

Title 461 - Department Of Natural Resources Rules Governing The Administration Of The Water Resources Cash Fund

Chapter 1 - General Provisions

001 GENERAL AVAILABILITY OF FUNDS. The Department of Natural Resources is authorized to make expenditures from the Fund for costs incurred by the Department, by natural resources districts, or by other political subdivisions as provided in Neb. Rev. Stat. § 61-218(3).

002 DEFINITIONS. As used in these rules and regulations, unless the context otherwise requires:

002.01 Agreement means the Nebraska Department of Natural Resources Application/Agreement to expend money from the Fund;

002.02 District or Natural Resources District means a district created and operating in accordance with Chapter 2, Article 32, Reissue Revised Statutes of Nebraska;

002.03 Fund means the Water Resources Cash Fund;

002.04 Person is defined pursuant to Title 454, Chapter 1, of the Nebraska Administrative Code; and

002.05 Match of Local Funding means funding used by a local jurisdiction for an eligible activity that is not from state tax revenue derived sources.

003 PRIMARY ALLOCATION AND DISTRIBUTION OF FUNDS. Subject to the Director's discretion, up to one hundred percent (100%) of the money appropriated to the Fund for a state fiscal year may be utilized by the Department to fund activities identified in § 61-218 (3)(a) and (b).

004 ALTERNATIVE ALLOCATIONS AND DISTRIBUTION OF FUNDS. In the event all of the funds appropriated for a state fiscal year are not allocated and distributed in accordance with Section 003 of this Chapter, the Director may, at his or her discretion, make funds available to eligible natural resources districts for activities to either achieve a sustainable balance of consumptive water uses or assure compliance with an interstate compact or decree or a formal state contract or agreement.

004.01 The Director will, no later than May 1 of each year, determine the amount of funding available to eligible natural resources districts for the respective year and notify natural resources districts of this determination.

004.02 Specific eligibility for funding requires implementation of integrated management plans in accordance with § 46-715.

004.03 Any applications for funding are filed with the Department in writing by June 15 of the funding year and include:

004.03(A) An explanation of how the planned activity will reduce consumptive uses of water in river basins, subbasins, or reaches that are deemed by the department overappropriated pursuant to § 46-713 or fully appropriated pursuant to § 46-714 or assure compliance with an interstate compact or decree or a formal state contract or agreement as required by § 46-715;

004.03(B) The controls, rules, and regulations of the district designed to carry out the activity;

004.03(C) A schedule of implementation of the activity or its components; and

004.03(D) A budget demonstrating a match of local funding in an amount equal to or greater than forty percent of the total cost of carrying out the eligible activity.

004.04 The Director will determine whether or not an application is approved for funding under this section.

004.04(A) If approved for funds, the District will enter into a contract with Department specifying the terms and conditions for receipt of such financial assistance.

004.04(B) The Director has the sole discretion to determine whether an expense qualifies for funding.

005 In the event all of the funds appropriated for a state fiscal year are not allocated and distributed in accordance with Section 003 or Section 004 of this Chapter, the Director may expend funds in conformance with Neb. Rev. Stat. § 61-218 (3)(c).

Enabling legislation: Neb. Rev. Stat. § 61-218

