

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Dry Prairie Rural Water System that have been shown to be economically and financially feasible.

(f) INTERCONNECTION OF FACILITIES.—

(1) IN GENERAL.—The Secretary shall—

(A) interconnect the Dry Prairie Rural Water System with the Assiniboine and Sioux Rural Water System; and

(B) provide for the delivery of water to the Dry Prairie Rural Water System from the Missouri River through the Assiniboine and Sioux Rural Water System.

(2) CHARGES.—The Secretary shall not charge for the water delivered.

(g) LIMITATION ON USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The operation, maintenance, and replacement expenses associated with water deliveries from the Assiniboine and Sioux Rural Water System to the Dry Prairie Rural Water System shall not be a Federal responsibility and shall be borne by the Dry Prairie Rural Water System.

(2) FEDERAL FUNDS.—The Secretary may not obligate or expend any Federal funds for the operation, maintenance, or replacement of the Dry Prairie Rural Water System.

(h) TITLE TO DRY PRAIRIE RURAL WATER SYSTEM.—Title to the Dry Prairie Rural Water System shall be held by Dry Prairie Rural Water Association, Incorporated.

**SEC. 6. USE OF PICK-SLOAN POWER.**

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping, treatment, and incidental operational requirements of the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System, as described in sections 4 and 5.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water Systems shall be operated on a not-for-profit basis.

(2) The Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System shall contract to purchase their entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the wholesale firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System contract under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B);

(D) the Dry Prairie Rural Water Association, Inc.; and

(E) the Fort Peck Tribes;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System, except that the power supplier of the Dry Prairie Rural

Water System and Assiniboine and Sioux Rural Water System shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

(c) ADDITIONAL POWER.—If power in addition to that made available under subsection (a) is required to meet the pumping requirements of the service area of the Fort Peck Reservation Rural Water System described in sections 4 and 5, the Administrator of the Western Area Power Administration may purchase the necessary additional power under such terms and conditions as the Administrator determines to be appropriate.

(d) RECOVERY OF EXPENSES.—

(1) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—In the case of the Assiniboine and Sioux Rural Water System, expenses associated with power purchases under subsection (a) shall be recovered through a separate power charge, sufficient to cover expenses, applied to the Assiniboine and Sioux Rural Water System's operation and maintenance cost.

(2) DRY PRAIRIE RURAL WATER SYSTEM.—In the case of the Dry Prairie Rural Water System, expenses associated with power purchases under subsections (a) shall be recovered through a separate power charge, sufficient to cover expenses, to be paid fully by the Dry Prairie Rural Water Association, Inc.

**SEC. 7. WATER CONSERVATION PLAN.**

(a) IN GENERAL.—The Fort Peck Tribes and Dry Prairie Rural Water Association Incorporated shall develop a water conservation plan containing—

(1) a description of water conservation objectives;

(2) a description of appropriate water conservation measures; and

(3) a time schedule for implementing the measures and this Act to meet the water conservation objectives.

(b) PURPOSE.—The water conservation plan under subsection (a) shall be designed to ensure that users of water from the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System will use the best practicable technology and management techniques to conserve water.

(c) PUBLIC PARTICIPATION.—Section 210(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390jj(c)) shall apply to an activity authorized under this Act.

**SEC. 8. WATER RIGHTS.**

This Act does not—

(1) impair the validity of or preempt any provision of State water law or any interstate compact governing water;

(2) alter the right of any State to any appropriated share of the water of any body of surface or ground water, whether determined by any past or future interstate compact or by any past or future legislative or final judicial allocation;

(3) preempt or modify any Federal or State law or interstate compact concerning water quality or disposal;

(4) confer on any non-Federal entity the authority to exercise any Federal right to the water of any stream or to any ground water resource;

(5) affect any right of the Fort Peck Tribes to water, located within or outside the external boundaries of the Fort Peck Indian Reservation, based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in *Winters v. United States*, 207 U.S. 564 (1908) (commonly known as the "Winters Doctrine"), or other law; or

(6) validate or invalidate any assertion of the existence, nonexistence, or extinguishment of any water right held or Indian water

compact entered into by the Fort Peck Tribes or by any other Indian tribe or individual Indian under Federal or State law.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

(a) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—There are authorized to be appropriated—

(1) over a period of 10 fiscal years, \$124,000,000 for the planning, design, and construction of the Assiniboine and Sioux Rural Water System in accordance with subsections (b), (d), and (e) of section 4; and

(2) such sums as are necessary for the operation, maintenance, and replacement of the Assiniboine and Sioux Rural Water System, including power costs of the Western Area Power Administration.

(b) DRY PRAIRIE RURAL WATER SYSTEM.—There is authorized to be appropriated, over a period of 10 fiscal years, \$51,000,000 for the planning, design, and construction of the Dry Prairie Rural Water System.

(c) COST INDEXING.—The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1998, as indicated by engineering cost indices applicable for the type of construction involved.

**NATIONAL FOREST AND PUBLIC LANDS OF NEVADA ENHANCEMENT ACT OF 1988**

The bill (S. 439) to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 439

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADJUSTMENT OF BOUNDARY OF THE TOIYABE NATIONAL FOREST, NEVADA.**

Section 4(a) of the National Forest and Public Lands of Nevada Enhancement Act of 1988 (102 Stat. 2750) is amended—

(1) by striking "Effective" and inserting the following:

"(1) IN GENERAL.—Effective"; and

(2) by adding at the end the following:

"(2) BOUNDARY ADJUSTMENT.—Effective on the date of enactment of this paragraph, the portion of the land transferred to the Secretary of Agriculture under paragraph (1) situated between the lines marked 'Old Forest Boundary' and 'Revised National Forest Boundary' on the map entitled 'Nevada Interchange "A", Change 1', and dated September 16, 1998, is transferred to the Secretary of the Interior."

**MIWALETA PARK EXPANSION ACT**

The Senate proceeded to consider the bill (S. 977) to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 977

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*