

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. MUSSELSHELL-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, mainte-
5	nance equipment, and access roads;
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 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;

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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

submitted feasibility study, to determine the feasi-

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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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