

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 685

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Water for Rural
5 Communities Act”.

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, Rich-
11 land, Judith Basin, Wheatland, Golden Valley, Fer-

1 gus, Yellowstone, and Musselshell Counties in the
2 State of Montana; and

3 (2) McKenzie County, North Dakota.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **AUTHORITY.**—The term “Authority”
7 means—

8 (A) the Central Montana Regional Water
9 Authority, a publicly owned nonprofit water au-
10 thority formed in accordance with Mont. Code
11 Ann. Sec. 75-6-302 (2007); and

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

14 (2) **MUSSELHELL-JUDITH RURAL WATER SYS-**
15 **TEM.**—The term “Musselshell-Judith Rural Water
16 System” means the Musselshell-Judith Rural Water
17 System authorized under section 4(a), with a project
18 service area that includes—

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

21 (B) the portion of Yellowstone County in
22 the State within 2 miles of State Highway 3
23 and within 4 miles of the county line between
24 Golden Valley and Yellowstone Counties in the

1 State, inclusive of the Town of Broadview,
2 Montana; and

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

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (4) STATE.—The term “State” means the State
11 of Montana.

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

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

19 (b) COOPERATIVE AGREEMENT.—The Secretary shall
20 enter into a cooperative agreement with the Authority to
21 provide Federal assistance for the planning, design, and
22 construction of the Musselshell-Judith Rural Water Sys-
23 tem.

24 (c) COST-SHARING REQUIREMENT.—

25 (1) FEDERAL SHARE.—

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

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) GENERAL USES.—Subject to subpara-
13 graph (B), the Musselshell-Judith Rural Water
14 System may use Federal funds made available
15 to carry out this section for—

16 (i) facilities relating to—

17 (I) water pumping;

18 (II) water treatment;

19 (III) water storage;

20 (IV) water supply wells;

21 (V) distribution pipelines; and

22 (VI) control systems;

23 (ii) transmission pipelines;

24 (iii) pumping stations;

1 (iv) appurtenant buildings, mainte-
2 nance equipment, and access roads;

3 (v) any interconnection facility that
4 connects a pipeline of the Musselshell-Ju-
5 dith Rural Water System to a pipeline of
6 a public water system;

7 (vi) electrical power transmission and
8 distribution facilities required for the oper-
9 ation and maintenance of the Musselshell-
10 Judith Rural Water System;

11 (vii) any other facility or service re-
12 quired for the development of a rural water
13 distribution system, as determined by the
14 Secretary; and

15 (viii) any property or property right
16 required for the construction or operation
17 of a facility described in this subsection.

18 (B) LIMITATION.—Federal funds made
19 available to carry out this section shall not be
20 used for the operation, maintenance, or replace-
21 ment of the Musselshell-Judith Rural Water
22 System.

23 (C) TITLE.—Title to the Musselshell-Ju-
24 dith Rural Water System shall be held by the
25 Authority.

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

2 (a) DEFINITIONS.—In this section:

3 (1) DRY-REDWATER REGIONAL WATER AU-
4 THORITY.—The term “Dry-Redwater Regional
5 Water Authority” means—

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

10 (B) any nonprofit successor entity to the
11 Authority described in subparagraph (A).

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

18 (A) Garfield and McCone Counties in the
19 State;

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

22 (C) T. 15 N. (including the area north of
23 the Township) in Prairie County in the State;
24 and

25 (D) the portion of McKenzie County,
26 North Dakota, that includes all land that is lo-

1 cated west of the Yellowstone River in the State
2 of North Dakota.

3 (3) RECLAMATION FEASIBILITY STANDARDS.—

4 The term “reclamation feasibility standards” means
5 the eligibility criteria and feasibility study require-
6 ments described in section 106 of the Reclamation
7 Rural Water Supply Act of 2006 (43 U.S.C. 2405)
8 (as in effect on September 29, 2016).

9 (4) SUBMITTED FEASIBILITY STUDY.—The

10 term “submitted feasibility study” means the feasi-
11 bility study entitled “Dry-Redwater Regional Water
12 System Feasibility Study” (including revisions of the
13 study), which received funding from the Bureau of
14 Reclamation on September 1, 2010.

15 (b) STUDY.—

16 (1) IN GENERAL.—The Secretary, in consulta-
17 tion with the Dry-Redwater Regional Water Author-
18 ity, may undertake a study, including a review of the
19 submitted feasibility study, to determine the feasi-
20 bility of constructing the Dry-Redwater Regional
21 Water System.

22 (2) REQUIREMENT.—The study under para-
23 graph (1) shall comply with the reclamation feasi-
24 bility standards.

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

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

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

14 **SEC. 6. WATER RIGHTS.**

15 Nothing in this Act—

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

17 (2) affects any authority of a State, as in effect

18 on the date of enactment of this Act, to manage

19 water resources within that State.

20 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) AUTHORIZATION.—There is authorized to be ap-
22 propriated to carry out the planning, design, and construc-
23 tion of the Musselshell-Judith Rural Water System, sub-
24 stantially in accordance with the cost estimate set forth

1 in the feasibility report described in section 4(a),
2 \$56,650,000.

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