

Public Law 98-434
98th Congress

An Act

To authorize and direct the Secretary of the Interior to engage in a special study of the potential for groundwater recharge in the High Plains States, and for other purposes.

Sept. 28, 1984
[H.R. 71]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "High Plains States Groundwater Demonstration Program Act of 1983".

High Plains
States
Groundwater
Demonstration
Program Act of
1983.
43 USC 390g
note.
43 USC 390g.

SEC. 2. The Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Bureau of Reclamation (hereinafter referred to as the "Bureau"), shall, in two phases, conduct an investigation of and establish demonstration projects for groundwater recharge of aquifers in the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming (such States to be hereinafter referred to as the "High Plains States") and in the other States referred to in section 1 of the Reclamation Act of 1902 (hereinafter referred to as "other Reclamation Act States"), as provided by this Act: *Provided*, That funds made available pursuant to this Act shall not be used for the study or construction of groundwater recharge demonstration projects in the High Plains States and other Reclamation Act States which would utilize water originating in the drainage basin of the Great Lakes. The Bureau shall consult with the United States Geological Survey and other appropriate agencies and departments of the United States and of the High Plains States and other Reclamation Act States in order to carry out this Act.

43 USC 391.
Prohibition.

SEC. 3. (a) During phase I, the Bureau, in consultation with the High Plains States and other Reclamation Act States and other appropriate departments and agencies of the United States, including the United States Geological Survey, shall develop a detailed plan of demonstration projects the purpose of which is to determine whether various recharge technologies may be applied to diverse geologic and hydrologic conditions represented in the High Plains States and other Reclamation Act States. In the preparation and development of such plan, the Bureau shall make maximum use of data, planning studies and other technical resources and assistance available from State and local entities: *Provided*, That contributions of such technical resources and assistance may be counted as part of the inkind services or other State contribution, but shall otherwise be provided without compensation to the State or local entity. This plan shall contain the selection of not less than a total of twelve demonstration project sites in High Plains States and not less than a total of nine demonstration project sites in other Reclamation Act States. Demonstration project sites shall be confined to areas having a declining water table, an available surface water supply, and a high probability of physical, chemical, and economic feasibility for recharge of the groundwater reservoir. The plan shall provide for demonstration of the application of recharge technology and the selection of water sources, determination of necessary physical

43 USC 390g-1.

works and the operation of water replacement systems, formulation of a monitoring program, identification of any economic, legal, intergovernmental, and environmental issues and projection of planning problems associated with such systems, and recommendation of legislative and administrative actions as may be necessary to carry out phase II.

(b) During phase I the Bureau is authorized and directed to recommend demonstration projects to be designed, constructed, and operated during phase II.

(c) Within six months, after the enactment of an appropriation Act to carry out phase I, the Secretary shall make a preliminary selection of projects to receive further planning and development and shall initiate such further planning and development for those selected projects.

Report.

(d) Within twenty-four months after the date of enactment of an appropriation Act to carry out phase I, the Secretary shall transmit a report to Congress containing the recommendations made pursuant to subsection (b) and a detailed statement of his findings and conclusions.

43 USC 390g-2.

SEC. 4. (a) During phase II, and subject to State water laws and interstate water compacts, the Bureau is authorized and directed to design, construct, and operate demonstration projects in the High Plains States and other Reclamation Act States to recharge groundwater systems as recommended in the report referred to in section 4(c).

Contracts with U.S.

(b) During phase II the Secretary, acting through the Bureau, shall contract with the various High Plains States and other Reclamation Act States to conduct a study to identify and evaluate alternative means by which the costs of groundwater recharge projects could be allocated among the beneficiaries of the projects within the respective States and identify and evaluate the economic feasibility of and the legal authority for utilizing groundwater recharge in water resource development projects.

Reports.

(c)(1) Within twelve months after the initiation of phase II, and at annual intervals thereafter, the Secretary shall submit interim reports to Congress. Each report shall contain a detailed statement of his findings and progress respecting the design, construction, and operation of the demonstration projects referred to in subsection (a) and the study referred to in subsection (b).

(2) Within five years after the initiation of phase II, the Secretary shall submit a final report to Congress. The final report shall contain—

- (A) a detailed evaluation of the demonstration projects referred to in subsection (a);
- (B) the results of the studies referred to in subsection (b);
- (C) specific recommendations regarding the location, scope, and feasibility of operational groundwater recharge projects to be constructed and maintained by the Bureau; and
- (D) an evaluation of the feasibility of integrating these groundwater recharge projects into existing reclamation projects.

43 USC 390g-3.

SEC. 5. The Secretary, acting through the Bureau, and the Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") shall enter into a memorandum-of-understanding to provide for an evaluation of the impacts to surface water and groundwater quality resulting from the groundwater recharge demonstration projects constructed pursuant to this

Act. The Administrator shall consult with the United States Geological Survey and shall make maximum use of data, studies, and other technical resources and assistance available from State and local entities in conducting the evaluation. The evaluation of water quality impacts shall be completed so as to be included in the Secretary's final report to the Congress referred to in section 4(c)(2) of this Act.

SEC. 6. There is authorized to be appropriated \$500,000 for fiscal years beginning after September 30, 1983, to carry out phase I. Amounts shall be made available pursuant to the authorization contained in this section in a single sum for all demonstration project sites, and it shall be within the discretion of the Secretary to apportion such sum among such sites.

Appropriation
authorization.
43 USC 390g-4.

SEC. 7. There is authorized to be appropriated for fiscal years beginning after September 30, 1983, \$20,000,000 (October 1983 price levels) to carry out phase II. Amounts shall be made available pursuant to the authorization contained in this section in sums for individual projects based on findings of feasibility by the Secretary.

Appropriation
authorization.
43 USC 390g-5.

SEC. 8. The funds authorized to be appropriated pursuant to section 7 of this Act shall match on a four-to-one basis funds made available by the States, their political subdivisions, or other non-Federal entities to meet the cost of phase II: *Provided*, That, in-kind services or other contributions by the States, their political subdivisions, or other non-Federal entities shall be considered in the determination of the matching non-Federal share. The Secretary is authorized to enter into memoranda of agreement with any appropriate agencies or departments of the High Plains States and other Reclamation Act States to share the costs of phase II.

Matching funds.
43 USC 390g-6.

SEC. 9. Any new spending authority described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974 which is provided under this Act (or under any amendment made by this Act) shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

43 USC 390g-7.
2 USC 651.

SEC. 10. No funds authorized to be appropriated by this Act shall be used for any activities associated with:

Arkansas.
Water.
43 USC 390g-8.

(1) the interstate transfer of water from the State of Arkansas; or

(2) the study or demonstration of the potential for the interstate transfer of water from the State of Arkansas.

Approved September 28, 1984.

LEGISLATIVE HISTORY—H.R. 71:

HOUSE REPORT No. 98-167 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 98-372 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 129 (1983): June 20, considered and passed House.

Vol. 130 (1984): Aug. 10, considered and passed Senate, amended.

Sept. 14, House concurred in Senate amendments.