

113TH CONGRESS
2D SESSION

S. 1997

To authorize the Dry-Redwater Regional Water Authority System.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 2014

Mr. BAUCUS introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

A BILL

To authorize the Dry-Redwater Regional Water Authority
System.

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 “Dry-Redwater Re-
5 gional Water Authority System Act of 2014”.

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—

10 (1) Dawson, Garfield, McCone, Prairie, and
11 Richland Counties of the State; and

1 (2) McKenzie County, North Dakota.

2 **SEC. 3. DEFINITIONS.**

3 In this Act:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Western
6 Area Power Administration.

7 (2) AUTHORITY.—The term “Authority”
8 means—

9 (A) the Dry-Redwater Regional Water Au-
10 thority, which is a publicly owned nonprofit
11 water authority formed in accordance with
12 Mont. Code Ann. § 75–6–302 (2007); and

13 (B) any nonprofit successor entity.

14 (3) INTEGRATED SYSTEM.—The term “inte-
15 grated system” means the transmission system
16 owned by the Western Area Power Administration
17 Basin Electric Power District and the Heartland
18 Consumers Power District.

19 (4) NON-FEDERAL DISTRIBUTION SYSTEM.—
20 The term “non-Federal distribution system” means
21 a non-Federal utility that provides electricity to the
22 counties covered by the Water System.

23 (5) PICK-SLOAN PROGRAM.—The term “Pick-
24 Sloan program” means the Pick-Sloan Missouri
25 River Basin Program (authorized by section 9 of the

1 Act of December 22, 1944 (commonly known as the
 2 “Flood Control Act of 1944”) (58 Stat. 891, chapter
 3 665)).

4 (6) SECRETARY.—The term “Secretary” means
 5 the Secretary of the Interior.

6 (7) STATE.—The term “State” means the State
 7 of Montana.

8 (8) WATER SYSTEM.—The term “Water Sys-
 9 tem” means the Dry-Redwater Regional Water Au-
 10 thority System authorized under section 4 with a
 11 project service area that includes—

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

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

16 (C) Township 15N (including the area
 17 north of the Township) in Prairie County of the
 18 State; 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 **SEC. 4. DRY-REDWATER REGIONAL WATER AUTHORITY SYS-**
 24 **TEM.**

25 (a) AUTHORIZATION.—

1 (1) IN GENERAL.—If the Secretary, acting
2 through the Commissioner of the Bureau of Rec-
3 lamation, determines that the project is feasible, the
4 Secretary is authorized to carry out the project enti-
5 tled “Dry-Redwater Regional Water Authority Sys-
6 tem” in a manner that is substantially in accordance
7 with the plans, and subject to the conditions, de-
8 scribed in the “Dry-Redwater Regional Water Sys-
9 tem Feasibility Study”, including revisions of the
10 study, which received funding from the Bureau of
11 Reclamation on September 1, 2010, and is to be
12 completed in accordance with section 106(a) of the
13 Rural Water Supply Act of 2006 (43 U.S.C.
14 2405(a)).

15 (2) COOPERATIVE AGREEMENT.—The Secretary
16 shall enter into a cooperative agreement with the
17 Authority to provide Federal assistance for the plan-
18 ning, design, and construction of the Water System.

19 (b) COST SHARING.—

20 (1) FEDERAL SHARE.—

21 (A) IN GENERAL.—The Federal share of
22 the costs relating to the planning, design, and
23 construction of the Water System shall not ex-
24 ceed—

1 (i) 75 percent of the total cost of the
2 Water System; or

3 (ii) such other lesser amount as may
4 be determined by the Secretary, acting
5 through the Commissioner of Reclamation
6 in a feasibility report.

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

11 (2) USE OF FEDERAL FUNDS.—

12 (A) IN GENERAL.—Subject to subpara-
13 graph (B), Federal funds made available to
14 carry out this section may be used for—

15 (i) facilities relating to—

16 (I) water intake;

17 (II) water pumping;

18 (III) water treatment; and

19 (IV) water storage;

20 (ii) transmission pipelines and pump-
21 ing stations;

22 (iii) appurtenant buildings, mainte-
23 nance equipment, and access roads;

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

4 (v) distribution, pumping, and storage
5 facilities that—

6 (I) serve the needs of citizens
7 who use public water systems;

8 (II) are in existence on the date
9 of enactment of this Act; and

10 (III) may be purchased, im-
11 proved, and repaired in accordance
12 with a cooperative agreement entered
13 into by the Secretary under subsection
14 (a)(2);

15 (vi) electrical power transmission and
16 distribution facilities required for the oper-
17 ation and maintenance of the Water Sys-
18 tem;

19 (vii) any other facility or service re-
20 quired for the development of a rural water
21 distribution system, as determined by the
22 Secretary; and

23 (viii) any property or property right
24 required for the construction or operation
25 of a facility described in this subsection.

1 (B) LIMITATION.—Federal funds made
 2 available to carry out this section shall not be
 3 used for the operation, maintenance, or replace-
 4 ment of the Water System.

5 (c) TITLE.—Title to the Water System shall be held
 6 by the Authority.

7 **SEC. 5. USE OF POWER FROM PICK-SLOAN PROGRAM.**

8 (a) FINDINGS.—Congress finds that McCone and
 9 Garfield Counties in the State were designated as impact
 10 counties during the period in which the Fort Peck Dam
 11 was constructed, and as such, were to receive impact miti-
 12 gation benefits in accordance with the Pick-Sloan pro-
 13 gram.

14 (b) AVAILABILITY OF POWER.—

15 (1) IN GENERAL.—Subject to paragraph (2),
 16 the Administrator shall make available to the Water
 17 System a quantity of power required, of up to 1½
 18 megawatt capacity, to meet the pumping and inci-
 19 dental operation requirements of the Water System
 20 during the period beginning on May 1 and ending on
 21 October 31 of each year—

22 (A) from the water intake facilities; and

23 (B) through all pumping stations, water
 24 treatment facilities, reservoirs, storage tanks,
 25 and pipelines up to the point of delivery of

1 water by the water supply system to all storage
 2 reservoirs and tanks and each entity that dis-
 3 tributes water at retail to individual users.

4 (2) ELIGIBILITY.—The Water System shall be
 5 eligible to receive power under paragraph (1) if the
 6 Water System—

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

8 (B) is constructed pursuant to a coopera-
 9 tive agreement entered into by the Secretary
 10 under section 4(a)(2).

11 (3) RATE.—The Administrator shall establish
 12 the cost of the power described in paragraph (1) at
 13 the firm power rate.

14 (4) ADDITIONAL POWER.—

15 (A) IN GENERAL.—If power, in addition to
 16 that made available to the Water System under
 17 paragraph (1), is necessary to meet the pump-
 18 ing requirements of the Authority, the Adminis-
 19 trator may purchase the necessary additional
 20 power at the best available rate.

21 (B) REIMBURSEMENT.—The cost of pur-
 22 chasing additional power shall be reimbursed to
 23 the Administrator by the Authority.

24 (5) RESPONSIBILITY FOR POWER CHARGES.—

25 The Authority shall be responsible for the payment

of the power charge described in paragraph (4) and non-Federal delivery costs described in paragraph (6).

(6) TRANSMISSION ARRANGEMENTS.—

(A) IN GENERAL.—The Water System shall be responsible for all non-Federal transmission and distribution system delivery and service arrangements.

(B) UPGRADES.—The Water System shall be responsible for funding any transmission upgrades, if required, to the integrated system necessary to deliver power to the Water System.

(7) CONSTRUCTION.—Nothing in this section exempts the Water System from the requirements of the Rural Water Supply Act of 2006 (43 U.S.C. 2401 et seq.).

SEC. 6. WATER RIGHTS.

Nothing in this Act—

(1) preempts or affects any State water law; or

(2) affects any authority of a State, as in effect on the date of enactment of this Act, to manage water resources within that State.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the plan-

1 ning, design, and construction of the Water System such
2 sums as are necessary, substantially in accordance with
3 the cost estimate set forth in the feasibility study de-
4 scribed in section 4(a).

5 (b) COST INDEXING.—The amount authorized to be
6 appropriated under subsection (a) may be increased or de-
7 creased in accordance with ordinary fluctuations in devel-
8 opment costs incurred after January 1, 2008, as indicated
9 by any available engineering cost indices applicable to con-
10 struction activities that are similar to the construction of
11 the Water System.

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