

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
May 13, 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 May 13, 2010. Mr. Rubenthaler called the meeting to order at 7:35 pm CDT (6:35 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

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

BOARD MEMBERS ABSENT

Bob Wiseman

NRCS PERSONNEL PRESENT

Mary Reece

STAFF PRESENT

Ann Dimmitt, Water Programs Regulatory Coordinator
Kent Miller, General Manager

OTHERS PRESENT

Jim Cannia, USGS
Jim Goeke, UNL / C&SD
Brad Johnson, Sargent Irrigation
Jerry Kenny, PRRIP
Frank Kwapnioski

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

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – May 13, 2010

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. Wiseman notified the office that he may not make the meeting 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.

Jerry Kenny, Executive Director, Platte River Recovery Implementation Program, reported on the Program and responded to questions from the Directors.

Mr. Rubenthaler closed the Public Forum.

AGENDA MODIFICATION

None presented.

GENERAL INFORMATION

No reports presented.

BOARD OF DIRECTORS MINUTES

Minutes for April 8, 2010 Meeting – Mr. Rubenthaler reported that the Minutes for the April 8, 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 April 8, 2010 Board of Directors meeting be approved. Mr. Petersen seconded the motion. The motion carried. (Motion #1)

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

Nay: None

Absent & Excused: Wiseman

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – May 13, 2010

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. Meisner, Water Resources Subcommittee Chairperson, presented a report for the subcommittee meeting held on May 13, 2010.

Aerial Geophysical Survey - Mr. Meisner 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. Meisner 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 Mr. Miller are continuing to work on scheduling a meeting with the Assistant Secretary of the Interior.

Mr. Meisner 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. Meisner asked Jim Cannia, U.S. Geological Survey (USGS), to report on an opportunity the NPNRD, SPNRD and TPNRD may have this summer to obtain data from aerial flights.

Mr. Cannia reported about a Danish company, who would be doing data acquisition this summer in the panhandle, to determine if they meet the requirements of the USGS. Mr. Cannia reported that he 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 desired by the TPNRD, if they meet the USGS requirements, which could allow the NRDs to use the funds they have budgeted for data acquisition. Mr. Cannia reported that obtaining the data from the flight is approximately

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – May 13, 2010

one third of the total costs for obtaining the data from the flight and analyzing the data.

Mr. Meismer moved the Water Resources Subcommittee's recommendation to the Board of Directors to approve authorizing up to \$125,000.00 for obtaining data this summer from flights in the TPNRD for an area in southwestern Keith County covering the Western Irrigation District area and for an area in Keith County along the North Platte River below Lake McConaughy, with a first priority for the area in southwestern Keith County covering the Western Irrigation District area, and provided that one or both of the areas identified in Keith County can be completely flown, and to authorize the General Manager to execute a contract for the data collection if the USGS determines that the Danish company meets the USGS requirement. Mr. Wahlgren seconded the motion. The motion carried. (Motion #2)

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

Nay: Hansen

Absent & Excused: Wiseman

Ground Water Management – Variances – Guidelines – Mr. Meismer reported that the Subcommittee requested that the staff, when processing variances where certified ground water irrigated acres would be de-certified, to determine the grade of the land adjacent to the location to insure that the ground water irrigated acres that would be de-certified would no longer receive any ground water due to runoff from ground water irrigated acres adjacent to the de-certified acres.

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

Mrs. Dimmitt reported that the TPNRD received a request from Kyle Hulinsky to de-certify and transfer 2.82 certified ground water irrigated acres within the NE¼ Section 26, Township 13 North, Range 40 West, Keith County, Nebraska, by relocating those acres under a new pivot being installed over currently flood irrigated ground. Mrs. Dimmitt reported that the 2.82 acres that were not certified as ground water irrigated acres, but would be under the pivot, is an area of trees along the north edge of the field. Mrs. Dimmitt reported that Kyle Hulinsky will be removing a portion of those trees so the pivot can make a full circle. Mrs. Dimmitt reported that the same number of acres being transferred to under the pivot will be removed from flood irrigation from the NE corner of the field. Mrs. Dimmitt reported that there will be 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 Kyle Hulinsky to de-certify and transfer 2.82 certified ground water irrigated acres within the NE¼ Section 26, Township 13 North, Range 40 West, Keith County, Nebraska, by relocating those acres under a new pivot being installed over currently flood irrigated ground, conditioned on; (1) Kyle Hulinsky filing with the County

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – May 13, 2010

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) Kyle Hulinsky 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 Kyle Hulinsky, and not the TPNRD to be in compliance with those contracts, and (5) Kyle Hulinsky 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. Schilz seconded the motion. The motion carried. (Motion #3)

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

Nay: None

Absent & Excused: Wiseman

Ground Water Management – Variances – Requests – Star Cattle Co – Mr. Meismer reported that the TPNRD received a request for a variance from Star Cattle Co. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from Star Cattle Co. to de-certify and transfer 11.3 certified ground water irrigated acres from the NW¹/₄ Section 18, Township 14 North, Range 31 West, Lincoln County, Nebraska and the SW¹/₄ Section 7, Township 14 North, Range 31 West, Lincoln County, Nebraska, to be relocated under a new pivot being installed over currently flood irrigated ground in the NW¹/₄ Section 18, Township 14 North, Range 31 West, Lincoln County, Nebraska. Mrs. Dimmitt reported that the 11.3 acres are certified as ground water, and also have surface water rights associated with them. Mrs. Dimmitt reported that the 11.3 acres under the new pivot does not have surface water rights. Mrs. Dimmitt reported that Mike Star is working with the Nebraska Department of Natural Resources to transfer surface water rights currently under the Birdwood Irrigation District, to the location under the pivot without the surface water rights, which would be under the Platte Valley Irrigation Ditch. Mrs. Dimmitt reported that Tom Hayden, Nebraska Department of Natural Resources, has reported that transferring surface water rights can be a lengthy process. Mrs. Dimmitt reported that Mike Starr has attended a Birdwood Irrigation Ditch meeting and they did not object to his request. Mrs. Dimmitt reported that in order for there to be no new depletions to the river, there needs to be both ground water and surface water acres associated with this 11.3 acre transfer. Mrs. Dimmitt reported that the staff was recommending that since there is no surface water right associated with the new location under the pivot, a surface water right must be transferred to the new location within 24 months of this action, or certification of the 11.3 acres at the new location under the pivot will be forfeited and those certified ground water irrigated acres will be returned to the former location. Mrs. Dimmitt reported that there will be no new depletions to the river. Mrs. Dimmitt reported that in the Directors' Board meeting notebook were an aerial photo of the area and an aerial photo of the proposed location with the nearest municipality (Hershey) showing the two mile city/village boundary.

Mr. Meismer moved the Water Resources Subcommittee's recommendation to the Board of Directors to approve granting a variance to Star Cattle Co. to de-certify and transfer 11.3

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – May 13, 2010

certified ground water irrigated acres from the NW¼ Section 18, Township 14 North, Range 31 West, Lincoln County, Nebraska and the SW¼ Section 7, Township 14 North, Range 31 West, Lincoln County, Nebraska, to under a new pivot being installed over currently flood irrigated ground in the NW¼ Section 18, Township 14 North, Range 31 West, Lincoln County, Nebraska, conditioned on: (1) Star Cattle Co. 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) Star Cattle Co. providing the TPNRD proof of ownership, (3) a 12 month limitation for the 11.3 certified ground water irrigated acres transfer to physically take place, (4) a 24 month limitation for the surface water rights associated with the 11.3 certified ground water irrigated acres that are decertified to be physically transferred to the new location, (5) if there are contracts for state or federal programs requiring previously irrigated lands to not be irrigated, it is the responsibility of Star Cattle Co., and not the TPNRD to be in compliance with those contracts, and (6) Star Cattle Co. 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. Schilz seconded the motion. The motion carried. (Motion #4)

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

Ground Water Management – Variances – Requests – Richard Beckler #2 – Mr. Meisner reported that the TPNRD received a request for a variance from Richard Beckler. Mr. Meisner asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from Richard Beckler to de-certify and transfer 133.09 certified ground water irrigated acres from multiple locations in Keith County to a new 132.0 acre pivot located in the NW¼ Section 34, Township 13 North, Range 34 West, Lincoln County, Nebraska. Mrs. Dimmitt reported that Richard Beckler is also requesting a new irrigation well to be drilled at the new location. Mrs. Dimmitt reported that the request is to de-certify the corner portions of several fields that are no longer irrigated because pivot irrigation has replaced flood irrigation, and then relocate these acres under a pivot at the new location. Mrs. Dimmitt reported that all of the following locations are going from a higher SDF to a lower SDF (unless noted), and all of the locations are outside of the 2 mile boundary of the nearest town/village:

- 29.91 certified ground water irrigated acres from the corners of the NE¼ Section 10, Township 13 North, Range 38 West, Keith County, Nebraska
- 30.02 (36.77 acres reduced by 2% for SDF) certified ground water irrigated acres from the corners of the NE¼ Section 1, Township 12 North, Range 39 West, Keith County, Nebraska (currently in the water bank since June 2009)
- 26.82 certified ground water irrigated acres from the corners of the NE¼ Section 33, Township 13 North, Range 40 West, Keith County, Nebraska
- 25.19 ground water certified irrigated acres from the corners and a small odd shape field in the N½ Section 29, Township 13 North, Range 40 West, Keith County, Nebraska

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – May 13, 2010

- 14.06 (14.4 acres reduced for SDF by 4.25%) certified ground water irrigated acres from the S½ Section 34-T13N-R40W

Mrs. Dimmitt reported that Mr. Beckler will decommission any old irrigation wells that are no longer being used. Mrs. Dimmitt reported that in the Directors' Board meeting notebook was a table listing the number of acres to be transferred, the legal descriptions, the SDF, the actual acres eligible to be transferred from each legal, and the map associated with the locations. Mrs. Dimmitt reported that there will be no new depletions to the river. Mrs. Dimmitt reported that in the Directors' Board meeting notebook were aerial photos of the proposed locations with the nearest municipalities (Brule, Ogallala, Paxton) showing the two mile city/village boundary.

Mr. Meismer moved the Water Resources Subcommittee's recommendation to the Board of Directors to approve granting a variance to Richard Beckler to de-certify and transfer 133.09 certified ground water irrigated acres from the following locations:

- 29.91 certified ground water irrigated acres from the corners of the NE¼ Section 10, Township 13 North, Range 38 West, Keith County, Nebraska
- 30.02 (36.77 acres reduced by 2% for SDF) certified ground water irrigated acres from the corners of the NE¼ Section 1, Township 12 North, Range 39 West, Keith County, Nebraska (currently in the water bank since June 2009)
- 26.82 certified ground water irrigated acres from the corners of the NE¼ Section 33, Township 13 North, Range 40 West, Keith County, Nebraska
- 25.19 ground water certified irrigated acres from the corners and a small odd shape field in the N½ Section 29, Township 13 North, Range 40 West, Keith County, Nebraska
- 14.06 (14.4 acres reduced for SDF by 4.25%) certified ground water irrigated acres from the S½ Section 34-T13N-R40W

to a new 132.0 acre pivot located in the NW¼ Section 34, Township 13 North, Range 34 West, Lincoln County, Nebraska and to install a new well at the new 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, (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, and (6) Richard Beckler decommissioning irrigation wells that are not being used at the decertified locations. Mr. Schilz seconded the motion. The motion carried. (Motion #5)

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

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – May 13, 2010

Ground Water Management – Variances – Requests – Richard Beckler #3 – Mr. Meismer reported that the TPNRD received a request for an additional variance from Richard Beckler. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from Richard Beckler to de-certify and transfer 132.0 certified ground water irrigated acres from multiple locations in Keith County to a new 132.0 acre pivot located in the NE¼ Section 34, Township 13 North, Range 34 West, Lincoln County, Nebraska. Mrs. Dimmitt reported that Richard Beckler is also requesting a new irrigation well to be drilled at the new location. Mrs. Dimmitt reported that the request is to de-certify the corner portions of several fields that are no longer irrigated because pivot irrigation has replaced flood irrigation, and then relocate these acres under a pivot at the new location. Mrs. Dimmitt reported that all of the following locations are going from a higher SDF to a lower SDF (unless noted), and all of the locations are outside of the 2 mile boundary of the nearest town/village:

- 11.28 certified ground water irrigated acres remaining from the transfer of irrigated acres for Tony Beckler in the S½ Section 6, Township 12 North, Range 38 West, Keith County, Nebraska
- 41.7 certified irrigated acres from a field in the SW¼ Section 20, Township 14 North, Range 38 West, Keith County, Nebraska (placed in the water bank March 2010)
- 19.22 certified irrigated acres from a field in the SE¼ Section 6, Township 13 North, Range 35 West, Keith County, Nebraska, (placed in the water bank June 2009)
- 30.77 certified irrigated acres, which is a portion of a field in the SE¼ Section 6, Township 13 North, Range 36 West, Keith County, Nebraska
- 29.03 certified irrigated acres from a flood field in the NE¼ Section 5, Township 13 North, Range 37 West, Keith County, Nebraska (These acres will be available for the 2011 irrigation season. In the meantime Mr. Beckler will only irrigate the above listed acres except for the 29.03 acres)

Mrs. Dimmitt reported that Mr. Beckler will decommission any old irrigation wells that are no longer being used. Mrs. Dimmitt reported that in the Directors' Board meeting notebook was a table listing the number of acres to be transferred, the legal descriptions, the SDF, the actual acres eligible to be transferred from each legal, and the map associated with the locations. Mrs. Dimmitt reported that there will be no new depletions to the river. Mrs. Dimmitt reported that in the Directors' Board meeting notebook were aerial photos of the proposed locations with the nearest municipalities (Brule, Ogallala, Paxton) showing the two mile city/village boundary.

Mr. Meismer moved the Water Resources Subcommittee's recommendation to the Board of Directors to approve granting a variance to Richard Beckler to de-certify and transfer 132.0 certified ground water irrigated acres from the following locations:

- 11.28 certified ground water irrigated acres remaining from the transfer of irrigated acres for Tony Beckler in the S½ Section 6, Township 12 North, Range 38 West, Keith County, Nebraska

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – May 13, 2010

- 41.7 certified irrigated acres from a field in the SW¹/₄ Section 20, Township 14 North, Range 38 West, Keith County, Nebraska (placed in the water bank March 2010)
- 19.22 certified irrigated acres from a field in the SE¹/₄ Section 6, Township 13 North, Range 35 West, Keith County, Nebraska, (placed in the water bank June 2009)
- 30.77 certified irrigated acres, which is a portion of a field in the SE¹/₄ Section 6, Township 13 North, Range 36 West, Keith County, Nebraska
- 29.03 certified irrigated acres from a flood field in the NE¹/₄ Section 5, Township 13 North, Range 37 West, Keith County, Nebraska (These acres will be available for the 2011 irrigation season. In the meantime Mr. Beckler will only irrigate the above listed acres except for the 29.03 acres)

to a new 132.0 acre pivot located in the NE¹/₄ Section 34, Township 13 North, Range 34 West, Lincoln County, Nebraska and to install a new well at the new 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, (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, and (6) Richard Beckler decommissioning irrigation wells that are not being used at the decertified locations. Mr. Weaver seconded the motion. The motion carried. (Motion #6)

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

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.

Ground Water Management – Fees - Mr. Meismer reported that Nebraska Statues require the following fees:

46-735. Construct water well in a management area; permit required; application; form; fee; contents; late permit application; fee.

(1) Any person who intends to construct a water well in a management area in this state on land which he or she owns or controls shall, before commencing construction, apply with the district in which the water well will be located for a permit on forms provided by the district, except that (a) no permit shall be required for test holes or dewatering wells with an intended use of ninety days or less, (b) no permit shall be required for a single water well designed and constructed to pump fifty gallons per minute or less, and (c) a district may

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – May 13, 2010

provide by rule and regulation that a permit need not be obtained for water wells defined by the district to be replacement water wells. A district may require a permit for a water well designed and constructed to pump fifty gallons per minute or less if such water well is commingled, combined, clustered, or joined with any other water well or wells or other water source, other than a water source used to water range livestock. Such wells shall be considered one water well and the combined capacity shall be used as the rated capacity. A district may by rule and regulation require that a permit be obtained for each water well or for one or more categories of water wells designed and constructed to pump fifty gallons per minute or less, other than a water source required for human needs as it relates to health, fire control, and sanitation or used to water range livestock, in ground water management areas in which regulations have been imposed to control declining ground water levels. Forms shall be made available at each district in which a management area is located, in whole or in part, and at such other places as may be deemed appropriate. The district shall review such application and issue or deny the permit within thirty days after the application is filed.

(2) A person shall apply for a permit under this section before he or she modifies a water well for which a permit was not required under subsection (1) of this section into one for which a permit would otherwise be required under such subsection.

(3) The application shall be accompanied by a fifty-dollar (\$50) filing fee payable to the district and shall contain (a) the name and post office address of the applicant or applicants, (b) the nature of the proposed use, (c) the intended location of the proposed water well or other means of obtaining ground water, (d) the intended size, type, and description of the proposed water well and the estimated depth, if known, (e) the estimated capacity in gallons per minute, (f) the acreage and location by legal description of the land involved if the water is to be used for irrigation, (g) a description of the proposed use if other than for irrigation purposes, (h) the registration number of the water well being replaced if applicable, and (i) such other information as the district requires.

(4) Any person who has failed or in the future fails to obtain a permit required by subsection (1) or (2) of this section shall make application for a late permit on forms provided by the district.

(5) The application for a late permit shall be accompanied by a two-hundred-fifty-dollar (\$250) fee payable to the district and shall contain the same information required in subsection (3) of this section.

46-691.03. Transfer off overlying land for environmental or recreational benefits; when allowed; application; fee; natural resources district; powers and duties.

(1) Any person intending to withdraw ground water from any water well located in the State of Nebraska, transport that water off the overlying land, and use it to augment water supplies in any Nebraska wetland or natural stream for the purpose of benefiting fish or wildlife or producing other environmental or recreational benefits may do so only if the natural resources district in which the water well is or would be located allows withdrawals and transport for such purposes and only after applying for and obtaining a permit from such natural resources district. An application for any such permit shall be accompanied by a nonrefundable fee of fifty dollars (\$50) payable to such district. Such permit shall be in

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – May 13, 2010

addition to any permit required pursuant to section [46-252](#) or [46-735](#) or subdivision (1)(k) of section [46-739](#).

Mr. Meismer reported that the TPNRD Draft Rules and Regulations provide for the following fees:

Section 3.1 – Permit to construct a water well

Section 3.1.2 – The applicant shall pay an application fee of fifty dollars (\$50) to the District.

Section 3.1.3 - Any person who fails to obtain a permit required by Rule 3.1, but who proceeds to construct a water well, shall make application for a late permit on forms provided by the District, and shall pay a late application fee of two-hundred and fifty dollars (\$250) to the District. The District may consider the fact that the applicant failed to timely obtain a permit in its determination as to whether to approve, approve with conditions, or deny the permit.

Section 3.4.7 – Application for Transfer Permits

Section 3.4.7.3.1 - Any transfer application filed pursuant to Rules 3.4 through 3.7 above shall be accompanied by a non-refundable fee of two hundred dollars (\$200) payable to the District.

Section 3.4.7.3.2 - An application for a transfer permit for the withdrawal and transport of ground water off the overlying land for use to augment water supplies in any Nebraska wetland or natural stream for the purpose of benefiting fish or wildlife, or for producing other environmental or recreational benefits pursuant to Neb. Rev. Stat. § 46-691.03, shall be accompanied by a non-refundable fee of fifty dollars (\$50) payable to the District.

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve the following fees effective immediately:

- Application for a permit to construct a water well - \$50
- Late application for a permit to construct a water well - \$250
- Application for a transfer permit - \$200/\$50

Mr. Margritz seconded the motion. The motion carried. (Motion #7)

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

Nay: None

Absent & Excused: Wiseman

Meetings - Mr. Meismer and Mr. Weaver reported on the joint Platte Basin NRD Water Resources Subcommittees meeting (Central Platte, North Platte, South Platte, Tri-Basin, Twin Platte) held on April 27, 2010.

Mr. Meismer reported that the NE Department of Natural Resources is planning to schedule a meeting related to the Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin, Nebraska in July.

TWIN PLATTE NATURAL RESOURCES DISTRICT
 Board of Directors Meeting Minutes – May 13, 2010

Integrated Management Plan (IMP) - Timeline – Mr. Meismer reported that the current timeline for developing and implementing revised Rules & Regulations is follows:

<u>Task</u>	<u>Dates</u>
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
Process Variances – New Rules & Reg. Going	August 6 & 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 on April 8, 2010 were included with 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 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. Meismer reported that the Subcommittee continued discussion of potential options for offset water.

SUBCOMMITTEE MEETINGS REPORT
Wildlife Habitat & Urban Affairs Subcommittee

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – May 13, 2010

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Executive Subcommittee

No report presented.

FINANCIAL REPORT

Financial Statement - Mr. Meismer reported that the Financial Statement for April 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 April 2010 be received and placed on file for audit and to approve payment of the invoices presented on May 13, 2010 in the amount of \$34,939.94. Mr. Petersen seconded the motion. The motion carried. (Motion #8)

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

Nay: None

Absent & Excused: Wiseman

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 June 10, 2010 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented during the June 10, 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 were NARD Legislative Update reports.

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

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – May 13, 2010

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 \$971.26 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 \$668.50 was available for new contracts.

Mr. Miller recommended that the Board consider allowing additional funds for the remainder of the 2010 Fiscal Year.

Mr. Miller reported that during the July 10, 2003 Board of Directors meeting, the Board approved that the TPNRD participate in the Nebraska Water Well Decommissioning Fund, to authorize budgeting \$10,000.00 annually for the TPNRD Water Well Decommissioning program, and to authorize the General Manager to sign the Water Well Decommissioning Fund Agreement and Certification for the TPNRD required by the Nebraska Department of Natural Resources as the TPNRD representative. Mr. Miller reported that the fund provides state tax dollars for cost-share assistance through the state's Natural Resources Districts to help encourage the proper decommissioning of water wells that are no longer needed or used. Mr. Miller reported that the Nebraska Water Well Decommissioning Fund provides reimbursement for Natural Resources District's programs of up to the amount of the local programs cost-share, and if there are not adequate funds available to fully reimburse Districts, the funds available are shared. Mr. Miller reported that the TPNRD policy provides one well abandonment cost-shared per producer, per year. Mr. Miller reported that in the Director's packet for information was a TPNRD brochure.

Mr. Miller reported the History of Funds Budgeted, Spent, and Funds Received from the State as follows:

<u>Fiscal Year</u>	<u>Budgeted</u>	<u>Spent</u>	<u>State Funds Received</u>
2007	\$10,000.00	\$ 3,536.38	\$ 2,009.46
2008	\$10,000.00	\$ 5,485.08	\$ 1,791.34
2009	\$10,000.00	\$ 4,298.13	\$ 2,190.24
2010	\$10,000.00	\$ 9,331.50	\$????

Mr. Schilz moved to approve adding \$1,000 to the Well Decommissioning Program for the 2010 Fiscal Year. Mr. Wahlgren seconded the motion. The motion carried. (Motion #9)

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

Nay: Hansen

Absent & Excused: Wiseman

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – May 13, 2010

Tree Programs – No report presented.

Range Programs – No report presented.

Water Programs – Mr. Miller reported that during the April 8, 2010 Board meeting, Darrol Eichner spoke during the Public Forum. Mr. Miller reported that in the Directors' Board meeting packet for information were a timeline of contacts in regard to Mr. Eichner, an aerial photo of the area showing the water contour flow lines, the proximity of the neighboring irrigation wells, and any other information on nearby wells, a log of each water level reading and the date the reading was taken, a chart of the water level readings taken from Mr. Eichner's windmill well on the hill behind his house, and the transcripts prepared by the Clerk of the Legislature of the Legislature's Natural Resources Committee for when Mr. Eichner presented comments to the Committee during a hearing on October 7, 2009.

Soil Conservation Programs – No report presented.

Wildlife Habitat Programs – No report presented.

Regulatory Programs – No report presented.

Information & Education Programs – No report presented.

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

There was no other business.

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting Minutes – May 13, 2010

NEXT MEETING

Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Thursday, June 10, 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 9:09 pm CDT (8:09 pm MDT).

Jerry Weaver, Secretary