

GUIDANCE DOCUMENT FOR THE SURFACE WATER IRRIGATION INFRASTRUCTURE FUND

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

The Fund was created by Sec. 9 and 10 of LB1012e, 2022, effective April 8, 2022, codified respectively as N.R.S. 46-1,164 and 46-1,165

46-1,164 There is hereby created the Surface Water Irrigation Infrastructure Fund to be administered by the Department of Natural Resources. The fund shall be used to provide grants in accordance with section 10 of this act to irrigation districts. There shall be a one-time transfer of fifty million dollars from the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund to carry out the purposes of section 10 of this act. Any money in the Surface Water Irrigation Infrastructure Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

46-1,165 The Department of Natural Resources shall establish procedures and criteria for awarding grants to irrigation districts from the Surface Water Irrigation Infrastructure Fund to be used for repair or construction of any headgate, flume, diversion structure, check valve, or any other physical structure used for irrigation projects. The department may award grants, not to exceed five million dollars per applicant, to an irrigation district that applies to the department based on criteria and procedures established by the department. In order to receive a grant under this section, a grant applicant shall provide matching funds equal to ten percent of the grant amount awarded for such project.

Pursuant to the State budgetary process, funds will become available to the Department for administration sometime after July 1, 2022

Enabling legislation provided for a single \$50,000,000 appropriation to be dispersed to districts for eligible projects “not to exceed five million dollars per applicant”. In order to expedite dispersal of funds to eligible irrigation districts as quickly as possible, the Department met with district representatives and Nebraska State Irrigation Association members early in June, 2022 to describe

fund application and distribution process. The elements of this Guidance Document follow points made in those discussions.

Basic Procedures for Obtaining Funding

1. Completion of Needs Assessment on a form provided by the Department, Attachment 1. Target completion for initial Needs Assessments was set for June 30, 2022. Thereafter, Needs Assessments will be received and processed on a first come-first served basis. The Department may require preliminary engineering information for some projects; if so, the district will be advised. Feedback on submitted Needs Assessments regarding eligibility, including composite needs summaries of all Needs Assessments submitted by all districts, will be provided to a submitting district and projects deemed eligible and prioritized by the Department will be invited to make a formal application for funding.
2. District submits a formal Application for Funding in a format prescribed by the Department, Attachment 2.
3. Grant award will be made in the form of contract with the Department. The contract will set out parameters for dispersal of funds or reimbursement of district expenditures, including eligible in-kind expenses.
4. District will submit an annual progress report to the Department on project activities.

Project Selection and Approval Criteria

1. Grants are limited to \$5,000,000 per applicant. Multiple grants may be made to the same applicant as long as they do not total more than that limit.
2. Grants are not available for typical Operation and Maintenance activities. Funds may be used for activities associated with the repair or construction of any headgate, flume, diversion structure, check valve, or any other physical structure used for irrigation projects.
3. Needs assessments will be accepted as long as funding is available.
4. Invitations to make formal grant applications will continue as long as funds are available.
5. The Department will rate needs assessments based upon these criteria:
 - a. A priority will be given to projects that are essential or critical to irrigation operations of the district.

- b. A priority will be given to projects based on the number of water uses and users, i.e. the numbers of irrigators or persons who will access the project benefits.
- c. A priority will be given to projects' "shovel readiness" or the level of completion of necessary technical components demonstrating feasibility and cost.
- d. Commitment to the required 10% local match is essential but a priority will be given to the projects demonstrating qualification and use of multiple funding sources.
- e. Projects which may access the Department's Water Resources Cash Fund will be encouraged to fully utilize that funding opportunity prior to being considered eligible for funding from the Surface Water Irrigation Infrastructure Fund.

Nebraska Department of Natural Resources
Surface Water Irrigation Infrastructure Fund
(SWIIF)
Needs Assessment

Name of District or Canal: _____

Primary Contact: _____

Primary Contact Phone Number: _____

Primary Contact Email (if available): _____

List the major infrastructure issues of concern and the likely impacts if not addressed:

How many water users are likely to benefit from addressing the infrastructure issues identified above:

Has any engineering or design work been conducted to assess the issues identified above? If yes, please briefly describe the work that has been completed (if engineering reports, pictures, etc. are available please include them with the application).

What are the estimated costs to address the issues identified above?

Describe potential matching contributions and the project budget estimate (in-kind vs cash contributions).

Are there any expected permitting requirements (e.g. 404 permit) to address the issues identified above? If yes, please list expected permits that will be required.

Please summarize the schedule for construction. If the project is expected to need funding over multiple years, please indicate the estimated number of years.

Have you identified other potential partners and/or funding sources that may support the project (i.e. United States Bureau of Reclamation (USBR) WaterSMART, Nebraska Environmental Trust (NET), NRD partner, etc.)?

Please return to Jesse Bradley (jesse.bradley@nebraska.gov) phone: 402-219-1357

Nebraska Department of Natural Resources
Surface Water Irrigation Infrastructure Fund
(SWIIF)
Application for Funding

Name of District or Canal: _____

Project Contract Manager: _____

Contract Manager Phone Number: _____

Contract Manager Email (if available): _____

Project Start Date: _____

Expected Date of Project Completion: _____

Please attach a scope of work outlining the project work tasks and total costs associated with each task. Please identify any work tasks that will be completed as “in-kind” match for the project and the estimated amount of those in-kind activities.

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