

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
January 14, 2010

The Twin Platte Natural Resources District (TPNRD) Board of Directors meeting was held at the TierOne Bank Center Meeting Room, Second Floor, 111 South Dewey Street, North Platte, Nebraska on January 14, 2010. Mr. Rubenthaler called the meeting to order at 3:06 pm CST (2:06 pm MST). A legal notice of the meeting was published in the NORTH PLATTE TELEGRAPH. A news release containing the agenda for the meeting and including the time and place was sent to the news media in the District.

BOARD MEMBERS PRESENT

Eric Hansen
Dale Margritz
Jim Meisner
Bob Petersen
Jim Rubenthaler
Dennis Schilz
Doug Stack
Shane Storer
Jerry Weaver
Bob Wiseman

BOARD MEMBERS ABSENT

Joe Wahlgren

NRCS PERSONNEL PRESENT

Shelly Taylor

STAFF PRESENT

Ann Dimmitt, Water Programs Regulatory Coordinator
Amy Mapes, Administrative Assistant
Kent Miller, General Manager
Dave Slattery, Conservation Programs Coordinator

OTHERS PRESENT

Brad Johnson, Sargent Irrigation

ANNOUNCEMENTS

Nebraska Open Meeting Act – Mr. Rubenthaler reported that the Nebraska Open Meeting Act requires public bodies to make available at least one current copy of the Open Meeting Act posted in the meeting room at a location accessible to members of the public, and at the beginning of the meeting the public shall be informed about the location of the posted information. Mr. Rubenthaler reported that the current Open Meeting Act was in the back of the meeting room and accessible to members of the public.

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – January 14, 2010

Report of Directors Excused – Mr. Rubenthaler reported that Operating Policy Number 4: BOARD OF DIRECTORS ABSENCES provides that a Director will be considered excused if the Director notifies the office prior to the meeting that he will be absent and that the minutes will reflect whether an absent Director is excused or unexcused. Mr. Rubenthaler reported that Mr. Wahlgren notified the office that he would be absent and is therefore excused.

Distribution of Information – Mr. Rubenthaler reported that handouts were available for the public in the back of the meeting room.

Other Announcements – Mr. Rubenthaler reported that the monthly summary report of Natural Resources Conservation Service conservation plans was available for information and that the report would be passed around the Board table for review by each member of the Board of Directors present.

PUBLIC FORUM

Mr. Rubenthaler opened the Public Forum. There were no comments. Mr. Rubenthaler closed the Public Forum.

AGENDA MODIFICATION

None presented.

AUDIT

2009 Fiscal Year – Mr. Miller reported that Glen Waltemath, who prepared the Audit for the District, was unable to attend the Board meeting. Mr. Miller reported that Mr. Waltemath will attend the February Board meeting to review the Audit and answer questions from the Board members.

GENERAL INFORMATION

Programs Information Reports – Watersheds – Mr. Slattery presented a power point report on the Brule Watershed.

BOARD OF DIRECTORS MINUTES

Minutes for December 16, 2009 Meeting – Mr. Rubenthaler reported that the Minutes for the December 16, 2009 meeting were in the Directors' packet and he asked if there were any corrections or additions.

Mr. Meismer moved that the Minutes of the December 16, 2009 Board of Directors meeting be approved. Mr. Petersen seconded the motion. The motion carried. (Motion #1)

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – January 14, 2010

Aye: Hansen, Margritz, Meisner, Petersen, Rubenthaler, Schilz, Stack,
Storer, Weaver, Wiseman
Nay: None
Absent & Excused: Wahlgren

REQUESTS FOR ASSISTANCE

None presented.

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service (NRCS) – District Conservationist Report – Mr. Miller reported that Mary Reece, District Conservationist, was unable to attend. Mr. Miller reported that in the Directors’ packet for information were the minutes for the Local Work Group Meeting held on December 11, 2009 and the NRCS Fiscal Year 2010 Business Plan for the TPNRD.

Shelly Taylor, Range Management Specialist, distributed and reviewed a written report for information.

SUBCOMMITTEE MEETINGS REPORT

Land Resources SubCommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT

Water Resources SubCommittee

Mr. Meisner, Water Resources Subcommittee Chairperson, presented a report for the Water Resources Subcommittee meeting held on January 14, 2010.

Variations – Conditions – Mr. Meisner reported that the Subcommittee agreed during the November 12, 2009 Subcommittee meeting that the TPNRD would continue to process variance requests in January, 2010, using the current Rules and Regulations and specified conditions until such time as revised Rules and Regulations are implemented.

Mr. Meisner reported that the Subcommittee agreed that the following conditions, unless waived, would apply to variances processed until such time as revised Rules and Regulations are implemented:

- 1) Landowner(s) file with the County Register of Deeds that the land has been decertified and will not be irrigated in the future and proof of the filing is provided to the TPNRD.
- 2) Proof of ownership provided to the TPNRD.

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – January 14, 2010

- 3) Twelve (12) month limitation for transfers to physically take place. If a transfer has not happened in the 12 month time frame, the transfer permit will become void and the producer will not receive a refund for the permit fee. Transfers into the water bank will not have a time limitation.
- 4) If there are contracts for state or federal programs requiring previously irrigated lands to not be irrigated, it is the responsibility of the landowner, and NOT the TPNRD, to be in compliance with those contracts.
- 5) Landowner(s) sign a notarized affidavit that the TPNRD is not responsible for any new depletions and offsets that may be required by other parties.

Ground Water Management – Variances – Requests – Scott and Karie Hansmeier – Mr. Meismer reported that the District has received a request for a variance from Scott and Karie Hansmeier. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from Scott & Karie Hansmeier to drill a supplemental ground water well to irrigate their already certified 250.7 ground water irrigated acres in the NE¼ and NW¼ Section 18, Township 12 North, Range 37 West, Keith County, Nebraska. Mrs. Dimmitt reported that Scott & Karie Hansmeier currently have a registered irrigation well irrigating two pivots, pumping roughly 1885 gpm over 250.7 acres. Mrs. Dimmitt reported that the supplemental irrigation well being requested will allow the Hansmeier’s to drill another irrigation well for the east pivot. Mrs. Dimmitt reported that they would like a new well for the eastern most pivot so that they can use their water more efficiently. Mrs. Dimmitt reported that there would be no new irrigated acres associated with the well. Mrs. Dimmitt reported that in the Directors’ Board meeting notebook was an aerial photo of the area.

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Scott & Karie Hansmeier to drill a supplemental ground water well in the NE¼ Section 18, Township 12 North, Range 37 West, Keith County, Nebraska conditioned on Scott & Karie Hansmeier providing the TPNRD proof of ownership, and a signed and notarized affidavit that the TPNRD is not responsible for any new depletions and offsets that may be required by other parties, and that the supplemental ground water well must be installed within 12 months and if the ground water well is not installed in the 12 month time frame, the variance will become void and Scott & Karie Hansmeier will not receive a refund for any charges associated with the variance. Mr. Wiseman seconded the motion. The motion carried. (Motion #2)

Aye: Hansen, Margritz, Meismer, Petersen, Rubenthaler, Schilz, Stack,
Storer, Weaver, Wiseman

Nay: None

Absent & Excused: Wahlgren

Ground Water Management – Variances – Requests – Walz Farms LLC – Mr. Meismer reported that the District has received a request for a variance from Walz Farms LLC. Mr. Meismer asked Mrs. Dimmitt to report on the request.

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – January 14, 2010

Mrs. Dimmitt reported that the TPNRD received a request from Walz Farms LLC to drill a supplemental ground water well to irrigate their already certified 283.61 ground water irrigated acres in the SE¹/₄ Section 22, Township 16 North, Range 28 West, and in the center of the N¹/₂ Section 27, Township 16 North, Range 28 West, Lincoln County, Nebraska. Mrs. Dimmitt reported that the Walz Farms LLC currently has a registered irrigation well irrigating a pivot of corn, pumping roughly 900 gpm. Mrs. Dimmitt reported that the supplemental well is being requested so they can drill another irrigation well for the pivot that was developed in 2005. Mrs. Dimmitt reported that they currently use one well to run both pivots. Mrs. Dimmitt reported that their cropping rotation is such that it would not change with the new well. Mrs. Dimmitt reported that on the north pivot, or the pivot developed in 2005, there is a large hill that barely clears the southeast side, and due to that fact they currently plant a feed crop, soybeans, wheat, or a crop that is lower to the ground that will not interfere with the pivot clearing the hill. Mrs. Dimmitt reported that they would like a new well for this pivot so that it can be used more efficiently than currently irrigating two pivots with one well. Mrs. Dimmitt reported that there would be no new irrigated acres. Mrs. Dimmitt reported that in the Directors' Board meeting notebook was an aerial photo of the area.

Mr. Meisner moved the Water Resources Subcommittee's recommendation to the Board of Directors to approve granting a variance to Walz Farms LLC to drill a supplemental ground water well in the SE¹/₄ Section 22, Township 16 North, Range 28 West, Lincoln County, Nebraska conditioned on Walz Farms LLC providing the TPNRD proof of ownership, and a signed and notarized affidavit that the TPNRD is not responsible for any new depletions and offsets that may be required by other parties, and that the supplemental ground water well must be installed within 12 months and if the ground water well is not installed in the 12 month time frame, the variance will become void and Walz Farms LLC will not receive a refund for any charges associated with the variance. Mr. Schilz seconded the motion. The motion carried. (Motion #3)

Aye: Hansen, Margritz, Meisner, Petersen, Rubenthaler, Schilz, Stack, Storer, Weaver, Wiseman
Nay: None
Absent & Excused: Wahlgren

Ground Water Management – Violations – No report presented.

Ground Water Management – Certified Irrigated Acres – No report presented.

Integrated Management Plan (IMP) - Timeline - Mr. Meisner reported that the Subcommittee agreed to a revised timeline for developing and implementing revised Rules & Regulations and he asked Mr. Miller to report on the timeline.

Mr. Miller reviewed the following revised timeline for developing and implementing revised Rules & Regulations:

<u>Task</u>	<u>Dates</u>
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TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – January 14, 2010

Effective Date of IMP	Sept. 15th
Water Subcomm. – Develop Rules & Reg.	Oct. 8
<i>Water Subcomm. – Offsets Options</i>	<i>Oct. 8</i>
Legal Counsel Review	Oct. 9
NE DNR Comments	Oct. 9
Water Subcomm./Bd. Meeting) – Develop Rules & Reg.	Nov. 12
<i>Water Subcomm. – Offsets Options</i>	<i>Nov. 12</i>
Legal Counsel Review	Nov. 13
Board of Directors – Mail Draft Rules & Reg.	Dec./Jan.
Water Subcomm./Bd. Meeting – Develop Rules & Reg.	Jan. 14
Process Variances – Current Rules & Reg. (plus require lien filings and other conditions desired)	Jan. 14
<i>Water Subcomm. – Offsets Options</i>	<i>Jan. 14</i>
Legal Counsel Review (if needed)	Jan. 15
NE DNR Comments	Jan. 15
Water Subcomm./Bd. Meeting – Develop Rules & Reg.	Feb. 11
Process Variances – Current Rules & Reg. (plus require lien filings) and other conditions desired)	Feb. 11
<i>Water Subcomm. – Offsets Options</i>	<i>Feb. 11</i>
Water Subcomm./Bd. Meeting – Approve Rules & Reg. for Pub. Hearing	Mar. 11
Process Variances – Current Rules & Reg. (plus require lien filings) and other conditions desired)	Mar. 11
<i>Water Subcomm. – Offsets Options</i>	<i>Mar. 11</i>
Public Hearing - Rules & Reg.	Apr. 8
Water Subcomm./Bd. Meeting – Approve Rules & Reg. Order	Apr. 8
Process Variances – Current Rules & Reg. (plus require lien filings) and other conditions desired)	Apr. 8
<i>Water Subcomm. – Offsets Options</i>	<i>Apr. 8</i>
Publish Rules & Reg. Order in NP Telegraph	Apr. 15, 22, 29
Effective Date for Rules & Reg. Rev.	May 7
Process Variances – New Rules & Reg. Going	May 13 & On
<i>Water Subcomm. / Bd. Mtg. – Offsets Options</i>	<i>On Going</i>

Integrated Management Plan (IMP) - Rules and Regulations – Mr. Meismer reported that the latest draft for revisions of the Rules and Regulations discussed by the Subcommittee

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – January 14, 2010

on November 12, 2009 were in the Directors' Board meeting packet. Mr. Meismer reported that this current draft of the Rules and Regulations include revisions recommended by the District's legal counsel.

Mr. Meismer reported that the Subcommittee continued their review of the Rules and Regulations.

Mr. Meismer reported that the Subcommittee agreed that they would like to continue discussion of the Rules and Regulations during the Subcommittee meeting on February 11, 2010, finalize the Rules and Regulations during the March 18, 2010 meeting of the Subcommittee, and take a recommendation to the Board of Directors on March 18, 2010 to approve the Rules and Regulations to take to a public hearing to be held on April 8, 2010 prior to the Board of Directors meeting that day. Mr. Meismer reported that the Subcommittee agreed that they would continue to provide to the full Board drafts of the Rules and Regulations prior to approval of the Rules and Regulations to take to a public hearing.

Integrated Management Plan (IMP) - Offset Water – Mr. Meismer reported that the Subcommittee continued discussion of potential options for offset water.

SUBCOMMITTEE MEETINGS REPORT
Wildlife Habitat & Urban Affairs Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Executive Subcommittee

No report presented.

FINANCIAL REPORT

Financial Statement - Mr. Meismer reported that the Financial Statement for December 2009 was in the Directors' notebook and available as a handout.

Accounts Payable - Mr. Meismer reported that the Accounts Payable report was in the Directors' notebook and available as a handout, and that he had reviewed the Accounts Payable and found the report to be in order.

Mr. Meismer moved that the Financial Statement for December 2009 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on January 14, 2010 in the amount of \$54,739.01. Mr. Margritz seconded the motion. The motion carried. (Motion #4)

Aye: Hansen, Margritz, Meismer, Petersen, Rubenthaler, Schilz, Stack, Storer, Weaver, Wiseman

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – January 14, 2010

Nay: None
Absent & Excused: Wahlgren

Budget Status – Mr. Meismer reported that the Budget Status report was in the Directors’ notebook and available as a handout.

Bids/Proposals – None presented.

Bids/Proposals Scheduled to be Presented for Consideration during the February 2010 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented during the February 11, 2009 board meeting.

DIRECTORS REPORTS

Nebraska Association of Resources Districts – Board of Directors Meeting – No report presented.

Nebraska Association of Resources Districts – Legislative Conference, January 25-27, 2010 – Mr. Meismer reported that the Nebraska Association of Resources Districts annual Legislative Conference will be held January 25-27, 2010 in Lincoln, Nebraska. Mr. Meismer reported that in the Directors’ packet was the tentative agenda. Mr. Meismer reported that all directors, excluding Mr. Petersen, indicated that they plan to attend the Conference. Mr. Meismer reported that Senator Ken Schilz will participate in a dinner with representatives of the TPNRD attending the conference on Monday evening, January 25, 2010 and that Senator Tom Hansen will participate in a dinner with representatives of the TPNRD attending the conference on Tuesday evening, January 26, 2010.

Sandhills Resources, Conservation & Development Council – No report presented.

Board of Directors Elections 2010 – Mr. Rubenthaler reported that the deadline for Incumbents filing for re-election is February 15 and the deadline for Non-Office Holders is March 1. Mr. Rubenthaler reported that the TPNRD Director seats up for election in 2010 are Sub-District 1 (Eric Hansen), Sub-District 2 (Joe Wahlgren), Sub-District 3 (Doug Stack), Sub-District 4 (Dale Margritz), Sub-District 5 (Jim Meismer), and At Large (Jim Rubenthaler). Mr. Rubenthaler reported that in the Directors packet was a TPNRD map, City of North Platte map, and Operating Policy Number 3: Board of Directors Election Sub-Districts.

Board Meeting Dates – Mr. Miller reported that he is requesting that the Board consider changing the dates for the February and March Board meetings. Mr. Miller reported that the regular meeting dates, the second Thursday, are February 11 and March 11. Mr. Miller reported that he is proposing that the dates be changed to February 18 and March 18 and that the time would remain 3:00 p.m. Central Time. Mr. Miller reported that the NARD Washington DC meetings, which the Board approved him participating in, are

TWIN PLATTE NATURAL RESOURCES DISTRICT
 Board of Directors Meeting Minutes – January 14, 2010

March 8-10. Mr. Miller reported that the available flights on March 10 would cause him to miss the late morning meetings with the Nebraska Congressional delegation. Mr. Miller reported that Ms. Mapes will be on annual leave March 10-15. Mr. Miller reported that the staff had made plans for Ms. Mapes absence, but it works best when she can attend Board meetings. Mr. Miller reported that the change for the February Board meeting is primarily to provide for a better split between the January 14 Board meeting and a March 18 Board meeting. Board members indicated some conflicts with moving the February Board meeting.

Mr. Rubenthaler reported that the February Board meeting would not be changed and would be held on February 11 and that the March Board meeting would be changed and would be held on March 18.

Requests for Authorization to Travel – No requests were presented.

DISTRICT REPORT

Cost-Share Programs - NE Soil & Water Conservation Program (NSWCP) – Mr. Miller reported that in the Directors' notebook was a report and that \$52,425.46 was available for funding contracts.

Mr. Meismer moved to approve the January 14, 2010 contracts as presented and to approve the following new contracts:

<u>Cont#</u>	<u>Practice</u>	<u>Description</u>	<u>App Amt</u>	<u>Prop Amt to Fund</u>
10.019	NC-12	Trees	\$ 1,105.00	\$ 1,105.00
10.020	NC-12	Trees	\$ 552.50	\$ 552.50
10.021	NC-12	Trees	\$ 1,105.00	\$ 1,105.00
10.022	NC-12	Trees	\$ 884.00	\$ 884.00
10.023	NC-12	Trees	\$ 1,105.00	\$ 1,105.00
10.024	NC-12	Trees	\$ 155.00	\$ 155.00
10.025	NC-14	Range Seeding	\$ 1,176.08	\$ 1,176.08
10.026	NC-12	Trees	\$ 1,105.00	\$ 1,105.00
10.027	NC-12	Trees	\$ 1,105.00	\$ 1,105.00
10.028	NC-12	Trees	\$ 1,105.00	\$ 1,105.00
10.029	NC-12	Trees	\$ 442.00	\$ 442.00
10.030	NC-12	Trees	\$ 1,105.00	\$ 1,105.00
Total Amount of New Contracts				\$ 10,944.58

FUNDS AVAILABLE:	Practice NC-12, Windbreaks	\$ 17,629.45
	Practice NC-14, Planned Grazing	\$ 12,762.50
	Practice NC-17, Irrigation	\$ 14,356.40
	Other available practices	\$ 7,677.11

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – January 14, 2010

Mr. Margritz seconded the motion. The motion carried. (Motion #5)

Aye: Hansen, Margritz, Meismer, Petersen, Rubenthaler, Schilz, Stack,
Storer, Weaver, Wiseman

Nay: None

Absent & Excused: Wahlgren

Cost-Share Programs – District Conservation Programs – Mr. Miller reported that in the Directors' Board notebook was a report, and that \$5,477.10 was available for new contracts.

Tree Program – No report presented.

Range Programs – No report presented.

Water Programs – No report presented.

Soil Conservation Programs – No report presented.

Wildlife Habitat Programs – No report presented.

Regulatory Programs – No report presented.

Information & Education Programs – 2009 Awards Program – Mr. Miller reported that in the Directors' packet for information were news articles for the awards presentation in November and December.

Brule Watershed – No report presented.

Interlocal Cooperation Agreements – No report presented.

Hazard Mitigation Plan - No report presented.

Requests for Authorization to Travel – None presented.

Legislature - Mr. Miller reported that in the Directors' notebook were NARD Legislative Update reports.

Meetings and Dates of Interest – Mr. Miller reported that various items of information were in the Directors' packet.

Miscellaneous Information – Mr. Miller reported that various items of information were in the Directors packet and in the Directors' notebook.

BASIN-WIDE PLAN FOR JOINT INTEGRATED WATER RESOURCES MANAGEMENT
OF OVERAPPROPRIATED PORTIONS OF THE PLATTE RIVER BASIN

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – January 14, 2010

Petition and Request for Contested Case Hearing filed by Central Nebraska Public Power & Irrigation District (CNPPID) – No report presented and no discussion occurred.

OTHER BUSINESS

There was no other business.

ELECTION OF OFFICERS

Mr. Rubenthaler asked Mr. Miller to Chair the meeting for the election of officers.

Chairperson, Vice-Chairperson, Secretary, and Treasurer – The Board agreed that they would like to consider a motion to elect the current Chairperson, Vice-Chairperson, Secretary, and Treasurer.

Mr. Hansen moved to elect Mr. Rubenthaler Chairperson, Mr. Stack Vice-Chairperson, Mr. Weaver Secretary, and Mr. Meismer Treasurer. Mr. Wiseman seconded the motion. The motion carried. (Motion #6)

Aye: Hansen, Margritz, Meismer, Petersen, Rubenthaler, Schilz, Stack,
Storer, Weaver, Wiseman
Nay: None
Absent & Excused: Wahlgren

Mr. Rubenthaler resumed chairing the meeting.

SELECTION OF NEBRASKA ASSOCIATION
OF RESOURCES DISTRICT REPRESENTATIVE

Mr. Petersen moved that the TPNRD 2010 Representative for the Nebraska Association of Resources Districts Board of Directors be Mr. Meismer. Mr. Stack seconded the motion. The motion carried. (Motion #7)

Aye: Hansen, Margritz, Petersen, Rubenthaler, Schilz, Stack, Storer,
Weaver, Wiseman
Nay: None
Absent & Excused: Wahlgren
Abstain: Meismer

SUBCOMMITTEE APPOINTMENTS

Mr. Rubenthaler announced the following appointments for the Subcommittees for 2010:

Water Resources Subcommittee
Jim Meismer – Chairperson
Bob Petersen
Joe Wahlgren

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – January 14, 2010

Jerry Weaver
Bob Wiseman
Dennis Schilz – Alternate

Land Resources Subcommittee

Eric Hansen – Chairperson
Dale Margritz
Shane Storer

Wildlife Habitat & Urban Affairs Subcommittee

Doug Stack – Chairperson
Jim Rubenthaler
Dennis Schilz

NEXT MEETING

Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Thursday, February 11, 2010 at 3:00 pm CST (2:00 pm MST) at the TierOne Bank Center Meeting Room, 111 South Dewey Street, Second Floor, North Platte, Nebraska.

ADJOURNMENT

The meeting adjourned at 4:02 pm CST (3:02 pm MST).

Jerry Weaver, Secretary