

ARTICLE 89-11

DROUGHT DISASTER LIVESTOCK WATER SUPPLY PROJECT ASSISTANCE PROGRAM

Chapter
89-11-01 Drought Disaster Livestock Water Supply Project Assistance Program

**CHAPTER 89-11-01
DROUGHT DISASTER LIVESTOCK WATER SUPPLY PROJECT ASSISTANCE PROGRAM**

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89-11-01-01. Definitions. ~~As used in this chapter, unless the context or subject matter otherwise requires:~~

1. "Livestock producer" means an individual who breeds or raises livestock or operates a dairy farm, who normally devotes the major portion of the individual's time to ~~the activities of~~ farming or ranching activities, and who normally receives at least fifty percent of the individual's annual gross income from farming or ranching.
2. "Water supply project" includes the components and installation necessary to transfer and provide water from a water source to ~~the~~ drought-affected livestock.

History: Effective July 1, 1992; amended effective April 1, 2008; July 1, 2014; April 1, 2018.

General Authority: NDCC 28-32-02, 61-03-13, 61-34-03

Law Implemented: NDCC 61-34-02

89-11-01-02. Drought declaration required. Funds will only be disbursed for water supply projects in:

1. ~~Counties~~ counties ~~that have been declared by the governor~~ has declared to be a drought disaster area for purposes of this program;
2. ~~Counties adjacent to the counties in subsection 1;~~ or

- ~~3. A drought disaster area under a drought declaration that has not been rescinded.~~

The ~~state water~~ commission will determine a the program's beginning and end date of the program.

History: Effective July 1, 1992; amended effective April 1, 2008; July 1, 2014; April 1, 2018.

General Authority: NDCC 28-32-02, 61-03-13, 61-34-03

Law Implemented: NDCC 61-34-02

89-11-01-03. Applicant eligibility.

1. The applicant must be a livestock producer with livestock water supply problems caused by drought.
2. The applicant must first apply for ~~water~~ and have been denied cost-share assistance from the United States department of agriculture farm service agency ~~and must have been denied such cost-share assistance.~~

History: Effective July 1, 1992; amended effective August 27, 2002; April 1, 2008; April 1, 2018.

General Authority: NDCC 28-32-02, 61-03-13, 61-34-03

Law Implemented: NDCC 61-34-02, 61-34-04

89-11-01-04. Funding - Priority - Eligible items.

1. The ~~state water~~ commission must provide funds for the program to the extent funding is available. Priority will be based on ~~earliest date of~~ completed application date.
2. Cost-share assistance may only be used for water supply projects that will provide a solution to a drought-related water supply shortage.
3. All wells drilled with funds provided under this program must be drilled by a North Dakota certified water well contractor as defined by North Dakota Century Code section 43-35-02.
4. Eligible items include new water wells, rural water system connections, pipeline extensions, pasture taps, ~~pumps, generators, electrical and solar hookups, and stock water tanks,~~ and associated works, labor, materials, and equipment rentals for work completed by the producer to develop new water supply projects.

5. The applicant may receive up to fifty percent of the eligible costs, not to exceed ~~three~~ four thousand five hundred dollars per project, with a limit of three projects ~~on any land owned by an~~ per applicant.

History: Effective July 1, 1992; amended effective January 1, 1993; August 27, 2002; April 1, 2008; July 1, 2014; April 1, 2018.

General Authority: NDCC 28-32-02, 61-03-13, 61-34-03

Law Implemented: NDCC 61-34-02

89-11-01-05. Noneligible items. The following projects are not eligible for program funding ~~from the drought disaster livestock water supply project assistance program.;~~

1. ~~Rehabilitation of an existing~~ Existing well rehabilitation.
2. A water supply project on federal land, state land, or land outside North Dakota.
3. A dry hole drilled in an attempt to construct a water well or ~~to~~ locate a water source.
4. ~~The construction of stock dams~~ Stock dam or dugouts dugout construction dependent upon runoff, or projects dependent on surface water sources that may be unreliable during drought conditions.
5. Projects that require repair due to damage or failure to provide maintenance to an existing water source.
6. Hours billed for work completed by the applicant, the applicant's family, or their employees.

History: Effective July 1, 1992; amended effective January 1, 1993; August 27, 2002; July 21, 2006; April 1, 2008; July 1, 2014; April 1, 2018.

General Authority: NDCC 28-32-02, 61-03-13, 61-34-03

Law Implemented: NDCC 61-34-02

89-11-01-06. Application procedure.

1. Requests for assistance must be on a ~~form provided by the state water commission~~ form and ~~must~~ include:
 - a. Written proof the applicant applied for and was denied cost-share assistance from the United States department of agriculture farm service agency ~~and was denied such assistance~~, including the reason for the denial.

- b. ~~An area map indicating the location of the proposed water supply project location.~~
 - c. ~~An estimate of the costs of the A proposed water supply project cost estimate.~~
 - d. ~~Verification by the applicant that the applicant is a livestock producer.~~
2. The chief engineer must review applications and acknowledge their receipt. The chief engineer must, ~~within the limits of available funding limits,~~ provide assistance to those ~~persons~~ livestock producers whose applications are approved. The applicant must agree to:
- a. ~~Complete the project within one hundred eighty days of receiving notification of funding approval of funding of the water supply project notification.~~ The chief engineer may grant an a time extension of time if a written request providing just cause is submitted ~~and just cause for an extension is provided.~~
 - b. ~~Provide receipt of actual expenditures expenditure receipts, an affidavit of work completed if work is done by the applicant, or both, if applicable.~~
 - c. ~~Grant to the state water commission or anyone authorized by the state water commission~~ its agent the right to enter ~~upon~~ the land to inspect the completed water supply project after giving reasonable notice to the applicant.
 - d. ~~Indemnify and hold harmless the state of North Dakota and, the state water commission, its officers, and their agents, employees, and members from all claims, suits, or actions resulting from or arising out of the activities of the applicant or applicant's agents or employees.~~
3. Application forms may be obtained by contacting:

North Dakota State Water Commission
 900 East Boulevard
 Bismarck, ND 58505
 (701) 328-2750

www.swc.nd.gov

History: Effective July 1, 1992; amended effective August 27, 2002; July 21, 2006; April 1, 2008; July 1, 2014; April 1, 2018.

General Authority: NDCC 28-32-02, 61-03-13, 61-34-03

Law Implemented: NDCC 61-34-02, 61-34-04