

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
April 14, 2005

The Twin Platte Natural Resources District Board of Directors meeting was held at the TierOne Bank Center Meeting Room, Second Floor, West Wing, 111 South Dewey Street, North Platte, Nebraska on April 14, 2005. Mr. Rubenthaler called the meeting to order at 7:31 p.m. CDT (6:31 p.m. MDT). 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
James Meismer
Robert Petersen
Jim Rubenthaler
Dennis Schilz
Douglas Stack
Shane Storer
Joe Wahlgren
Robert Wiseman

BOARD MEMBERS ABSENT

Jerry Weaver

OTHERS PRESENT

Mike Wyatt
Mike Wheeler, Sargent Irrigation

NRCS PERSONNEL PRESENT

Mary Reece, District Conservationist

STAFF PRESENT

Bill Carhart, Range Programs Coordinator
Sudheer Chadalavada, GIS Coordinator
Amy Mapes, Administrative Assistant
Kent O. Miller, General Manager

DIRECTORS APPOINTED TO BOARD

Oath of Office - Mr. Rubenthaler introduced Shane Storer, who the Board of Directors had appointed during the March 10, 2005 Board meeting to fill a vacancy to represent Sub-District 1 on the Board of Directors. Mr. Rubenthaler reported that Mr. Storer had signed an oath of office.

ANNOUNCEMENTS

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Report of Directors Excused - Mr. Rubenthaler reported that Mr. Weaver was excused.

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.

Other Items - Mr. Rubenthaler reported that a monthly summary report of NRCS 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.

Mr. Miller distributed for information the recently mailed newsletter for the Twin Platte Natural Resources District.

PUBLIC FORUM

Mr. Rubenthaler opened the Public Forum.

There were no comments.

Mr. Rubenthaler closed the Public Forum.

AGENDA MODIFICATION

None presented.

GENERAL INFORMATION

No report presented.

BOARD OF DIRECTORS MINUTES

Minutes for March 10, 2005 Meeting - Mr. Rubenthaler reported that the Minutes for the March 10, 2005 Board of Directors meeting was in the Directors' packet and he asked if there were corrections or additions to the Minutes.

Mr. Meisner moved that the Minutes of the March 10, 2005 Board of Directors meeting be approved. Mr. Stack seconded the motion. The motion carried. (Motion #1)

Aye: Baldridge, Hansen, Meisner, Petersen, Rubenthaler, Schilz, Stack, Storer, Wahlgren, Wiseman

Nay: None

Absent & Excused: Weaver

COOPERATING AGENCIES REPORTS

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USDA Natural Resources Conservation Service - District Conservationist Report – Mrs. Reece distributed a written report and she reviewed the report. Mrs. Reece reported that in the Directors’ packet for information was an initial report of the Nebraska EQIP allocation for Fiscal Year 2005. The Board members agreed that the Twin Platte Natural Resources District should request the Natural Resources Conservation Service to transfer one third of the Twin Platte Natural Resources District General Fund allocation to the GSWC (Irrigation Practices) allocation for the 2005 Fiscal Year.

Other Agencies – No reports presented.

SUBCOMMITTEE MEETINGS REPORT
Land Resources Subcommittee

Mr. Baldrige, Land Resources Subcommittee Chairperson, reported that the Land Resources Subcommittee met prior to the Board meeting and he presented a report.

Range Program – Grass Seeding – Drills and Interseeder – Mr. Baldrige reported that Mr. Carhart presented information on the current options available in the District for the seeding of grasses and legumes. Mr. Baldrige reported that the Board members had in their notebooks a list of seed vendors and a list of planting service providers from the area as compiled by Natural Resources Conservation Service. Mr. Baldrige reported that Mr. Carhart and Mr. Nichols reviewed the lists and described the services provided in the District by the most active contractors, including those that will rent grass drills. Mr. Baldrige reported that Mr. Carhart also provided information on the experiences shared by the Middle Republican Natural Resources District staff, as that District has rented grass drills for a number of years. Mr. Baldrige reported that the Subcommittee determined that at this time there appears to be sufficient seed and seeding services provided in the Twin Platte Natural Resources District by private vendors. Mr. Baldrige reported that the Subcommittee does not recommend the District expand beyond what it currently offers with the Range Interseeder, which is to rent the machine or to provide the interseeding service if scheduling allows. Mr. Baldrige reported that Mr. Carhart and Mr. Nichols provided information on the 2005 use of the Twin Platte Natural Resources District and Upper Loup Natural Resources District Range Interseeders. Mr. Baldrige reported that together, those two machines are expected to cover over 350 acres this spring at six locations in the two Natural Resources Districts.

Range Program – Clearing Cedar Trees in Pastures – Mr. Baldrige reported that earlier in the day a representative of the “Tree Chopper” company gave a field demonstration of their machine south of North Platte, which Mr. Carhart attended. Mr. Baldrige referred to information on the machine in the Directors’ notebook and noted that when attached to a 400cc or larger ATV, it can cut down cedar trees up to four inches in diameter. Mr. Baldrige reported that the Subcommittee viewed a video of the machine in action. Mr. Baldrige reported that Mr. Carhart reported that one of the local dealers for the machine has decided to buy one, mount it on a 4-wheel ATV and provide the service to the area, as well as rent out the entire set up. Mr. Baldrige reported that Mr. Hansen reported that

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the machine requires mounting brackets that take about two hours to install, which makes it inconvenient to rent out just the tree cutter. Mr. Baldrige reported that the Subcommittee decided not to pursue having the District buy and rent out such a machine.

Brule Watershed – Maintenance - Mr. Baldrige reported that during the March 10, 2005 Board meeting, the staff reported, per District policy, that bids/proposals would be presented for consideration during the April 14, 2005 Board of Directors meeting for Brule Watershed maintenance. Mr. Baldrige reported that bid requests were sent out to three area contractors, of which only one returned a bid proposal. Mr. Baldrige reported that Tom Jehorek’s bid of \$2,757.50 was discussed. Mr. Baldrige reported that Mr. Nichols and Mr. Storer both indicated they had good results from past seeding work Mr. Jehorek had performed and that his pricing was fair. Mr. Baldrige reported that Mr. Jehorek has been to the site and has a good understanding of what needs to be accomplished.

Mr. Baldrige moved the Land Resources Subcommittee recommendation to the Board of Directors that the \$2,757.50 bid from Tom Jehorek be accepted to complete the grass seeding on the Brule Watershed dam. Mr. Meismer seconded the motion. The motion carried. (Motion #2)

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

SUBCOMMITTEE MEETINGS REPORT
Water Resources Subcommittee

Mr. Meismer, Water Resources Subcommittee Chairperson, reported that the Water Resources Subcommittee met prior to the Board meeting and he presented a report.

Integrated Management of Ground Water & Surface Water – Negotiated Rulemaking – Mr. Meismer reported that on March 7, 2005, Roger Patterson, Director, Nebraska Department of Natural Resources, told Mr. Miller and him that any new depletions from ground water wells developed after September 30, 2004 outside of the area within the Twin Platte Natural Resources District and the Central Platte Natural Resources District within which there is a stay on drilling new wells and on any increase of the number of acres historically irrigated will have to be offset. Mr. Meismer reported that on July 1, 2004, the Twin Platte Natural Resources District’s temporary suspension on drilling new wells began for an area within a 28%/40 Years SDF line, which the Board agreed to do following a request from Roger Patterson, Director, Nebraska Department of Natural Resources. Mr. Meismer reported that Mr. Miller and he believed that the Board of Directors at that time believed that all new development outside of the temporary suspension area would not be subject to State imposed restrictions or requirements. Mr. Miller reviewed the activities that have occurred since July 1, 2004 to the present.

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Mr. Meismer reported that following the March 7, 2005 discussion with Mr. Patterson, Mr. Miller and he met with Mr. Patterson, Ann Bleed, Deputy Director, Nebraska Department of Natural Resources, and Ron Bishop, General Manager, Central Platte Natural Resources District on March 18, 2005. Mr. Meismer reported that Mr. Patterson expressed surprise that the Twin Platte Natural Resources District and the Central Platte Natural Resources District did not know that any new depletions from ground water wells developed after September 30, 2004 outside of the area within which there is a stay on drilling new wells and on any increase of the number of acres historically irrigated will have to be offset. Mr. Meismer reported that Mr. Patterson proposed that to fix the misunderstanding, that upon final determination by him from the negotiated rule making process, which he anticipated would be the area within which the hydrologically connected would be based on 10%/50 Years for Fully Appropriated areas, he could hold another hearing within the Twin Platte Natural Resources District and the Central Platte Natural Resources District after which he could rule that the area within the 10%/50 Years COHYST line is Fully Appropriated and subject to a stay on drilling new wells and on any increase of the number of acres historically irrigated from that date forward, and we could draft legislation, for the Water Policy Task Force to sponsor, to allow for any new depletions from ground water wells developed after September 30, 2004 outside of the area designated based on the 28%/40 Years within which there was a stay on drilling new wells and on any increase of the number of acres historically irrigated, would not have to be offset.

Mr. Meismer reported that Mr. Miller and he have another meeting scheduled with Mr. Patterson and Mr. Bishop to continue the discussion that we still believe that all new development outside of the current temporary suspension area would not be subject to State imposed restrictions or requirements.

The members of the Board of Directors confirmed that Mr. Meismer and Mr. Miller were correct in their interpretation of the belief of the Twin Platte Natural Resources District Board of Directors.

Integrated Management of Ground Water & Surface Water – Integrated Management Plan (IMP) – Mr. Meismer reported on the stakeholders meeting held on March 29, 2005 and that the next meeting of the stakeholders was scheduled for April 19, 2005.

Mr. Meismer reported that the staff is adding anyone who requests to a public list to receive notice of all Twin Platte Natural Resources District stakeholders meetings.

Integrated Management of Ground Water & Surface Water – Well Drilling Suspension and Stays on Irrigated Acres – Mr. Miller reported on the requests that have been received and reported that no requests have been received requiring Board of Directors action.

Ground Water Management – Ground Water Management Plan – No report presented.

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SUBCOMMITTEE MEETINGS REPORT
Wildlife Habitat & Urban Affairs Subcommittee

No report presented.

FINANCIAL REPORT

Financial Statement - Mr. Meisner reported that the Financial Statement for March 2005 was in the Directors' notebook and available as a handout for information.

Accounts Payable - Mr. Meisner 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. Meisner moved that the Financial Statement for March 2005 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on April 14, 2005 in the amount of \$28,864.31. Mr. Petersen seconded the motion. The motion carried. (Motion #3)

Aye: Baldridge, Hansen, Meisner, Petersen, Rubenthaler, Schilz, Stack,
Storer, Wahlgren, Wiseman

Nay: None

Absent & Excused: Weaver

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

Bids/Proposals – Mr. Miller reported that during the March 10, 2005 Board meeting, the staff reported, per District policy, that bids/proposals would be presented for consideration during the April 14, 2005 Board of Directors meeting for the purchase of a server for the office for the computer equipment, for the purchase of an electric ground water level measuring tape, and for the purchase of a Multimedia (Power Point) Projector. Mr. Miller reported that the budget provides for each of these purchases. Mr. Miller reported that the cost for each of these items will be reimbursed by the Nebraska Department of Natural Resources for implementation of the Interlocal Cooperation Agreement to develop and carry out programs for administration within the Twin Platte Natural Resources District for a Platte River Cooperative Agreement New Depletions Plan, and for an Integrated Management Plan approved during the June 10, 2004 Board of Directors meeting.

Mr. Miller reported that in regard to the purchase of an electric ground water level measuring tape, the District currently has one which works well. Mr. Miller reported that the request to purchase a second electric ground water level measuring tape is to allow two staff to take measurements at the same time and to allow for a back up when one tape is out of service for maintenance. Mr. Miller reported that in the Directors' packet was a report showing vendors, specifications, and proposals received. Mr. Miller recommended

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that the Board of Directors accept the low proposal received from Geotech for an ET 300 Water Level Meter for a purchase cost of \$695.00.

Mr. Miller reported that in regard to the purchase of a Multimedia (Power Point) Projector, the District currently has one which works well. Mr. Miller reported that the request to purchase a second Multimedia Projector is to allow two staff to present presentations at the same time, to allow for a back up when one projector is out of service for maintenance, and to have a projector with the capabilities to be used without a laptop computer. Mr. Miller reported that in the Directors' packet was a report showing vendors, specifications, and proposals received. Mr. Miller recommended that the Board of Directors accept the low proposal received from CDW-G for an Epson PowerLite 745C for a purchase cost of \$2,260.00.

Mr. Miller reported that in regard to the purchase of computer equipment, the computer equipment is a server for the office. Mr. Miller reported that the District's GIS Coordinator, Sudheer Chadalavada, has the ability to set up a server for the office that will provide better and more secure storage and public access for the digitized aerial photos he is working on, will provide for a central automated backup of the District's computers, and will allow the District to host our Internet Web site rather than paying annual fees for a service provider to host the Web site. Mr. Miller reported that in the Directors' packet was a report showing vendors, specifications, and proposals received. Mr. Miller recommended that the Board of Directors accept the low proposal received from Dell for a Power Edge 2850 Server for a total purchase cost of \$5,123.64.

Mr. Stack moved that the Board of Directors accept the low proposal received from Geotech for a ET 300 Water Level Meter for a purchase cost of \$695.00, that the Board of Directors accept the low proposal received from CDW-G for a Epson PowerLite 745C for a purchase cost of \$2,260.00, and that the Board of Directors accept the low proposal received from Dell for a Power Edge 2850 Server for a purchase cost of \$5,123.64. Mr. Meismer seconded the motion. The motion carried. (Motion #4)

Aye: Hansen, Meismer, Petersen, Rubenthaler, Schilz, Stack, Storer,
Wahlgren
Nay: Baldrige, Wiseman
Absent & Excused: Weaver

Bids/Proposals Scheduled To Be Presented for Consideration During the May 12, 2005 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented for consideration during the May 12, 2005 Board of Directors meeting.

DIRECTORS REPORTS

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

Nebraska Association of Resources Districts – Water Policy Task Force – No report

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presented.

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.

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 that in the Directors' notebook and available as a handout was the monthly report. Mr. Miller reported that \$3,555.37 was available.

Mr. Petersen moved to approve the April 14, 2005 report 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>
<u>PROPOSED NEW CONTRACTS:</u>				
05-065	NC-12	Trees	\$ 831.00	\$ 831.00
05-066	NC-12	Trees	\$ 270.00	\$ 270.00
05-064	NC-17	Irrigation Water Management	\$ 2,130.00	\$ 2,130.00
Total Amount of New Contracts				\$ 3,231.00
FUNDS AVAILABLE:				\$ 324.37

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

Aye: Baldridge, Hansen, Meismer, Petersen, Rubenthaler, Schilz, Stack, Storer, Wahlgren, Wiseman

Nay: None

Absent & Excused: Weaver

Cost-Share Programs - District Conservation Program – Sealing Abandoned Wells – Mr. Miller reported that in the Directors' notebook and available as a handout was a report for information. Mr. Miller reported that \$3,025.99 was available for new contracts.

Tree Program – Mr. Miller reported that the District personnel began tree planting in the District April 12, 2005. Mr. Miller reported that 77,120 total trees have been ordered. Mr. Miller reported that 21,750 trees were ordered from the Colorado State Nursery, 4,700 trees were ordered from Lincoln-Oakes Nursery, and 50,670 trees were ordered from the Nursery at Halsey, NE. Mr. Miller reported that the District is using one machine crew this year that is scheduled to plant 35,000 trees at 105 sites and that orders were processed for purchase of 42,120 trees to be planted by individuals. Mr. Miller

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reported that Mike Ekdahl is scheduled to place 280,000 feet (53 miles) of water conservation mulch material at 84 sites. Mr. Miller reported that 80% of the machine crew planted sites will have water conservation mulch. Mr. Miller reported that the pickup day for individuals planting trees was April 8, 2005 in Ogallala and April 9, 2005 in North Platte.

Range Programs – No report presented.

Soil Conservation Programs – No report presented.

Wildlife Habitat Programs – WILD Nebraska Program – No report presented.

Wildlife Habitat Programs – Corners for Wildlife Program – No report presented.

Water Programs – Ground Water Management – Monitoring Programs – No report presented.

Water Programs – Ground Water Management – Ground Water Management Plan – No report presented.

Water Programs – Integrated Management of Ground Water & Surface Water – Temporary Well Drilling Suspension – Mr. Miller reported that in the Directors notebook for information was a report listing replacement well permits issued.

Water Programs – Integrated Management of Ground Water & Surface Water – Integrated Management Plan – No report presented.

Water Programs – Integrated Management of Ground Water & Surface Water – Certifying Irrigated Acres – No report presented.

Water Programs – Integrated Management of Ground Water & Surface Water – Platte River Cooperative Agreement – No report presented.

Water Programs – Watershed Program - Brule – No report presented.

Water Programs – Watershed Program – Western Irrigation Watershed – No report presented.

Water Programs – Interlocal Cooperation Agreements - Cooperative Hydrology Study – Mr. Miller reported that the sponsors are continuing discussion in regard to maintenance and future use of the computer model.

Water Programs – Interlocal Cooperation Agreements – Ground Water Management Coalition – No report presented.

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Water Programs – Interlocal Cooperation Agreements – South Platte Coalition – No report presented.

Water Programs – Interlocal Cooperation Agreements – Nebraska Habitat Conservation Coalition – No report presented.

Regulatory Programs - Chemigation – No report presented.

Regulatory Programs – Erosion and Sediment Control - No report presented.

Regulatory Programs – Ground Water Runoff - No report presented.

Trails – Lake Maloney – No report presented.

Information & Education Programs – Mr. Miller reported that the District’s policy provides for seven scholarships annually for the Nebraska Range Youth Camp. Mr. Miller reported that the District provides the full cost of the camp (transportation is not included). Mr. Miller reported that the cost for 2005 is \$250.00 and that the camp will be held June 13-17, 2005 at the State 4-H Camp at Halsey.

Mr. Miller reported that the District’s policy provides for three scholarships annually for other Natural Resources and Leadership related camps for youth. Mr. Miller reported that the District provides the full cost of the camp (transportation is not included).

Mr. Miller reported that the District’s policy provides that if applications for other scholarships for youth or teachers are received, the Board would consider the applications.

Mr. Miller reported that in the Directors’ packet for information was an E-Mail to Educators within the Twin Platte Natural Resources District.

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.

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.

SUBCOMMITTEE MEETINGS REPORT
Executive Subcommittee

Mr. Rubenthaler, Executive Subcommittee Chairperson, reported that the Executive

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Subcommittee met prior to the Board meeting and he asked Mr. Stack to present a report.

Legal Counsel – Mr. Stack reported that in the Directors’ notebooks for information was Operating Policy Number 31: LEGAL REPRESENTATION, Operating Policy Number 32: LEGAL OPINIONS, and the current Legal Services Agreement with the law firm of Nielsen & Birch. Mr. Stack reported that the Executive Subcommittee has been discussing legal representation for the Twin Platte Natural Resources District to best position the District for any future legal representation needs that may arise. Mr. Stack reported that the Executive Subcommittee has met with Don Blankenau (Fennemore Craig – Lincoln NE), David Jarecke (Crosby-Guenzel – Lincoln NE), LeRoy Sievers (Knudsen Berkheimer Richardson & Endacott – Lincoln NE), Harriet Hageman (Hageman & Brighton – Cheyenne WY), and Jess Nielsen (Nielsen & Birch – North Platte NE). Mr. Stack reported that in the Directors’ notebooks for information was a chart showing attorney fees for each of the attorneys the Subcommittee met with.

Mr. Meismer moved the Executive Subcommittee recommendation to the Board of Directors to approve the following effective April 15, 2005:

- Discontinue the current legal services agreement with the law firm of Nielsen & Birch
- For water related issues, authorize legal representation for the Twin Platte Natural Resources District by Harriet Hageman
- For non-water related issues, authorize legal representation for the Twin Platte Natural Resources District by the law firm of Nielsen & Birch or other attorney’s approved by the Board of Directors
- Attorney’s representing the Twin Platte Natural Resources District will not be paid a monthly retainer

Mr. Baldrige seconded the motion. The motion carried. (Motion #6)

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

OTHER BUSINESS

There was no other business.

ADJOURNMENT

The meeting adjourned at 9:29 p.m. CDT (8:29 p.m. MDT).

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Jerry Weaver, Secretary

KOM:Minutes:Bmin0405