



Land Classification / Designation Application

OMB # 1076-0141
Expires MM/DD/YYYY
BIA-DWP-Irr-105
Rev. 2/2019

A. Applicant Information

Requestor's Name:

Select One: **Landowner** **Bureau Official** **Water User Association**

Applicable Definitions and Regulations:

Presently Assessable (PA) Definition: PA lands are categorized as those to which water can be delivered in their present state and by virtue of their physiographic and topographic conditions, and to which water from an existing project can generally be delivered, upon request, within a reasonable amount of time. PA lands are capable of economically producing crops under sustained irrigation. The failure of the landowner to provide internal ditches, perform minor leveling, or remove vegetation are not considered factors that prevent the PA designation of lands.

Temporarily Non-Assessable (TNA) Definition/Regulation: USC Title 25 Chapter 11 § 389a. TNA lands are lands that are temporarily not suitable for production of crops by the application of water, through no fault of the landowner or water user. "Where the Secretary finds that any such lands cannot be cultivated profitably due a present lack of water supply, proper drainage facilities, or need of additional construction work, he shall declare such lands temporarily non-irrigable for periods not to exceed five years and no charges shall be assessed against such lands during such periods."

Permanently Non-Assessable (PNA) Definition/Regulation: USC Title 25 Chapter 11 § 389b. PNA lands are designated as permanently non-irrigable lands and eliminated from the irrigation project area. "Where the Secretary finds that any such lands are permanently non-irrigable he may, with the consent of the landowner, eliminate such lands from the project." It is BIA policy that changed land use is not sufficient reason to re-designate land to PNA. Any permanent changes to the land status will change the land from irrigated to dryland status and may reduce the value of the property, diminish the resale value of the land, and potentially impact water rights.

Official

Requested Designation (Select One): New Change

Legal Description and Unit Serial No.:

Current Designation: PA Acres: TNA Acres: PNA Acres:

Proposed Designation: PA Acres: TNA Acres: PNA Acres:

Describe Conditions Justifying Proposed Designation, include Annual Assessment Waiver or Incentive Agreement information, and deficiencies of project infrastructure (include asset ID No.). Attach additional pages if necessary:

Signature:

Date of Request:

***Landowner:** By signing this form I consent to PNA designation. If unit serial contains multiple landowners, I understand their consent must be obtained prior to final approval of PNA designation.

B. Review and Determination Section

Unit Serial: _____ Approve Disapprove Years approved for TNA (max. of 5): _____

Signature: _____ Date: _____

Narrative Explanation:

Irrigation Project Processing: Attach support documentation including journal voucher, landowner notification, and NIIMS print screens upon final approval.

Chairman Recommendation: Approve Disapprove

B-1. PNA Designation – Land Designation Committee Section

Signature: _____

Date: _____

*Attach land designation committee report.

Agency Superintendent: Concur Non Concur

Concurrences and Approval Section

Date: _____

Regional Irrigation Engineer: Concur Non Concur

Signature: _____

Date: _____

Regional Director: PA or TNA Designation: Approve Disapprove

Signature: _____

Date: _____

Regional Director: Concur Non Concur

Signature: _____

Date: _____

C-1. PNA Designation Section

Director, Bureau of Indian Affairs: Concur Non Concur

Signature: _____

Date: _____

Assistant Secretary – Indian Affairs: Approve Disapprove

Signature: _____

Date: _____

INSTRUCTIONS

Section A. Applicant:

- 1) When the applicant (requestor) is a landowner, requestor is responsible for demonstrating title or interest to the property. If BIA or other official is requestor, provision of notification (or attempted notification) to the landowner must be demonstrated. Consent of the landowner is required for proposed PNA re-designation.
- 2) Provide source documents that support proposed re-designation. Examples of source documents include soil surveys, rights-of-way documents, maps, and field notes.
- 3) Submit completed form and supporting documents to the Irrigation Project.

SUMMARY - Table of Determination, Recommendation, Concurrence, and Approval

| From | To | Determination, Recommending Official(s) | Concurrence | Approving Official |
|------------|-----|---|--|--------------------|
| New Land | PA | Project Manager/ Engineer | 1. Agency Superintendent 2. Regional Irrigation | Regional Director |
| PA | TNA | Project Manager/ Engineer | 1. Agency Superintendent 2. Regional Irrigation | Regional Director |
| TNA or PNA | PA | Project Manager/ Engineer | 1. Agency Superintendent 2. Regional Irrigation Engineer | Regional Director |
| PA or TNA | PNA | 1. Project Manager/ Engineer 2. Land Designation Committee/Chair | 1. Land Owner 2. Agency Superintendent 3. Regional Irrigation Engineer 4. Regional Director | AS-IA |

Refer to National Irrigation Handbook, Chapter 10, Land Designation and Assessment; and Indian Affairs Manual Part 50, Chapter 1, Irrigation for additional guidance.

Paperwork Reduction Act Notice of 1995 - This information is being collected as required under the Debt Collection Improvement Act of 1996 (DCIA) from individuals and organizations doing business with the government. Public reporting burden for this form is estimated to **average XX minutes per** response. Direct comments regarding the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, Bureau of Indian Affairs, 1849 C Street NW, MS-4144 MIB, Washington, DC 20240. Note: comments, names and addresses of commentators are available for public review during regular business hours. If you wish us to withhold this information you must state this prominently at the beginning of your comment. We will honor your request to the extent allowable by law. A federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The number and expiration date are displayed in the upper right corner of the form.

Privacy Act Statement - The authority for requesting this information is contained in 25 U.S.C. Chapter 11, Irrigation of Allotted Lands; 31 U.S.C. 3711, Collection and Compromise; and 25 CFR Part 171 Irrigation Operations and Maintenance. The principal purpose for collecting this and other information is for billing and collecting O&M related costs upon assessable land designation, and may also include proper payment application and debt management actions. Lands so designated receive all the benefits of the project, and landowners are subject to all the responsibilities for project inclusion including repayment of O&M assessments and construction debt. The routine use of this information is to obtain minimum information for servicing the account if you own or lease land within an irrigation project where we assess fees and collect monies to administer, operate, maintain, and rehabilitate project facilities (25 CFR Section 171.105). Disclosure of information may be to: U.S. Department of Justice or in a proceeding before a court or adjudicative body; Federal, state, local, or foreign law enforcement agency; Members of Congress; Department of Treasury to effect payment; Federal agency for collecting a debt; and other Federal agencies to detect and eliminate fraud. The information may also be used for filing tax documents with the Internal Revenue Service (IRS) as required by law pursuant to the routine uses identified in the National Irrigation Information Management System (NIIMS), Interior, BIA-34. Providing the information is voluntary; however, not doing so will prevent you from participating in an Assessment Waiver, and Incentive Agreement, a Land

Classification/Designation, and/or a Payment Plan as well as making payment through Pay.gov and NIIMS. If payment is not received, we will not deliver water; your debt will be referred to Treasury for collection actions; and your lease, if any, may be cancelled.