

Calendar No. 253

116TH CONGRESS
1ST SESSION

S. 334

[Report No. 116–133]

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

OCTOBER 22, 2019

Reported by Ms. MURKOWSKI, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Clean Water for Rural
3 Communities Act”.

4 **SEC. 2. PURPOSE.**

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

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

12 (2) McKenzie County, North Dakota.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) **AUTHORITY.**—The term “Authority”
16 means—

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

21 (B) any nonprofit successor entity to the
22 Authority described in subparagraph (A).

23 (2) **MUSSELHELL-JUDITH RURAL WATER SYS-**
24 **TEM.**—The term “Musselshell-Judith Rural Water
25 System” means the Musselshell-Judith Rural Water

1 System authorized under section 4(a), with a project
2 service area that includes—

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

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

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

16 (3) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

18 (4) STATE.—The term “State” means the State
19 of Montana.

20 **SEC. 4. MUSSELSHELL-JUDITH RURAL WATER SYSTEM.**

21 (a) AUTHORIZATION.—The Secretary may carry out
22 the planning, design, and construction of the Musselshell-
23 Judith Rural Water System in a manner that is substan-
24 tially in accordance with the feasibility report entitled

1 “Musselshell-Judith Rural Water System Feasibility Re-
 2 port” (including any and all revisions of the report).

3 (b) COOPERATIVE AGREEMENT.—The Secretary shall
 4 enter into a cooperative agreement with the Authority to
 5 provide Federal assistance for the planning, design, and
 6 construction of the Musselshell-Judith Rural Water Sys-
 7 tem.

8 (c) COST-SHARING REQUIREMENT.—

9 (1) FEDERAL SHARE.—

10 (A) IN GENERAL.—The Federal share of
 11 the costs relating to the planning, design, and
 12 construction of the Musselshell-Judith Rural
 13 Water System shall not exceed 65 percent of
 14 the total cost of the Musselshell-Judith Rural
 15 Water System.

16 (B) LIMITATION.—Amounts made avail-
 17 able under subparagraph (A) shall not be re-
 18 turnable or reimbursable under the reclamation
 19 laws.

20 (2) USE OF FEDERAL FUNDS.—

21 (A) GENERAL USES.—Subject to subpara-
 22 graph (B), the Musselshell-Judith Rural Water
 23 System may use Federal funds made available
 24 to carry out this section for—

25 (i) facilities relating to—

- 1 (I) water pumping;
- 2 (II) water treatment;
- 3 (III) water storage;
- 4 (IV) water supply wells;
- 5 (V) distribution pipelines; and
- 6 (VI) control systems;
- 7 (ii) transmission pipelines;
- 8 (iii) pumping stations;
- 9 (iv) appurtenant buildings, maintenance equipment, and access roads;
- 10
- 11 (v) any interconnection facility that
- 12 connects a pipeline of the Musselshell-Judith Rural Water System to a pipeline of
- 13 a public water system;
- 14
- 15 (vi) electrical power transmission and
- 16 distribution facilities required for the operation and maintenance of the Musselshell-
- 17 Judith Rural Water System;
- 18
- 19 (vii) any other facility or service required for the development of a rural water
- 20 distribution system, as determined by the
- 21 Secretary; and
- 22
- 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 Musselshell-Judith Rural Water
 5 System.

6 (C) TITLE.—Title to the Musselshell-Ju-
 7 dith Rural Water System shall be held by the
 8 Authority.

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

10 (a) DEFINITIONS.—In this section:

11 (1) DRY-REDWATER REGIONAL WATER AU-
 12 THORITY.—The term “Dry-Redwater Regional
 13 Water Authority” means—

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

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

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

1 (A) Garfield and McCone Counties in the
2 State;

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

5 (C) T. 15 N. (including the area north of
6 the Township) in Prairie County in the State;
7 and

8 (D) the portion of McKenzie County,
9 North Dakota, that includes all land that is lo-
10 cated west of the Yellowstone River in the State
11 of North Dakota.

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

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

24 (b) STUDY.—

1 (1) IN GENERAL.—The Secretary, in consulta-
 2 tion with the Dry-Redwater Regional Water Author-
 3 ity, may undertake a study, including a review of the
 4 submitted feasibility study, to determine the feasi-
 5 bility of constructing the Dry-Redwater Regional
 6 Water System.

7 (2) REQUIREMENT.—The study under para-
 8 graph (1) shall comply with the reclamation feasi-
 9 bility standards.

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

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

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

23 **SEC. 6. WATER RIGHTS.**

24 Nothing in this Act—

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

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

4 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) AUTHORIZATION.—There is authorized to be ap-
6 propriated to carry out the planning, design, and construc-
7 tion of the Musselshell-Judith Rural Water System, sub-
8 stantially in accordance with the cost estimate set forth
9 in the feasibility report described in section 4(a),
10 \$56,650,000.

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

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