

114TH CONGRESS  
1ST SESSION

# H. R. 3867

To authorize the Dry-Redwater Regional Water Authority System and the Musselshell-Judith Rural Water System in the State of Montana, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2015

Mr. ZINKE introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To authorize the Dry-Redwater Regional Water Authority System and the Musselshell-Judith Rural Water System in the State of Montana, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Water for Rural  
5 Communities Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to ensure a safe and ade-  
8 quate municipal, rural, and industrial water supply for the  
9 citizens of—

1           (1) Dawson, Garfield, McCone, Prairie, Rich-  
2 land, Judith Basin, Wheatland, Golden Valley, Fer-  
3 gus, Yellowstone, and Musselshell Counties in the  
4 State of Montana; and

5           (2) McKenzie County, North Dakota.

6 **SEC. 3. DEFINITIONS.**

7       In this Act:

8           (1) ADMINISTRATOR.—The term “Adminis-  
9 trator” means the Administrator of the Western  
10 Area Power Administration.

11          (2) AUTHORITY.—The term “Authority”  
12 means—

13           (A) in the case of the Dry-Redwater Re-  
14 gional Water Authority System—

15               (i) the Dry-Redwater Regional Water  
16 Authority, which is a publicly owned non-  
17 profit water authority formed in accord-  
18 ance with Mont. Code Ann. § 75–6–302  
19 (2007); and

20               (ii) any nonprofit successor entity to  
21 the Authority described in clause (i); and

22           (B) in the case of the Musselshell-Judith  
23 Rural Water System—

24               (i) the Central Montana Regional  
25 Water Authority, which is a publicly owned

1 nonprofit water authority formed in ac-  
2 cordance with Mont. Code Ann. § 75–6–  
3 302 (2007); and

4 (ii) any nonprofit successor entity to  
5 the Authority described in clause (i).

6 (3) DRY-REDWATER REGIONAL WATER AU-  
7 THORITY SYSTEM.—The term “Dry-Redwater Re-  
8 gional Water Authority System” means the Dry-  
9 Redwater Regional Water Authority System author-  
10 ized under section 4(a)(1) with a project service area  
11 that includes—

12 (A) Garfield and McCone Counties in the  
13 State;

14 (B) the area west of the Yellowstone River  
15 in Dawson and Richland Counties in the State;

16 (C) T. 15 N. (including the area north of  
17 the Township) in Prairie County in the State;  
18 and

19 (D) the portion of McKenzie County,  
20 North Dakota, that includes all land that is lo-  
21 cated west of the Yellowstone River in the State  
22 of North Dakota.

23 (4) INTEGRATED SYSTEM.—The term “inte-  
24 grated system” means the transmission system  
25 owned by the Western Area Power Administration

1 Basin Electric Power District and the Heartland  
2 Consumers Power District.

3 (5) MUSSELSHELL-JUDITH RURAL WATER SYS-  
4 TEM.—The term “Musselshell-Judith Rural Water  
5 System” means the Musselshell-Judith Rural Water  
6 System authorized under section 4(a)(2) with a  
7 project service area that includes—

8 (A) Judith Basin, Wheatland, Golden Val-  
9 ley, and Musselshell Counties in the State;

10 (B) the portion of Yellowstone County in  
11 the State within 2 miles of State Highway 3  
12 and within 4 miles of the county line between  
13 Golden Valley and Yellowstone Counties in the  
14 State, inclusive of the Town of Broadview,  
15 Montana; and

16 (C) the portion of Fergus County in the  
17 State within 2 miles of US Highway 87 and  
18 within 4 miles of the county line between Fer-  
19 gus and Judith Basin Counties in the State, in-  
20 clusive of the Town of Moore, Montana.

21 (6) NON-FEDERAL DISTRIBUTION SYSTEM.—  
22 The term “non-Federal distribution system” means  
23 a non-Federal utility that provides electricity to the  
24 counties covered by the Dry-Redwater Regional  
25 Water Authority System.

1           (7) PICK-SLOAN PROGRAM.—The term “Pick-  
2 Sloan program” means the Pick-Sloan Missouri  
3 River Basin Program (authorized by section 9 of the  
4 Act of December 22, 1944 (commonly known as the  
5 “Flood Control Act of 1944”) (58 Stat. 891, chapter  
6 665)).

7           (8) SECRETARY.—The term “Secretary” means  
8 the Secretary of the Interior.

9           (9) STATE.—The term “State” means the State  
10 of Montana.

11           (10) WATER SYSTEM.—The term “Water Sys-  
12 tem” means—

13                   (A) the Dry-Redwater Regional Water Au-  
14 thority System; and

15                   (B) the Musselshell-Judith Rural Water  
16 System.

17 **SEC. 4. DRY-REDWATER REGIONAL WATER AUTHORITY SYS-**  
18 **TEM AND MUSSELHELL-JUDITH RURAL**  
19 **WATER SYSTEM.**

20           (a) AUTHORIZATION.—The Secretary may carry  
21 out—

22                   (1) the project entitled the “Dry-Redwater Re-  
23 gional Water Authority System” in a manner that is  
24 substantially in accordance with the feasibility study  
25 entitled “Dry-Redwater Regional Water System Fea-

1 sibility Study” (including revisions of the study),  
2 which received funding from the Bureau of Reclama-  
3 tion on September 1, 2010; and

4 (2) the project entitled the “Musselshell-Judith  
5 Rural Water System” in a manner that is substan-  
6 tially in accordance with the feasibility report enti-  
7 tled “Musselshell-Judith Rural Water System Feasi-  
8 bility Report” (including any and all revisions of the  
9 report).

10 (b) COOPERATIVE AGREEMENT.—The Secretary shall  
11 enter into a cooperative agreement with the Authority to  
12 provide Federal assistance for the planning, design, and  
13 construction of the Water Systems.

14 (c) COST-SHARING REQUIREMENT.—

15 (1) FEDERAL SHARE.—

16 (A) IN GENERAL.—The Federal share of  
17 the costs relating to the planning, design, and  
18 construction of the Water Systems shall not ex-  
19 ceed—

20 (i) in the case of the Dry-Redwater  
21 Regional Water Authority System—

22 (I) 75 percent of the total cost of  
23 the Dry-Redwater Regional Water Au-  
24 thority System; or

1 (II) such other lesser amount as  
2 may be determined by the Secretary,  
3 acting through the Commissioner of  
4 Reclamation, in a feasibility report; or  
5 (ii) in the case of the Musselshell-Ju-  
6 dith Rural Water System, 75 percent of  
7 the total cost of the Musselshell-Judith  
8 Rural Water System.

9 (B) LIMITATION.—Amounts made avail-  
10 able under subparagraph (A) shall not be re-  
11 turnable or reimbursable under the reclamation  
12 laws.

13 (2) USE OF FEDERAL FUNDS.—

14 (A) GENERAL USES.—Subject to subpara-  
15 graphs (B) and (C), the Water Systems may  
16 use Federal funds made available to carry out  
17 this section for—

18 (i) facilities relating to—

19 (I) water pumping;

20 (II) water treatment; and

21 (III) water storage;

22 (ii) transmission pipelines;

23 (iii) pumping stations;

24 (iv) appurtenant buildings, mainte-  
25 nance equipment, and access roads;

1 (v) any interconnection facility that  
2 connects a pipeline of the Water System to  
3 a pipeline of a public water system;

4 (vi) electrical power transmission and  
5 distribution facilities required for the oper-  
6 ation and maintenance of the Water Sys-  
7 tem;

8 (vii) any other facility or service re-  
9 quired for the development of a rural water  
10 distribution system, as determined by the  
11 Secretary; and

12 (viii) any property or property right  
13 required for the construction or operation  
14 of a facility described in this subsection.

15 (B) ADDITIONAL USES.—In addition to the  
16 uses described in subparagraph (A)—

17 (i) the Dry-Redwater Regional Water  
18 Authority System may use Federal funds  
19 made available to carry out this section  
20 for—

21 (I) facilities relating to water in-  
22 take; and

23 (II) distribution, pumping, and  
24 storage facilities that—



1 (aa) serve the needs of citi-  
2 zens who use public water sys-  
3 tems;

4 (bb) are in existence on the  
5 date of enactment of this Act;  
6 and

7 (cc) may be purchased, im-  
8 proved, and repaired in accord-  
9 ance with a cooperative agree-  
10 ment entered into by the Sec-  
11 retary under subsection (b); and

12 (ii) the Musselshell-Judith Rural  
13 Water System may use Federal funds  
14 made available to carry out this section  
15 for—

16 (I) facilities relating to—

17 (aa) water supply wells; and

18 (bb) distribution pipelines;

19 and

20 (II) control systems.

21 (C) LIMITATION.—Federal funds made  
22 available to carry out this section shall not be  
23 used for the operation, maintenance, or replace-  
24 ment of the Water Systems.

1 (D) TITLE.—Title to the Water Systems  
2 shall be held by the Authority.

3 **SEC. 5. USE OF POWER FROM PICK-SLOAN PROGRAM BY**  
4 **THE DRY-REDWATER REGIONAL WATER AU-**  
5 **THORITY SYSTEM.**

6 (a) FINDING.—Congress finds that—

7 (1) McCone and Garfield Counties in the State  
8 were designated as impact counties during the pe-  
9 riod in which the Fort Peck Dam was constructed;  
10 and

11 (2) as a result of the designation, the Counties  
12 referred to in paragraph (1) were to receive impact  
13 mitigation benefits in accordance with the Pick-  
14 Sloan program.

15 (b) AVAILABILITY OF POWER.—

16 (1) IN GENERAL.—Subject to paragraph (2),  
17 the Administrator shall make available to the Dry-  
18 Redwater Regional Water Authority System a quan-  
19 tity of power required, of up to 1½ megawatt capac-  
20 ity, to meet the pumping and incidental operation  
21 requirements of the Dry-Redwater Regional Water  
22 Authority System during the period beginning on  
23 May 1 and ending on October 31 of each year—

24 (A) from the water intake facilities; and

1 (B) through all pumping stations, water  
2 treatment facilities, reservoirs, storage tanks,  
3 and pipelines up to the point of delivery of  
4 water by the water supply system to all storage  
5 reservoirs and tanks and each entity that dis-  
6 tributes water at retail to individual users.

7 (2) ELIGIBILITY.—The Dry-Redwater Regional  
8 Water Authority System shall be eligible to receive  
9 power under paragraph (1) if the Dry-Redwater Re-  
10 gional Water Authority System—

11 (A) operates on a not-for-profit basis; and

12 (B) is constructed pursuant to a coopera-  
13 tive agreement entered into by the Secretary  
14 under section 4(b).

15 (3) RATE.—The Administrator shall establish  
16 the cost of the power described in paragraph (1) at  
17 the firm power rate.

18 (4) ADDITIONAL POWER.—

19 (A) IN GENERAL.—If power, in addition to  
20 that made available to the Dry-Redwater Re-  
21 gional Water Authority System under para-  
22 graph (1), is necessary to meet the pumping re-  
23 quirements of the Dry-Redwater Regional  
24 Water Authority, the Administrator may pur-

1 chase the necessary additional power at the best  
2 available rate.

3 (B) REIMBURSEMENT.—The cost of pur-  
4 chasing additional power shall be reimbursed to  
5 the Administrator by the Dry-Redwater Re-  
6 gional Water Authority.

7 (5) RESPONSIBILITY FOR POWER CHARGES.—  
8 The Dry-Redwater Regional Water Authority shall  
9 be responsible for the payment of the power charge  
10 described in paragraph (4) and non-Federal delivery  
11 costs described in paragraph (6).

12 (6) TRANSMISSION ARRANGEMENTS.—

13 (A) IN GENERAL.—The Dry-Redwater Re-  
14 gional Water Authority System shall be respon-  
15 sible for all non-Federal transmission and dis-  
16 tribution system delivery and service arrange-  
17 ments.

18 (B) UPGRADES.—The Dry-Redwater Re-  
19 gional Water Authority System shall be respon-  
20 sible for funding any transmission upgrades, if  
21 required, to the integrated system necessary to  
22 deliver power to the Dry-Redwater Regional  
23 Water Authority System.

24 **SEC. 6. WATER RIGHTS.**

25 Nothing in this Act—

- 1           (1) preempts or affects any State water law; or  
2           (2) affects any authority of a State, as in effect  
3       on the date of enactment of this Act, to manage  
4       water resources within that State.

5 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

6       (a) **AUTHORIZATION.**—There are authorized to be ap-  
7       propriated such sums as are necessary to carry out the  
8       planning, design, and construction of the Water Systems,  
9       substantially in accordance with the cost estimate set forth  
10      in the applicable feasibility study or feasibility report de-  
11      scribed in section 4(a).

12      (b) **COST INDEXING.**—

13           (1) **IN GENERAL.**—The amount authorized to  
14      be appropriated under subsection (a) may be in-  
15      creased or decreased in accordance with ordinary  
16      fluctuations in development costs incurred after the  
17      applicable date specified in paragraph (2), as indi-  
18      cated by any available engineering cost indices appli-  
19      cable to construction activities that are similar to  
20      the construction of the Water Systems.

21           (2) **APPLICABLE DATES.**—The date referred to  
22      in paragraph (1) is—

23                   (A) in the case of the Dry-Redwater Re-  
24                   gional Water Authority System, January 1,  
25                   2008; and

1 (B) in the case of the Musselshell-Judith  
2 Rural Water Authority System, November 1,  
3 2014.

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