

119TH CONGRESS
2D SESSION

S. _____

To authorize the Dry-Redwater Regional Water Authority System in the State of Montana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. DAINES introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To authorize the Dry-Redwater Regional Water Authority System in the State of Montana, 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 “Dry-Redwater Re-
5 gional Water Authorization 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—

1 (1) Dawson, Garfield, McCone, Prairie, and
2 Richland Counties in the State of Montana; 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. title 76, chapter 6, part 3
15 (1999); and

16 (B) any nonprofit successor entity to the
17 Authority described in subparagraph (A).

18 (3) INTEGRATED SYSTEM.—The term “Inte-
19 grated System” means the transmission system
20 owned by the Western Area Power Administration,
21 Basin Electric Power Cooperative, and Heartland
22 Energy.

23 (4) NON-FEDERAL TRANSMISSION AND DIS-
24 TRIBUTION SYSTEM.—The term “non-Federal trans-
25 mission and distribution system” means a non-Fed-

1 eral utility that provides electricity to the counties
2 covered by the Water System.

3 (5) PICK-SLOAN PROGRAM.—The term “Pick-
4 Sloan Program” means the Pick-Sloan Missouri
5 River Basin Program authorized by section 9 of the
6 Act of December 22, 1944 (commonly known as the
7 “Flood Control Act of 1944”) (58 Stat. 891, chapter
8 665).

9 (6) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (7) STATE.—The term “State” means the State
12 of Montana.

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

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

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

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

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

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

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

5 (a) AUTHORIZATION.—The Secretary may carry out
6 the project entitled the “Dry-Redwater Regional Water
7 Authority System” in a manner that is substantially in
8 accordance with the Bureau of Reclamation feasibility
9 study entitled “Dry-Redwater Regional Water System
10 Feasibility Study” and dated October 2025 (including re-
11 visions of the study), which was authorized under the
12 Clean Water for Rural Communities Act (section 1110 of
13 division FF of the Consolidated Appropriations Act, 2021
14 (Public Law 116–260; 134 Stat. 3246)), subject to the
15 condition that livestock watering shall not be limited to
16 incidental noncommercial livestock watering.

17 (b) COOPERATIVE AGREEMENT.—The Secretary shall
18 enter into a cooperative agreement with the Authority to
19 provide Federal assistance for the planning, design, and
20 construction of the Water System.

21 (c) COST-SHARING REQUIREMENT.—

22 (1) FEDERAL SHARE.—

23 (A) IN GENERAL.—The Federal share of
24 the costs relating to the planning, design, and

1 construction of the Water System shall not ex-
2 ceed—

3 (i) 75 percent of the total cost of the
4 Water System; or

5 (ii) such other lesser amount as may
6 be determined by the Secretary, acting
7 through the Commissioner of Reclamation,
8 in a feasibility report.

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

13 (2) USE OF FEDERAL FUNDS.—

14 (A) GENERAL USES.—Subject to subpara-
15 graphs (B) and (C), the Water System may use
16 Federal funds made available to carry out this
17 section for—

18 (i) facilities relating to—

19 (I) water pumping;

20 (II) water treatment; and

21 (III) water storage;

22 (ii) transmission pipelines;

23 (iii) pumping stations;

24 (iv) appurtenant buildings, mainte-
25 nance equipment, and access roads;

1 (v) any interconnection facility that
2 connects a pipeline of the Water System to
3 a pipeline of a public water system;

4 (vi) electrical power transmission and
5 distribution facilities required for the oper-
6 ation and maintenance of the Water Sys-
7 tem;

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

12 (viii) any property or property right
13 required for the construction or operation
14 of a facility described in this subsection.

15 (B) ADDITIONAL USES.—In addition to the
16 uses described in subparagraph (A), the Water
17 System may use Federal funds made available
18 to carry out this section for—

19 (i) facilities relating to water intake;
20 and

21 (ii) distribution, pumping, and storage
22 facilities that—

23 (I) serve the needs of citizens
24 who use public water systems;

1 (II) are in existence on the date
2 of enactment of this Act; and

3 (III) may be purchased, im-
4 proved, and repaired in accordance
5 with a cooperative agreement entered
6 into by the Secretary under subsection
7 (b).

8 (C) LIMITATION.—Federal funds made
9 available to carry out this section shall not be
10 used for the operation, maintenance, or replace-
11 ment of the Water System.

12 (D) TITLE.—Title to the Water System
13 shall be held by the Authority.

14 **SEC. 5. USE OF POWER FROM PICK-SLOAN PROGRAM BY**
15 **THE DRY-REDWATER REGIONAL WATER AU-**
16 **THORITY SYSTEM.**

17 (a) FINDING.—Congress finds that—

18 (1) McCone and Garfield Counties in the State
19 were designated as impact counties during the pe-
20 riod in which the Fort Peck Dam was constructed;
21 and

22 (2) as a result of the designation, the counties
23 referred to in paragraph (1) were to receive impact
24 mitigation benefits in accordance with the Pick-
25 Sloan Program.

1 (b) AVAILABILITY OF POWER.—

2 (1) IN GENERAL.—Subject to paragraph (2),
3 the Administrator shall make available to the Water
4 System a quantity of power required to meet the
5 operational requirements of the Water System each
6 year—

7 (A) from the water intake facilities; and

8 (B) through all pumping stations, water
9 treatment facilities, reservoirs, storage tanks,
10 and pipelines up to the point of delivery of
11 water by the water supply system to all storage
12 reservoirs and tanks and each entity that dis-
13 tributes water at retail to individual users.

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

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

18 (B) is constructed pursuant to a coopera-
19 tive agreement entered into by the Secretary
20 under section 4(b).

21 (3) RATE.—The Administrator shall establish
22 the cost of the power described in paragraph (1) at
23 the firm power rate.

24 (4) RESPONSIBILITY FOR POWER CHARGES.—

25 The Authority shall be responsible for the payment

1 of the power charge described in paragraph (3) and
2 non-Federal delivery costs described in paragraph
3 (5).

4 (5) TRANSMISSION ARRANGEMENTS.—

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

9 (B) UPGRADES.—The Water System shall
10 be responsible for funding any transmission or
11 distribution upgrades to the Integrated System,
12 including upgrades to any non-Federal trans-
13 mission or distribution system, that are nec-
14 essary to deliver power to the Water System.

15 **SEC. 6. WATER RIGHTS.**

16 Nothing in this Act—

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

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

21 **SEC. 7. FUNDING.**

22 (a) AUTHORIZATION.—There is authorized to be ap-
23 propriated for the planning, design, and construction of
24 the Water System \$602,000,000 for the period of fiscal
25 years 2027 through 2037.

1 (b) COST INDEXING.—The amount authorized to be
2 appropriated under subsection (a) may be increased or de-
3 creased in accordance with ordinary fluctuations in devel-
4 opment costs incurred after January 1, 2024, as indicated
5 by any available engineering cost indices applicable to con-
6 struction activities that are similar to the construction of
7 the Water System.

8 (c) CONSTRUCTION COSTS ADJUSTMENT.—The
9 amount authorized to be appropriated under subsection
10 (a) shall be adjusted to address construction cost changes
11 necessary to account for unforeseen market volatility that
12 may not otherwise be captured by engineering cost indices,
13 as determined by the Secretary, including repricing appli-
14 cable to the types of construction and current industry
15 standards involved.