

# **S. 4040, Dakota Water Resources Act Amendments**

*Senator John Hoeven*

**Summary:** The Dakota Water Resources Act Amendments provides necessary authorization ceiling increases to provide more reliable, drought-resilient water supplies for North Dakota and five Tribal Nations. The bill authorizes:

- \$637 million to complete rural water supply projects in North Dakota.
  - \$120 million to complete the Northwest Area Water Supply Project;
  - \$404 million to complete the Eastern North Dakota Alternate Water Supply Project;
  - \$50 million to complete the Southwest Pipeline Project; and
  - \$63 million for North Dakota rural water district treatment and expansions.
- \$743 million to complete Tribal water projects.
  - \$118 million for the Spirit Lake Rural Water System;
  - \$275 million for the Three Affiliated Tribes Rural Water System;
  - \$240 million for the Standing Rock Rural Water System;
  - \$98 million for the Turtle Mountain Rural Water System; and
  - \$12 million for the Lake Traverse Rural Water System.
- \$50 million for the North Dakota Natural Resources Trust.

## **Background:**

- The Pick-Sloan Missouri River Flood Control Act of 1944 authorized construction of six mainstem dams and reservoirs on the Missouri River, including the creation of the Garrison and Oahe reservoirs.
- North Dakota was promised over a million acres of irrigation as compensation for the loss of approximately 550,000 acres of prime farmland permanently flooded by federal water projects.
- Following an authorization by Congress in 1965, construction began on the Garrison Diversion Project. Major sections of the project were built; however, the project was never completed.
- In 1986, the Garrison Diversion Unit Reformulation Act amended the 1965 authorization and established a Municipal, Rural, and Industrial (MR&I) water supply grant program for the state of North Dakota and Tribal Nations. A trust was also created to provide funding for the protection of wetland resources in North Dakota.
- As the Garrison Project still lacked a path to completion, in 2000, Congress passed the Dakota Water Resources Act (DWRA), providing a \$200 million authorization ceiling for state MR&I projects; \$200 million authorization ceiling for Tribal MR&I projects; \$200 million in loan authority for a federal Red River Valley water supply project, which never materialized; and an additional \$25 million for the North Dakota Natural Resources Trust.
- Construction remains underway for two regional water supply projects, the Northwest Area Water Supply Project (NAWS) and the Eastern North Dakota Alternate Water Supply Project (ENDAWS).
- The NAWS and ENDAWS projects transport water from the Missouri River across the continental divide, thus requiring the construction of biota water treatment (BWT) facilities, to ensure compliance with the Boundary Waters Treaty of 1909.
- Although the DWRA in 2000 authorized non-reimbursable costs related to BWT facilities, no authorization ceiling was outlined, and North Dakota and the Bureau of Reclamation have been forced to allocate significant MR&I resources to cover federal treaty responsibilities.
- North Dakota reached the state MR&I authorization ceiling in fiscal year 2024, and a short-term increase was included in the Energy & Water Appropriations Act, 2026.
- A long-term authorization ceiling increase is necessary to complete ongoing rural water supply projects and support continued growth in North Dakota and five Tribal Nations.