

Calendar No. 816

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 1855****[Report No. 110-384]**

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IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2007

Received; read twice and referred to the Committee on Energy and Natural  
Resources

JUNE 16, 2008

Reported by Mr. BINGAMAN, without amendment

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## **AN ACT**

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 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 Enhancement Act”.

1 **SEC. 2. DEFINITIONS.**

2 For the purposes of this Act:

3 (1) DISTRICT.—The term “District” means the  
4 Madera Irrigation District, Madera, California.

5 (2) PROJECT.—The term “Project” means the  
6 Madera Water Supply Enhancement Project, a  
7 groundwater bank on the 13,646-acre Madera Ranch  
8 in Madera, California, owned, operated, maintained,  
9 and managed by the District that will plan, design,  
10 and construct recharge, recovery, and delivery sys-  
11 tems able to store up to 250,000 acre-feet of water  
12 and recover up to 55,000 acre-feet of water per year,  
13 as substantially described in the California Environ-  
14 mental Quality Act, Final Environmental Impact  
15 Report for the Madera Irrigation District Water  
16 Supply Enhancement Project, September 2005.

17 (3) SECRETARY.—The term “Secretary” means  
18 the Secretary of the United States Department of  
19 the Interior.

20 (4) TOTAL COST.—The term “total cost” means  
21 all reasonable costs, such as the planning, design,  
22 permitting, and construction of the Project and the  
23 acquisition costs of lands used or acquired by the  
24 District for the Project.

1 **SEC. 3. PROJECT FEASIBILITY.**

2 (a) PROJECT FEASIBLE.—Pursuant to the Reclama-  
3 tion Act of 1902 (32 Stat. 388) and Acts amendatory  
4 thereof and supplemental thereto, the Project is feasible  
5 and no further studies or actions regarding feasibility are  
6 necessary.

7 (b) APPLICABILITY OF OTHER LAWS.—The Sec-  
8 retary shall implement the authority provided in this Act  
9 in accordance with all applicable Federal laws, including  
10 the National Environmental Policy Act of 1969 (42 U.S.C.  
11 4321 et seq.) and the Endangered Species Act of 1973  
12 (7 U.S.C. 136; 16 U.S.C. 460 et seq.).

13 **SEC. 4. COOPERATIVE AGREEMENT.**

14 All final planning and design and the construction of  
15 the Project authorized by this Act shall be undertaken in  
16 accordance with a cooperative agreement between the Sec-  
17 retary and the District for the Project. Such cooperative  
18 agreement shall set forth in a manner acceptable to the  
19 Secretary and the District the responsibilities of the Dis-  
20 trict for participating, which shall include—

- 21 (1) engineering and design;  
22 (2) construction; and  
23 (3) the administration of contracts pertaining  
24 to any of the foregoing.

1 **SEC. 5. AUTHORIZATION FOR THE MADERA WATER SUPPLY**  
2 **AND ENHANCEMENT PROJECT.**

3 (a) **AUTHORIZATION OF CONSTRUCTION.**—The Sec-  
4 retary, acting pursuant to the Federal reclamation laws  
5 (Act of June 17, 1902; 32 Stat. 388), and Acts amend-  
6 atory thereof or supplementary thereto, is authorized to  
7 enter into a cooperative agreement through the Bureau  
8 of Reclamation with the District for the support of the  
9 final design and construction of the Project.

10 (b) **TOTAL COST.**—The total cost of the Project for  
11 the purposes of determining the Federal cost share shall  
12 not exceed \$90,000,000.

13 (c) **COST SHARE.**—The Federal share of the capital  
14 costs of the Project shall not exceed 25 percent of the total  
15 cost. Capital, planning, design, permitting, construction,  
16 and land acquisition costs incurred by the District prior  
17 to the date of the enactment of this Act shall be considered  
18 a portion of the non-Federal cost share.

19 (d) **CREDIT FOR NON-FEDERAL WORK.**—The Dis-  
20 trict shall receive credit toward the non-Federal share of  
21 the cost of the Project for—

22 (1) in-kind services that the Secretary deter-  
23 mines would contribute substantially toward the  
24 completion of the project;

1           (2) reasonable costs incurred by the District as  
2           a result of participation in the planning, design, per-  
3           mitting, and construction of the Project; and

4           (3) the acquisition costs of lands used or ac-  
5           quired by the District for the Project.

6           (e) LIMITATION.—The Secretary shall not provide  
7           funds for the operation or maintenance of the Project au-  
8           thorized by this section. The operation, ownership, and  
9           maintenance of the Project shall be the sole responsibility  
10          of the District.

11          (f) PLANS AND ANALYSES CONSISTENT WITH FED-  
12          ERAL LAW.—Before obligating funds for design or con-  
13          struction under this section, the Secretary shall work co-  
14          operatively with the District to use, to the extent possible,  
15          plans, designs, and engineering and environmental anal-  
16          yses that have already been prepared by the District for  
17          the Project. The Secretary shall ensure that such informa-  
18          tion as is used is consistent with applicable Federal laws  
19          and regulations.

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

24          (h) AUTHORIZATION OF APPROPRIATION.—There is  
25          authorized to be appropriated to the Secretary to carry

1 out this Act \$22,500,000 or 25 percent of the total cost  
2 of the Project, whichever is less.

3 **SEC. 6. SUNSET.**

4       The authority of the Secretary to carry out any provi-  
5 sions of this Act shall terminate 10 years after the date  
6 of the enactment of this Act.



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