form number.

The following three forms are optional forms that landholders may choose to use if more space (than what is provided on a particular RRA form) is required to list certain types of land. The availability of these forms also allows Reclamation to provide landholders with an electronically fillable and printable option for a continuation sheet. There are no additional burden hours or respondents associated with these forms that have not already been included in the burden hour and respondent figures of the forms for which these forms provide more space for information. Landholders are instructed that they may use their own similar continuation sheet instead of these forms:

- Form 7-21CONT-I, “Continuation Sheet for Indirectly Held Landholdings.”
- Form 7-21CONT-L, “Continuation Sheet for Directly Leased Landholdings.”
- Form 7-21CONT-O, “Continuation Sheet for Directly Owned Landholdings.”

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.

Reclamation has made all of the RRA forms in this ICR and the associated instructions available on the Internet for either printing and manual completion, **or** electronic completion and manual submission. This effort was fully accomplished in October 2004. These forms can be found at www.usbr.gov/rra/RRAforms/forms.html. To the maximum extent possible at this time, Reclamation has made electronic completion of the RRA forms available for those districts and landholders that are electronically capable. Since 1997, Reclamation has offered landholders and districts the opportunity to develop their own electronic RRA forms.

In 1997 Reclamation developed standards for computerized RRA forms which several districts and companies have used, and continue to use, to develop substitute forms in word processing, database, and spreadsheet files. Reclamation's standards require Reclamation's inspection and approval of such electronic, substitute RRA forms prior to their use. While the districts use the automated substitute RRA forms they have developed to complete forms for their landholders and the district's summary forms, at least one private company has developed a software package of substitute RRA forms that they have marketed to the public.

The prevailing issues obstructing Reclamation from providing an electronic submittal option for the forms in this ICR are (a) it will be a formidable effort for Reclamation to assess the approximately 182 water districts' electronic capabilities and associated reporting burden implications in a situation where Reclamation has no authority to require water districts to obtain the necessary technology to become electronically capable, (b) there are privacy issues associated with the information collected on the RRA forms in this ICR, and (c) the signatures on these RRA forms must be preserved because the signatures are directly associated with potential eligibility to receive Reclamation irrigation water. Prior to elaborating on these three issues, we must reiterate that in almost all cases **Reclamation does not collect or retain the RRA forms included in this ICR**. Rather, the districts that have a contract to deliver Reclamation irrigation water collect the RRA forms in this ICR from the landholders receiving such water. Consequently, each district possesses sole discretion over assessing the feasibility of developing, providing, and maintaining an electronic submittal option for the respondents who submit their RRA forms to that district. The following discussion of the three prohibitive issues listed above will further explain why an electronic submittal option for the RRA forms in this ICR would be problematic, even if a district were to agree to develop, provide, and maintain an electronic submittal option.

Assessment of District Capability and Reporting Burden: The acreage limitation provisions of Federal reclamation law provide statutory and regulatory authority for Reclamation to require landholders' submission of RRA forms that gather information pertinent to the lawful delivery of Reclamation irrigation water, and the retention requirements associated with such forms. There is, however, no statutory or regulatory acreage limitation provision that allows Reclamation to require the districts to expend the resources associated with providing a means of electronic submission for the RRA forms they distribute, collect, and retain. Based on initial research, Reclamation suspects that only the very large water districts are equipped with the necessary staff and electronic hardware/software capability (both budget and equipment) to meet the demands of electronic RRA forms submittal and retention. In many cases, RRA administration is a collateral duty for water district staff, and is a low priority for a district's financial resources. It will very likely be an unreasonable burden to require the remaining water districts to overcome equipment, staffing, and financial issues in order to collect and retain RRA forms electronically, or to even offer the electronic RRA forms submittal option to landholders.

The RRA program is administered consistently across the 17 western states. Therefore, a particular district's potential electronic submittal option would have to be consistent with the operation of other potential electronic submittal options in other districts since there are many landholders who hold land in more than one district. It is allowable for a multidistrict

landholder to complete one RRA form, submit the original form (in hard copy) to one district in which the landholder holds land, and submit a copy of the completed RRA form (in hard copy) to other districts in which the landholder holds land. Using the same multidistrict landholder as an example, if one of said districts utilizes electronic forms submittal and another of said districts does not because the district cannot accommodate an electronic submittal option, then the multidistrict landholder's reporting burden could be increased. In order to comply with the acreage limitation rules and regulations, the landholder would have to submit the same RRA form in two different ways (electronically and manually) to two different districts.

Privacy Issues: Any potential electronic submittal option for the forms in this ICR would have to be closely regulated for privacy and security purposes due to the information on the forms. The RRA forms are covered by the Privacy Act of 1974 and although methods such as e-mail constitute electronic submission, privacy concerns would not be addressed by most commonly used electronic methods, such as e-mail.

Signatures: Any potential electronic submittal option would also have to be closely regulated to ensure that the presence, identity, and chronology of all required signatures are fully preserved, as they would be on a hard copy form submittal. The presence or absence of a signature(s), the identity of the signatory, and/or the date of a signature versus first Reclamation irrigation water delivery can all be grounds for financial consequence to a district or ineligibility of a landholder to receive Reclamation irrigation water, as specified by regulation. Additionally, a single RRA form submitted by some landholders, particularly entities, must contain multiple signatures (for example, partners, joint tenants, etc.). Accommodation of the electronic signature requirements listed above on potential electronic form submittals would significantly complicate a district's efforts to provide an electronic submittal option to respondents. Again, because Reclamation does not collect or retain the RRA forms in question, the district retains full discretion over whether to address these complications.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The acreage limitation provisions of Federal reclamation law apply only to certain Reclamation projects that provide Reclamation irrigation water for agricultural purposes; consequently, similar data are neither collected nor available through any other Federal agency, State or local government, or private organization. An attachment to a letter from Mr. Scott J. Cameron, Deputy Assistant Secretary for Performance and Management (Department of the Interior), to U.S. Representative Doug Ose regarding an April 11, 2002, hearing on Paperwork Reduction Act issues (specifically, pages two and three of the attachment to Mr. Cameron's letter) detail the following general findings:

- a. Not all of Reclamation's customers participate in USDA programs, and most of USDA's customers do not receive Reclamation irrigation water.

- b. Reclamation and USDA do not use the same categories of program respondents due to statutory and regulatory program requirements.
- c. The level and nature of detail in USDA and Reclamation ICRs differ in such ways that it is clear USDA data would not be sufficient to allow Reclamation to properly administer and enforce the acreage limitation provisions of Federal reclamation law.
- d. RRA forms are filed at the local (district) level; USDA forms are filed at county offices with little centralization of that data.

For the foregoing reasons, it has been determined that there is no duplication with regard to this particular data collection.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Small organizations, such as farms and small family corporations, are among the respondents to this requirement. Reclamation has carefully analyzed this requirement to ensure that the information requested of small organizations and all other potential respondents is the minimum necessary to implement and enforce the acreage limitation provisions of Federal reclamation law. As a result, Reclamation has exempted all landholders who hold 40 acres or less from forms submittal requirements. In addition, as of January 1, 1997, qualified recipients had RRA forms submittal thresholds of at least 80 acres, and more often 240 acres.

Also, in 1991 Reclamation introduced Forms 7-2180EZ and 7-2190EZ which are relatively simple to complete for individual and family holdings. In addition, the very brief Form 7-21VERIFY may be used by landholders to verify their landholdings instead of submitting new standard forms if they do not have a landholding change from the previous year. Starting in 1997, the Form 7-21VERIFY could even be used in situations where the only landholding change is the renewal or extension of a lease with a term of 1 year or less, or a change in the farm operator.

There are no special provisions in the RRA for small organizations.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Because basic landholding data have already been collected, landholders must fully certify or report again only when changes in their landholdings occur; however, they must verify annually that their previously submitted information remains accurate. Annual reporting (through the submission of either a standard RRA form or a verification form) is required by sections 206 and 228 of the RRA and sections 426.18 and 428.4 of the Regulations. This eliminates the possibility of not conducting the ICR, or conducting it less frequently. Furthermore, if the information was collected and verified on a less frequent basis, enforcement of the law would be weakened, and landholders would become less aware of the continuing requirement for compliance with the acreage limitation provisions of Federal reclamation law.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

a. requiring respondents to report information to the agency more often than quarterly;

Landholders who have a landholding change more than quarterly will be required to report more than quarterly. Each time a landholder has a landholding change, the landholder must submit a new RRA form within 60 calendar days. This is a requirement of section 426.18 of the Regulations.

b. requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

This would occur only if a party becomes a landholder subject to the acreage limitation provisions of Federal reclamation law and wishes to receive Reclamation irrigation water within 30 calendar days. Forms must be submitted before Reclamation irrigation water is delivered to a landholder.

c. requiring respondents to submit more than an original and two copies of any document;

This would occur if a landholder holds land in more than three districts. A landholder is required to submit a form to each district where land is held. The landholder must submit an original form to one district and may submit copies of that form to the other districts.

d. requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;

As of January 1, 1998, the retention period for RRA forms increased from 3 to 6 years as provided by revisions to section 426.19 of the Regulations. This requirement is for water districts, not individual landholders. As stated before, landholders may annually submit Form 7-21VERIFY stating that their landholdings have not changed instead of submitting new standard RRA forms. However, the district must keep all standard RRA forms for which a verification form is on file. The length of time such standard forms must be retained may well exceed the 6-year retention period for superseded certification and reporting forms. In rare instances, Reclamation may specifically request a district to retain superseded forms beyond 6 years. Landholders can choose to retain, or not retain, copies of the forms they submit to the applicable districts.

e. in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;

The landholder forms will not be used this way.

- f. requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

Statistical data classification will not be used.

- g. that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use;**

A pledge of confidentiality is not used; reference item 7.h. for Privacy Act system of records information.

- h. requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

The forms are protected by the Privacy Act of 1974, system of records notice INTERIOR/WBR-31, Acreage Limitation

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Notice was given in the Federal Register on February 17, 2015 (80 FR 8342). No public comments were received in response to this notice or in response to the PRA statement associated with the collection over the past two years. The change to certain instructions as detailed in item 2 above originated internally, as the result of observations made by Reclamation's RRA staff during regularly scheduled water district reviews.

- a. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

In addition to conducting several public hearings and public scoping meetings associated with various acreage limitation rulemaking activities, Reclamation involved district personnel in the last major revision to the RRA forms (which was effective with the 1997 RRA forms). Every year that Reclamation seeks renewal of OMB approval for its ICRs, all districts subject to the acreage limitation provisions receive a letter from Reclamation that announces the start of the public comment period. In that letter is a copy of the

corresponding Federal Register notices and an announcement regarding the availability of copies of the draft forms upon request. Regarding the current request for ICR approval, all districts subject to the acreage limitation provisions received such a letter from Reclamation dated February 25, 2015.

- b. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

This ICR contains forms that are completed by landholders. These completed forms are submitted by the landholders to the appropriate district offices as a condition for the receipt of Reclamation irrigation water. Reclamation generally does not collect, retain, or dispose of the forms in this ICR. Rather, the district offices perform these functions under their contract with Reclamation and the statutory and regulatory requirements associated with that contract. As such, Reclamation does not have ready access to contact information for specific landholders for consultation purposes. Furthermore, the burden hour estimate associated with each form is an average figure because a particular landholder must only complete the section of the applicable form that is pertinent to the type of land held by that landholder. For example, a discretionary provisions landholder that directly owns, directly leases, and indirectly owns land in one district must complete 3 different landholding sections on his/her “Certification of Individual’s Landholdings” (Form 7-2180) and will likely utilize the full one burden hour estimated for the Form 7-2180 to do so. However, another discretionary provisions landholder in the same district that only directly owns land must complete only one landholding section on his/her Form 7-2180, and will therefore not utilize the full burden hour estimated for the Form 7-2180. Throughout each year, Reclamation conducts regularly scheduled water district reviews at district offices that are subject to the acreage limitation provisions. Discussions between Reclamation RRA staff and district staff are held at those reviews during which burden hour feedback is addressed. In other words, Reclamation continually assesses burden hour estimates for the RRA forms through discussions with district staff that are in direct contact with the respondents of the forms in this ICR, and has done so since these forms were first drafted in 1983. The estimated burden identified in item 12 below reflects the outcome of these ongoing discussions.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts will be provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Personal and financial information collected on these forms is protected under the Privacy Act of 1974. The Privacy Act system of records notice associated with this ICR is INTERIOR/WBR-31, Acreage Limitation.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No questions of a private or sensitive nature will be asked.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- a. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

See response to item 12(b).

- b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**

As a result of routine oversight activities, we determined that approximately 13,960 landholders are currently required to submit RRA forms. This total is 42 less than the total used in the most recent request for ICR approval. This is consistent with our expectations based on the number of districts and landholders that in the last two years either (a) were legislatively exempted, or (b) voluntarily completed requirements in order to be exempt from the acreage limitation provisions of Federal reclamation law.

The estimated number of responses per respondent is 1.02 annually, or 14,239 total annual responses (13,960 respondents multiplied by 1.02 responses per respondent). The average annual burden per response for all forms listed in the table below is 45 minutes (0.75 hours).

The total estimated annual burden hours for this ICR are 10,437 hours (rounded). The estimated annual burden hours per form are listed below:

Form No.	Estimated No. of Respondents	Frequency of Response	Total Annual Responses	Burden Estimate Per Form (in minutes)	Total Burden Hours
Form 7-2180	3,595	1.02	3,667	60	3,667
Form 7-2180EZ	373	1.02	380	45	285
Form 7-2181	1,050	1.02	1,071	78	1,392
Form 7-2184	32	1.02	33	45	25
Form 7-2190	1,601	1.02	1,633	60	1,633
Form 7-2190EZ	96	1.02	98	45	74
Form 7-2191	777	1.02	793	78	1,031
Form 7-2194	4	1.02	4	45	3
Form 7-21PE	135	1.02	138	75	173
Form 7-21PE-IND*	4	1.02	4	12	1
Form 7-21TRUST	694	1.02	708	60	708
Form 7-21FARMOP	172	1.02	175	78	228
Form 7-21VERIFY	5,069	1.02	5,170	12	1,034
Form 7-21FC*	214	1.02	218	30	109
Form 7-21XS*	144	1.02	147	30	74
Form 7-21XSINAQ**	0	0	0	0	0
Form 7-21CONT-O**	0	0	0	0	0
Form 7-21CONT-L**	0	0	0	0	0
Form 7-21CONT-I**	0	0	0	0	0
Form 7-21INFO**	0	0	0	0	0
TOTAL	13,960	1.02	14,239		10,437

* These forms are completed and submitted in conjunction with other forms listed in the table. Additional time is involved with completing these forms; therefore, the number of burden hours and number of respondents for these three forms have been added to the table.

* * These forms are (1) used when more space is required for listing certain kinds of land, or (2) provided strictly for informational purposes. There are no additional burden hours or respondents associated with these forms that have not already been included in the burden hour and respondent figures of the forms for which these forms provide more space or information.

- c. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under “Annual Cost to Federal Government.”**

The average annual cost per response is estimated to be \$23.60, which is based on the median wage rate of \$22.48* per hour for the highest probable private sector agricultural employee wage rate, multiplied by a benefits multiplier of 1.4**, multiplied by 0.75 hours per response. The total annual cost is estimated to be \$246,313 (10,437 total burden hours multiplied by \$23.60). This represents a net increase of \$21,165 from December 2012.

* Bureau of Labor Statistics news release USDL-15-0386, March 11, 2015
Private industry workers, good-producing and service-providing industries,
by occupational group (farming), December 2014
Table 9 (<http://www.bls.gov/news.release/pdf/ecec.pdf>)

**Bureau of Labor Statistics news release USDL-15-0386, March 11, 2015
Private industry workers, good-producing and service-providing industries,
by occupational group (farming), December 2014
Table 9 (<http://www.bls.gov/news.release/pdf/ecec.pdf>)

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- a. The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

The estimated total capital and start-up cost to respondents is \$0.00. The estimated total operation and maintenance and purchase of services component is estimated to be \$0.00.

- b. If cost estimates are expected to vary widely, agencies should present ranges of cost**

burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

Cost estimates will not vary.

- c. Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

Cost estimates do not include these purchases.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

Annual cost to the Federal Government is estimated as follows:

Item	Costs
Printing	\$33,250
Personnel	\$62,685 (1,500 person-hours x \$41.79 per hour)*
Miscellaneous administrative costs	\$ 1,875
TOTAL	\$97,810

* Wage rate figure is based on the following:

- The average grade level of staff included in this cost estimate is GS-11 step 5
- The 2015 hourly base wage for a GS-11 step 5 Federal employee is \$27.86*
- The total hourly wage with benefits is \$41.79 (\$27.86 base wage x 1.5** benefits multiplier)
- This represents an increase of \$1,230 since 2012.

* Information was obtained from the Office of Personal Management (https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2015/GS_h.pdf)

** Bureau of Labor Statistics news release USDL-15-0386, March 11, 2015

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

We are not reporting through this document any program change. We are reporting a change due to agency adjustment, which is a net decrease in the hour burden of the ICR budget of 35 hours from the most recently approved ICR. This is due to the anticipated general decrease from year to year, due to the exemption (from the acreage limitation provisions of Federal reclamation law) of the landholders in several districts through exemption actions taken by individual landholders and/or districts, and legislative activities. In general, the acreage limitation provisions of Federal reclamation law do not apply once construction repayment obligations are completed. At that time, the RRA forms requirements are no longer applicable. There is no change to cost burden.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The results of this ICR are not intended for publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Reclamation is requesting an exemption to not display the expiration date of OMB approval of the form. Because these forms are to be submitted annually, Reclamation would like to print the year to which the forms apply on the forms and instructions. If Reclamation also displays the OMB expiration date on the forms, we feel it may confuse the respondents as to which date reflects the water year and therefore signifies a current form. This is a particular problem because before 1996, Reclamation did not print the year for which the form was applicable, and the districts relied solely on the OMB expiration date to determine if it was using a current form. This exemption request has been continuously granted since it was first approved as part of the approval process completed in 1996 and 1997.

Additionally, although the current OMB approval for this ICR does not expire until June 30, 2016, we are initiating this approval request now because the forms in this ICR must have a new approval date by September 2015. The following is a discussion of the two main reasons why approval of the ICR must proceed now, instead of later this year. The forms in this ICR must be printed in the fall of 2015: Contractual irrigation seasons typically correspond to the calendar year. The forms in this ICR are a requirement that must be met **prior to** receiving Reclamation water each year. Landholders will begin to submit forms for the 2016 irrigation season to the water districts in the fall of 2015. Depending on a district's contract, the 2016 irrigation season may actually start in 2015, similarly to how the Federal government's fiscal year begins with the last quarter of the previous calendar year.

As discussed in item 3 above, in almost all cases **Reclamation does not collect or retain the RRA forms included in this ICR**. Rather, the districts that have a contract to deliver Reclamation irrigation water collect the RRA forms in this ICR from the landholders receiving such water. Each district possesses sole discretion over whether they have the ability or desire to pursue the electronic options available such as developing substitute forms in word processing, database, and spreadsheet files. In almost all cases, districts instead choose to annually order from Reclamation a quantity of printed hard copies of the forms in this ICR that will be sufficient for their landholders' needs in the upcoming irrigation season. Based on district requests for printed hard copies, Reclamation has appropriate quantities of the forms in this ICR printed by a contracted printer in late summer of the year prior to when the forms will be required. Therefore, for the 2016 irrigation season, OMB approval for the 2016 forms must be obtained now so the 2016 forms can be printed and distributed to the districts by early fall of 2015 (this year). Landholders can then complete and submit the forms as required prior to 2016 Reclamation irrigation water deliveries, which may begin as early as late 2015.

The June 30, 2016, expiration date places an undue burden on water districts to discern which 2016 RRA forms expire on June 30, 2016, and which do not: Although landholders begin to submit forms for the 2016 irrigation season to the water districts as early as the fall of 2015, forms for the 2016 water year are submitted to the water district at **any time** through the end of the 2016 irrigation season. Some forms can be submitted late in the 2016 irrigation season by a new landholder who acquires land and must submit the required form in advance of taking any Reclamation irrigation water deliveries. Some forms will be submitted as the new form that is required when an existing landholder experiences a landholding change, regardless of when in the irrigation season the landholding change occurs (this is a requirement of section 426.18 of the Regulations). For reasons such as these, Reclamation cannot allow water districts to possess forms that expire in the middle of the 2016 irrigation season (currently, June 30, 2016). The burden on districts for monitoring use of expired forms is eliminated if Reclamation requests renewal of approval for the forms in this ICR now. This will ensure that all 2016 RRA forms printed and distributed to water districts by Reclamation have a new OMB approval expiration date that does not fall in the middle of the 2016 irrigation season when the forms in this ICR are at their peak of use.

In the past, Reclamation has requested from OMB an expiration date of December 31st of the applicable calendar year, in order to allow the OMB expiration date to coincide with the end of the calendar year, by which time most irrigation seasons have also ended. For example, in the most recent ICR approval request for RRA forms corresponding to the 2014 and 2015 irrigation seasons, Reclamation requested an OMB approval expiration date of December 31, 2015. Although Reclamation's December 31st expiration date request had been granted for many prior OMB approvals, the December 31, 2015, expiration date request for the ICR corresponding to the 2014 and 2015 RRA forms was denied. The resulting June 30, 2016, expiration date caused much confusion for the landholders and water district staff who are able to see OMB expiration dates for information collections on the Internet. The expiration date that fell in the middle of an irrigation season raised several questions, such as whether landholders will have to submit two forms in a given year (one before the OMB expiration date, and one after).

As such, Reclamation would like to again request that the OMB approval expiration date for the forms in this ICR be set for December 31, 2017 (instead of the typical three years, which would generate a July/August 2018 date). This December 31, 2017, date will have the forms expiring after the typical 2017 irrigation seasons have ended, and will also ensure there is no mid-season 2018 expiration date visible to the public that will cause confusion. If this approval expiration date request is granted, it will apply to the RRA forms for the 2016 and 2017 water years, thereby shortening the usual 3-year OMB approval timeframe in the interest of preserving the correlation of the forms in this ICR to the water years to which they will apply. Another request for OMB approval will be initiated for this ICR in advance of forms being required for the 2018 and 2019 irrigation seasons, due to the timing of typical irrigation seasons and the forms' printing schedule as explained above.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

No exceptions to the certification statement are being requested.

ATTACHMENT 1

List of information collection questions and justifications