

## CHAPTER 6 EMERGENCY WATER ASSISTANCE

### Section I - Emergency Water Assistance Due to Contaminated Water Source

**6-1. General.** See ER 500-1-1, paragraph 6-1, for pertinent policy.

**6-2. Philosophy and Sense of Urgency.** The operating philosophy for providing Emergency Water Assistance is that USACE will act expeditiously to preclude human suffering. Under Emergency Water Assistance, the Corps may provide water to any locality confronted with a source of contaminated water causing or likely to cause a substantial threat to the public health and welfare of the inhabitants of the locality. Corps assistance is supplemental to State and local assistance, but timeliness of ability to provide assistance must be given great weight.

**6-3. Procedures.**

a. Initial Request and Report. HQUSACE will be immediately notified of any request or anticipated request for assistance under this authority. Notification will be both telephonically and via SITREP.

b. Eligibility. Districts will promptly determine potential eligibility for assistance. If the request appears to be a likely candidate for assistance, the district will request Class 430 funding (see ER 11-1-320), and prepare a PIR in accordance with paragraph 6-4. below.

c. Declaration of Emergency. District commanders must issue a Declaration of Emergency for Emergency Water Assistance prior to submission of the PIR to the MSC for approval.

(1) The Declaration of Emergency may initially be verbal, but must be reported in the district's Situation Report (SITREP) within 24 hours of the declaration.

(2) Authority to issue a Declaration of Emergency is delegated to Deputy District Engineers, and all supervisors in the chain from the District Commander to the Chief of Emergency Management, inclusive. For purposes of a Declaration of Emergency, "Chief of Emergency Management" includes an acting Chief of Emergency Management. District commanders may withhold authority to issue a Declaration of Emergency. Withholding of authority may be done either by written correspondence, or via a published OPLAN.

d. Governor's Request. The district will ensure a formal request for Emergency Water Assistance is received from the governor or his/her authorized representative prior to submission of the PIR to the MSC.

e. MSC Approval Process. The MSC commander will act on the PIR within 2 days of receipt. Coordination with HQUSACE (CECW-OE) is required prior to MSC approval. Concurrently with providing approval notification to the district, MSC's will submit the request, with supporting documents, to HQUSACE for funding. The district will notify the requester of any approval or disapproval action in writing with a preliminary verbal notification, as appropriate.

f. Direct Application by Local Entity. In the event political subdivisions make direct application for Emergency Water Assistance to the district, they will be advised to coordinate their request with the appropriate state agencies. To the extent feasible, all potential requesters of assistance will be advised of the need to go through the state to request assistance, and that USACE will take no action except in response to a request from the state. Federally recognized Indian tribes and Alaska Native Corporations need not go through the State.

g. Coordination. Regardless of whether a request is expected to be approved or disapproved, early coordination with managers of other Federal, state and local programs is necessary to ensure that appropriate assistance is provided in a timely manner.

h. Ineligible Request. If a request is clearly ineligible for assistance under this authority, the district receiving the request will advise the state in writing of such ineligibility. Copies of such letters will be forwarded to the MSC for their information. No PIR will be prepared in such cases. However, available data and background information for such a determination will be maintained by the district.

#### **6-4. PIR Preparation.**

a. PIR Format. The basic format for preparation of the Emergency Water Assistance Due to Contaminated Source PIR is at Figure 6-1.

b. Alternatives and Cost Estimates. The PIR will address all feasible alternatives to resolve the situation. The PIR will include cost estimates for all alternatives. Cost estimates will be broken out into Federal and non-Federal components, if applicable.

c. Environmental Consideration. An assessment of environmental impacts will be a part of the PIR. Once a project has been approved, districts will ensure any necessary supplements or changes to the environmental documentation are done.

d. Approval Level. PIR approval level is the Division Engineer or a deputy division engineer.

e. PIR Review Checklist. The PIR Review Checklist (Figure 6-2) will be included as Appendix Z to the PIR. The checklist must be completed and signed by the Emergency Manager or the Project Officer for the assistance project. References in the Checklist refer to both ER 500-1-1, designated with "ER" followed by the paragraph number, and this pamphlet, designated with "EP" followed by the paragraph number.

**6-5. Cooperation Agreement.** During the PIR preparation, the district will ensure the public sponsor is aware of required contributions and commitments, and that the sponsor intends to sign the CA and meet its commitments. Once the PIR is approved, the CA will be executed prior to providing Emergency Water Assistance. See Figure 6-3 for the CA format.

**6-6. Funding and Cost Information.**

a. Investigation Costs. All costs associated with investigation and preparation of the Project Information Report will be under Class 430. If multiple locations in a single state are involved, investigations and PIR activities may be bulk funded.

b. Cost Share. Approved Emergency Water Assistance projects are funded at 100 percent Federal cost for eligible costs under Class 410. All other costs are the responsibility of the public sponsor.

c. Eligible Costs.

(1) All investigation and PIR preparation costs.

(2) Purchase of water, either bottled or bulk.

(3) Transportation of water, to include small diameter pipeline and tank trucks, and associated loading and unloading costs.

(4) Distribution of water, if the normal water distribution system cannot be used. However, State or local support using, e.g., the National Guard is the typical method for operating distribution points.

(5) Water quality monitoring and testing.

(6) Technical assistance.

d. Costs Not Eligible for FCCE Funding.

(1) Repair of contaminated water treatment plants or water distribution systems.

(2) Construction of new water treatment plants or water distribution systems.

(3) Water treatment, if USACE is providing only raw water for use by the existing water treatment plant.

e. Funding. Refer to ER 11-1-320 for funding procedures.

f. Benefit to Cost Ratio. No benefit to cost ratio is needed for Emergency Water Assistance. Costs for Emergency Water Assistance projects must be prudent, reasonable, supportable, and defensible.

**PROJECT INFORMATION REPORT  
EMERGENCY WATER ASSISTANCE DUE TO CONTAMINATED SOURCE**

**Part I. Executive Summary**

**Part II. Basic Report**

1. LOCATION - *City, county, and state.*
2. PUBLIC SPONSOR - *Name, address, telephone number, email address for the public sponsor of the proposed project.*
3. DESCRIPTION OF THE PROBLEM - *Affected locality and its water supply capability; cause of contamination (if known); health hazards, actions the public sponsor has taken to address the situation, actions taken by the State to address the situation (to include involvement of the National Guard), actions taken by other Federal agencies (e.g., Department of Agriculture), etc.*
4. COURSE OF ACTION OPTIONS - *List options available to correct the problem. Extensive information or tabular data will be placed in Appendix B.)*
5. PROPOSED WORK - *Of the options in paragraph 4. above, provide an explanation and description of the proposed work. Necessary additional information may be placed in Appendix B.*
6. BENEFICIARIES - *List of communities and quantities of people benefiting from the proposed work.*
7. PUBLIC SPONSOR'S SHARE OR CONTRIBUTION - *Description of form or method of public sponsor's contribution to resolving the problem.*
8. ENVIRONMENTAL CONSIDERATIONS. *Provide a general summary of environmental considerations. Specific statements, e.g., statement on effect of work on environment; Environmental Assessment, Section 7 of the Endangered Species Act of 1973 (PL 93-205) considerations; Archeological Investigations and Salvage Activities consideration per ER 1105-2-460, permits, etc, will be provide in Appendix C, as separate annexes.*
9. PERMITS. *List the need for any permits (Federal, state or local) and indicate potential problems with obtaining these permits.*

**Part III. Appendices**

- Appendix A. Governor's request for assistance; any other correspondence from the potential project sponsor.
- Appendix B. Data to support courses of action.
- Appendix C-Y. As needed.
- Appendix Z. PIR Review Checklist.

**Figure 6-1. PIR Format, Emergency Water Assistance Due to Contaminated Water Source**

<b>PIR REVIEW CHECKLIST</b>			
<b>EMERGENCY WATER ASSISTANCE DUE TO CONTAMINATED SOURCE</b>			
	<u>YES</u>	<u>NO</u>	<u>N/A</u>
1.	___	___	
	Has a written request for assistance from the governor been received? [ER, 6-1.a.]		
2.	___	___	
	Is the contaminated water source established and documented in the PIR? [ER, 6-1.b.]		
3.	___	___	
	Is USACE assistance supplementing tribal, state, and/or local efforts? [ER 6-1.c.]		
4.	___	___	
	Is the proposed work temporary? [ER, 6-1.d.]		
5.	___	___	
	Are the local interests correcting the deficient or deferred maintenance? [ER, 6-1.d.]		
6.	___	___	
	Are the local interests assessing and correcting the situation that caused or is causing the contamination? [ER, 6-1.d.]		
7.	___	___	
	Will USACE proposed assistance last 30 days or less? [ER, 6-1.e.]		
8.	___	___	
	Are business and commercial firms excluded from getting water for commercial purposes from this USACE assistance? [ER, 6-1.h.]		
9.	___	___	
	Was EPA notified? [ER, 6-1.i.]		
10.	___	___	___
	Are military bases and other Federal areas excluded from getting water from this USACE assistance? [ER, 2-3.c.]		
11.	___	___	___
	Are farms and ranches excluded from getting water for irrigation or for watering livestock purposes from this USACE assistance? [ER, 6-1.c.]		
12.	___	___	
	The completed PIR has been reviewed and the PIR Checklist has been reviewed and signed by the Emergency Management Office. [EP, 6-4.e.]		
13.	___	___	
	The completed PIR meets all policy, procedural, content, and formatting requirements of ER 500-1-1 and EP 500-1-1. [ER, 2-3.b.]		
REVIEWING OFFICIAL'S SIGNATURE			
NAME			
TITLE			
TELEPHONE NUMBER			

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**Figure 6-2. PIR Review Checklist (Appendix Z), Emergency Water Assistance Due to Contaminated Water Source**

**COOPERATION AGREEMENT  
BETWEEN  
THE UNITED STATES OF AMERICA  
and**

\_\_\_\_\_

**for**

**EMERGENCY WATER ASSISTANCE DUE TO CONTAMINATED WATER SOURCE**

**THIS AGREEMENT**, entered into this \_\_\_\_ day of \_\_\_\_\_, by and between THE DEPARTMENT OF THE ARMY (hereinafter referred to as the "Government") represented by the District Engineer, \_\_\_\_\_ District, U.S. Army Corps of Engineers, and \_\_\_\_\_ [PUBLIC SPONSOR], (hereinafter referred to as the "Public Sponsor"), represented by \_\_\_\_\_ [TITLE OF PERSON SIGNING THIS AGREEMENT].

**WITNESSETH THAT:**

**WHEREAS**, 33 U.S.C. 701n authorizes the Chief of Engineers to provide emergency supplies of water, on such terms as he determines to be advisable, to any locality which he finds is confronted with a source of contaminated water causing or likely to cause a substantial threat to the public health and welfare of the inhabitants of the locality;

**WHEREAS**, the Public Sponsor has requested, in writing, emergency water assistance pursuant to 33 U.S.C. 701n, and the Public Sponsor qualifies for such assistance in accordance with the established policies of the U.S. Army Corps of Engineers; and,

**WHEREAS**, the Public Sponsor hereby represents that it has the authority and legal capability to furnish the non-Federal cooperation hereinafter set forth and is willing to participate with the terms of this Agreement.

**NOW, THEREFORE, the parties agree** as follows:

1. The Government will perform the work described in its scope of work (attached) that is made part of this agreement.
2. The Public Sponsor will:
  - a. Provide without cost to the Government all lands, easements, rights-of-ways, relocations, and borrow and dredged or excavated material disposal areas necessary for the work.
  - b. Hold and save the Government free from damages arising from construction, operation, maintenance, repair, replacement, and rehabilitation of the work, except damages due to the fault or negligence of the Government or its contractors.

**Figure 6-3. Cooperation Agreement for Emergency Water Assistance Due to Contaminated Water Source**

<p>c. Operate, maintain, repair, replace, and rehabilitate the completed work in a manner satisfactory to the Government; and,</p> <p>d. Remove, at no cost to the Government, all temporary work constructed by the Government.</p> <p>3. (Add as applicable.)</p> <p>4. ATTACHMENTS:</p> <p>a. Exhibit A - Written request for assistance from the Public Sponsor.</p> <p>b. Exhibit B - Government Scope of Work.</p> <p><b>IN WITNESS WHEREOF</b>, the parties hereto have executed this agreement of the day and year first above written.</p>	
<p><b>THE DEPARTMENT OF THE ARMY</b></p>	<p><b>THE [NAME OF PUBLIC SPONSOR]</b></p>
<p>BY: _____ [SIGNATURE] [TYPED NAME] [TITLE IN FULL]</p>	<p>BY: _____ [SIGNATURE] [TYPED NAME] [TITLE IN FULL]</p>
<p>ADDRESS:</p>	<p>ADDRESS:</p>

**Figure 6-3. Cooperation Agreement for Emergency Water Assistance Due to Contaminated Water Source (Continued)**

***Section II - Emergency Water Assistance Due to Drought***

**6-7. General.** See ER 500-1-1, paragraph 6-5, for pertinent policy.

**6-8. Procedures.**

a. Initial Request and Report. HQUSACE will be immediately notified of any request for assistance under this authority. Notification will be both telephonically and via SITREP.

b. Eligibility. Districts will promptly determine potential eligibility for assistance. If the request appears to be a likely candidate for assistance, the district will request Class 430 funding (see ER 11-1-320), and prepare a PIR in accordance with paragraph 6-9. below.

c. Declaration of Emergency. District commanders must issue a Declaration of Emergency for Emergency Water Assistance prior to submission of the PIR to the MSC.

(1) The Declaration of Emergency may initially be verbal, but must be made in writing and reported in the district's ENGLINK Situation Report (SITREP) within 24 hours of the declaration.

(2) Authority to issue a Declaration of Emergency is delegated to Deputy District Engineers, and all supervisors in the chain from the District Commander to the Chief of Emergency Management, inclusive. For purposes of a Declaration of Emergency, "Chief of Emergency Management" includes an acting Chief of Emergency Management. District commanders may withhold authority to issue a Declaration of Emergency. Withholding of authority may be done either by written correspondence, or via a published OPLAN.

d. Governor's Request. The district will ensure a formal request for Emergency Water Assistance is received from the governor prior to submission of the PIR to the MSC.

e. Approval Process.

(1) The MSC will act on the PIR within 2 days of receipt from the district.

(2) HQUSACE will expeditiously act on the PIR upon receipt from the MSC. HQUSACE action includes the requirement for a Drought Distressed Area designation by the Director of Civil Works or the ASA(CW). After a Drought Distressed Area designation has been made, approval level for PIR's is the Chief, Operations Division. HQUSACE will expeditiously provide funding for approved PIR's.

f. Scope of Assistance. A Drought Distressed Area designation by the Director of Civil Works or the ASA(CW) does not provide for an unlimited number of projects. Therefore, to the greatest extent possible, the district must identify the total amount of assistance required, the duration of the assistance, and the total estimated cost of providing the assistance. Separate projects must be individually justified in separate PIR's. However, a project may have multiple components that provide assistance in different areas by different means. For example, assistance to a large, rural county could consist of a small diameter pipeline to the large town in the county, and trucking bulk water to outlying towns.

**6-9. Considerations for Assistance.** In evaluating requests for Emergency Water Assistance for potential eligibility, the following are examples of actions that should be undertaken by state and/or local interests prior to the USACE consideration of the request:

a. Declaration of a drought emergency is made by state and/or other appropriate authority.

b. Available state and local resources are fully used, to include funds, labor, and equipment such as National Guard trucks to haul water. Assistance and support from other Federal agencies that may have applicable assistance authorities should be sought prior to the request being considered under PL 84-99 authority. Other Federal agencies that may have some assistance authorities are:

- (1) Small Business Administration (SBA).
- (2) Farmers Home Administration (FmHA).
- (3) Economic Development Administration (EDA).

(4) Federal Emergency Management Administration (FEMA). [Note: A request for a presidential disaster declaration is not required as a prerequisite for USACE assistance.]

- (5) Natural Resources Conservation Service (NRCS).
- (6) Bureau of Indian Affairs (BIA) for assistance on tribal lands.

c. Mandatory water conservation measures have been instituted to reduce demand.

d. The use of available water is prioritized. Human consumption and sanitary needs take priority over industrial processes and irrigation of crops.

e. Appropriate experts establish minimum requirements for public health and welfare (examples: xx gallons per day per person for human consumption, health, and sanitation.) This is generally between 2 and 5 gallons per person per day.

f. Operation of water treatment facilities is modified to allow processing of alternate water sources that may be available.

g. Water processing and distribution systems are evaluated to identify losses and repairs are undertaken to minimize such losses.

h. Non-potable water is used in situations where it can be safely used to meet a portion of the community's requirements.

i. Where the problem is maintaining well production, available alternatives such as lowering production or deepening wells are being addressed.

j. A long term solution is being expeditiously executed.

**6-10. PIR Preparation.**

a. The format for the PIR is at Figure 6-4.

b. The PIR will address all feasible alternatives to resolve the situation. The PIR will include cost estimates for all alternatives. Cost estimates will be broken into Federal and non-Federal components, if applicable. Non-Federal costs include the purchase of water.

c. Environmental Consideration. An assessment of environmental impacts will be a part of the PIR. Once a project has been approved and the project has begun, districts will ensure any necessary supplements or changes to the environmental documentation are done.

d. The existence of drought conditions must be verified in the PIR in sufficient detail and with sufficient justification to merit a drought distressed area declaration. Supporting data should include such information as:

(1) Abnormally low groundwater levels, soil moisture, and stream flows, as defined by indicators such as the Palmer Index.

(2) Extremely low aquifer levels when compared to historical norms, drastically low water production levels, and indications that the conditions are not a recurring situation or the continuation of a long term trend.

(3) Abnormally low runoff from rainfall or snowpack into rivers, streams, lakes, or other storage areas, resulting in reduced or lost water supply source.

e. The PIR Review Checklist (format at Figure 6-5) will be included as Appendix Z to the PIR. The Checklist must be completed and signed by the Emergency Manager or the Project Officer for the Emergency Water Assistance project.

**6-11. Cooperation Agreement.** During the preparation of the PIR, the district will ensure the project sponsor is aware of required contributions and commitments, and intends to sign the CA and meet its commitments. Once the PIR is approved, the CA will be executed prior to providing Emergency Water Assistance. See Figure 6-6 for the CA format.

**6-12. Funding and Cost Information.**

a. Investigation Costs. All costs associated with investigation and preparation of the Project Information Report will be under Class 430. If multiple locations in a single state are involved, investigations and PIR activities may be bulk funded.

b. Cost Share - Other Than Well Drilling. Approved drought assistance projects are funded at 100% Federal cost for allowable expenses under Class 420. All other expenses, to specifically include the purchase of water, are a local responsibility.

c. Allowable Costs for FCCE Funding - Other Than Well Drilling.

(1) All investigation and PIR preparation costs.

(2) Transportation of water, to include construction of small diameter pipelines, purchase or lease of pumps, and use of tank trucks.

d. Costs Not Eligible for FCCE Funding - Other Than Well Drilling.

(1) Purchase of water, either bottled or bulk.

(2) Construction of new water treatment plants or water distribution systems.

(3) Water treatment.

(4) Operations and maintenance of pumps and pipeline systems, and related activities.

e. Well Drilling.

(1) Payment by Applicant for Well Drilling. Included in the USACE authority is the capability to drill wells for assistance applicants. When a well drilling project is approved, the applicant must secure the necessary funding for well construction from internal, commercial, or other sources. The proposed payment plan will be included in the PIR. If the applicant prefers repayment of government costs for well drilling, the district will contact HQUSACE (CECW-OE) for guidance.

(2) Availability of Private Contractors. USACE will not undertake well construction when private business can do the work in a reasonable time. As part of the investigation and PIR process, the district commander may advertise the need for such well drilling, but not identify the applicant. Contractors will be asked to respond to USACE by a specific date if they can supply the services. The names of those responding will be provided to the applicant.

f. Benefit to Cost Ratio. No benefit to cost ratio is needed for Emergency Water Assistance.

**PROJECT INFORMATION REPORT  
EMERGENCY WATER ASSISTANCE DUE TO DROUGHT**

**Part I. Executive Summary**

**Part II. Basic Report**

1. LOCATION - *City, county, and state.*
2. PUBLIC SPONSOR - *Name, address, telephone number, email address for the public sponsor of the proposed project.*
3. DESCRIPTION OF THE PROBLEM - *Affected locality and its water supply capability; brief summarization of the drought conditions; health hazards (if any); actions the public sponsor and the State have taken to address the situation (to include involvement of the National Guard); actions taken by other Federal agencies (e.g., Department of Agriculture); etc.*
4. COURSE OF ACTION OPTIONS - *List options available to correct the problem. Extensive information or tabular data will be placed in Appendix C.)*
5. PROPOSED WORK - *Of the options in paragraph 4. above, provide an explanation and description of the proposed work. Necessary additional information may be placed in Appendix C.*
6. BENEFICIARIES - *List of communities and numbers of people benefiting from the proposed work.*
7. PUBLIC SPONSOR'S SHARE OR CONTRIBUTION - *Description of form or method of public sponsor's contribution to resolving the problem.*
8. ENVIRONMENTAL CONSIDERATIONS. *Provide a general summary of environmental considerations. Specific statements, e.g., statement on effect of work on environment; Environmental Assessment, Section 7 of the Endangered Species Act of 1973 (PL 93-205) considerations; Archeological Investigations and Salvage Activities consideration per ER 1105-2-460, permits, etc, will be provided in Appendix C, as separate annexes.*
9. PERMITS. *List the need for any permits (Federal, state or local) and indicate potential problems with obtaining these permits.*

**Part III. Appendices**

- Appendix A. *Governor's request for assistance; any other correspondence from the potential project sponsor.*
- Appendix B. *Data and documentation to justify issuance of a drought distressed area declaration from the Assistant Secretary of the Army for Civil Works.*
- Appendix C. *Data to support courses of action, and Environmental Statements.*
- Appendix D-Y. *As needed (e.g., payment plans.)*
- Appendix Z. *PIR Review Checklist.*

**Figure 6-4. PIR Format, Emergency Water Assistance Due to Drought**

<b>PIR REVIEW CHECKLIST - EMERGENCY WATER ASSISTANCE DUE TO DROUGHT</b>			
	<u>YES</u>	<u>NO</u>	<u>N/A</u>
1.	___	___	
	Has a written request for assistance from the governor been received? [ER, 6-5.a.]		
2.	___	___	
	Is there sufficient data to support a declaration of a drought distressed area by the ASA(CW)? [ER, 6-5.b.]		
3.	___	___	
	Is USACE's authority the only Federal authority able to provide the needed assistance? [ER, 6-9.b.]		
4.	___	___	
	Is USACE assistance supplementing tribal, state and/or local efforts? [ER, 6-5.]		
5.	___	___	___
	If water needs to be purchased, will the local interests pay for it? [ER, 6-5.e.]		
6.	___	___	___
	If a well is to be constructed, have the local interests agreed to pay for the cost? [ER, 6-5.j.]		
7.	___	___	___
	Has the district ensured there are no contractors available to perform drilling of wells? [ER, 6-5.i.]		
8.	___	___	
	Are the local interests formulating a credible long term solution? [ER, 6-5.b.]		
9.	___	___	
	Are business and commercial firms (other than farmers and ranchers), and recreation interests, excluded from getting water for commercial or recreational purposes from this USACE assistance? [ER, 6-5.d.]		
10.	___	___	___
	Are military bases and other Federal areas excluded from getting water from this USACE assistance? [ER, 2-3.c.]		
11.	___	___	___
	Are farms and ranches (not including cases of well drilling) excluded from getting water for irrigation or for livestock watering purposes? [6-5.d.]		
12.	___	___	
	The completed PIR has been reviewed and the PIR Checklist has been reviewed and signed by the Emergency Management Office. [EP, 6-10.e.]		
13.	___	___	
	The completed PIR meets all policy, procedural, content, and formatting requirements of ER 500-1-1 and EP 500-1-1. [ER, 2-3.b.]		
REVIEWING OFFICIAL'S SIGNATURE			
NAME			
TITLE			
TELEPHONE NUMBER			
Z-1			

**Figure 6-5. PIR Review Checklist (Appendix Z), Emergency Water Assistance Due to Drought**

**COOPERATION AGREEMENT  
BETWEEN  
THE UNITED STATES OF AMERICA  
and**

\_\_\_\_\_  
**for  
EMERGENCY WATER ASSISTANCE DUE TO DROUGHT**

**THIS AGREEMENT**, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between THE DEPARTMENT OF THE ARMY (hereinafter referred to as the "Government") represented by the District Engineer, \_\_\_\_\_ District, U.S. Army Corps of Engineers, and the \_\_\_\_\_ [PUBLIC SPONSOR], (hereinafter referred to as the "Public Sponsor"), represented by \_\_\_\_\_ [TITLE OF PERSON SIGNING THIS AGREEMENT].

**WITNESSETH THAT:**

**WHEREAS**, 33 USC 701n authorizes the Secretary of the Army, acting through the Chief of Engineers, U.S. Army Corps of Engineers, to provide assistance for emergency water supplies to political subdivisions within areas he determines to be drought distressed;

**WHEREAS**, the Public Sponsor has requested, in writing, assistance pursuant to 33 U.S.C. 701n, and the Public Sponsor qualifies for such assistance in accordance with the established policies of the U.S. Army Corps of Engineers;

**WHEREAS**, the Public Sponsor is located within an area which the Government has determined to be drought distressed; and, the Government has determined that, as a result of the drought, the Public Sponsor has an inadequate supply of water for human consumption, and water cannot be obtained by the Public Sponsor from other sources; and,

**WHEREAS**, the Public Sponsor hereby represents that it has the authority and legal capability to furnish the non-Federal cooperation hereinafter set forth and is willing to participate with the terms of this agreement.

**NOW, THEREFORE, the parties agree** as follows:

1. The Government agrees to perform the Emergency Water Assistance developed by the Government and as described in the attached scope of work.
2. The Public Sponsor will:
  - a. Provide, without cost to the Government, the required storage facility at the terminal point as determined by the Government to be needed for the emergency water supplies;
  - b. Purchase the supply of water or acquire any water right required for a source of water supply;
  - c. Develop a plan of action and initiate such necessary actions to restore a source of water supply or assume the responsibility for the transportation of a supply of water as soon as practicable;

**Figure 6-6. Cooperation Agreement for Emergency Water Assistance Due to Drought**

d. Obtain all necessary Federal, state, and local permits required for the provision of said emergency water supplies prior to the commencement of the work by the Government.

e. Hold and save the Government free from damages arising from provision of assistance under this agreement, except damages due to the fault or negligence of the Government or its contractors.

f. (Specify others as needed.)

3. ATTACHMENTS:

a. Exhibit A - Written request for assistance.

b. Exhibit B - Government's Scope of Work.

**IN WITNESS WHEREOF**, the parties hereto have executed this agreement as of the day and year first above written.

**THE DEPARTMENT OF THE ARMY**

**THE [NAME OF PUBLIC SPONSOR]**

BY: \_\_\_\_\_  
[SIGNATURE]  
[TYPED NAME]  
[TITLE IN FULL]

BY: \_\_\_\_\_  
[SIGNATURE]  
[TYPED NAME]  
[TITLE IN FULL]

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

ADDRESS:

ADDRESS:

**Figure 6-6. Cooperation Agreement for Emergency Water Assistance Due to Drought (Continued)**