

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
April 8, 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 April 8, 2010. Mr. Rubenthaler called the meeting to order at 7:33 pm CDT (6:33 pm 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

Dale Margritz
Jim Meisner
Bob Petersen
Jim Rubenthaler
Doug Stack
Shane Storer
Joe Wahlgren
Jerry Weaver
Bob Wiseman

BOARD MEMBERS ABSENT

Eric Hansen
Dennis Schilz

NRCS PERSONNEL PRESENT

Mary Reece

STAFF PRESENT

Bill Carhart, Range Programs Coordinator
Ann Dimmitt, Water Programs Regulatory Coordinator
Amy Mapes, Administrative Assistant
Kent Miller, General Manager

OTHERS PRESENT

Neil Betty, WCWC
Darrol Eichner
Jim Goeke, UNL / C&SD
Brad Johnson, Sargent Irrigation
Don Kraus, CNPPID
Bart Nichols, 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

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – April 8, 2010

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.

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. Schilz notified the office that he would be absent and is therefore excused. Mr. Rubenthaler reported that Mr. Hansen had not notified the office and he is therefore unexcused.

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.

Mr. Darrol Eichner of Keith County spoke. Mr. Eichner requested the Board to take action to prevent further declines in ground water levels at his house well or to provide compensation to lower his well.

Mr. Rubenthaler closed the Public Forum.

AGENDA MODIFICATION

None presented.

GENERAL INFORMATION

Central Nebraska Public Power & Irrigation District – New Video - Don Kraus, General Manager, Central Nebraska Public Power & Irrigation District, show their new video and responded to questions.

BOARD OF DIRECTORS MINUTES

Minutes for March 18, 2010 Meeting – Mr. Rubenthaler reported that the Minutes for the March 18, 2010 meeting were in the Directors’ packet and he asked if there were any corrections or additions.

Mr. Meismer moved that the Minutes of the March 18, 2010 Board of Directors meeting be approved. Mr. Wiseman seconded the motion. The motion carried. (Motion #1)

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – April 8, 2010

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

REQUESTS FOR ASSISTANCE

None presented.

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service (NRCS) – District Conservationist Report – Mary Reece, District Conservationist, distributed and reviewed a report.

Other Agencies – No reports presented.

SUBCOMMITTEE MEETINGS REPORT

Land Resources SubCommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT

Water Resources SubCommittee

Mr. Meismer, Water Resources Subcommittee Chairperson, presented a report for the subcommittee meeting held on April 8, 2010.

Ground Water Management – Variances – Requests – Richard Beckler #1 – Mr. Meismer reported that the TPNRD received a request for a variance from Richard Becker. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from Richard Beckler to transfer 1.42 certified ground water irrigated acres located in Section 9, Township 13 North, Range 38 West, Keith County, Nebraska, that have been flood irrigated, to a pivot at the same location. Mrs. Dimmitt reported that these acres were originally certified as two separate flood fields. Mrs. Dimmitt reported that the request is to de-certify the no longer irrigated portion of a flood field and relocating these acres so they are situated under the pivot where an old homestead and trees were taken out so the pivot could go around. Mrs. Dimmitt reported that this request would transfer the irrigated acres within the same section; therefore there would be no new irrigated acres and no new depletions to the river. 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 Richard Beckler to transfer 1.42 certified ground

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – April 8, 2010

water irrigated acres located in Section 9, Township 13 North, Range 38 West, Keith County, Nebraska, that have been flood irrigated, to a pivot at the same location, conditioned on; (1) Richard Beckler filing 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) Richard Beckler providing the TPNRD proof of ownership, (3) a 12 month limitation for transfers to physically take place, (4) if there are contracts for state or federal programs requiring previously irrigated lands to not be irrigated, it is the responsibility of Richard Beckler, and not the TPNRD to be in compliance with those contracts, and (5) Richard Beckler executing a signed and notarized acknowledge statement that the TPNRD is not responsible for any new depletions and offsets that may be required by other parties. Mr. Wiseman seconded the motion. The motion carried. (Motion #2)

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

Ground Water Management – Variances – Requests – Todd McWha – Mr. Meisner reported that the TPNRD received a request for a variance from Todd McWha. Mr. Meisner asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from Todd McWha to de-certify and transfer 10.0 certified ground water irrigated acres from the W½ Section 35, Township 12 North, Range 26 West, Lincoln County, Nebraska, and from the SE Section 27, Township 12 North, Range 26 West, Lincoln County, Nebraska, to a new pivot being installed over currently flood irrigated ground located in the W½ Section 35, Township 12 North, Range 26 West, Lincoln County, Nebraska, and to an existing pivot located in the SW¼ Section 26, Township 12 North, Range 26 West, Lincoln County, Nebraska. Mrs. Dimmitt reported that the request is to de-certify the corner portions of a currently flood irrigated field so that a small pivot may be installed to more efficiently use irrigation water. Mrs. Dimmitt reported that under the new pivot, 1.5 acres of trees and old buildings will be removed to allow the pivot to go all the way around. Mrs. Dimmitt reported that the remaining acres to be relocated will be situated under an existing pivot that is getting a new swing arm, and would be irrigating what is now pastured. Mrs. Dimmitt reported that the transfer of a total of 10.0 certified irrigated acres will be moved away from the stream and going from a higher SDF to a lower SDF. Mrs. Dimmitt reported that in the Directors’ Board meeting notebook was an aerial photo for all the locations and a map showing the SDF for all the locations.

Mr. Meisner moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Todd McWha to transfer 10.0 certified ground water irrigated acres located in the W½ Section 35, Township 12 North, Range 26 West, Lincoln County, Nebraska, and the SE Section 27, Township 12 North, Range 26 West, Lincoln County, Nebraska to a new pivot being installed over currently flood irrigated ground located in the W½ Section 35, Township 12 North, Range 26 West, Lincoln County, Nebraska, and to an existing pivot located in the SW¼ Section 26, Township 12 North, Range 26 West, Lincoln County,

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – April 8, 2010

Nebraska, conditioned on; (1) Todd McWha filing 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) Todd McWha providing the TPNRD proof of ownership, (3) a 12 month limitation for transfers to physically take place, (4) if there are contracts for state or federal programs requiring previously irrigated lands to not be irrigated, it is the responsibility of Todd McWha, and not the TPNRD to be in compliance with those contracts, and (5) Todd McWha executing a signed and notarized acknowledge statement that the TPNRD is not responsible for any new depletions and offsets that may be required by other parties. Mr. Margritz seconded the motion. The motion carried. (Motion #3)

Aye: Margritz, Meismer, Petersen, Rubenthaler, Stack, Storer, Wahlgren, Weaver, Wiseman

Nay: None

Absent & Excused: Schilz

Unexcused: Hansen

Ground Water Management – Variances – Requests – S&B McPheeters Land Co Ltd – Mr. Meismer reported that the TPNRD received a request for a variance from S & B McPheeters Land Co Ltd. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from S&B McPheeters Land Co Ltd to de-certify and transfer 0.57 certified ground water irrigated acres from the NE¼ Section 20, Township 11 North, Range 26 West, Lincoln County, Nebraska, to Section 20, Township 11 North, Range 26 West, Lincoln County, Nebraska. Mrs. Dimmitt reported that the request is to de-certify 0.57 certified irrigated acres along the north edge of the field in the NE¼ Section 20, Township 11 North, Range 26 West, Lincoln County, Nebraska, in order to fill in and farm over the re-use pit in this field. Mrs. Dimmitt reported that this request would transfer the irrigated acres within the same section; therefore there would be no new irrigated acres and no new depletions to the river. 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 S&B McPheeters Land Co Ltd to transfer 0.57 certified ground water irrigated acres located in the NE¼ Section 20, Township 11 North, Range 26 West, Lincoln County, Nebraska, to Section 20, Township 11 North, Range 26 West, Lincoln County, Nebraska, conditioned on; (1) S&B McPheeters Land Co Ltd providing the TPNRD proof of ownership, (2) a 12 month limitation for transfers to physically take place, (3) if there are contracts for state or federal programs requiring previously irrigated lands to not be irrigated, it is the responsibility of S&B McPheeters Land Co Ltd, and not the TPNRD to be in compliance with those contracts, and (4) S&B McPheeters Land Co Ltd executing a signed and notarized acknowledge statement that the TPNRD is not responsible for any new depletions and offsets that may be required by other parties. Mr. Wiseman seconded the motion. The motion carried. (Motion #4)

Aye: Margritz, Meismer, Petersen, Rubenthaler, Stack, Storer, Wahlgren, Weaver, Wiseman

Nay: None

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – April 8, 2010

Absent & Excused: Schilz
Unexcused: Hansen

Ground Water Management – Violations – No report presented.

Ground Water Management – Certified Irrigated Acres – Mr. Meismer reported on the status of the work being done by Applied Data Consultants for developing the water banking software and providing information for certified irrigated acres in the TPNRD on the TPNRD web site. Mr. Meismer reported that the Subcommittee agreed that the current draft version for the web site could be finalized and placed on the web site.

Aerial Geophysical Survey - Mr. Meismer asked Mr. Miller to report on the status and funding for aerial geophysical surveys in the TPNRD.

Mr. Miller reported that the Nebraska Environmental Trust (NET) did not fund the application submitted by the North Platte Natural Resources District (NPNRD), the South Platte Natural Resources District (SPNRD), and the TPNRD for an aerial geophysical survey project. Mr. Miller reported that the General Managers of the NRDs are looking for alternative funding that might be available and that Rod Horn, General Manager, SPNRD, and he are continuing to work on scheduling a meeting with the Assistant Secretary of the Interior.

Mr. Miller reported that the General Managers of the NRDs recently met with Jim Cannia, U.S. Geological Survey – Mitchell, NE, and Jim Goeke, UNL Conservation & Survey Division – North Platte. Mr. Miller reported that the NPNRD has \$100,000.00 budgeted for a match for the NET grant, the SPNRD has \$50,000.00 budgeted for a match for the NET grant, and the TPNRD has \$100,000.00 budgeted for a match for the NET grant. Mr. Miller reported that a company from Europe would be doing some work with the U.S. Geological Survey this summer in the panhandle and Mr. Cannia thinks that there may be an opportunity to use this company, when they are in Nebraska, and possibly get a reduced cost for flying the areas planned for the project which could allow the NRDs to use the funds they have budgeted. Mr. Miller reported that Mr. Cannia and Mr. Goeke plan to attend the May 13, 2010 Board meeting to discuss this possibility.

Meetings - Mr. Meismer reported that joint Platte Basin NRD Water Resources Subcommittees meetings (Central Platte, North Platte, South Platte, Tri-Basin, Twin Platte) are scheduled for April 27, 2010 at 10:30 a.m. CDT at the Holiday Inn Express in North Platte and on September 1, 2010 at 11:00 a.m. CDT at the Holiday Inn Express in North Platte. Mr. Meismer reported that any TPNRD Director may attend these meetings.

Integrated Management Plan (IMP) - Timeline – Mr. Meismer reported that the Water Resources Subcommittee agreed on March 18, 2010 to the following 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 – April 8, 2010

Effective Date of IMP	Sept. 15th
NE DNR – Comments Deadline	June 1
Water Subcomm./Board – Approve Rules & Reg. for Pub. Hearing	June 10
Process Variances – Current Rules & Reg. (plus other conditions)	June 10
<i>Water Subcomm. – Offsets Options</i>	<i>June 10</i>
NE DNR - Submit Final Draft for Review	June 11
Public Hearing - Rules & Reg.	July 8
Board – Approve Rules & Reg. Order	July 8
Process Variances – Current Rules & Reg. (plus other conditions)	July 8
<i>Water Subcomm. – Offsets Options</i>	<i>July 8</i>
Publish Rules & Reg. Order in NP Telegraph	July 15, 22, 29
Effective Date for Rules & Reg. Rev.	August 6

Integrated Management Plan (IMP) - Rules and Regulations – Mr. Meisner reported that the latest draft for revisions of the Rules and Regulations discussed by the Subcommittee on March 18, 2010 were included with the Directors’ Board meeting packet. Mr. Meisner reported that this current draft of the Rules and Regulations include revisions recommended by the District’s legal counsel.

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

Mr. Meisner reported that the Subcommittee agreed to report to the Board of Directors 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. Meisner reported that the Subcommittee continued discussion of potential options for offset water.

SUBCOMMITTEE MEETINGS REPORT
Wildlife Habitat & Urban Affairs Subcommittee

Mr. Stack, Wildlife Habitat & Urban Affairs Subcommittee Chairperson, presented a report for the subcommittee meeting held on April 8, 2010.

Wildlife Habitat Programs – WILD Nebraska Program – Mr. Stack reported that information for the TPNRD WILD Nebraska Program was in the Directors’ Board meeting notebook.

Mr. Stack reported that in addition to the two new projects brought to the Board last month, another enrollment opportunity in WILD Nebraska has surfaced in recent days. Mr. Stack reported that the TPNRD had a large shrub planting project cancelled in USDA’s “SAFE” habitat program, which left the TPNRD with 1,200 shrubs unable to be returned. Mr. Stack

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – April 8, 2010

reported that Mr. Carhart contacted the Nebraska Game & Parks Commission staff about the prospects of enrolling the same area in WILD Nebraska. Mr. Stack reported that the Nebraska Game & Parks Commission staff supported enrolling the project since they were able to draw from a larger WILD Nebraska pool of funds involving three NRD's. Mr. Stack reported that the landowner was disappointed in losing the annual payment provision of the SAFE program, but was grateful for having this new opportunity to plant the same number of shrubs. Mr. Stack reviewed the proposed new WILD Nebraska agreement with no annual payments and \$1,860.00 to be expended for materials which includes \$465.00 of TPNRD funds to cover 25 % of the cost while a Game & Parks Environmental Trust grant picks up the other 75%, or \$1,395.00.

Mr. Stack moved the Wildlife Habitat & Urban Affairs Subcommittee's recommendation to the Board of Directors to approve the following 2010 WILD Nebraska agreement:

<u>Agreement #</u>	<u>Cooperator</u>	<u>County</u>	<u>Acres</u>	<u>Materials</u>
TP1003	Gardner	Lincoln	80	\$ 1,860.00

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

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

SUBCOMMITTEE MEETINGS REPORT
Executive Subcommittee

No report presented.

FINANCIAL REPORT

Financial Statement - Mr. Meismer reported that the Financial Statement for March 2010 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 March 2010 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on April 8, 2010 in the amount of \$35,657.11. Mr. Petersen seconded the motion. The motion carried. (Motion #6)

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

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – April 8, 2010

Unexcused: Hansen

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 May 13, 2010 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented during the May 13, 2010 board meeting.

DIRECTORS REPORTS

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

Nebraska Association of Resources Districts – Legislation – Mr. Meismer reported that in the Directors' packet and the Directors' notebook were NARD Legislative Update reports.

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

Requests for Authorization to Travel – No requests were presented.

DISTRICT REPORT

Cost-Share Programs - NE Soil & Water Conservation Program – Mr. Miller reported that in the Directors' notebook was a report and that \$ 677.42 was available for funding contracts. Mr. Miller reported that there were no requests for new contracts to consider.

Cost-Share Programs – District Conservation Programs – Mr. Miller reported that in the Directors' Board notebook was a report, and that \$1,617.10 was available for new contracts.

Tree Programs – 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 – No report presented.

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – April 8, 2010

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 - No report 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.

OTHER BUSINESS

Mr. Rubenthaler requested the General Manager to prepare information, to present to the Board during the May 13, 2010 Board meeting, in regard to Darrol Eichner’s request presented during the Public Forum.

There was no other business.

NEXT MEETING

Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Thursday, May 13, 2010 at 7:30 pm CDT (6:30 pm MDT) at the TierOne Bank Center Meeting Room, 111 South Dewey Street, Second Floor, North Platte, Nebraska.

ADJOURNMENT

The meeting adjourned at 9:12 pm CDT (8:12 pm MDT).

Jerry Weaver, Secretary