



State of North Dakota

Office of the State Engineer

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October 20, 2017

Vonette J. Richter
Assistant Code Reviser
North Dakota Legislative Council
600 East Boulevard
Bismarck, ND 58505

RE: Administrative Rules

Dear Ms. Richter:

The Notice of Intent to Amend Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

Garland Erbele, P.E.
State Engineer

GE:rp
Enclosures

NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES

TAKE NOTICE that the North Dakota State Water Commission will hold a public hearing to address proposed amendments to North Dakota Administrative Code Article 89-11 (Drought Disaster Livestock Water Supply Project Assistance Program), at **9:00 A.M., Monday, November 27, 2017**, at the State Office Building, 900 East Boulevard Ave., Bismarck, ND. The proposed rules changes are not expected to have an impact on the regulated community in excess of \$50,000.

The purpose and an explanation of the proposed rules changes are outlined on the attached chart.

The proposed rules may be reviewed at the State Water Commission, 900 East Boulevard Ave., Bismarck, ND 58505 or on the Commission's website at www.swc.nd.gov. The proposed rules may be obtained by writing the above address, calling 701-328-4941, or e-mailing rpedersen@nd.gov. Written or oral comments on the proposed rules sent to the above mailing or e-mail address, or telephone number and received by **December 7, 2017**, will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Commission at the above phone number or address at least seven days prior to the public hearing.

Dated October 20, 2017.

STATE OF NORTH DAKOTA
By: /s/ Garland Erbele
Garland Erbele, P.E.
State Engineer

Section	Housekeeping	Substantive	Comments
Article 89-11 – Drought Disaster Livestock Water Supply Project Assistance Program			
<i>Chapter 89-11-01 – Drought Disaster Livestock Water Supply Project Assistance Program</i>			
Article and Chapter Titles	Language clarifications		Updating titles to reflect language used by N.D.C.C.
89-11-01-01	Language clarifications		Make language consistent with other articles.
89-11-01-02	Language clarifications	Deleted subsections 2 and 3	Subsection 2 - Unnecessary because Governor already designates specific counties eligible for the program. Subsection 3 - Redundant because Commission already determines the program's beginning/end dates.
89-11-01-03	Language clarifications		
89-11-01-04	Language clarifications		Subsection 3 - Added cross-reference to N.D.C.C. definition of certified water well contractor. Subsection 4 - Replaced specific types of projects with more general language for greater flexibility in approvals. Subsection 5 – Increased the maximum cost-share allowable per project from \$3,500 to \$4,500.
89-11-01-05	Language clarifications		Subsection 4 – Added projects dependent on surface water sources that may be unreliable during drought conditions are not eligible.
89-11-01-06	Language clarifications		