

116TH CONGRESS
1ST SESSION

S. 334

To authorize the construction of the Musselshell-Judith Rural Water System and study of the Dry-Redwater Regional Water Authority System in the States of Montana and North Dakota, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2019

Mr. DAINES (for himself and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the construction of the Musselshell-Judith Rural Water System and study of the Dry-Redwater Regional Water Authority System in the States of Montana and North Dakota, 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”.

1 **SEC. 2. PURPOSE.**

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

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

9 (2) McKenzie County, North Dakota.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) **AUTHORITY.**—The term “Authority”
13 means—

14 (A) the Central Montana Regional Water
15 Authority, a publicly owned nonprofit water au-
16 thority formed in accordance with Mont. Code
17 Ann. Sec. 75–6–302 (2007); and

18 (B) any nonprofit successor entity to the
19 Authority described in subparagraph (A).

20 (2) **MUSSELSHELL-JUDITH RURAL WATER SYS-**
21 **TEM.**—The term “Musselshell-Judith Rural Water
22 System” means the Musselshell-Judith Rural Water
23 System authorized under section 4(a), with a project
24 service area that includes—

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

1 (B) the portion of Yellowstone County in
 2 the State within 2 miles of State Highway 3
 3 and within 4 miles of the county line between
 4 Golden Valley and Yellowstone Counties in the
 5 State, inclusive of the Town of Broadview,
 6 Montana; and

7 (C) the portion of Fergus County in the
 8 State within 2 miles of U.S. Highway 87 and
 9 within 4 miles of the county line between Fer-
 10 gus and Judith Basin Counties in the State, in-
 11 clusive of the Town of Moore, Montana.

12 (3) SECRETARY.—The term “Secretary” means
 13 the Secretary of the Interior.

14 (4) STATE.—The term “State” means the State
 15 of Montana.

16 **SEC. 4. MUSSELHELL-JUDITH RURAL WATER SYSTEM.**

17 (a) AUTHORIZATION.—The Secretary may carry out
 18 the planning, design, and construction of the Musselshell-
 19 Judith Rural Water System in a manner that is substan-
 20 tially in accordance with the feasibility report entitled
 21 “Musselshell-Judith Rural Water System Feasibility Re-
 22 port” (including any and all revisions of the report).

23 (b) COOPERATIVE AGREEMENT.—The Secretary shall
 24 enter into a cooperative agreement with the Authority to
 25 provide Federal assistance for the planning, design, and

1 construction of the Musselshell-Judith Rural Water Sys-
 2 tem.

3 (c) COST-SHARING REQUIREMENT.—

4 (1) FEDERAL SHARE.—

5 (A) IN GENERAL.—The Federal share of
 6 the costs relating to the planning, design, and
 7 construction of the Musselshell-Judith Rural
 8 Water System shall not exceed 65 percent of
 9 the total cost of the Musselshell-Judith Rural
 10 Water System.

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

15 (2) USE OF FEDERAL FUNDS.—

16 (A) GENERAL USES.—Subject to subpara-
 17 graph (B), the Musselshell-Judith Rural Water
 18 System may use Federal funds made available
 19 to carry out this section for—

20 (i) facilities relating to—

21 (I) water pumping;

22 (II) water treatment;

23 (III) water storage;

24 (IV) water supply wells;

25 (V) distribution pipelines; and

- 1 (VI) control systems;
- 2 (ii) transmission pipelines;
- 3 (iii) pumping stations;
- 4 (iv) appurtenant buildings, maintenance equipment, and access roads;
- 5
- 6 (v) any interconnection facility that
- 7 connects a pipeline of the Musselshell-Ju-
- 8 dith Rural Water System to a pipeline of
- 9 a public water system;
- 10 (vi) electrical power transmission and
- 11 distribution facilities required for the oper-
- 12 ation and maintenance of the Musselshell-
- 13 Judith Rural Water System;
- 14 (vii) any other facility or service re-
- 15 quired for the development of a rural water
- 16 distribution system, as determined by the
- 17 Secretary; and
- 18 (viii) any property or property right
- 19 required for the construction or operation
- 20 of a facility described in this subsection.

21 (B) 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 Musselshell-Judith Rural Water
25 System.

1 (C) TITLE.—Title to the Musselshell-Ju-
 2 dith Rural Water System shall be held by the
 3 Authority.

4 **SEC. 5. DRY-REDWATER FEASIBILITY STUDY.**

5 (a) DEFINITIONS.—In this section:

6 (1) DRY-REDWATER REGIONAL WATER AU-
 7 THORITY.—The term “Dry-Redwater Regional
 8 Water Authority” means—

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

13 (B) any nonprofit successor entity to the
 14 Authority described in subparagraph (A).

15 (2) DRY-REDWATER REGIONAL WATER AU-
 16 THORITY SYSTEM.—The term “Dry-Redwater Re-
 17 gional Water Authority System” means the project
 18 entitled the “Dry-Redwater Regional Water Author-
 19 ity System”, with a project service area that in-
 20 cludes—

21 (A) Garfield and McCone Counties in the
 22 State;

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

1 (C) T. 15 N. (including the area north of
 2 the Township) in Prairie County in the State;
 3 and

4 (D) the portion of McKenzie County,
 5 North Dakota, that includes all land that is lo-
 6 cated west of the Yellowstone River in the State
 7 of North Dakota.

8 (3) RECLAMATION FEASIBILITY STANDARDS.—
 9 The term “reclamation feasibility standards” means
 10 the eligibility criteria and feasibility study require-
 11 ments described in section 106 of the Reclamation
 12 Rural Water Supply Act of 2006 (43 U.S.C. 2405)
 13 (as in effect on September 29, 2016).

14 (4) SUBMITTED FEASIBILITY STUDY.—The
 15 term “submitted feasibility study” means the feasi-
 16 bility study entitled “Dry-Redwater Regional Water
 17 System Feasibility Study” (including revisions of the
 18 study), which received funding from the Bureau of
 19 Reclamation on September 1, 2010.

20 (b) STUDY.—

21 (1) IN GENERAL.—The Secretary, in consulta-
 22 tion with the Dry-Redwater Regional Water Author-
 23 ity, may undertake a study, including a review of the
 24 submitted feasibility study, to determine the feasi-

1 bility of constructing the Dry-Redwater Regional
2 Water System.

3 (2) REQUIREMENT.—The study under para-
4 graph (1) shall comply with the reclamation feasi-
5 bility standards.

6 (c) COOPERATIVE AGREEMENT.—If the Secretary de-
7 termines that the study under subsection (b) does not
8 comply with the reclamation feasibility standards, the Sec-
9 retary may enter into a cooperative agreement with the
10 Dry-Redwater Regional Water Authority to complete addi-
11 tional work to ensure that the study complies with the rec-
12 lamation feasibility standards.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to the Secretary \$5,000,000
15 to carry out this section.

16 (e) TERMINATION.—The authority provided by this
17 section shall expire on the date that is 5 years after the
18 date of enactment of this Act.

19 **SEC. 6. WATER RIGHTS.**

20 Nothing in this Act—

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

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

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) AUTHORIZATION.—There is authorized to be ap-
3 propriated to carry out the planning, design, and construc-
4 tion of the Musselshell-Judith Rural Water System, sub-
5 stantially in accordance with the cost estimate set forth
6 in the feasibility report described in section 4(a),
7 \$56,650,000.

8 (b) COST INDEXING.—The amount authorized to be
9 appropriated under subsection (a) may be increased or de-
10 creased in accordance with ordinary fluctuations in devel-
11 opment costs incurred after November 1, 2014, as indi-
12 cated by any available engineering cost indices applicable
13 to construction activities that are similar to the construc-
14 tion of the Musselshell-Judith Rural Water System.

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