

ARTICLE 89-11
DROUGHT DISASTER LIVESTOCK WATER ASSISTANCE PROGRAM

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

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89-11-01-01. Definitions.

1. "Commission" is defined in North Dakota Century Code section 61-02-02.
2. "Department" is defined in North Dakota Century Code section 61-03-01.2.
3. "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 farming or ranching activities, and who normally receives at least fifty percent of the individual's annual gross income from farming or ranching.
4. "Water supply project" includes the components and installation necessary to transfer and provide water from a water source to drought-affected livestock.

History: Effective July 1, 1992; amended effective April 1, 2008; July 1, 2014; April 1, 2018; January 1, 2023.

General Authority: NDCC 61-02-11, 61-03-13

Law Implemented: NDCC 61-34-01, 61-34-02, 61-34-03

89-11-01-02. Drought declaration required.

Funds will only be disbursed for water supply projects in counties that the governor has declared to be a drought disaster area for purposes of this program.

The commission will determine the program's beginning and end dates.

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

General Authority: NDCC 61-02-11, 61-03-13

Law Implemented: NDCC 61-34-01, 61-34-02, 61-34-03

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 and have been denied cost-share assistance from the United States department of agriculture farm service agency.
3. The applicant must receive department approval for a water supply project. A water supply project completed before the program activation date is not eligible.

History: Effective July 1, 1992; amended effective August 27, 2002; April 1, 2008; April 1, 2018; January 1, 2023.

General Authority: NDCC 61-02-11, 61-03-13

Law Implemented: NDCC 61-34-02, 61-34-03, 61-34-04

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

1. The commission shall provide funds for the program to the extent funding is available. Priority will be based on earliest 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, and associated works, labor, materials, and equipment rentals for work completed by the producer to develop new water supply projects.

History: Effective July 1, 1992; amended effective January 1, 1993; August 27, 2002; April 1, 2008; July 1, 2014; April 1, 2018; January 1, 2023.

General Authority: NDCC 61-02-11, 61-03-13

Law Implemented: NDCC 61-34-02, 61-34-03, 61-34-04

89-11-01-05. Noneligible items.

The following projects are not eligible for program funding:

1. 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 locate a water source.
4. Stock dam or 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 61-02-11, 61-03-13

Law Implemented: NDCC 61-34-02, 61-34-03

89-11-01-06. Application procedure.

1. Requests for assistance must be on a commission form and include:
 - a. Written proof the applicant applied for and was denied cost-share assistance from the United States department of agriculture farm service agency, including the reason for the denial.
 - b. An area map indicating the proposed water supply project location.
 - c. A proposed water supply project cost estimate.

- d. Verification the applicant is a livestock producer.
2. The department must review applications and acknowledge their receipt. The department must, within available funding limits, provide assistance to those livestock producers whose applications are approved. The applicant must agree to:
- a. Complete the project within one hundred eighty days of receiving funding approval notification. The department may grant a time extension if a written request providing just cause is submitted.
 - b. Provide actual expenditure receipts.
 - c. Grant the department or its agent the right to enter 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, the commission, the department, and their agents from all claims resulting from or arising out of the activities of the applicant or applicant's agents.
3. Application forms may be obtained by contacting the department.

History: Effective July 1, 1992; amended effective August 27, 2002; July 21, 2006; April 1, 2008; July 1, 2014; April 1, 2018; January 1, 2023.

General Authority: NDCC 61-02-11, 61-03-13

Law Implemented: NDCC 61-34-02, 61-34-03, 61-34-04