

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 produces livestock or operates a dairy farm, who normally devotes the major portion of the individual's time to the activities of farming or ranching, and who normally receives not less than fifty percent of the individual's annual gross income from farming or ranching.
2. "Water supply project" includes the necessary components, and the installation, to transfer water from the water source to the drought-affected livestock.

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

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. No funds may be disbursed for any water supply project unless the county in which the water supply project is to be located is a county or is adjacent to a county that has been declared by the governor to be a drought disaster area for purposes of this program, or a drought disaster area under a drought declaration that has not been rescinded. The state water commission will determine a beginning and end date of the program.

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

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 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.

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

Law Implemented: NDCC 61-34-02

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

1. The state water commission shall provide funds for the program to the extent funding is available. Priority will be based on earliest date of application.
2. Cost-share assistance may only be used for water supply projects which will provide a solution to a drought-related water supply shortage.
3. All wells drilled with funds provided pursuant to this program must be drilled by a North Dakota certified water well contractor.
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 labor, materials, and equipment rentals for work completed by the producer.
5. The applicant may receive up to fifty percent of the eligible costs, but no more than three thousand five hundred dollars per project with a limit of three projects per applicant.

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

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 funding from the drought disaster livestock water supply project assistance program.

1. A rehabilitation of an existing well.
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 or dugouts dependent upon runoff.
5. Projects that require repair due to damage or failure to provide maintenance to an existing water source.

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

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 and must include:
 - a. Written proof the applicant applied for 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.
 - c. An estimate of the costs of the proposed water supply project.
 - d. Verification by the applicant that the applicant is a livestock producer.
2. The state engineer shall review applications and acknowledge their receipt. The state engineer shall, within the limits of available funding, provide assistance to those persons whose applications are approved. The applicant must agree to:
 - a. Complete the project within one hundred eighty days of receiving notification of approval of funding of the water supply project. The state engineer may grant an extension of time if a written request is submitted and just cause for an extension is provided.
 - b. Provide receipt of actual expenditures or 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 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, agents, employees, and members, from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of the applicant or applicant's agents or employees under this agreement.

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.

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

Law Implemented: NDCC 61-34-02