

112TH CONGRESS
1ST SESSION

S. 419

To authorize the Dry-Redwater Regional Water Authority System.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2011

Mr. BAUCUS (for himself and Mr. TESTER) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural 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 2011”.

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, and
2 Richland Counties of the State; and

3 (2) McKenzie County, North Dakota.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

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

9 (2) AUTHORITY.—The term “Authority”
10 means—

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

15 (B) any nonprofit successor entity.

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

21 (4) 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 Water System.

1 (5) 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 (6) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

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

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

15 (A) the Garfield and McCone Counties of
16 the State;

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

19 (C) Township 15N (including the area
20 north of the Township) in Prairie County of the
21 State; and

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

1 **SEC. 4. DRY-REDWATER REGIONAL WATER AUTHORITY SYS-**
2 **TEM.**

3 (a) AUTHORIZATION.—

4 (1) IN GENERAL.—If the Secretary, acting
5 through the Commissioner of the Bureau of Rec-
6 lamation, determines that the project is feasible, the
7 Secretary is authorized to carry out the project enti-
8 tled “Dry-Redwater Regional Water Authority Sys-
9 tem” in a manner that is substantially in accordance
10 with the plans, and subject to the conditions, de-
11 scribed in the “Dry-Redwater Regional Water Sys-
12 tem Feasibility Study”, which received funding from
13 the Bureau of Reclamation on September 1, 2010,
14 and is to be completed in accordance with section
15 106(a) of the Rural Water Supply Act of 2006 (43
16 U.S.C. 2405(a)).

17 (2) COOPERATIVE AGREEMENT.—The Secretary
18 shall enter into a cooperative agreement with the
19 Authority to provide Federal assistance for the plan-
20 ning, design, and construction of the Dry Redwater
21 Regional Water Authority.

22 (b) COST SHARING.—

23 (1) FEDERAL SHARE.—

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

1 ceed 75 percent of the total cost of the Water
2 System.

3 (B) LIMITATION.—Amounts made avail-
4 able under subparagraph (A) shall not be re-
5 turnable or reimbursable under the reclamation
6 laws.

7 (2) USE OF FEDERAL FUNDS.—

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

11 (i) facilities relating to—

12 (I) water intake;

13 (II) water pumping;

14 (III) water treatment; and

15 (IV) water storage;

16 (ii) transmission pipelines and pump-
17 ing stations;

18 (iii) appurtenant buildings, mainte-
19 nance equipment, and access roads;

20 (iv) any interconnection facility that
21 connects a pipeline of the Water System to
22 a pipeline of a public water system;

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

1 (I) serve the needs of citizens
2 who use public water systems;

3 (II) are in existence on the date
4 of enactment of this Act; and

5 (III) may be purchased, im-
6 proved, and repaired in accordance
7 with a cooperative agreement entered
8 into by the Secretary under subsection
9 (a)(2);

10 (vi) electrical power transmission and
11 distribution facilities required for the oper-
12 ation and maintenance of the Water Sys-
13 tem;

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 Water System.

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

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

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

10 (b) AVAILABILITY OF POWER.—

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

18 (A) from the water intake facilities; and

19 (B) through all pumping stations, water
20 treatment facilities, reservoirs, storage tanks,
21 and pipelines up to the point of delivery of
22 water by the water supply system to all storage
23 reservoirs and tanks and each entity that dis-
24 tributes water at retail to individual users.

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

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

5 (B) is constructed pursuant to a coopera-
6 tive agreement entered into by the Secretary
7 under section 4(a)(2).

8 (3) RATE.—The Administrator shall establish
9 the cost of the power described in paragraph (1) at
10 the firm power rate.

11 (4) ADDITIONAL POWER.—

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

18 (B) REIMBURSEMENT.—The cost of pur-
19 chasing additional power shall be reimbursed to
20 the Administrator by the Authority.

21 (5) RESPONSIBILITY FOR POWER CHARGES.—

22 The Authority shall be responsible for the payment
23 of the power charge described in paragraph (4) and
24 non-Federal delivery costs described in paragraph
25 (6).

1 (6) TRANSMISSION ARRANGEMENTS.—

2 (A) IN GENERAL.—The Water System
3 shall be responsible for all non-Federal trans-
4 mission and distribution system delivery and
5 service arrangements.

6 (B) UPGRADES.—The Water System shall
7 be responsible for funding any transmission up-
8 grades, if required, to the integrated system
9 necessary to deliver power to the Water System.

10 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out the planning,
13 design, and construction of the Water System
14 \$115,116,000.

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

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