

## Lori Stratton

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**From:** Larry Bonderud  
**Sent:** Sunday, December 11, 2016 2:01 PM  
**To:** Lori Stratton  
**Subject:** Fwd: WIIN Act Summary  
**Attachments:** WIIN Act Summary.docx; ATT00001.htm; Section by Section WIIN Act.pdf; ATT00002.htm; wrda-2016-highlights.pdf; ATT00003.htm

Next council  
Packets.

Sent from my iPhone

Mayor Lar

Begin forwarded message:

**From:** Melissa Lewis <[melissa@mlewisassoc.com](mailto:melissa@mlewisassoc.com)>  
**Date:** December 11, 2016 at 1:13:50 PM MST  
**To:** Larry Bonderud <[larry@shelbymt.com](mailto:larry@shelbymt.com)>  
**Subject:** WIIN Act Summary

Hi Mayor,

Late Friday, Congress passed S. 612, the Water Infrastructure Improvements for the Nation (WIIN) Act. The WIIN Act includes the Water Resources Development Act (WRDA) of 2016. The bill now heads to the White House for signature and enactment into law. I have summarized the sections that are most applicable to the City of Shelby and the Rocky Boy/North Central Montana Regional Water Authority. I've also attached additional supporting materials. Let me know if you have any questions!

Attachments:

- WIIN Act Summary
- Section-by-Section of WIIN Act
- WRDA Highlights

Melissa

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December 11, 2016

Larry Bonderud  
Mayor  
City of Shelby  
112 1<sup>st</sup> Street South  
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RE: Analysis of S. 612, Water Infrastructure Improvements for the Nation (WIIN) Act of 2016.

**Summary:** Congress passed S. 612, the Water Infrastructure Improvements for the Nation (WIIN) Act, on Friday, December 9. The legislation authorizes \$170 million to address drinking water emergencies in communities suffering health impacts of lead contamination and to provide clean drinking water assistance across the country. The bill now moves to the White House for signature and enactment into law. The following is an analysis of provisions that could be important to the City of Shelby and the Rocky Boy/North Central Montana Regional Water Authority.

#### **Title I-Water Resources Development**

##### **Section 1119. Indian Tribes.**

This section amends WRDA to direct USACE to waive local cost-sharing requirements for all studies and projects for federally recognized Indian tribes.

##### **Section 1144. Prioritization of Certain Projects.**

This section directs USACE to give priority to flood risk management projects that have executive project partnership agreements and are located in areas where there has been loss of life due to flood events, projects located in areas where the President has declared a major disaster or emergency and areas with significant risk for catastrophic flooding.

##### **Section 1172. Easements for Electric, Telephone, or Broadband Service Facilities.**

This section waives easement fees for nonprofit organizations eligible for financing under the Rural Electrification Act of 1936.

##### **Section 1186. Rural Western Water.**

This section clarifies that eligible projects carried out under Section 595 of WRDA 1999 are treated similarly to other funded projects carried out under similar programs. Assistance under this section shall be made available to *all eligible states and locales*. Project priority will be granted to shovel ready projects and to project sponsors that are prepared to execute a new or amended project cooperation agreement.

##### **Section 1301. Deauthorization of Inactive Projects.**

This section establishes a process that will lead to the deauthorization of \$10 billion in previously authorized, yet inactive, USACE projects. It requires USACE to submit a list of inactive projects to Congress that were authorized for construction prior to November 8, 2007 and have not begun planning, design, or construction. Included on the list will also be projects that have begun planning,

design or construction but have not received any funds (federal or non-federal) in the past six years. After a 180-day period of congressional review, the projects on the list are automatically deauthorized.

## **Title II-Water and Waste Act of 2016**

### **Section 2101. Sense of Congress on Appropriations Levels.**

This section creates a Sense of Congress that Congress should provide "robust" capitalization funding for Safe Drinking Water Act and Clean Water Act State Revolving Loan Funds.

### **Section 2101. Preconstruction Work.**

This section restructures section 1452 (a) of the Safe Drinking Water Act and allows Drinking Water State Revolving Loan Funds (DWSRF) to be used to pay for the planning, design, and preconstruction activities associated with a project being funded by a state DWSRF. Additionally, it allows DWSRF funds to be used to help meet debt of other funding match requirements.

### **Section 2104. Assistance for Small and Disadvantaged Communities.**

This section creates a program to assist small and economically disadvantaged communities with drinking water services. Priority is granted to underserved communities that have inadequate drinking water systems. It authorizes \$60 million annually in grants to communities, tribes or States to aid in the provision of household water quality testing. Grantees are responsible for at least 45 percent of the total cost of the project. Grants cannot be used for operation and maintenance.

### **Section 2105. Reducing Lead in Drinking Water.**

This section creates a program to help economically disadvantaged communities finance programs and activities to reduce the concentration of lead in their treated drinking water, including the replacement of lead service lines. \$60 million is authorized for each fiscal year for 5 years.

### **Section 2111. Definition of Indian Tribe.**

This section amends the definition of Indian tribe in the Safe Drinking Water Act so that tribes are now eligible for funds under the new small and disadvantaged communities and lead in drinking water reduction, including pipe replacement, programs.

### **Section 2201. Drinking Water Infrastructure.**

This section authorizes \$100 million over 18 months in additional capitalization grants to State Revolving Loan Funds (SRF) to aid states where the President has declared a disaster related to public health threats associated with lead or other contaminants in a public water system.

### **Section 2202. Sense of Congress.**

This section expresses the Sense of Congress that \$20 million should be approved by Congress under the Water Infrastructure Finance and Innovation Act for eligible projects, including those to address lead and other contaminants in drinking water systems.

**SECTION-BY-SECTION OF S.612**  
**WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION ACT**

**Section 1. Short Title; Table of Contents**

This section states that the Act may be cited as the “Water Infrastructure Improvements for the Nation Act” and includes a Table of Contents.

**Title I – Water Resources Development**

**Section 1001. Short Title.**

This section states that Title I may be cited as the “Water Resources Development Act of 2016”.

**Section 1002. Secretary Defined.**

This section defines the term “Secretary” as the Secretary of the Army.

***Subtitle A – General Provisions***

**Section 1101. Youth Service and Conservation Corps Organizations.**

This section directs the Corps of Engineers (Corps) to enter into cooperative agreements with youth service and conservation corps organizations for services related to projects under the jurisdiction of the Corps.

**Section 1102. Navigation Safety.**

This section directs the Corps to use the existing operation and maintenance authorities to carry out navigation safety activities at projects eligible for operation and maintenance under section 204(f) of the Water Resources Development Act (WRDA) of 1986. This section clarifies the Corps’ authority to use operation and maintenance authority for bend easing activities.

**Section 1103. Emerging Harbors.**

This section makes permanent a requirement the Corps use at least 10 percent of priority funds from the Harbor Maintenance Trust Fund for emerging harbor projects.

**Section 1104. Federal Breakwaters and Jetties.**

This section directs the Corps to report to Congress an inventory of all federal breakwaters and jetties protecting harbors and inland harbors and details the kind of information on structural conditions, safety, and maintenance to report.

**Section 1105. Remote and Subsistence Harbors.**

This section amends WRDA 2007 to direct the Corps to give consideration to regions that rely on remote and subsistence harbors when studying harbor and navigation improvements.

**Section 1106. Alternative Projects to Maintenance Dredging.**

This section allows the Corps to assume the operation and maintenance costs of alternative projects to maintenance dredging for a federal navigation channel if the alternative project would lower the overall costs of maintaining such channel.

**Section 1107. Great Lakes Navigation System.**

This section makes permanent the use of priority funds from the Harbor Maintenance Trust Fund for underserved harbor projects and projects located within the Great Lakes Navigation System.

**Section 1108. Funding for Harbor Maintenance Programs.**

This section amends section 2101 of the Water Resources Reform and Development Act (WRRDA) of 2014 to clarify the target appropriations from the Harbor Maintenance Trust Fund in the event that collections from the prior year decrease.

**Section 1109. Maintenance of Harbors of Refuge.**

This section clarifies that the Corps has the authority to maintain all federally authorized harbors of refuge, including restoring the harbors to their authorized depths.

**Section 1110. Donor Ports and Energy Transfer Ports.**

This section amends section 2106 of WRRDA 2014 to adjust the sunset date for the authorization of appropriations for donor ports, medium-sized donor ports, and energy transfer ports and clarifies how payments are to be administered.

**Section 1111. Harbor Deepening.**

This section amends WRDA 1986 to align the cost share for construction of harbors with the change in WRRDA 2014 which modified the cost-share for operation and maintenance of harbors.

**Section 1112. Implementation Guidance.**

This section requires the Corps to issue implementation guidance on section 2102 of WRRDA 2014 relating to Harbor Maintenance Trust Fund expenditures.

**Section 1113. Non-Federal Interest Dredging Authority.**

This section establishes a pilot program to permit a non-federal interest to operate and maintain a federal navigation project with its own equipment and personnel. The non-federal interest would be eligible for reimbursement for an amount equal to the estimated federal cost of performing the operation and maintenance.

**Section 1114. Transportation Cost Savings.**

This section requires the Corps to identify transportation cost savings achieved from maintaining harbors and inland harbors in its next report to Congress on harbor and inland harbors needs as required by section 210 of WRDA 1986.

**Section 1115. Reservoir Sediment.**

This section amends WRDA 2000 to direct the Corps to establish a pilot program of up to 10 sites to accept services provided by a non-federal interest or commercial entity to remove sediment captured behind a dam that is owned, operated, or under the jurisdiction of the Corps for the purposes of restoring the authorized storage capacity. The non-federal interest or commercial entity may retain, use, recycle, sell, or otherwise dispose of any sediment removed in connection with the services being provided through the pilot program.

**Section 1116. Water Supply Conservation.**

This section authorizes the Corps to enter into agreements with non-federal sponsors to carry out water supply conservation measures in states affected by drought. The water supply conservation measures must be consistent with the authorized purposes of Corps water resources development projects.

**Section 1117. Drought Emergencies.**

This section directs the Corps to prioritize updates of water control manuals and incorporate seasonal operations for water conservation and water supply for control structures at the request of a governor of a state with a drought emergency during the year leading up to the enactment of this Act.

**Section 1118. Leveraging Federal Infrastructure for Increased Water Supply.**

This section directs the Secretary to review proposals to increase water supplies by increasing storage capacity or modifying project management. The non-federal interest may contribute funds to the Corps to facilitate the review of a proposal. The provision does not apply to the Upper Missouri River reservoirs or reservoirs in the Apalachicola-Chattahoochee-Flint river system and the Alabama-Coosa-Tallapoosa river system.

**Section 1119. Indian Tribes.**

This section amends WRDA 1986 to direct the Corps to waive local cost-sharing requirements for all studies and projects for federally recognized Indian tribes.

**Section 1120. Tribal Consultation Reports.**

This section requires the Corps to submit to Congress all reports developed pursuant to the Corps' Tribal Consultation Policy. The Corps shall provide a report to Congress on the results of the review of its existing policies, regulations, and guidance related to consultation with Indian tribes.

**Section 1121. Tribal Partnership Program.**

This section expands the Corps' authority to carry out water resources activities with Indian tribes. It authorizes a tribal continuing authority program to study and construct cost-shared projects.

**Section 1122. Beneficial Use of Dredged Material.**

This section directs the Corps to establish a pilot program to carry out projects for the beneficial reuse of dredged material. The program of 10 geographically diverse pilot projects, will be carried out with the help of regional beneficial reuse teams consisting of the Corps, federal, state, and other appropriate stakeholders. The pilot program is to select projects to maximize the beneficial reuse of dredged material based solely on the environmental, economic, and social benefits of the project.

**Section 1123. Great Lakes Fishery and Ecosystem Restoration.**

This section amends WRDA 2000 to modify the Great Lakes Fishery and Ecosystem Restoration program to ensure consistency with the Great Lakes Restoration Initiative and other federal programs.

**Section 1124. Corps of Engineers Operation of Unmanned Aircraft Systems.**

This section instructs the Corps to designate a coordinator and principal approving official for the use of drones in support of civil works and emergency response missions. This section requires that drones used by the Corps be operated in accordance with Federal Aviation Administration regulation. Drones acquired, operated, or maintained by the Corps are only to be used for the support of civil works and emergency response of the Corps.

**Section 1125. Funding to Process Permits.**

This section amends section 214 of WRDA 2000 to include railroad carriers as eligible to contribute funds to the Corps to expedite the evaluation of a permit, under the jurisdiction of the Department of the Army, related to a project or activity for public purpose. This section also extends the existing program for natural gas companies and railroad carriers until 2024.

**Section 1126. Study of Water Resources Development Projects by Non-Federal Interests.**

This section amends WRDA 1986 to allow the Secretary of the Army-Civil Works to provide technical assistance to a non-federal interest. Currently, when carrying out a study under section 203 authority, the Assistant Secretary of the Army may not have the opportunity to review or participate in a proposed study until late in the process.

**Section 1127. Non-Federal Construction of Authorized Flood Damage Reduction Projects.**

This section amends WRDA 1986 to authorize credit or reimbursement for a discrete segment of a flood damage reduction project, or a separable element of the project, once the Secretary determines that construction of the discrete segment is complete and consistent with current law and the project authorization.

**Section 1128. Multistate Activities.**

This section amends the Planning Assistance to States program authorized in WRDA 1974 to include groups of states as eligible to work with the Corps in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins located within the boundaries of such states.

**Section 1129. Planning Assistance to States.**

This section clarifies that the Planning Assistance to States program's cost-share for United States Territories shall adhere to the cost-sharing requirements for territories in section 1156 of WRDA 1986.

**Section 1130. Regional Participation Assurance for Levee Safety Activities.**

This section amends the levee safety provisions in WRDA 2007 to ensure regional districts are active participants and adequately consulted in carrying out the National Levee Safety Program.

**Section 1131. Participation of Non-Federal Interests.**

This section amends section 221 of the Flood Control Act of 1970 to authorize Alaska Native Corporations to participate as non-federal, cost-share partners on Corps projects.

**Section 1132. Post-Authorization Change Reports.**

This section directs the Corps to furnish post-authorization change reports to Congress upon completion, instead of after Administration review. Administration review is instructed to occur within 120 days after completion of the report and prompt review is directed for any post-authorization change report that is completed but pending Administration review prior to the date of enactment of this Act.

**Section 1133. Maintenance Dredging Data.**

This section directs the Corps to establish a publicly available database of maintenance dredging carried out by federal and non-federal vessels. The information included in the database shall include the volume of dredged material removed, the total cost of the project, the party and vessel carrying out the work, the number of private contractor bids received, and the initial cost estimate for each project.

**Section 1134. Electronic Submission and Tracking of Permit Applications.**

This section amends WRDA 2007 to direct the Corps to research, develop, and implement an electronic system to allow the electronic preparation and submission of applications for permits and requests for jurisdictional determinations under the jurisdiction of the Corps and requires that all permit decisions and jurisdictional determinations should be available for a minimum of five years.

**Section 1135. Data Transparency.**

This section amends WRDA 2007 to instruct the Corps to make publicly available, including on the Internet, all data on the planning, design, construction, operation, and maintenance of water resources development projects and on water quality and water management of projects owned, operated, or managed by the Corps.

**Section 1136. Quality Control.**

This section amends the Flood Control Act of 1944 to require that transmittal letters and any accompanying attachments for each final study, statement, report, and record of decision be made publicly available in addition to being printed as House or Senate documents. Additionally, the Corps is directed to provide to Congress a copy of each final study, statement, report, and record of decision prepared by the Corps.

**Section 1137. Report on Purchase of Foreign Manufactured Articles.**

This section amends WRDA 1992 to direct the Corps to report to Congress on the dollar value of any articles, materials, or supplies that were manufactured outside of the United States and purchased by the Corps for civil works projects in the prior fiscal year.

**Section 1138. International Outreach Program.**

This section amends WRDA 1992 to authorize the Corps to engage in activities to inform the United States of technological innovations from abroad that could significantly improve water resources development in the United States.

**Section 1139. Dam Safety Repair Projects.**

This section requires the Corps to issue guidance related to dam safety repair projects.

**Section 1140. Federal Cost Limitation for Certain Projects.**

This section clarifies that a Corps project carried out through the Great Lakes Fishery and Ecosystem Restoration program may include compatible recreation features, so long as those features do not exceed 10 percent of the ecosystem restoration costs of the project.

**Section 1141. Lake Kemp, Texas.**

This section provides an extension for property owners related to structures built in the flowage easement at Lake Kemp, Texas.

**Section 1142. Corrosion Prevention.**

This section requires the Corps to report on corrosion prevention activities encouraged under Section 1033 of WRRDA 2014.

**Section 1143. Sediment Sources.**

This section authorizes the Corps to study the costs, benefits, and impacts of acquiring sediment from domestic and nondomestic sources for shoreline protection projects.

**Section 1144. Prioritization of Certain Projects.**

This section directs the Corps to give priority to flood risk management projects that have executed project partnership agreements and are located in areas where: (1) there has been loss of life due to flood events, (2) the President has declared a major disaster or emergency exists under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and (3) there is significant risk for catastrophic flooding.

**Section 1145. Gulf Coast Oyster Bed Recovery Assessment.**

This section requires the Corps to conduct an assessment on the recovery of oyster beds on the Gulf Coast that were damaged by events including: (1) Hurricane Katrina in 2005, (2) the Deepwater Horizon Oil Spill in 2010, and (3) floods in 2011 and 2016.

**Section 1146. Initiating Work on Separable Elements.**

This section clarifies that, for the initiation of work on a separable element of a water resources development project that has received construction funds in the previous six years, no new start or new investment decision is required, and the work shall be treated as ongoing work.

**Section 1147. Lower Bois d'Arc Creek Reservoir Project, Fannin County, Texas.**

This section requires the Secretary to expeditiously complete any environmental decisions and reviews related to the construction of, impoundment of water in, and operation of the Lower Bois d'Arc Creek Reservoir Project.

**Section 1148. Recreational Access at Corps of Engineers Reservoirs.**

This section clarifies that requirements imposed on floating cabins used in the Cumberland River Basin cannot be different or more stringent than the requirements imposed on all recreational vessels authorized for use in the region.

**Section 1149. No Wake Zones in Navigation Channels.**

This section allows the Corps, in consultation with the Coast Guard, to work with state or local officials to address navigation safety hazards in covered navigation channels resulting from wakes created by recreational vessels.

**Section 1150. Ice Jam Prevention and Mitigation.**

This section authorizes the Corps to carry out small flood control pilot projects under section 205 of the Flood Control Act of 1948 to prevent and mitigate flood damages associated with ice jams.

**Section 1151. Structural Health Monitoring.**

This section directs the Corps to assess and improve the condition of water resources infrastructure through a structural health monitoring program. The Corps is directed to consult with academic and other experts and use models and research to develop this program.

**Section 1152. Kennewick Man.**

This section directs the Corps to transfer the human remains known as Kennewick Man, or the Ancient One, to the Washington State Department of Archaeology and Historic Preservation on the condition that the Department, acting through the State Historic Preservation Officer, repatriates the human remains to the claimant tribes.

**Section 1153. Authority to Accept and Use Materials and Services.**

This section amends the section 1024 authority in WRRDA 2014 to accept and use materials, services, or funds contributed by non-federal interests to include funds and to allow the donated funds, materials, and services to repair, restore, replace, or maintain a water resources project. The Corps may only utilize these materials and services if they comply with all applicable laws and regulations that would apply if such materials and services were accepted by the Secretary.

**Section 1154. Munitions Disposal.**

This section clarifies the Corps' authority to dispose of munitions that may be found washed up on shorelines in the area where the Corps is carrying out a water resources project by allowing the Corps to proceed using its own funding and seek reimbursement from responsible Department of Defense elements.

**Section 1155. Management of Recreation Facilities.**

This section authorizes the Corps to allow a non-federal public entity to collect user fees and use them to operate recreation facilities.

**Section 1156. Structures and Facilities Constructed by Secretary.**

This section streamlines the section 408 approval process. If a review under the National Environmental Policy Act of 1969 (NEPA) is required and the non-federal entities seeking to alter, use, or cross a federal water resource project must obtain permission from the Secretary (known as a section 408 certification), the Corps is not the lead agency for the review, the Corps must, to the maximum extent practicable, conduct a concurrent review, as a cooperating agency, using the same environmental documents. If the Corps is conducting the review, it must streamline its own process by avoiding duplication of reviews. This section also authorizes the Corps to accept contributed funds to carry out a review and requires the Corps to provide timely review updates to the entities that submitted 408 applications and notify Congress if decisions on applications take longer than 120 days.

**Section 1157. Project Completion.**

This section modifies the authorization for projects carried out under section 219 of WRDA 1992 that are already under construction if they could not otherwise be completed. Additionally, this section amends section 7001(f) of WRRDA 2014 to include within the term “water resources development project,” a project under an environmental infrastructure assistance activity.

**Section 1158. New England District Headquarters.**

This section authorizes use of existing funds under the Corps Plant Replacement Improvement Program Revolving Fund to construct a new headquarters for the New England District.

**Section 1159. Buffalo District Headquarters.**

This section authorizes use of existing funds under the Corps Plant Replacement Improvement Program Revolving Fund to construct a new headquarters for the Buffalo District.

**Section 1160. Future Facility Investment.**

This section amends the Plant Replacement Improvement Program Revolving Fund, to establish a definitive the process by which the Corps seeks authorization on proposed construction or major renovations of buildings.

**Section 1161. Completion of Ecosystem Restoration Projects.**

This section amends the requirement for monitoring ecosystem restoration projects from WRDA 2007 to allow operation and maintenance of the project to be concluded when ecological success criteria are met. A non-federal interest can be released from any obligation to operate and maintain the non-structural and non-mechanical components of a water resources development project 10 years after the Corps makes a determination of success. Additionally, the Corps is not responsible for the operation and maintenance of a project from which a non-federal interest was released from its obligations.

**Section 1162. Fish and Wildlife Mitigation.**

This section requires the Corps' programmatic mitigation plans to address habitat connectivity using consultation with other agencies and the public.

**Section 1163. Wetlands Mitigation.**

This section requires the Secretary to issue guidance regarding credits available from mitigation banks and in-lieu fee programs and provides that mitigation banks and in-lieu fee programs be considered reasonable alternatives.

**Section 1164. Debris Removal.**

This section amends the River and Harbor Act of 1945 to expand the Corps' debris removal authority to include debris that is located immediately adjacent to the federal channel that would affect the navigability of the channel.

**Section 1165. Disposition Studies.**

This section requires disposition studies by the Corps, including studies under section 216 of the Flood Control Act of 1970 or assessments under section 6002 of WRRDA 2014, to include a review considering the extent to which a property has economic, cultural, historic, or recreational significance, or impacts at the national, state, or local level to determine if the property is necessary to carry out the missions of the Corps.

**Section 1166. Transfer of Excess Credit.**

This section clarifies the Corps' authority from WRRDA 2014 to allow a transfer of credit between different water resources development studies and projects.

**Section 1167. Hurricane and Storm Damage Reduction.**

This section increases the per project limit the Corps may expend for the construction of small shore and beach restoration and protection projects.

**Section 1168. Fish Hatcheries.**

Authorizes the Secretary to operate fish hatcheries at 100 percent non-federal cost to address Endangered Species Act issues at existing projects.

**Section 1169. Shore Damage Prevention or Mitigation.**

This section amends the River and Harbor Act of 1968 to clarify that feasibility studies under this authority are cost-shared in the same proportion as construction of the project. Additionally, this section provides that if a federal navigation project caused damage to a nearby shoreline, the non-federal interest is eligible for reimbursement of any excess study costs.

**Section 1170. Enhancing Lake Recreation Opportunities.**

This section removes the sunset from an existing program that encourages the use of Corps lakes in Oklahoma for recreation.

**Section 1171. Credit in Lieu of Reimbursement.**

This section amends section 1022 of WRRDA 2014 to clarify that projects being constructed under section 211 of WRDA 1996 remain eligible for credit. This section also clarifies that credit may be used for other water resources development projects.

**Section 1172. Easements for Electric, Telephone, or Broadband Service Facilities.**

This section waives easement fees for nonprofit organizations eligible for financing under the Rural Electrification Act of 1936.

**Section 1173. Study on Performance of Innovative Materials.**

This section directs the Corps to study the use and performance of innovative materials in water resources development projects.

**Section 1174. Conversion of Surplus Water Agreements.**

This section directs the Corps to provide a non-federal entity the opportunity to convert the agreement to a permanent storage agreement in any case where a project purpose has been deauthorized.

**Section 1175. Projects Funded by the Inland Waterways Trust Fund.**

This section prevents other inland waterways projects from being deauthorized until completion of other inland navigation projects.

**Section 1176. Rehabilitation Assistance.**

This section authorizes the Corps to increase the level of protection when rebuilding a levee under the Flood Control and Coastal Emergency Act (P.L. 84-99), if the additional costs are paid by the non-Federal interest and the Corps determines it is in the public interest, including consideration of whether the same levee has had to be rebuilt multiple times, whether there is an opportunity to reduce risk of loss of life and property, and whether there is an opportunity to reduce life cycle rehabilitation costs.

**Section 1177. Rehabilitation of Corps of Engineers Constructed Dams.**

This section establishes a program for the Corps to carry out projects for the rehabilitation of high hazard potential dams constructed before 1940.

**Section 1178. Columbia River.**

This section authorizes funds to aid the Corps in complying with a biological opinion on the Lower Columbia River in Oregon and Washington. This section also clarifies that the watercraft inspection stations used to protect the Columbia River Basin from invasive species, may be located outside of the basin if it is necessary to prevent the spread of invasive species. Lastly, this section allows the Corps to provide assistance to Indian tribes displaced as a result of the construction of the Bonneville Dam, Oregon.

**Section 1179. Missouri River.**

This section directs the Corps to carry out a pilot program for the development and implementation of sediment management plans for reservoirs in the Upper Missouri River Basin. This section also makes the Corps the lead agency for the snowpack and streamflow monitoring program authorized in section 4003 of WRRDA 2014.

**Section 1180. Chesapeake Bay Oyster Restoration.**

This section modifies the authorization for fish and wildlife habitat projects in the Chesapeake Bay.

**Section 1181. Salton Sea, California.**

This section removes the pilot designation from the Salton Sea program authorized in section 3032 of WRDA 2007, and allows non-federal interests to participate in the cost-sharing agreements for these projects.

**Section 1182. Adjustment.**

This section amends the list of eligible counties to receive assistance in section 219 of WRDA 1992.

**Section 1183. Coastal Engineering.**

This section amends section 4014 of WRRDA 2014 to allow Indian tribes to coordinate in ocean and coastal ecosystem resiliency studies and gives study priority to areas threatened by sea level rise. This section also requires interagency coordination on coastal resilience and allows the Corps to conduct regional assessments of federal and state programs related to coastal water resources.

**Section 1184. Consideration of Measures.**

This section directs the Corps to consider, with the consent of the non-Federal sponsor of the feasibility study, all measures for coastal risk reduction, including natural, nature-based, nonstructural, and structural measures. Additionally, it directs the Corps to submit reports to Congress on the use of these features in water resources development projects.

**Section 1185. Table Rock Lake, Arkansas and Missouri.**

This section provides direction to the Corps regarding the revision of the Table Rock Master Plan for Table Rock Lake, Arkansas and Missouri.

**Section 1186. Rural Western Water.**

This section clarifies that eligible projects carried out under section 595 of WRDA 1999 are treated similarly to other funded projects carried out under similar programs.

**Section 1187. Interstate Compacts.**

This section amends section 301 of the Water Supply Act of 1958 to strike a Sense of Congress related to interstate compacts.

**Section 1188. Sense of Congress.**

This section expresses the view of Congress that state water quality standards concerning the disposal of dredged material, should be developed collaboratively and in accordance with regional plans and with the involvement of regional entities.

**Section 1189. Dredged Material Disposal.**

This section restates existing legal requirements that dredged material disposal meet applicable state water quality standards.

## *Subtitle B - Studies*

### **Section 1201. Authorization of Proposed Feasibility Studies.**

This section authorizes the Corps to conduct feasibility studies for 30 projects for water resources development and conservation and other purposes. These study requests were submitted to Congress in a Report to Congress on Future Water Resources Development pursuant to section 7001 of WRRDA 2014, or otherwise reviewed by Congress. Each of the projects has, as its primary purpose, one of the following: navigation, hurricane and storm damage reduction, flood damage reduction, or ecosystem restoration.

### **Section 1202. Additional Studies.**

This section directs the Corps to conduct a study to determine the feasibility of modifying projects for flood risk management in Tulsa and West Tulsa and to address potential project deficiencies. This section also directs the Corps to review the locally preferred plan for carrying out multiple components for the project authorized under section 5116 of WRDA 2007 in the vicinity of Cincinnati, Ohio and authorizes the Corps to provide assistance for these activities.

Lastly, this section directs the Corps to consult with Department of Homeland Security and the Department of Defense to identify national security benefits associated with the development of Arctic deep draft ports.

### **Section 1203. North Atlantic Coastal Region.**

This section clarifies section 4009 of WRRDA 2014 to require the Corps to carry out a comprehensive assessment and management plan for aquatic ecosystem restoration projects along the northeastern Atlantic Coast.

### **Section 1204. South Atlantic Coastal Study.**

This section directs the Secretary to conduct a study of the coastal areas located within the geographical boundaries of the South Atlantic Division of the Corps of Engineers to identify the risks and vulnerabilities of those areas to increased hurricane and storm damage as a result of sea level rise.

### **Section 1205. Texas Coastal Area.**

This section directs the Corps to include information developed by the Gulf Coast Community Protection and Recovery District when carrying out a study authorized in section 4091 of WRDA 2007.

**Section 1206. Upper Mississippi and Illinois Rivers.**

This section directs the Corps to conduct a study of the riverine areas located in the Upper Mississippi River and Illinois River basins to identify the risks and vulnerabilities of increased flood damages.

**Section 1207. Kanawha River Basin.**

This section directs the Corps to conduct a study to determine the feasibility of implementing projects for flood risk management and other water resource related purposes within the Kanawha River Basin in West Virginia, Virginia, and North Carolina.

***Subtitle C – Deauthorizations, Modifications, and Related Provisions***

**Section 1301. Deauthorization of Inactive Projects.**

This section establishes a process that will lead to the deauthorization of \$10 billion in previously authorized, yet inactive Corps projects. This section requires the Corps to submit a list of inactive projects to Congress that were authorized for construction prior to November 8, 2007, have not begun planning, design, or construction, or, if projects have begun planning, design, or construction, they have not received any funds, federal or non-federal, in the past six years. After a 180-day period of congressional review, the projects on the list are automatically deauthorized.

**Section 1302. Backlog Prevention.**

This section terminates the authorization for any project or separable element of a project authorized for construction by this Act after 10 years unless construction has been initiated, a post-authorization study has been issued, or the authorization has been modified by an Act of Congress.

**Section 1303. Valdez, Alaska.**

This section exempts Tract G, Harbor Subdivision, a project for navigation in Valdez, Alaska, from navigational servitude beginning on the date of enactment of this Act.

**Section 1304. Los Angeles County Drainage Area, Los Angeles County, California.**

This section directs the Corps to update the water control manuals for control structures in the Los Angeles County Drainage Area and to integrate and incorporate into the project seasonal operations for water conservation and water supply.

**Section 1305. Sutter Basin, California.**

This section deauthorizes the separable element constituting the locally preferred plan increment reflected in the report of the Chief of Engineers, dated March 12, 2014, and authorized for construction in section 7002 of WRRDA 2014.

**Section 1306. Essex River, Massachusetts.**

This section deauthorizes portions of the Essex River, Massachusetts navigation project authorized by the Act of July 13, 1892.

**Section 1307. Port of Cascade Locks, Oregon.**

This section extinguishes two flowage easements above the ordinary high water line in Hood River County, Oregon.

**Section 1308. Central Delaware River, Philadelphia, Pennsylvania.**

This section declares a portion of the Delaware River in Philadelphia, Pennsylvania to be nonnavigable.

**Section 1309. Huntingdon County, Pennsylvania.**

This section directs the Corps to prioritize the updating of the master plan for the Juniata River and tributaries project, Huntingdon County, Pennsylvania.

**Section 1310. Rivercenter, Philadelphia, Pennsylvania.**

This section amends the Water Resources Development Act of 1988 to make permanent the declaration of nonnavigability for portions of Rivercenter, Philadelphia, Pennsylvania.

**Section 1311. Salt Creek, Graham, Texas.**

This section deauthorizes the project for flood control, environmental restoration, and recreation, Salt Creek, Graham, Texas, previously authorized by WRDA 1999.

**Section 1312. Texas City Ship Channel, Texas City, Texas.**

This section exempts a portion of the Texas City Ship Channel in Texas City, Texas from navigational servitude.

**Section 1313. Stonington Harbour, Connecticut.**

This section deauthorizes a portion of the project for navigation at Stonington Harbour, Connecticut.

**Section 1314. Red River Below Denison Dam, Texas, Oklahoma, Arkansas, and Louisiana.**

This section deauthorizes a portion of the project for flood control at the Red River below the Denison Dam in Texas and Oklahoma.

**Section 1315. Green River and Barren River, Kentucky.**

This section deauthorizes commercial navigation at the locks and dams identified in the Green and Barren Rivers, Kentucky disposition study dated April 30, 2015 and conveys these properties to various non-federal entities and the Department of the Interior.

**Section 1316. Hannibal Small Boat Harbor, Hannibal, Missouri.**

This section deauthorizes a project for navigation at the Hannibal Small Boat Harbor authorized by River and Harbor Act of 1950.

**Section 1317. Land Transfer and Trust Land for Muscogee (Creek) Nation.**

This section authorizes a transfer of land at fair market value for the benefit of the Muscogee (Creek) Nation.

**Section 1318. Cameron County, Texas.**

This section directs the Corps to effectuate the release of interests of the United States in certain tracts of land located in Cameron County, Texas.

**Section 1319. New Savannah Bluff Lock and Dam, Georgia and South Carolina.**

This section deauthorizes the New Savannah Bluff Lock and Dam project and authorizes the construction of a structure to allow for fish passage and current pool levels.

**Section 1320. Hamilton City, California.**

This section modifies a project for flood damage reduction and environmental restoration authorized in WRDA 2007.

**Section 1321. Conveyances.**

This section deauthorizes the project for navigation in the Pearl River Basin and authorizes the Corps to convey real property owned by the federal government to non-federal interests at fair market value. This section also authorizes the Corps to convey real property owned by the federal government in Sardis Lake, Mississippi to non-federal interests at fair market value. This section also authorizes the Corps to convey real property owned by the federal government at Pensacola Dam, Oklahoma, to non-federal interests at fair market value. Lastly, this section directs the Corps to accept payment from the Trinity River Authority of Texas related to water supply storage in Joe Pool Lake, Texas.

**Section 1322. Expedited Consideration.**

This section amends section 1011 of WRRDA 2014 to clarify the prioritization of hurricane and storm damage reduction efforts to include restoration of wetlands as well as loss of wetlands. This section further amends section 1011 of WRRDA 2014 to require a report on the implementation of the requirements to give priority to certain ecosystem restoration projects, including a list of programmatic ecosystem restoration authorities that meet the prioritization requirements. Additionally, this section directs the Corps to expedite the completion of four authorized flood control projects, eleven feasibility studies, one post-authorization change report, and the decision whether to recommend two flood damage reduction projects.

***Subtitle D – Water Resources Infrastructure***

**Section 1401. Project Authorizations.**

This section authorizes 30 water resources projects that have completed technical review by the Corps and are recommended by the Chief of Engineers. The projects are authorized to be carried out in accordance with the plan, and subject to the conditions, described in the Chief's Reports. Each of the projects has as its primary purpose, one of the following: navigation, flood risk management, hurricane and storm damage risk reduction, or ecosystem restoration. This section also authorizes eight project modifications for previously authorized projects.

**Section 1402. Special Rules.**

This section directs the Corps to carry out the Mill Creek, Tennessee project authorized in this Act pursuant to section 205 of the Flood Control Act of 1948. This section also directs the Corps to carry out the Los Angeles River, California project authorized in this Act in accordance with the conditions and recommended cost share as described in the December 18, 2015 Chief's Report. Lastly, this section directs the Corps to limit what it may expend to carry out recreation features of the Upper Trinity River project authorized in this Act.

**Title II – Water and Waste Act of 2016**

**Section 2001. Short Title.**

This section states that Title II may be cited as the "Water and Waste Act of 2016".

**Section 2002. Definition of Administrator.**

This section defines the term "Administrator" as the Administrator of the Environmental Protection Agency.

## *Subtitle A – Safe Drinking Water*

### **Section 2101. Sense of Congress on Appropriations Levels.**

This section creates a Sense of the Congress that Congress should provide “robust” capitalization funding for the Safe Drinking Water Act and Clean Water Act State Revolving Loan Funds.

### **Section 2102. Preconstruction Work.**

This section restructures section 1452(a) of the Safe Drinking Water Act and allows Drinking Water State Revolving Funds (DWSRFs) to be used to pay for planning, design, and preconstruction activities associated with a project being funded by a state DWSRF. In addition, it allows DWSRF funds to be used to help meet debt or other funding match requirements.

### **Section 2103. Administration of State Loan Funds.**

This section changes, from a percentage to a formula, the amount of money that a State can reserve from its Federal capitalization grant to pay for the reasonable costs of operating a DWSRF and providing technical assistance to public water systems. This section also eliminates heftier matching requirements on States seeking additional Federal funding.

### **Section 2104. Assistance for Small and Disadvantaged Communities.**

This section creates a program to assist small and economically disadvantaged communities with drinking water services. This section, which gives priority to underserved communities that have inadequate drinking water systems, authorizes \$60 million annually in grants to communities, tribes, or States to aid in the provision of household water quality testing and general compliance with Safe Drinking Water Act requirements. Grantees are responsible for at least 45 percent of the total costs of the project and grants cannot be used to pay for operation and maintenance costs of a water system.

### **Section 2105. Reducing Lead in Drinking Water.**

This section institutes a new program to help communities finance programs and activities to reduce the concentration of lead in their treated drinking water, including the replacement of lead service lines. Under this program, priority for grants would go to economically disadvantaged communities that either (1) have concentrations of lead in their drinking water that exceeds Federal standards, or (2) need to address lead levels in drinking water at daycare centers, schools, or other facilities serving children. Funding would also be targeted towards helping those least able to afford repairs. Section 2105 authorized \$60 million each fiscal year over 5 years.

**Section 2106. Notice to Persons Served.**

This section adds a new provisions to the Safe Drinking Water Act that requires public water systems to notify their customers if the utility is exceeding the Federal lead action level for the concentration of lead in their drinking water (more than 10 percent of sampled homes have lead levels above 15 parts per billion). Under this section, if the water utility fails to make that notice the State is supposed to make the notice, and if the State fails, then EPA is required to let the public know about it. Section 2106 also has expedited notice procedures when the lead levels have the potential to have serious adverse human health effects and calls for the creation of a strategic plan between EPA, the State, and the local water utility for household-specific notification if EPA learns about a particular household getting water above the Federal lead action level.

**Section 2107. Lead Testing in School and Child Care Program Drinking Water.**

This section creates a voluntary testing program for lead in schools and child care centers. Under this section, \$20 million is authorized to EPA for each of fiscal years 2017 through 2021 to make grants to States to funding local education agencies and daycare programs in testing for lead contamination in their drinking water. Entities receiving the funding have to make their results public and grants are awarded in accordance with EPA's existing technical guidance on reducing lead in drinking water at schools.

**Section 2108. Water Supply Cost Savings.**

This section creates a clearinghouse of public information, between EPA and USDA, on the cost-effectiveness of alternative drinking water delivery systems, including systems that are supported by wells. This section also requires systems serving less than 500 people to self-certify that they have considered these options when trying to obtain Federal assistance to construct, rehabilitate, or replace a drinking water system.

**Section 2109. Innovation in the Provision of Safe Drinking Water.**

This section authorizes EPA to conduct research on innovative water technologies, including those that identify and mitigate sources of drinking water contamination and improve compliance with the Safe Drinking Water Act. This section also authorizes \$10 million in each of fiscal years 2017 through 2021 for the provision of technical assistance to public water systems to facilitate the use of innovative water technologies.

**Section 2110. Small System Technical Assistance.**

This section reauthorizes the funding percentage reserved for technical assistance to small drinking water systems out of the DWSRF through 2021.

**Section 2111. Definition of Indian Tribe.**

This section amends the definition of Indian tribe in the Safe Drinking Water Act so that tribes are now eligible for funds under the new small and disadvantaged communities and lead in drinking water reduction – including pipe replacement -- programs.

**Section 2112. Technical Assistance for Tribal Water Systems.**

This section creates a new operator training and certification program to tribal organization and consortia operating public water systems.

**Section 2113. Materials Requirement for Certain**

This section adds requirements that iron and steel products purchased in fiscal year 2017 using funds from the Drinking Water revolving loan fund need to be made primarily in the United States, unless there is not the quantity and quality necessary to fill the need, doing so is not in the public interest, or the purchase will increase the cost of the overall project by 25 percent.

***Subtitle B – Aid to Communities with a Declared Lead Disaster***

**Section 2201. Drinking Water Infrastructure.**

This section authorizes \$100 million over 18 months in additional capitalization grants to State Revolving Loan Funds (SRF), pursuant to the Safe Drinking Water Act (SDWA), to aid States where the President has declared a disaster related to public health threats associated with the presence of lead or other drinking water contaminants in a public water system. After the 18 months has expired, the remaining funds are deposited back into the SRF for SDWA approved uses by any State.

**Section 2202. Sense of Congress.**

This section expresses the Sense of Congress that \$20 million should be approved by Congress under the Water Infrastructure Finance and Innovation Act for eligible projects, including those to address lead and other contaminants in drinking water systems.

**Section 2203. Registry for Lead Exposure and Advisory Committee.**

This section authorizes \$17.5 million for the creation of a Lead Registry at either the Agency for Toxic Substances and Disease Registry (ATSDR) or the Federal Centers for Disease Control and Prevention (CDC). This section also authorizes \$2.5 million for the creation of a lead advisory committee within ATSDR and CDC.

**Section 2304. Other Lead Programs.**

This section, in addition to amount otherwise authorized for these programs, authorizes \$15 million in appropriations for the Childhood Lead Poisoning Prevention Program at CDC and \$15 million for the Healthy Start Initiative at the Department of Health and Human Services.

*Subtitle C – Control of Coal Combustion Residuals*

**Section 2301. Approval of State Programs for Control of Coal Combustion Residuals.**

This section provides for the establishment of State and EPA permit programs for coal combustion residuals. States may incorporate the EPA final rule for coal combustion residuals or develop other criteria that are at least as protective as the final rule. EPA must approve State permit programs within 180 days of a State submitting a program for approval. This section also provides the parameters for EPA review of State permit programs.

**Title III – Natural Resources**

*Subtitle A – Indian Dam Safety*

This subtitle improves flood prevention and addresses dam safety needs in Indian communities. It authorizes \$229 million over seven years.

*Subtitle B – Irrigation Rehabilitation and Renovation for Indian Tribal Governments and Their Economies*

This subtitle establishes a seven-year discretionary funding source for the repair, replacement, and maintenance of Indian irrigation projects in the western United States. It authorizes \$175 million over five years.

*Subtitle C – Weber Basin Prepayments*

This subtitle allows a water district in Utah to make accelerated capital repayments to the federal government for the Weber Basin Project.

*Subtitle D – Pechanga Water Rights Settlement*

This subtitle settles a long-standing dispute between the Pechanga Tribe, the federal government, and several water districts in the State of California.

***Subtitle E – Delaware River Basin Conservation***

This subtitle authorizes a seven-year Department of the Interior nonregulatory program for restoration of the Delaware Basin, which covers Delaware basin and associated watersheds in Delaware, New Jersey, New York, and Pennsylvania. No federal funds are authorized for this program and the program prohibits federal land acquisition.

***Subtitle F – Miscellaneous Provisions***

**Section 3601. Bureau of Reclamation Dakotas Area Office Permit Fees for Cabins and Trailers.**

This section limits the increase for Bureau of Reclamation Dakotas Area Office permit fees for cabins and trailers on Bureau of Reclamation land in North Dakota.

**Section 3602. Use of Trailer Homes at Heart Butte Dam and Reservoir (Lake Tschida).**

This section delineates the use of trailers homes at the Bureau of Reclamation's Heart Butte Dam and Reservoir (Lake Tschida).

**Section 3603. Lake Tahoe Restoration.**

This section will enhance recreational opportunities, environmental restoration activities and forest management activities in the Lake Tahoe Basin in California and Nevada. It also authorizes the sale of certain Forest Service urban lots in the Lake Tahoe Basin.

**Section 3604. Tuolumne Band of Me-Wuk Indians.**

This section provides for the taking of certain land into trust for the benefit of the Tuolumne Band of Me-Wuk Indians in Tuolumne County, California. Gaming is prohibited on these lands taken into trust.

**Section 3605. San Luis Rey Settlement Agreement Implementation.**

This section amends the San Luis Rey Indian Water Rights Settlement Act to clarify certain settlement terms.

**Section 3606. Tule River Indian Tribe.**

This section takes certain Federal lands located in Tulare County, California, into trust for the benefit of the Tule River Indians. The lands taken into trust may not be used for gaming.

**Section 3607. Morongo Band of Mission Indians.**

This section provides for certain land in southern California to be taken into trust for the benefit of the Morongo Band of Mission Indians as part of an exchange of lands to settle a lawsuit.

**Section 3608. Choctaw Nation of Oklahoma and the Chickasaw Nation Water Settlement.**

This section settles a water rights dispute between the Choctaw Nation, the Chickasaw Nation, the State of Oklahoma, Oklahoma City, the Oklahoma Water Resources Board, and the Oklahoma City Water Utilities Trust. No federal funds are authorized to implement the settlement.

***Subtitle G – Blackfeet Water Rights Settlement***

This subtitle settles a long-standing water rights dispute between the Blackfeet Tribe of Montana and the United States, including the authorization of the federal water projects to provide water to the Tribe and trust funds to be used by the Tribe to operate and maintain water facilities and increase water storage.

***Subtitle H – Water Desalination***

This subtitle amends the Water Desalination Act of 1996 to coordinate and focus current federal desalination research and studies on cost-effective methods to derive potable water from saline sources in drought-stricken areas. The program is reauthorized at current levels (\$40 million over five years).

***Subtitle I – Amendments to the Great Lakes Fish and Wildlife Restoration Act of 1990***

This subtitle better integrates the work conducted under the Great Lakes Fish and Wildlife Restoration Act with other Great Lakes initiatives that benefit fish and wildlife and clarifies requirements for a non-federal funding match. It reauthorizes the program for five years at lower appropriated levels (\$48 million over six years) and bars use of federal funds to acquire lands.

***Subtitle J – California Water***

This subtitle provides drought relief to the State of California. Language includes changes to federal water operations in central California, allows water users to accelerate repayment of water projects to the federal government to increase revenue to the U.S. Treasury, and authorizes water storage, desalination, and water recycling programs with reforms.

**Title IV – Other Matters**

**Section 5001. Congressional Notification Requirements.**

This section requires the U.S. Department of Transportation to provide House and Senate authorizing committees with at least three days advanced notice prior to announcing grant awards and credit assistance for projects.

**Section 5002. Reauthorization of Denali Commission.**

This section reauthorizes the Denali Commission through 2021. This section also streamlines the process for the appointment of an Interim Federal Co-chairperson of the Commission in the event of a vacancy and establishes procedures to address conflicts of interest for non-federal Commission members.

**Section 5003. Recreational Access for Floating Cabins at TVA Reservoirs.**

This section gives direction to the Tennessee Valley Authority (TVA) regarding access to TVA lakes for owners of floating cabins.

**Section 5004. Gold King Mine Spill Recovery.**

This section establishes a process for payment of claims by the Environment Protection Agency (EPA) for reimbursement of costs incurred by states, local governments, and tribes in responding to the Gold King Mine Spill, and directs the EPA to pay for water quality monitoring.

**Section 5005. Great Lakes Restoration Initiative.**

This section amends the Federal Water Pollution Control Act to authorize the EPA's Great Lakes Restoration Initiative until 2021. This program is intended to address the priority areas described in the Initiative Action Plan including remediation of contaminated sediments.

**Section 5006. Rehabilitation of High Hazard Potential Dams.**

This section amends the National Dam Safety Program Act to authorize Federal Emergency Management Agency to provide assistance to non-federal sponsor for the rehabilitation of high hazard potential dams in states with a dam safety program, subject to a non-federal cost share of at least 35 percent.

**Section 5007. Chesapeake Bay Grass Survey.**

This section authorizes the EPA to carry out an annual survey of sea grasses in the Chesapeake Bay.

**Section 5008. Water Infrastructure Finance and Innovation.**

This section amends Subtitle C of WRRDA 2014, which established the Water Infrastructure Finance and Innovation Act (WIFIA) loan program. This section clarifies and amends projects eligible for assistance. This section also authorizes the Secretary or the Administrator to allow loan fees to be financed along with the loan, and clarifies that eligible project costs incurred and in kind contributions made before receipt of a WIFIA loan will count towards the 51 percent of project costs that must be provided from sources other than WIFIA.

**Section 5009. Report on Groundwater Contamination.**

This section requires the Department of the Navy to report to Congress regarding groundwater contamination associated with a former facility operated by the Navy and a contractor.

**Section 5010. Columbia River Basin Restoration.**

This section establishes a new Columbia River Basin Restoration Program within the EPA to assess trends in water quality, identify possible causes of environmental problems, and provide grants for projects to improve environmental problems.

**Section 5011. Regulation of Aboveground Storage at Farms.**

This section amends section 1049 of WRRDA 2014 to clarify the application of the Spill Prevention Control and Countermeasure rule to certain tanks at agricultural operations.

**Section 5012. Irrigation Districts.**

This section amends section 603 of the Federal Water Pollution Control Act to clarify eligible recipients for additional subsidization of water pollution control revolving funds.

**Section 5013. Estuary Restoration.**

This section amends the Estuary Restoration Act of 2000 to allow nongovernmental organizations to be considered “non-federal interests” in order to enter into binding agreements with the Corps to indemnify the Corps during the construction of a proposed project. This section also amends the Estuary Restoration Act of 2000 to reauthorize the program through 2021.

**Section 5014. Environmental Banks.**

This section modifies the Coastal Wetlands Planning, Protection and Restoration Act to authorize the issuance of guidance related to the establishment of environmental banks for the purpose of mitigating environmental impacts caused by construction or other development activities.



# **The Water Resources Development Act of 2016**

By

Sen. James Inhofe  
Chairman, Environment and  
Public Works Committee

Sen. Barbara Boxer  
Ranking Member, Environment and Public  
Public Works Committee

The Water Resources Development Act of 2016 (WRDA) authorizes 25 critical Army Corps projects in 17 states. These projects, which have undergone Congressional scrutiny and have completed reports of the Chief of Engineers, will strengthen our nation's infrastructure to protect lives and property, restore vital ecosystems to preserve our natural heritage, and maintain navigation routes for commerce and the movement of goods to keep us competitive in the global marketplace.

The bill provides critical investment in the country's aging drinking water and wastewater infrastructure, assists poor and disadvantaged communities in meeting public health standards under the Clean Water Act and Safe Drinking Water Act, and promotes innovative technologies to address drought and other critical water resource needs. The bill also responds to the drinking water crisis in Flint, Michigan, by providing emergency assistance to Flint and other similar communities across the country facing drinking water contamination.

The bill:

- **Invests in the Nation's Ports and Inland Waterways to Improve Commerce**

Ports and waterways in the United States moved over 2.3 billion tons of goods in 2014. These ports and waterways require dredging, maintenance and modernization to ensure the efficient, safe and timely movement of goods.

The bill authorizes improvements to ports around the country. These improvements at ports such as Port Everglades, Florida, and Charleston Harbor, South Carolina, will help expand the flow of commerce and improve goods movement.

The bill builds on the reforms in WRRDA 14 to the Harbor Maintenance Trust Fund (HMTF) by clarifying the targets for increased HMTF funding, extending prioritization for donor and energy transfer ports and emerging harbors, and making clear that the Corps can maintain harbors of refuge.

- **Improves Flood Protection and Safety for Communities**

The bill authorizes critical flood control and coastal hurricane protection projects across the country, including rebuilding levees in Kansas, Missouri, North Carolina, and Texas, and providing hurricane protection in Louisiana, which includes protection for I-10 -- the major hurricane evacuation corridor for the city of New Orleans.

Our nation's dams are improperly maintained and are aging quickly, which poses significant safety and economic risks. Of the 84,000 dams in America, the average dam is 52 years old, and 14,000 are considered high hazard, meaning failure would cause significant loss of life and damage to the surrounding area. The bill authorizes the Federal Emergency Management Agency to provide assistance to rehabilitate high hazard potential dams.

The bill updates the Corps emergency rebuilding authority for flood control projects (PL84-99) to allow the Corps to rebuild projects stronger than originally designed if it will reduce risk of loss of life and property and minimize life cycle rehabilitation costs. The bill also allows the Corps to implement nonstructural alternatives, including wetland, stream, and coastal restoration.

- **Restores Ecosystems and Promotes Public Access for Recreation**

The bill authorizes numerous projects to restore precious ecosystems and preserve the nation's natural heritage, including a project critical to the ongoing restoration of the Florida Everglades and a project to revitalize the Los Angeles River. The bill also promotes restoration of nationally-significant water bodies and ecosystems, including the Great Lakes, Columbia River, Puget Sound, Salton Sea, Chesapeake Bay, North Atlantic Coast, Rio Grande, Lake Tahoe, and Long Island Sound.

The bill requires the Corps to provide a plan for prioritizing ecosystem restoration projects that address identified threats to public health and preserve or restore ecosystems of national significance. It is also expands the ability of non-Federal service providers to operate Corps recreation facilities, allowing parks closed due to budget cuts to reopen.

- **Addresses High Priority, Regional Water Resources Issues**

Waterways do not stop at the state border, and greater cooperation is needed to address issues that affect different regions of the country. The bill focuses on regional initiatives to address important water resource issues that impact communities across the country.

In addition to restoring nationally significant ecosystems, these initiatives improve sediment management, prevent ice jams, and ensure adequate snowpack and drought monitoring in the Missouri River basin; restore oyster beds in the Gulf of Mexico and Chesapeake Bay; reduce flood risk in the Columbia River; and identify opportunities to provide system-wide flood protection in the Upper Mississippi and Illinois Rivers.

- **Streamlines Reviews and Increases Local Participation**

The bill streamlines the process for approval of modifications to existing Corps projects and for new water withdrawals from Corps reservoirs. It also makes it easier for non-Federal partners to carry out portions of a project in advance of the Corps and receive credit for the work completed. Finally, the bill expands the role of local partners in implementation of water resource projects, including expanding the opportunity for non-Federal interests to carry out Corps projects and to contribute goods and services for a Corps project.

- **Promotes Innovative Technologies to Address Water Resources Challenges**

Innovative water technologies, such as desalination and water reuse and recycling, can help address drought and other serious water resource challenges. The bill provides critical support for development and implementation of these technologies by allowing states to provide additional incentives for the use of innovative technologies through the State Revolving Fund programs and establishing a new innovative water technology grant program. The bill also reauthorizes successful programs that invest in water resources research and implementation of emerging technologies, including the Water Desalination Act of 2006 and the Water Resources Research Act. Finally, the bill encourages partnerships with other countries with expertise in dealing with water resource challenges.

- **Increases Flexibility and Federal Assistance to Address Drought**

Ongoing drought is creating significant challenges for many communities across the country. The bill takes multiple steps to provide additional support to drought-stricken communities, including requiring the development of drought resilience guidelines to help communities better prepare and respond to drought and requiring the Corps to update the operation of its reservoirs to incorporate new technologies and better meet project purposes, including water supply needs. The bill also allows non-Federal interests to provide funding to the Corps to update or modify project operations to improve water supply.

- **Provides Essential Investment in Drinking Water and Wastewater Infrastructure**

Numerous studies have shown the significant gap between water infrastructure investment needs and the funding available. The American Society of Civil Engineers gives drinking water and wastewater infrastructure in the U.S. a grade of “D”. Additional investments in water infrastructure create jobs, grows the economy, and increase Federal tax revenues.

The bill would help improve the nation’s failing water infrastructure by modernizing the State Revolving Loan Fund programs, reauthorizing funding to control sewer overflows, and providing additional assistance for replacement of lead service lines and to support infrastructure needs in disadvantaged communities. The bill also helps poor and disadvantaged communities by providing technical assistance and enabling communities to plan for infrastructure investments in a manner that prioritizes public health while minimizing impacts on ratepayers.

The bill provides direct emergency assistance to address the drinking water contamination in Flint, Michigan, and provides assistance to other communities facing similar drinking water threats.

## Lori Stratton

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**From:** Larry Bonderud  
**Sent:** Tuesday, December 13, 2016 4:26 PM  
**To:** Lori Stratton  
**Subject:** Fwd: MT Infrastructure Coalition Actions

Packets.

Sent from my iPhone

Mayor Lar

Begin forwarded message:

**From:** Melissa Lewis <[melissa@mlewisassoc.com](mailto:melissa@mlewisassoc.com)>  
**Date:** December 13, 2016 at 4:22:36 PM MST  
**To:** Larry Bonderud <[larry@shelbymt.com](mailto:larry@shelbymt.com)>  
**Subject:** MT Infrastructure Coalition Actions

Hi Mayor,

Per your request, I attended the MT Infrastructure Coalition meeting from 9am to 1pm today. Below is a summary of decisions made.

### **Local Option Infrastructure Tax**

4% Maximum Infrastructure Tax

Contingent upon local voter approval

Mandatory sunset. Duration to be determined by each community.

Eligible list of taxable items is identical to resort tax (7-6-1503)

At least 10% of any new revenues collected is required to go to property tax relief

Allocation of funds limited to roads, bridges, water, sewer, storm water

Only applies to existing taxing jurisdictions-cities, towns, counties (unincorporated cities/towns are not included)

Revenues collected stay with the taxing jurisdiction unless a different formula is determined by taxing jurisdiction/voters

Policy statement to be included to encourage taxing jurisdictions to hire private contractors for work paid for with newly collected funds

### **State Fuel Tax**

.10 cent fuel tax increase on gas and diesel

Would generate \$80 million per year

40% would go to MDT

60% would go to cities and counties

- o Of that amount, 60% to cities and 40% to counties

Mandatory contracted services for work paid for with newly collected funds

Allocation of funds limited to roads and bridges

Rural/urban formula to be determined (likely 40 percent rural set aside, 40 percent based on population and 20 based on land area).

Increased vehicle registration fees for electric and hybrid vehicles (amount to be determined)

**Coal Trust Fund**

TSEP Sunset stays intact

No new subtrust

Bonding capacity to provide immediate funds

Distribution formula to be determined by the MT Dept of Commerce

- o All cities, towns and counties will receive funding
- o Mandatory reports to the legislature

\*This option likely does not have much Democratic support, as it conflicts with Governor Bullock's infrastructure bill

Let me know if you have any questions!

Melissa

Melissa Lewis

800 E. 6<sup>th</sup> Avenue

Helena, MT 59601

Cell: 406-465-8045

Office: 406-422-0988

[www.mlewisassoc.com](http://www.mlewisassoc.com)

**Lori Stratton**

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**From:** Larry Bonderud  
**Sent:** Tuesday, December 13, 2016 12:15 PM  
**To:** Lori Stratton  
**Subject:** Fwd: Main Street ADA Ramps - Shelby  
**Attachments:** FW: Falls; ATT00001.htm; FW: Painting of ramps and crosswalks; ATT00002.htm

Council.

Sent from my iPhone

Mayor Lar

Begin forwarded message:

**From:** "Klette, Michael" <mklette@mt.gov>  
**Date:** December 13, 2016 at 12:12:29 PM MST  
**To:** "Lorette Carter (shbcdc@3rivers.net)" <shbcdc@3rivers.net>  
**Cc:** "Larry Bonderud (larry@shelbymt.com)" <larry@shelbymt.com>, "Wilmot, Doug" <dwilmot@mt.gov>, "Hibl, Richard" <rhibl@mt.gov>, "Maze, Matt" <mmaze@mt.gov>, "Thielmann, Kevin" <kthielmann@mt.gov>  
**Subject:** Main Street ADA Ramps - Shelby

Lorette,

The Department conducted a review of the project, which was designed by KLJ and constructed to the plans and specifications, on 11-28-16 to assess the concerns that Mayor Larry Bonderud and Mr. Reasch had with the newly placed sidewalks and ramps.

It was determined that if the vertical curb conditions continue to pose operational issues, the Department would consider painting all of the vertical or returned curb surfaces yellow when weather conditions permit.

The ramp at the Rainbow Centre will remain as is per the ADA Standards, section 405.2 (Slope) which states "To accommodate the widest range of users, provide ramps with the least possible running slope and, wherever possible, accompany ramps with stairs for use by those individuals for whom distance presents a greater barrier than steps, e.g., people with heart disease or limited stamina."

Thanks.

## Lori Stratton

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**From:** Lorette Carter <shbcdc@3rivers.net>  
**Sent:** Wednesday, November 02, 2016 7:55 AM  
**To:** Klette, Michael; Thielmann, Kevin  
**Cc:** Larry Bonderud  
**Subject:** FW: Falls  
**Attachments:** IMG\_3975.JPG; ATT00001.txt; IMG\_3976.JPG; ATT00002.txt; IMG\_3977.JPG; ATT00003.txt

Good Morning Mike & Kevin,

Here is a message from Mayor Bonderud on our Main Street sidewalk. The first picture is on the side street of Main and 4th Ave. So. I'm not sure where the light pole is.

Thanks,  
Lorette

Lorette Carter  
City of Shelby  
112 1st St. South  
Shelby, MT 59474  
(406) 424-8799  
shbcdc@3rivers.net

-----Original Message-----

From: Larry Bonderud [mailto:larry@shelbymt.com]  
Sent: Tuesday, November 01, 2016 4:46 PM  
To: Lorette Carter <shbcdc@3rivers.net>  
Subject: Falls

We had a pretty serious fall at this location. Please forward to MDT.







## Lori Stratton

---

**From:** Lorette Carter <shbcdc@3rivers.net>  
**Sent:** Tuesday, November 01, 2016 4:45 PM  
**To:** Klette, Michael; Thielmann, Kevin  
**Cc:** Larry Bonderud; Loren Skartved  
**Subject:** FW: Painting of ramps and crosswalks

Hello Mike & Kevin,  
I am forwarding a message from Mr. Reasch who owns the Rainbow Centre property.  
Thank you,  
Lorette

Lorette Carter  
City of Shelby  
112 1<sup>st</sup> St. South  
Shelby, MT 59474  
(406) 424-8799  
shbcdc@3rivers.net

---

**From:** Randy Reasch [mailto:RandyAz2011@hotmail.com]  
**Sent:** Tuesday, November 01, 2016 4:36 PM  
**To:** Lorette Carter <shbcdc@3rivers.net>  
**Subject:** Re: Painting of ramps and crosswalks

Hi Lorette, 11/1/2016

I see that the guard rail was placed out on the street side of the side walk  
I am getting complaints that some people are stumbling on the side way from the west side where there IS NOT a guard rail  
Can they also add a small guard rail on the west side where the slight step up is more elevated.  
People are tripping on the elevated cement and there is a potential problem if someone were to fall and hurt themselves because the step up was not noticed.  
Please have them correct the potential law suit that could happen if someone falls and gets hurt

Thank you,  
Randall Reasch

---

**From:** Lorette Carter <shbcdc@3rivers.net>  
**Sent:** Thursday, September 22, 2016 10:25 AM  
**To:** [wgstuart434@gmail.com](mailto:wgstuart434@gmail.com); [speara@northerntel.net](mailto:speara@northerntel.net); [craig.ostman@usbank.com](mailto:craig.ostman@usbank.com); Prairie Peddler; [sandyibi@hotmail.com](mailto:sandyibi@hotmail.com); [hprshelby@mcn.net](mailto:hprshelby@mcn.net); 'Randy Reasch'  
**Cc:** Larry Bonderud; [Mklette@mt.gov](mailto:Mklette@mt.gov); Thielmann, Kevin  
**Subject:** Painting of ramps and crosswalks

Good Morning Main Street merchants,

I have received a message from MDT project manager, Mike Klette on the remaining work as part of the Main Street sidewalk work. As I had mentioned earlier this month, they needed at least 30 days for the concrete to cure before painting/highlighting the ramps and marking crosswalks in the project area. The contractor anticipates being in Shelby within 2 weeks (depending on weather) to complete the painting. The last railing for the Rainbow Centre is in production and will be installed as soon as it is completed.

The Montana Department of Transportation has been very responsive to concerns related to the project and I am very grateful to Mike and Kevin for their efforts to make this a good project for our Main Street business district and those of limited mobility.

Thank you,  
Lorette

Lorette Carter  
City of Shelby  
112 1<sup>st</sup> St. South  
Shelby, MT 59474  
(406) 424-8799  
[shbcdc@3rivers.net](mailto:shbcdc@3rivers.net)

STATEMENT OF ACCOUNT  
BARNES & THORNBURG LLP

225 S. Sixth Street, Suite 2800  
Minneapolis, MN 55402-4662  
E.I.N. 35-0900596  
(612) 333-2111

Thursday, December 15, 2016

CITY OF SHELBY  
LARRY BONDERUD, MAYOR  
112 1ST STREET SOUTH  
SHELBY, MT 59474

To keep you advised of the status of your account with Barnes & Thornburg, we are providing you with a list of all outstanding invoices from our firm as of Thursday, December 15, 2016. Any payments received after this date are not reflected on this statement. The following lists the invoices for each matter Benjamin W. Johnson has handled for you.

<u>Date</u>	<u>Invoice</u>	<u>Original Balance</u>	<u>Credits</u>	<u>Current Balance</u>
00065130-000001	CITY OF SHELBY, MONTANA STORM DRAINAGE REVENUE BONDS SERIES 2014			
10/24/2016	1934090	\$33,000.00	\$0.00	\$33,000.00
Matter Total				\$33,000.00
<b>Client Total</b>				<b>\$33,000.00</b>

Please return the remittance page with your payment. If you have any questions regarding your account balance, please contact Benjamin W. Johnson at the above number or Karen Van Buren at (612) 367-8781 or [kvanburen@btlaw.com](mailto:kvanburen@btlaw.com). Thank you for letting Barnes & Thornburg serve you.

# REMITTANCE

## BARNES & THORNBURG LLP

225 S. Sixth Street, Suite 2800  
Minneapolis, MN 55402-4662  
E.I.N. 35-0900596  
(612) 333-2111

PLEASE RETURN THIS PAGE WITH YOUR PAYMENT

Thursday, December 15, 2016

CITY OF SHELBY  
LARRY BONDERUD, MAYOR  
112 1ST STREET SOUTH  
SHELBY, MT 59474

<u>Matter</u>	<u>Matter Name</u>	<u>Invoice</u>	<u>Date</u>	<u>Balance Due</u>
00065130- 000001	CITY OF SHELBY, MONTANA STORM DRAINAGE REVENUE BONDS SERIES 2014	1934090	10/24/2016	\$33,000.00
	<b>Outstanding Balance Due</b>			<b>\$33,000.00</b>

**Lori Stratton**

---

**From:** Larry Bonderud  
**Sent:** Thursday, December 15, 2016 5:53 PM  
**To:** Lori Stratton; Jade Goroski  
**Subject:** Fwd: Basin 41P notices of intent to appear  
**Attachments:** doc20161215162005.pdf; ATT00001.htm

Packets.

Sent from my iPhone

Mayor Lar

Begin forwarded message:

**From:** "Abigail J. St. Lawrence" <[astlawrence@helenalaw.com](mailto:astlawrence@helenalaw.com)>  
**To:** "Larry Bonderud" <[larry@shelbymt.com](mailto:larry@shelbymt.com)>  
**Cc:** "Luke Osborne" <[LukeO@hydrosi.com](mailto:LukeO@hydrosi.com)>, "davidd@hydrosi.com" <[davidd@hydrosi.com](mailto:davidd@hydrosi.com)>  
**Subject:** **Basin 41P notices of intent to appear**

Mayor Bonderud-

Please find attached draft notices of intent to appear for the City of Shelby in Basin 41P, along with the decree abstracts for the claims on which notices of intent to appear are proposed. These NOIAs were drafted based on previous analysis conducted by myself and HydroSolutions. NOIAs are merely a way for the City to be kept abreast of changes to water rights that may affect the City's own water use, but do not raise independent objections.

Please review the attached and let me know if you have any questions. Otherwise, if you consent, please let me know so that we can get these filed. I can file them electronically, but they are due by 5 pm on Dec. 20th. Thanks.

-Abby

Abigail J. St. Lawrence  
BLOOMQUIST LAW FIRM, P.C.  
3355 Colton Drive, Suite A  
Helena, MT 59602  
(406) 502-1244  
[www.helenalaw.com](http://www.helenalaw.com)

This message may contain confidential privileged material, including attorney-client communications and attorney work product. This electronic transmission does not constitute a waiver of privilege. Please contact sender immediately if you have received this message in error. Thank you.

-----Original Message-----

From: [copier@helenalaw.com](mailto:copier@helenalaw.com) [mailto:[copier@helenalaw.com](mailto:copier@helenalaw.com)]  
Sent: Thursday, December 15, 2016 4:20 PM  
To: Abigail J. St. Lawrence  
Subject:

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TASKalfa 4551ci  
[00:c0:ee:b1:5d:66]  
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MONTANA WATER COURT, UPPER MISSOURI DIVISION  
MARIAS RIVER BASIN (41P)

\*\*\*\*\*

NOTICE OF INTENT TO APPEAR

1. Claim No. 41P 48221-00
2. Source: Reservoir Coulee
3. County: Toole
4. Name, Address, and Phone Number of Party Appearing:  
City of Shelby  
112 1<sup>st</sup> Street South  
Shelby, MT 59474  
406-450-3331  
larry@shelbymt.com
5. Name, Address, and Phone Number of Party's Attorney:  
Abigail J. St. Lawrence  
BLOOMQUIST LAW FIRM, P.C.  
3355 Colton Drive, Suite A  
Helena, MT 59602  
406-502-1244  
blf@helenalaw.com
6. State the changes that you think should be made to this claim and why.

City of Shelby ("City") has claims that may be affected by the adjudication of this claim. The City appears to address all issue remarks, any issue addressed by objections, if any, or any other matter or element that may be modified or affected during adjudication of this claim.

DATED this 15<sup>th</sup> day of December, 2016.

BLOOMQUIST LAW FIRM, P.C.  
/s/ Abigail J. St. Lawrence  
Abigail J. St. Lawrence  
*Attorney for City of Shelby*

CERTIFICATE OF MAILING

I, Jennifer L. Maichel, do solemnly swear that on the 15<sup>th</sup> day of December, 2016, I placed a copy of this Notice of Intent to Appear in the U. S. Mail, postage prepaid. The copy of this Notice of Intent to Appear was mailed to the owner(s) of the water right:

Henry E. Zell  
P.O. Box 783  
Shelby, MT 59474-0783

/s/ Jennifer L. Maichel  
Jennifer L. Maichel  
Certified Paralegal

PRELIMINARY DECREE  
MARIAS RIVER  
BASIN 41P  
ABSTRACT OF WATER RIGHT CLAIM

IMPORTANT NOTICE

YOUR WATER RIGHT AS SHOWN ON THIS ABSTRACT MAY HAVE CHANGES FROM YOUR WATER RIGHT AS CLAIMED OR AMENDED. AN ASTERISK (\*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC) DURING THE EXAMINATION PROCESS. THESE CHANGES ARE AUTHORIZED BY THE MONTANA SUPREME COURT WATER RIGHT CLAIMS EXAMINATION RULES OR BY ORDER OF THE WATER COURT.

OBJECTIONS MAY BE FILED ACCORDING TO THE PROCEDURES OUTLINED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

Water Right Number: 41P 48221-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: HENRY E ZELL  
PO BOX 783  
SHELBY, MT 59474 0783

Priority Date: MARCH 13, 1923

Type of Historical Right: FILED

Purpose(use): STOCK

\*Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

\*Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

\*Source Name: RESERVOIR COULEE

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESENE	25	32N	4W	TOOLE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

\*Reservoir: ONSTREAM

	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		SESENE	25	32N	4W	TOOLE
Diversion to Reservoir:	DIVERSION # 1					
Dam Height:	12.00 FEET					
Depth:	9.00 FEET					
Surface Area:	2.16 ACRES					
Capacity:	7.78 ACRE-FEET					

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SESENE	25	32N	4W	TOOLE

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

48221-00 48223-00

**THE DNRC EXAMINATION OF THIS CLAIM FOUND NO SIGNIFICANT FACTS, DATA, OR ISSUES TO REPORT TO THE WATER COURT.**

A BETTER UNDERSTANDING OF YOUR CLAIMED WATER RIGHT CAN BE OBTAINED BY COMPARING YOUR RIGHT WITH OTHER CLAIMS IN THE BASIN. FOR EXAMPLE, COMPARE PRIORITY DATES, FLOW RATES, VOLUMES, OR ACRES IRRIGATED. ALSO, YOUR WATER RIGHT MAY BE SUBJECT TO WATER RIGHTS IN ADJOINING BASINS OR SUBBASINS AS WELL AS BEING SUBJECT TO OTHER RIGHTS ON YOUR SOURCE OF SUPPLY. FINALLY, YOUR WATER RIGHT MAY BE SUBJECT TO INDIAN RESERVED AND FEDERAL RESERVED WATER RIGHTS.

COMPLETE DETAILS REGARDING THE DNRC EXAMINATION RESULTS AND RELATED MATERIALS CAN BE REVIEWED AT THE OFFICE LOCATIONS IDENTIFIED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER EXPLANATION OF YOUR CLAIMED WATER RIGHT. THESE FINDINGS CAN BE FOUND AS INDICATED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY." IF YOU NEED OBJECTION FORMS, OR HAVE QUESTIONS ABOUT WATER COURT PROCEDURES OR CHANGES TO YOUR RIGHT, YOU CAN CONTACT THE WATER COURT BY CALLING 1-800-624-3270 (WITHIN MONTANA ONLY) OR 1-406-586-4364, OR BY WRITING TO P.O. BOX 1389, BOZEMAN, MT 59771-1389.

MONTANA WATER COURT, UPPER MISSOURI DIVISION  
MARIAS RIVER BASIN (41P)

\*\*\*\*\*

NOTICE OF INTENT TO APPEAR

1. Claim No. 41P 155827-00
2. Source: Unnamed Tributary of Reservoir Coulee
3. County: Toole
4. Name, Address, and Phone Number of Party Appearing:  
City of Shelby  
112 1<sup>st</sup> Street South  
Shelby, MT 59474  
406-450-3331  
larry@shelbymt.com
5. Name, Address, and Phone Number of Party's Attorney:  
Abigail J. St. Lawrence  
BLOOMQUIST LAW FIRM, P.C.  
3355 Colton Drive, Suite A  
Helena, MT 59602  
406-502-1244  
blf@helenalaw.com
6. State the changes that you think should be made to this claim and why.

City of Shelby ("City") has claims that may be affected by the adjudication of this claim. The City appears to address all issue remarks, any issue addressed by objections, if any, or any other matter or element that may be modified or affected during adjudication of this claim.

DATED this 15<sup>th</sup> day of December, 2016.

BLOOMQUIST LAW FIRM, P.C.  
/s/ Abigail J. St. Lawrence  
Abigail J. St. Lawrence  
*Attorney for City of Shelby*

**CERTIFICATE OF MAILING**

I, Jennifer L. Maichel, do solemnly swear that on the 15<sup>th</sup> day of December, 2016, I placed a copy of this Notice of Intent to Appear in the U. S. Mail, postage prepaid. The copy of this Notice of Intent to Appear was mailed to the owner(s) of the water right:

Richard D. and David T. Clark  
P.O. Box 504  
Shelby, MT 59474-0504

/s/ Jennifer L. Maichel  
Jennifer L. Maichel  
Certified Paralegal

**PRELIMINARY DECREE  
MARIAS RIVER  
BASIN 41P  
ABSTRACT OF WATER RIGHT CLAIM**

**IMPORTANT NOTICE**

**YOUR WATER RIGHT AS SHOWN ON THIS ABSTRACT MAY HAVE CHANGES FROM YOUR WATER RIGHT AS CLAIMED OR AMENDED. AN ASTERISK (\*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC) DURING THE EXAMINATION PROCESS. THESE CHANGES ARE AUTHORIZED BY THE MONTANA SUPREME COURT WATER RIGHT CLAIMS EXAMINATION RULES OR BY ORDER OF THE WATER COURT.**

**OBJECTIONS MAY BE FILED ACCORDING TO THE PROCEDURES OUTLINED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."**

**Water Right Number:** 41P 155827-00 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Status:** ACTIVE

**Owners:** RICHARD D CLARK  
PO BOX 504  
SHELBY, MT 59474

DAVID T CLARK  
PO BOX 504  
SHELBY, MT 59474

**\*Priority Date:** JUNE 30, 1938

**Type of Historical Right:** USE

**Purpose(use):** STOCK

**\*Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**\*Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**\*Source Name:** UNNAMED TRIBUTARY OF RESERVOIR COULEE

**Source Type:** SURFACE WATER

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
*1		SENWSW	21	32N	3W	TOOLE

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

Reservoir: ONSTREAM

	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		SENWSW	21	32N	3W	TOOLE
Diversion to Reservoir:	DIVERSION # 1					
Dam Height:	27.00 FEET					
Depth:	20.00 FEET					
Surface Area:	4.20 ACRES					
Capacity:	33.60 ACRE-FEET					

THE DAM/RESERVOIR EXTENDS INTO THE NENWSW SEC 21 TWP 32N RGE 3W TOOLE COUNTY.  
SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENWSW	21	32N	3W	TOOLE
2			NWNWSW	21	32N	3W	TOOLE
3			SENWSW	21	32N	3W	TOOLE
4			SWNWSW	21	32N	3W	TOOLE

THE DNRC EXAMINATION OF THIS CLAIM FOUND NO SIGNIFICANT FACTS, DATA, OR ISSUES TO REPORT TO THE WATER COURT.

A BETTER UNDERSTANDING OF YOUR CLAIMED WATER RIGHT CAN BE OBTAINED BY COMPARING YOUR RIGHT WITH OTHER CLAIMS IN THE BASIN. FOR EXAMPLE, COMPARE PRIORITY DATES, FLOW RATES, VOLUMES, OR ACRES IRRIGATED. ALSO, YOUR WATER RIGHT MAY BE SUBJECT TO WATER RIGHTS IN ADJOINING BASINS OR SUBBASINS AS WELL AS BEING SUBJECT TO OTHER RIGHTS ON YOUR SOURCE OF SUPPLY. FINALLY, YOUR WATER RIGHT MAY BE SUBJECT TO INDIAN RESERVED AND FEDERAL RESERVED WATER RIGHTS.

COMPLETE DETAILS REGARDING THE DNRC EXAMINATION RESULTS AND RELATED MATERIALS CAN BE REVIEWED AT THE OFFICE LOCATIONS IDENTIFIED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER EXPLANATION OF YOUR CLAIMED WATER RIGHT. THESE FINDINGS CAN BE FOUND AS INDICATED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY." IF YOU NEED OBJECTION FORMS, OR HAVE QUESTIONS ABOUT WATER COURT PROCEDURES OR CHANGES TO YOUR RIGHT, YOU CAN CONTACT THE WATER COURT BY CALLING 1-800-624-3270 (WITHIN MONTANA ONLY) OR 1-406-586-4364, OR BY WRITING TO P.O. BOX 1389, BOZEMAN, MT 59771-1389.

MONTANA WATER COURT, UPPER MISSOURI DIVISION  
MARIAS RIVER BASIN (41P)

\*\*\*\*\*

NOTICE OF INTENT TO APPEAR

1. Claim No. 41P 161599-00
2. Source: Reservoir Coulee
3. County: Toole
4. Name, Address, and Phone Number of Party Appearing:  
City of Shelby  
112 1<sup>st</sup> Street South  
Shelby, MT 59474  
406-450-3331  
larry@shelbymt.com
5. Name, Address, and Phone Number of Party's Attorney:  
Abigail J. St. Lawrence  
BLOOMQUIST LAW FIRM, P.C.  
3355 Colton Drive, Suite A  
Helena, MT 59602  
406-502-1244  
blf@helenalaw.com
6. State the changes that you think should be made to this claim and why.

City of Shelby ("City") has claims that may be affected by the adjudication of this claim. The City appears to address all issue remarks, any issue addressed by objections, if any, or any other matter or element that may be modified or affected during adjudication of this claim.

DATED this 15<sup>th</sup> day of December, 2016.

BLOOMQUIST LAW FIRM, P.C.  
/s/ Abigail J. St. Lawrence  
Abigail J. St. Lawrence  
*Attorney for City of Shelby*

CERTIFICATE OF MAILING

I, Jennifer L. Maichel, do solemnly swear that on the 15<sup>th</sup> day of December, 2016, I placed a copy of this Notice of Intent to Appear in the U. S. Mail, postage prepaid. The copy of this Notice of Intent to Appear was mailed to the owner(s) of the water right:

Dorothy I. and Henry T. Seifert  
735 5<sup>th</sup> Street South  
Shelby, MT 59474

/s/ Jennifer L. Maichel \_\_\_\_\_  
Jennifer L. Maichel  
Certified Paralegal

PRELIMINARY DECREE  
MARIAS RIVER  
BASIN 41P  
ABSTRACT OF WATER RIGHT CLAIM  
IMPORTANT NOTICE

YOUR WATER RIGHT AS SHOWN ON THIS ABSTRACT MAY HAVE CHANGES FROM YOUR WATER RIGHT AS CLAIMED OR AMENDED. AN ASTERISK (\*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC) DURING THE EXAMINATION PROCESS. THESE CHANGES ARE AUTHORIZED BY THE MONTANA SUPREME COURT WATER RIGHT CLAIMS EXAMINATION RULES OR BY ORDER OF THE WATER COURT.

OBJECTIONS MAY BE FILED ACCORDING TO THE PROCEDURES OUTLINED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

Water Right Number: 41P 161599-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: DOROTHY I SEIFERT  
735 5TH ST S  
SHELBY, MT 59474

HENRY T SEIFERT  
735 5TH ST S  
SHELBY, MT 59474

\*Priority Date: DECEMBER 31, 1925

Type of Historical Right: USE

Purpose(use): STOCK

\*Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

\*Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

\*Source Name: RESERVOIR COULEE

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESENE	26	32N	4W	TOOLE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

\*Reservoir: ONSTREAM

	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		SESENE	26	32N	4W	TOOLE
Diversion to Reservoir:	DIVERSION # 1					
Dam Height:	13.00 FEET					
Depth:	10.00 FEET					
Surface Area:	1.00 ACRES					
Capacity:	4.00 ACRE-FEET					

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SESENE	26	32N	4W	TOOLE

Remarks:

THE FOLLOWING ISSUES WERE IDENTIFIED BY THE DNRC DURING ITS EXAMINATION OF THIS WATER RIGHT CLAIM.

AS OF 07/29/2014 , THIS WATER RIGHT APPEARS TO BE OWNED BY DAN AND DAWN SEIFERT , 404 SILVER BOW STREET , SHELBY , MT 59474.

A BETTER UNDERSTANDING OF YOUR CLAIMED WATER RIGHT CAN BE OBTAINED BY COMPARING YOUR RIGHT WITH OTHER CLAIMS IN THE BASIN. FOR EXAMPLE, COMPARE PRIORITY DATES, FLOW RATES, VOLUMES, OR ACRES IRRIGATED. ALSO, YOUR WATER RIGHT MAY BE SUBJECT TO WATER RIGHTS IN ADJOINING BASINS OR SUBBASINS AS WELL AS BEING SUBJECT TO OTHER RIGHTS ON YOUR SOURCE OF SUPPLY. FINALLY, YOUR WATER RIGHT MAY BE SUBJECT TO INDIAN RESERVED AND FEDERAL RESERVED WATER RIGHTS.

COMPLETE DETAILS REGARDING THE DNRC EXAMINATION RESULTS AND RELATED MATERIALS CAN BE REVIEWED AT THE OFFICE LOCATIONS IDENTIFIED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER EXPLANATION OF YOUR CLAIMED WATER RIGHT. THESE FINDINGS CAN BE FOUND AS INDICATED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY." IF YOU NEED OBJECTION FORMS, OR HAVE QUESTIONS ABOUT WATER COURT PROCEDURES OR CHANGES TO YOUR RIGHT, YOU CAN CONTACT THE WATER COURT BY CALLING 1-800-624-3270 (WITHIN MONTANA ONLY) OR 1-406-586-4364, OR BY WRITING TO P.O. BOX 1389, BOZEMAN, MT 59771-1389.

MONTANA WATER COURT, UPPER MISSOURI DIVISION  
MARIAS RIVER BASIN (41P)

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NOTICE OF INTENT TO APPEAR

1. Claim No. 41P 161600-00
2. Source: Unnamed Tributary of Reservoir Coulee
3. County: Toole
4. Name, Address, and Phone Number of Party Appearing:  
City of Shelby  
112 1<sup>st</sup> Street South  
Shelby, MT 59474  
406-450-3331  
larry@shelbymt.com
5. Name, Address, and Phone Number of Party's Attorney:  
Abigail J. St. Lawrence  
BLOOMQUIST LAW FIRM, P.C.  
3355 Colton Drive, Suite A  
Helena, MT 59602  
406-502-1244  
blf@helenalaw.com
6. State the changes that you think should be made to this claim and why.

City of Shelby ("City") has claims that may be affected by the adjudication of this claim. The City appears to address all issue remarks, any issue addressed by objections, if any, or any other matter or element that may be modified or affected during adjudication of this claim.

DATED this 15<sup>th</sup> day of December, 2016.

BLOOMQUIST LAW FIRM, P.C.  
/s/ Abigail J. St. Lawrence  
Abigail J. St. Lawrence  
*Attorney for City of Shelby*

CERTIFICATE OF MAILING

I, Jennifer L. Maichel, do solemnly swear that on the 15<sup>th</sup> day of December, 2016, I placed a copy of this Notice of Intent to Appear in the U. S. Mail, postage prepaid. The copy of this Notice of Intent to Appear was mailed to the owner(s) of the water right:

Dorothy I. and Henry T. Seifert  
735 5<sup>th</sup> Street South  
Shelby, MT 59474

/s/ Jennifer L. Maichel  
Jennifer L. Maichel  
Certified Paralegal

PRELIMINARY DECREE  
MARIAS RIVER  
BASIN 41P  
ABSTRACT OF WATER RIGHT CLAIM

IMPORTANT NOTICE

YOUR WATER RIGHT AS SHOWN ON THIS ABSTRACT MAY HAVE CHANGES FROM YOUR WATER RIGHT AS CLAIMED OR AMENDED. AN ASTERISK (\*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC) DURING THE EXAMINATION PROCESS. THESE CHANGES ARE AUTHORIZED BY THE MONTANA SUPREME COURT WATER RIGHT CLAIMS EXAMINATION RULES OR BY ORDER OF THE WATER COURT.

OBJECTIONS MAY BE FILED ACCORDING TO THE PROCEDURES OUTLINED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

Water Right Number: 41P 161600-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: DOROTHY I SEIFERT  
735 5TH ST S  
SHELBY, MT 59474

HENRY T SEIFERT  
735 5TH ST S  
SHELBY, MT 59474

\*Priority Date: DECEMBER 31, 1938

Type of Historical Right: USE

Purpose(use): STOCK

\*Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

\*Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

\*Source Name: UNNAMED TRIBUTARY OF RESERVOIR COULEE

Source Type: SURFACE WATER

\*Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
*1		NWSESW	23	32N	4W	TOOLE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

\*Reservoir: ONSTREAM

	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		NWSESW	23	32N	4W	TOOLE
Diversion to Reservoir:	DIVERSION # 1					
Dam Height:	13.00 FEET					
Depth:	10.00 FEET					
Surface Area:	1.00 ACRES					
Capacity:	4.00 ACRE-FEET					

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY DNRC.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NESESW	23	32N	4W	TOOLE

Remarks:

THE FOLLOWING ISSUES WERE IDENTIFIED BY THE DNRC DURING ITS EXAMINATION OF THIS WATER RIGHT CLAIM.

AS OF 07/29/2014 , THIS WATER RIGHT APPEARS TO BE OWNED BY DAN SEIFERT , 414 SILVER BOW STREET , SHELBY , MT 59474.

A BETTER UNDERSTANDING OF YOUR CLAIMED WATER RIGHT CAN BE OBTAINED BY COMPARING YOUR RIGHT WITH OTHER CLAIMS IN THE BASIN. FOR EXAMPLE, COMPARE PRIORITY DATES, FLOW RATES, VOLUMES, OR ACRES IRRIGATED. ALSO, YOUR WATER RIGHT MAY BE SUBJECT TO WATER RIGHTS IN ADJOINING BASINS OR SUBBASINS AS WELL AS BEING SUBJECT TO OTHER RIGHTS ON YOUR SOURCE OF SUPPLY. FINALLY, YOUR WATER RIGHT MAY BE SUBJECT TO INDIAN RESERVED AND FEDERAL RESERVED WATER RIGHTS.

COMPLETE DETAILS REGARDING THE DNRC EXAMINATION RESULTS AND RELATED MATERIALS CAN BE REVIEWED AT THE OFFICE LOCATIONS IDENTIFIED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER EXPLANATION OF YOUR CLAIMED WATER RIGHT. THESE FINDINGS CAN BE FOUND AS INDICATED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY." IF YOU NEED OBJECTION FORMS, OR HAVE QUESTIONS ABOUT WATER COURT PROCEDURES OR CHANGES TO YOUR RIGHT, YOU CAN CONTACT THE WATER COURT BY CALLING 1-800-624-3270 (WITHIN MONTANA ONLY) OR 1-406-586-4364, OR BY WRITING TO P.O. BOX 1389, BOZEMAN, MT 59771-1389.

MONTANA WATER COURT, UPPER MISSOURI DIVISION  
MARIAS RIVER BASIN (41P)

\*\*\*\*\*

NOTICE OF INTENT TO APPEAR

1. Claim No. 41P 161782-00
2. Source: Unnamed Tributary of Reservoir Coulee
3. County: Toole
4. Name, Address, and Phone Number of Party Appearing:  
City of Shelby  
112 1<sup>st</sup> Street South  
Shelby, MT 59474  
406-450-3331  
larry@shelbymt.com
5. Name, Address, and Phone Number of Party's Attorney:  
Abigail J. St. Lawrence  
BLOOMQUIST LAW FIRM, P.C.  
3355 Colton Drive, Suite A  
Helena, MT 59602  
406-502-1244  
blf@helenalaw.com
6. State the changes that you think should be made to this claim and why.

City of Shelby ("City") has claims that may be affected by the adjudication of this claim. The City appears to address all issue remarks, any issue addressed by objections, if any, or any other matter or element that may be modified or affected during adjudication of this claim.

DATED this 15<sup>th</sup> day of December, 2016.

BLOOMQUIST LAW FIRM, P.C.  
/s/ Abigail J. St. Lawrence  
Abigail J. St. Lawrence  
*Attorney for City of Shelby*

**CERTIFICATE OF MAILING**

I, Jennifer L. Maichel, do solemnly swear that on the 15<sup>th</sup> day of December, 2016, I placed a copy of this Notice of Intent to Appear in the U. S. Mail, postage prepaid. The copy of this Notice of Intent to Appear was mailed to the owner(s) of the water right:

Linnet R. and Darrell L. Doane  
P.O. Box 184  
Shelby, MT 59474-0184

/s/ Jennifer L. Maichel  
Jennifer L. Maichel  
Certified Paralegal

PRELIMINARY DECREE  
MARIAS RIVER  
BASIN 41P  
ABSTRACT OF WATER RIGHT CLAIM  
IMPORTANT NOTICE

YOUR WATER RIGHT AS SHOWN ON THIS ABSTRACT MAY HAVE CHANGES FROM YOUR WATER RIGHT AS CLAIMED OR AMENDED. AN ASTERISK (\*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC) DURING THE EXAMINATION PROCESS. THESE CHANGES ARE AUTHORIZED BY THE MONTANA SUPREME COURT WATER RIGHT CLAIMS EXAMINATION RULES OR BY ORDER OF THE WATER COURT.

OBJECTIONS MAY BE FILED ACCORDING TO THE PROCEDURES OUTLINED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

Water Right Number: 41P 161782-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: LINNET R DOANE  
PO BOX 184  
SHELBY, MT 59474 0184

DARRELL L DOANE  
PO BOX 184  
SHELBY, MT 59474 0184

\*Priority Date: DECEMBER 31, 1956

Type of Historical Right: USE

Purpose(use): STOCK

\*Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

\*Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

\*Source Name: UNNAMED TRIBUTARY OF RESERVOIR COULEE

Source Type: SURFACE WATER

\*Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
*1		N	E	24	32N	3W	TOOLE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

\*Reservoir: ONSTREAM

	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENENW		24		32N	3W	TOOLE
Diversion to Reservoir:	DIVERSION # 1						
Dam Height:	9.00 FEET						
Depth:	6.00 FEET						
Surface Area:	1.65 ACRES						
Capacity:	3.96 ACRE-FEET						

THE SURFACE AREA, MAXIMUM DEPTH, DAM HEIGHT AND CAPACITY HAVE BEEN ESTIMATED BY DNRC.

Period of Use: APRIL 1 TO OCTOBER 1

\*Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW		24	32N	3W	TOOLE

THE DNRC EXAMINATION OF THIS CLAIM FOUND NO SIGNIFICANT FACTS, DATA, OR ISSUES TO REPORT TO THE WATER COURT.

A BETTER UNDERSTANDING OF YOUR CLAIMED WATER RIGHT CAN BE OBTAINED BY COMPARING YOUR RIGHT WITH OTHER CLAIMS IN THE BASIN. FOR EXAMPLE, COMPARE PRIORITY DATES, FLOW RATES, VOLUMES, OR ACRES IRRIGATED. ALSO, YOUR WATER RIGHT MAY BE SUBJECT TO WATER RIGHTS IN ADJOINING BASINS OR SUBBASINS AS WELL AS BEING SUBJECT TO OTHER RIGHTS ON YOUR SOURCE OF SUPPLY. FINALLY, YOUR WATER RIGHT MAY BE SUBJECT TO INDIAN RESERVED AND FEDERAL RESERVED WATER RIGHTS.

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