

Hill Misleads So Previous Board Secures Reclamation Payoff

By Lawrence A. Kogan

(As Seen in the [Herald and News](#) on June 24, 2016)

In her [recent op-ed](#), Attorney Trish Hill employs the use of “ad-hominem” and “sophistry.” Sophistry (the ancient Greek art of persuasion) is defined as the use of reasoning or arguments that sound correct but are actually false. Ad hominem is defined as an attack on an opponent’s character rather than by an answer to the contentions made. Hill’s article, in other words, is designed to win district patrons’ hearts with lies rather than to win their minds with truths.

What Hill doesn’t dare speak of is the broader play at work in the Klamath basin. She seeks to help preserve the welfare benefits (federal \$\$) former district board members and their key patrons still believe they had secured from the Bureau of Reclamation in exchange for supporting the Obama administration on the basin agreements (KBRA, UKBCA, KHSA/amended KHSA and the KPFA). Apparently, the mere discussion of KID possibly pursuing acquisition of title to transferred Reclamation works threatens that big payoff.

Hill’s discussion of transferred works reveals that she doesn’t understand the difference between “transferred works” and “title transfer.” Transferred works are those real and personal properties within and beyond KID district boundaries for which the district has borne operations and maintenance responsibility since 1954. Title transfer, on the other hand, is Reclamation’s conveyance of full and unencumbered title to such works to the district, pursuant to a defined process.

As I explained during the district’s [June 9 meeting](#), before title transfer can occur, KID would need to follow a detailed, complex and time-consuming process outlined by Reclamation, requiring KID to: 1) engage in discussions and possible negotiations with stakeholders, especially other Klamath Project irrigation and drainage districts (re: water rights); and 2) secure congressional approval via enactment of title transfer legislation. Perhaps, Hill had been so focused during that meeting on criticizing my presentation that she missed these critical points?

Ms. Hill, furthermore, conveniently forgets my commitment to the KID Board to deliver a detailed legal overview of the title transfer process. Such overview will generally discuss if the district can expect to be subject to National Environmental Policy Act, Endangered Species Act, Clean Water Act, and National Historic Preservation Act compliance obligations, and/or to be held legally responsible for Reclamation’s tribal trust obligations, incident to and following title transfer. It also will identify other potential liabilities (e.g., insurance-related) the district can expect to bear incident to and following title transfer.

While Hill has clearly dismissed the significance of title transfer, the KID Board has not. To the contrary, the Chair expressed interest during the meeting in learning more about the title transfer process and the Board unanimously adopted a resolution calling for the issuance of a Request for Proposal to secure further information from title transfer consultants.

With due deference to Ms. Hill, I confess to stating during the meeting that the C flume agreement KID patrons had previously voted for was worth less than the toilet paper I had then displayed. However, Ms. Hill must be corrected, once again, on other of her facts. As the minutes of the KID Board meeting of March 10, 2016 indicate, the patrons voted only “to authorize KID to contract with the United States to borrow up to \$10 million.” They did not authorize the KID Board to enter into a [one-sided take-it-or-leave-it contract](#) the [terms and conditions](#) of which would (even more clearly now) [shortchange the district monies](#) and [place it in financial jeopardy](#).

At this juncture, it would seem that Ms. Hill is covering up former Board members’ efforts to deny the district resources to publicly contest the basin agreements from which those very same members and their favored patrons are likely to derive personal benefits. This would explain why Ms. Hill and these individuals have continued to engage in [ad hominem and sophistry](#) in an ongoing campaign to [divert and undermine district business](#).

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