

109TH CONGRESS
1ST SESSION

H. R. 3897

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply and Groundwater Enhancement Project.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2005

Mr. RADANOVICH introduced the following bill; which was referred to the Committee on Resources

A BILL

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply and Groundwater Enhancement Project.

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 “Madera Water Supply
5 and Groundwater Enhancement Project Act”.

1 **SEC. 2. DEFINITIONS.**

2 (a) The term “District” means the Madera Water
3 District, Madera, California.

4 (b) The term “Project” means the “Madera Water
5 Supply and Enhancement Project”.

6 (c) The term “Secretary” means the Secretary of the
7 United States Department of the Interior.

8 **SEC. 3. STUDY AND REPORT.**

9 (a) STUDY.— Pursuant to the Reclamation Act of
10 1902 (32 Stat. 388) and Acts amendatory thereof and
11 supplemental thereto, the Secretary, acting through the
12 Commissioner of the Bureau of Reclamation, and in con-
13 sultation and cooperation with the District, is authorized
14 to conduct a study to determine the feasibility of con-
15 structing the Project.

16 (b) REPORT.—

17 (1) TRANSMISSION.—Upon completion of the
18 study authorized by subsection (a), the Secretary
19 shall transmit to the Committee on Resources of the
20 House of Representatives and the Committee on En-
21 ergy and Natural Resources of the Senate a report
22 containing the results of the study, together with
23 recommendations regarding any recommendation to
24 construct the project.

25 (2) USE OF AVAILABLE MATERIALS.—In devel-
26 oping the report under this section, the Secretary

1 shall make use of reports and any other relevant in-
2 formation supplied by the District.

3 (3) DEADLINE.—No later than June 30, 2006,
4 the Secretary shall complete the report and transmit
5 the report to Congress pursuant to subsection
6 (b)(2).

7 (c) COST SHARE.—

8 (1) FEDERAL SHARE.—The Federal share of
9 the costs of the feasibility study authorized by this
10 section shall not exceed 50 percent of the total cost
11 of the study.

12 (2) IN-KIND CONTRIBUTION FOR NON-FEDERAL
13 SHARE.—The Secretary may accept as part of the
14 non-Federal cost share the contribution of such in-
15 kind services by the District as the Secretary deter-
16 mines will contribute to the conduct and completion
17 of the study.

18 **SEC. 4. COOPERATIVE AGREEMENT.**

19 All planning, design, and construction of the Project
20 authorized by this Act shall be undertaken in accordance
21 with a cooperative agreement between the Secretary and
22 the District for the Project. Such cooperative agreement
23 shall set forth in a manner acceptable to the Secretary
24 and the District the responsibilities of the District for par-

1 participating in the study and related environmental review,
2 including, but not limited to:

3 (1) preparation of an assessment of the need
4 for the project;

5 (2) preparation of feasibility and reconnaissance
6 studies;

7 (3) environmental review;

8 (4) engineering and design;

9 (5) construction; and

10 (6) the administration of contracts pertaining
11 to any of the foregoing.

12 **SEC. 5. AUTHORIZATION FOR THE MADERA WATER SUPPLY**
13 **AND ENHANCEMENT PROJECT.**

14 (a) AUTHORIZATION OF CONSTRUCTION.—Upon sub-
15 mission of feasibility report described in section 3 and a
16 statement by the Secretary that the project is feasible, the
17 Secretary, acting pursuant to the Federal reclamation
18 laws (Act of June 17, 1902; 32 Stat. 388), and Acts
19 amendatory thereof or supplementary thereto, as far as
20 those laws are not inconsistent with the provisions of this
21 Act, is authorized to enter into a cooperative agreement
22 through the Bureau with the District for the support of
23 the design, and construction of the Project.

24 (b) COST SHARE.—The Federal share of the capital
25 costs of the Project shall not exceed 25 percent of the total

1 cost. Capital costs incurred by the District prior to the
2 date of the enactment of this Act shall be considered a
3 portion of the non-Federal cost share.

4 (c) IN-KIND SERVICES.—In-kind services performed
5 by the District shall be considered a part of the local cost
6 share to complete the Project authorized by subsection (a).

7 (d) CREDIT FOR NON-FEDERAL WORK.—The Dis-
8 trict shall receive credit toward the non-Federal share of
9 the cost of the Project for—

10 (1) reasonable costs incurred by the District as
11 a result of participation in the planning, design, and
12 construction of the Project; and

13 (2) for the fair market value of lands used or
14 acquired by the District for the Project.

15 (e) LIMITATION.—The Secretary shall not provide
16 funds for the operation or maintenance of the Project au-
17 thorized by this section. The operation and maintenance
18 of the Project shall be the sole responsibility of the Dis-
19 trict.

20 (f) PLANS AND ANALYSES CONSISTENT WITH FED-
21 ERAL LAW.—Before obligating funds for design or con-
22 struction under this section, the Secretary shall work co-
23 operatively with the District to use, to the extent possible,
24 plans, designs, and engineering and environmental anal-
25 yses that have already been prepared by the District for

1 the Project. The Secretary shall ensure that such informa-
2 tion as is used is consistent with applicable Federal laws
3 and regulations.

4 (g) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in
5 this section or the assistance provided under this section
6 shall be construed to transfer title, responsibility or liabil-
7 ity related to the Project to the United States.

8 (h) AUTHORIZATION OF APPROPRIATION.—There is
9 authorized such sums as may be appropriated to carry out
10 this section.

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