

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting  
February 12, 2004

The Twin Platte Natural Resources District Board of Directors meeting was held at the United Nebraska Bank Center Meeting Room, Second Floor, West Wing, 111 South Dewey Street, North Platte, Nebraska on February 12, 2004. Mr. Rubenthaler called the meeting to order at 3:08 p.m. CST (2:08 p.m. 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

Jeff Baldridge  
Eric Hansen  
Todd Kramer  
James Meisner  
Robert Petersen  
Jim Rubenthaler  
Dennis Schilz  
Douglas Stack  
Joe Wahlgren  
Jerry Weaver  
Robert Wiseman

BOARD MEMBERS ABSENT

None

OTHERS PRESENT

Dan Carl  
Barry Carl  
Neil Betty  
Kurt Pieper  
Mike Wheeler, Sargent Irrigation  
Glen Taubenheim, Sargent Irrigation  
Brad Johnson, Sargent Irrigation  
Loren Taylor, Sargent Irrigation  
Gary Greder, United Farm Management  
Robin Meyers, United Farm Management  
Frank Kwapnioski, Nebraska Public Power District  
Todd Andrews, KNOP-TV  
George Lauby, North Platte Bulletin  
Kathleen Mulcahy, North Platte Telegraph

NRCS PERSONNEL PRESENT

Mary Reece, District Conservationist

STAFF PRESENT

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Glen Bowers, Water Programs Coordinator  
Amy Mapes, Administrative Assistant  
Kent O Miller, General Manager

ANNOUNCEMENTS

Report of Directors Excused - Mr. Rubenthaler reported all the Directors were present.

DISTRIBUTION OF INFORMATION TO BOARD OF DIRECTORS

Directors Notebooks Containing Information Items Available for Handout - Mr. Rubenthaler reported that each Director has a notebook containing information items that are available for handouts for others attending the meeting.

Other Items - Mr. Rubenthaler reported that notebooks containing the USDA Natural Resources Conservation Service Conservation Plans signed by the General Manager as the Twin Platte Natural Resources District representative were available for information and that the notebooks would be passed around the Board table for review by each member of the Board of Directors present. Mr. Rubenthaler reported that a notebook containing the Cooperative Agreements between the Nebraska Board of Educational Lands and Funds and Lessees that were signed by the General Manager as the Twin Platte Natural Resources District representative for the District to assist in the development and the application of a complete resources conservation plan was available for information, and that the notebook 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 of the meeting.

Public comments were heard.

Mr. Rubenthaler closed the Public Forum.

AGENDA MODIFICATION

None presented.

GENERAL INFORMATION

No report presented.

BOARD OF DIRECTORS MEETINGS

Minutes for January 8, 2004 Meeting - Mr. Rubenthaler reported that the Minutes for the

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January 8, 2004 Board of Directors meeting were in the Directors' packet and he asked if there were corrections or additions to the Minutes.

Mr. Petersen moved that the Minutes of the January 8, 2004 Board of Directors meeting be approved. Mr. Wiseman seconded the motion, and it carried. (Motion #1)

AYE: Baldridge, Hansen, Kramer, Meismer, Petersen, Rubenthaler, Schilz,  
Stack, Wahlgren, Weaver, Wiseman

NAY: None

ABSENT: None

COOPERATING AGENCIES REPORTS

USDA Natural Resources Conservation Service - District Conservationist Report – Mrs. Reece distributed a written report and she reviewed the report.

USDA Natural Resources Conservation Service - Southwestern Keith County Watershed – No report presented.

USDA Natural Resources Conservation Service - Soil Surveys – No report presented.

Nebraska Natural Resources Commission – South Platte River Basin Caucus – Mr. Miller reported that a South Platte River Basin caucus would be held on Monday, March 1, 2004 to elect an individual to serve on the Nebraska Natural Resources Commission and represent the South Platte River Basin. Mr. Miller reported that the caucus would be held at the Grey Goose Lodge, 201 Chuckwagon Road, Ogallala, Nebraska. Mr. Miller reported that the caucus will begin at 2:30 pm MST and he expected that the caucus would last approximately 30 minutes. Mr. Miller reported that the current Nebraska Department of Natural Resources was the result of a merger between the agencies named the Nebraska Natural Resources Commission and the Nebraska Department of Water Resources. Mr. Miller reported that with this merger, the Natural Resources Commission is still a functioning body within the Department of Natural Resources. Mr. Miller reported that three of the 16 members are appointed by the Governor to represent the specific interests of municipal water users, surface water irrigators, and ground water irrigators. Mr. Miller reported that the remaining 13 members are selected for four-year terms at caucuses of the Natural Resources Districts Directors to represent Nebraska's river basins. Mr. Miller reported that the Natural Resources Commission members are selected by river basins by the seated Natural Resources District Directors within the river basin. Mr. Miller reported that the Twin Platte Natural Resources District is within the South Platte, North Platte, and Middle Platte Basins. Mr. Miller reported that the Natural Resources Commission's South Platte Basin representative, Bob Hahn, has resigned effective January 31, 2004 as he is moving out of state. Mr. Miller reported that Mr. Hahn began his current four-year term in January 2003. Mr. Miller reported that a caucus is required to be scheduled within 30 days of official notification of the resignation to select a representative to complete the current four-year term. Mr. Miller reported that the Twin Platte Natural Resources District Directors residing in the South

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Platte River Basin (Mr. Petersen, Mr. Schilz, Mr. Stack, Mr. Weaver, and Mr. Wiseman) are eligible to participate in the South Platte Basin Caucus. Mr. Miller reported that the South Platte Natural Resources District has six Directors that reside in the South Platte River Basin and are eligible to participate in the South Platte Basin Caucus. Mr. Miller reported that eligible candidates are any resident in the South Platte River Basin of majority age of 19. Mr. Miller reported that currently, declared candidates are Keith Rexroth, who resides in the South Platte Natural Resources District and is a current member of the South Platte Natural Resources District Board of Directors, and Robert Petersen, who resides in the Twin Platte Natural Resources District and is a current member of the Twin Platte Natural Resources District Board of Directors.

Other Agencies - No report presented.

SUBCOMMITTEE MEETINGS REPORT  
Land Resources Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT  
Water Resources Subcommittee

Mr. Meismer, Water Resources Subcommittee Chairperson, reported that the Water Resources Subcommittee met February 12, 2004 and he presented a report.

Ground Water Programs - Integrated Management of Ground Water & Surface Water – Temporary Suspension of Drilling Certain New Wells – Mr. Meismer reported that the written transcripts of the testimony presented at the public hearings on January 13, 2004 had been provided to each Board member. Mr. Meismer reported that copies of all written comments received since the public hearings up to the beginning of today’s Board of Directors meeting had been provided to each Board member.

Mr. Meismer reported that in the Directors packet for information was a map of the “Proposed Area for Suspension” in the Twin Platte Natural Resources District showing the boundary line following section lines, the draft “Rules and Regulations for a Temporary Suspension of Drilling New Wells”, and a map titled “Moratorium on New NRD Well Permits” as of January 14, 2004. Mr. Meismer reported that the Subcommittee took action on a vote of 3 yes and 2 no to recommend that the Board of Directors enact a motion that would implement a “Temporary Suspension of Drilling Certain New Wells” based on the “Boundaries of the Area Proposed” and the “Rules and Regulations Governing the Temporary Suspension” presented at public hearings on January 13, 2004. Mr. Meismer reported that the rules and regulations propose that a “Temporary Suspension of Drilling Certain New Wells” would be effective July 1, 2004. Mr. Meismer reported that the Subcommittee agreed that the Board of Directors should be given an opportunity to discuss the proposed action prior to him entering a motion for the Subcommittee’s recommendation.

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Extended discussion occurred.

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve a temporary suspension of drilling new wells within the area shown on the map entitled “Proposed Area for Suspension – Drilling New Wells” presented at public hearings held on January 13, 2004 in Ogallala, NE and North Platte, NE and approve the proposed “Rules and Regulations for a Temporary Suspension of Drilling New Wells” as presented at public hearings held on January 13, 2004 in Ogallala, NE and North Platte, NE. Mr. Stack seconded the motion and it carried. (Motion #2)

AYE: Kramer, Meismer, Rubenthaler, Schilz, Stack, Wahlgren, Weaver

NAY: Baldrige, Hansen, Petersen, Wiseman

ABSENT: None

Mr. Miller reported that if LB962 is passed by the Legislature, it provides that a stay be placed on new wells and new irrigated acres in over appropriated basins. Mr. Miller reported that the effective date for LB962 would be 90 days following the adjournment of the Legislature, and that the Legislature is expected to adjourn on April 15, 2004. Mr. Miller reported that the effective date of LB962 would therefore be around July 15, 2004. Mr. Miller reported that the Director of the Nebraska Department of Natural Resources, Roger Patterson, would determine that the Platte River Basin west of the Kearney Canal diversion near Elm Creek, NE is over appropriated. Mr. Miller reported that the legal counsel for the Nebraska Department of Natural Resources, Jim Cook, has submitted to the Legislature’s Natural Resources Committee the following amendment for LB962, which is expected to be added prior to the committee reporting the bill to the floor of the Legislature, which is expected to occur next week (exact language may be different): “Unless prohibited or limited by state law, a Natural Resources District may allow, until at least \_\_\_\_\_, 2005, acres not previously irrigated with ground water to be developed for irrigation through the use of legal water wells constructed within nine months of the effective date of a temporary suspension”. Mr. Miller reported that at the request of the Twin Platte Natural Resources District Directors who met with Mr. Patterson and Mr. Cook on January 27, 2004 while in Lincoln, NE for the Nebraska Association of Resources Districts annual Legislative Seminar, Mr. Cook has prepared the following draft motion that the Twin Platte Natural Resources District Board could enact today which would apply whether or not LB962 is enacted: “That, unless prohibited or limited by state law, the Twin Platte Natural Resources District intends to allow, until at least \_\_\_\_\_, 2005, acres not previously irrigated with ground water to be developed for irrigation through the use of legal water wells constructed between \_\_\_\_\_, 2003 and the effective date of the temporary suspension”.

Mr. Wahlgren moved that, unless prohibited or limited by state law, the Twin Platte Natural Resources District intends to allow, until at least July 1, 2005, acres not previously irrigated with ground water to be developed for irrigation through the use of legal water wells constructed between October 1, 2003 and July 1, 2004, the effective

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date of the temporary suspension. Mr. Schilz seconded the motion and it carried.  
(Motion #3)

AYE: Baldridge, Hansen, Kramer, Meismer, Petersen, Rubenthaler, Schilz,  
Stack, Wahlgren, Weaver, Wiseman

NAY: None

ABSENT: None

Mr. Miller reported that a Newsletter would be mailed within the next few weeks in regard to the Board of Directors actions for preparation of a joint action plan for the integrated management of hydrologically connected ground water and surface water and to initiate a Temporary Suspension of the Drilling of New Wells effective July 1, 2004.

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 January 2004 was in the Directors' notebook and available as a handout for information.

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 January 2004 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on February 12, 2004 in the amount of \$16,293.83. Mr. Petersen seconded the motion, and it carried. (Motion #4)

AYE: Baldridge, Hansen, Kramer, Meismer, Petersen, Rubenthaler, Schilz,  
Stack, Wahlgren, Weaver, Wiseman

NAY: None

ABSENT: None

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

Bids/Proposals – None were presented.

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Bids/Proposals Scheduled To Be Presented for Consideration During the March 11, 2004 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented for consideration during the March 11, 2004 Board of Directors meeting.

DIRECTORS REPORTS

Nebraska Association of Resources Districts – Legislative Conference, January 27-28, 2004 – Mr. Meisner reported that the Nebraska Association of Resources Districts annual Legislative Conference was held January 27-28, 2004 in Lincoln, NE. Mr. Meisner distributed for information the Nebraska Association of Resources Districts 2004 Policy Book, which was distributed during the conference. Mr. Meisner reported that included with the Directors’ packet for information was a Legislative Bill Summary and the Nebraska Association of Resources Districts position. Mr. Meisner reported that Mr. Rubenthaler, Mr. Wahlgren, Mr. Weaver, Mr. Miller, and he attended the Conference. Mr. Meisner reported that Senator Pederson had a private dinner with the representatives of the Twin Platte Natural Resources District attending the conference on Tuesday evening, January 27, 2004 following the reception. Mr. Meisner reported that the panhandle Natural Resources Districts have a formal dinner, which Senator Erdman participates, and the Loup River Basin Natural Resources Districts have a formal dinner, which Senator Jones participates.

Nebraska Association of Resources Districts – Board of Directors Meetings – Mr. Meisner reported on the Board of Directors meeting held on January 28, 2004.

Nebraska Association of Resources Districts – Water Policy Task Force – Mr. Meisner reported on recent activities of the Water Policy Task Force.

Platte River Citizens Advisory Council – No report presented.

Sandhills Resources, Conservation & Development Council – Mr. Hansen reported on recent activities of the Sandhills Resources, Conservation & Development Council. Mr. Hansen reported that in the Directors’ packet for information were the minutes for the January 13, 2004 meeting of the council.

Board of Directors Elections 2004 – Mr. Rubenthaler reported that the deadline for incumbents filing for re-election is February 17, and the deadline for Non-Office Holders filing for election is March 1. Mr. Rubenthaler reported that the Twin Platte Natural Resources District Directors seats up for election in 2004 are Todd Kramer in Subdistrict 1, Bob Petersen in Subdistrict 2, Jerry Weaver in Subdistrict 3, Bob Wiseman in Subdistrict 4, and Dennis Schilz in Subdistrict 5. Mr. Rubenthaler reported that in the Directors’ packet for information was a map showing the Election Sub-District Boundaries for the Twin Platte Natural Resources District and a map showing the Election Sub-District Boundaries within the City of North Platte.

Requests for Authorization to Travel - No requests were presented.

DISTRICT REPORT

Requests for Assistance – No requests for assistance were presented.

Cost-Share Programs - Nebraska Soil & Water Conservation Program – Mr. Miller reported on the following Twin Platte Natural Resources District guidelines for the Nebraska Soil & Water Conservation Program:

- Funding adjustments shall go back to the reserved category established by the Board of Directors that the funds came from.
- Applications will be considered in the order the producers sign them.
- From July 1 – January 30, applications shall be considered for funding only when funds are available to fully fund the contract.
- From January 31 – June 30, the funds from each reserved category shall be merged and applications on file shall be considered for funding in the order they are signed by the producer, and only one application may be approved for partial funding at any time.
- On June 30, all applications not approved by the Board of Directors shall be cancelled.

Mr. Miller reported that in the Directors' notebook and available as a handout was the monthly report.

Mr. Miller reported that \$27,597.67 is available for funding additional contracts. Mr. Miller reported that if the Board approves all the applications currently on file in the amount of \$12,808.95, that there would be \$14,788.72 of un-obligated funds. Mr. Miller reported that any un-obligated funds on March 1, 2004 are required to be returned to the Nebraska Department of Natural Resources for re-distribution to Natural Resources Districts.

Mr. Petersen moved to approve the February 8, 2004 report as presented, 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>
PROPOSED NEW CONTRACTS:				
04-041	NC-17	Irrigation Water Management	\$ 2,070.00	\$ 2,070.00
04-042	NC-12	Trees	\$ 693.00	\$ 693.00
04-043	NC-12	Trees	\$ 468.45	\$ 468.45
04-044	NC-12	Trees	\$ 711.00	\$ 711.00
04-045	NC-12	Trees	\$ 258.00	\$ 258.00
04-046	NC-12	Trees	\$ 174.15	\$ 174.15
04-047	NC-12	Trees	\$ 819.00	\$ 819.00
04-048	NC-12	Trees	\$ 819.00	\$ 819.00
04-049	NC-12	Trees	\$ 819.00	\$ 819.00

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04-050 NC-12	Trees	\$ 409.50	\$ 409.50
04-051 NC-12	Trees	\$ 819.00	\$ 819.00
04-052 NC-12	Trees	\$ 193.50	\$ 193.50
04-053 NC-12	Trees	\$ 99.00	\$ 99.00
04-054 NC-12	Trees	\$ 122.85	\$ 122.85
04-055 NC-12	Trees	\$ 346.10	\$ 346.10
04-012 NC-10	Range Seeding	\$ 1,360.40	\$ 1,360.40
04-056 NC-14	Planned Grazing System	\$ 2,627.00	\$ 2,627.00
Total Amount Of New Contracts			<u>\$ 12,808.95</u>
FUNDS AVAILABLE:			<u>\$ 14,788.72</u>

and to authorize the General Manager to approve additional contracts in the order they are signed by the producer and received in the office prior to March 1, 2004 for any eligible practices available for cost share within the Twin Platte Natural Resources District up to and not to exceed the funds available. Mr. Wahlgren seconded the motion, and it carried. (Motion #5)

AYE: Baldridge, Hansen, Kramer, Meismer, Petersen, Rubenthaler, Schilz, Stack, Wahlgren, Weaver, Wiseman

NAY: None

ABSENT: None

Cost-Share Programs - District Conservation Program – Sealing Abandoned Wells – Mr. Miller reported that in the Directors' notebook and available as a handout for information was a report for information. Mr. Miller reported that 10 contracts have been approved for cost-share, and that \$7,663.36 was available for additional contracts.

Cost-Share Programs – NE Buffer Strip Program - No report presented.

Tree Program – No report presented.

Range Programs – Nebraska Ranch Practicum – Mr. Miller reported that in the Directors' packet was information for the 2004 Nebraska Ranch Practicum. Mr. Miller reported that the Nebraska Ranch Practicum is conducted at the University of Nebraska West Central Research and Extension Center in North Platte and at the Gudmunsen Sandhills Lab. Mr. Miller reported that the cost for the Practicum was \$500.00 in 1999 and 2000, \$550.00 in 2001, and \$600.00 in 2002, 2003, and 2004. Mr. Miller reported that in previous years, the Twin Platte Natural Resources District has authorized scholarships for ranchers from within the Twin Platte Natural Resources District to participate in the Nebraska Ranch Practicum of up to five \$100.00 scholarships in 1999, 2000, and 2001, and up to four \$125.00 scholarships in 2002 and 2003.

Mr. Meismer moved that the Board of Directors authorize up to four \$125.00 scholarships for the 2004 Nebraska Ranch Practicum. Mr. Kramer seconded the motion, and it carried. (Motion #6)

AYE: Baldridge, Hansen, Kramer, Meismer, Petersen, Rubenthaler, Schilz, Stack, Wahlgren, Weaver, Wiseman

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NAY: None  
ABSENT: None

Soil Conservation Programs – No report presented.

Wildlife Habitat Programs – No report presented.

Water Programs – Ground Water Program – District Programs – No report presented.

Water Programs – Ground Water Program –Integrated Management of Ground Water and Surface Water – Mr. Miller reported that in the Directors’ packet for information was an article titled “Water rights showdown brewing” written by J. David Aiken, University of Nebraska – Lincoln.

Water Programs – Ground Water Program – 319 Project – Mr. Miller reported that in the Directors' packet for information was the Quarterly Report.

Water Programs – Ground Water Program – Ground Water Management Coalition – No report presented.

Water Programs – Watershed Program – No report presented.

Water Programs – Platte River Activities - Cooperative Agreement – Mr. Miller reported on the status of the Cooperative Agreement.

Water Programs – Platte River Activities - Cooperative Hydrology Study – Mr. Miller reported on the status of the Cooperative Hydrology Study.

Water Programs – Platte River Activities – Nebraska Habitat Conservation Coalition – No report presented.

Water Programs – Platte River Activities – Economic Coalition – No report presented.

Water Programs – Platte River Activities – North Platte River – No report presented.

Water Programs – Platte River Activities – South Platte River – Mr. Miller reported on meetings and discussions in regard to the South Platte River Compact.

Water Programs - Irrigation Districts – Western Irrigation District – Mr. Schilz reported that the Western Irrigation District has received notice that the Western Irrigation District’s application to the Nebraska Environmental Trust was recommended for approval.

Regulatory Programs – No report presented.

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Trails – No report presented.

Information & Education Programs – No report presented.

Legislation – No report presented.

Requests for Authorization to Travel – No requests were presented.

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

Miscellaneous Information – Mr. Miller reported that various items of information were in the Directors' packet and in the Directors' notebook and available as a handout. Mr. Miller distributed for information the new Natural Resources District brochure developed by the Nebraska Association of Resources Districts.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

The meeting adjourned at 4:23 p.m. CST (3:23 p.m. MST).

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Jerry Weaver, Secretary

KOM:Minutes:Bmin0204