

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
July 8, 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 July 8, 2004. Mr. Rubenthaler called the meeting to order at 7:32 p.m. CDT (6:32 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 Meisner
Robert Petersen
Jim Rubenthaler
Douglas Stack
Joe Wahlgren
Jerry Weaver
Robert Wiseman

BOARD MEMBERS ABSENT

Todd Kramer
Dennis Schilz

OTHERS PRESENT

Ann Bleed, Nebraska Department of Natural Resources
Tina Kurtz, Nebraska Department of Natural Resources
Brad Johnson, Sargent Irrigation

NRCS PERSONNEL PRESENT

None

STAFF PRESENT

Amy Mapes, Administrative Assistant
Kent O. Miller, General Manager

ANNOUNCEMENTS

Report of Directors Excused - Mr. Rubenthaler reported that Mr. Kramer and Mr. Schilz were 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 that are available for handouts for others attending the meeting.

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Other Items - Mr. Rubenthaler reported that notebooks containing the USDA Natural Resources Conservation Service Conservation Plans 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. Miller passed around the Board table information in regard to Tom Kelly, a student who received a scholarship from the District to attend the 2004 Nebraska Range Youth Camp.

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 June 10, 2004 Meeting - Mr. Rubenthaler reported that the Minutes for the June 10, 2004 Board of Directors meeting were in the Directors' packet and he asked if there were corrections or additions to the Minutes.

Mr. Meismer moved that the Minutes of the June 10, 2004 Board of Directors meeting be approved. Mr. Wahlgren seconded the motion, and it carried. (Motion #1)

A YE: Baldridge, Meismer, Petersen, Rubenthaler, Stack, Wahlgren, Wiseman

NAY: None

ABSENT: Hansen, Kramer, Schilz, Weaver

COOPERATING AGENCIES REPORTS

USDA Natural Resources Conservation Service - District Conservationist Report – Mr. Miller reported that Mrs. Reece was out of town and unable to attend the Board meeting. Mr. Miller distributed a written report prepared by the Natural Resources Conservation Service for information.

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Nebraska Department of Natural Resources - Integrated Management of Ground Water & Surface Water - Integrated Management Plan Work Session - Mr. Miller reported that to assist the Board of Directors to begin discussions of the timeline and activities required by Nebraska Statutes for the preparation of an Integrated Management Plan of hydrologically connected ground water and surface water, that Ann Bleed and Tina Kurtz from the Nebraska Department of Natural Resources were present to conduct a work session with the Board of Directors. Mr. Miller introduced Ann Bleed and Tina Kurtz.

Other Agencies - No report presented.

SUBCOMMITTEE MEETINGS REPORT
Water Resources Subcommittee

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

Integrated Management of Ground Water & Surface Water - Temporary Well Drilling Suspension – Variances – Mr. Meismer reported that in the Directors’ notebook for information were the Twin Platte Natural Resources District “Rules and Regulations – Temporary Suspension – Drilling of New Wells” approved February 12, 2004 and effective July 1, 2004. Mr. Meismer reported that in the Directors’ notebook for information was a letter dated July 7, 2004 from United Farm & Ranch Management in regard to BJ-Trust. Mr. Meismer reported that BJ-Trust was requesting permission to drill an irrigation well as they had received written notification on June 28, 2004, that they will not receive sufficient irrigation water from the Paxton-Hershey water ditch for the approximately 100 irrigated acres that have been planted and that due to the late date of being informed of the decision of the Paxton-Hershey Irrigation District, that the acres have already been planted to irrigated population and all of the fertilizer and herbicide expense has been put into the crop. Mr. Meismer reported that the Twin Platte Natural Resources District Rule 4.1 of the Rules and Regulations provide that the Board of Directors may grant variances from the strict application of these rules and regulations if it determines that construction of a new well is necessary to alleviate an emergency situation involving the provision of water for human consumption or upon other good cause shown. Mr. Meismer reported that Rule 4.3 of the Rules and Regulations provide that all requests for a variance, other than those in Rule 4.2, shall be made on forms provided by the district and will be acted upon after a hearing before the district. Mr. Meismer reported that the District had not developed forms for requests for variances as the “Rules and Regulations for a Temporary Suspension of Drilling New Wells” approved February 12, 2004 and were effective July 1, 2004, will no longer exist effective July 16, 2004 due to Legislative Bill 962 becoming effective on July 16, 2004. Mr. Meismer reported that LB962 eliminated the authority for Natural Resources District’s Temporary Suspension of Drilling New Wells. Mr. Meismer reported that the Director of Natural Resources, as provided for in LB962, would designate the Twin Platte Natural Resources District Temporary Suspension area as Fully Appropriated and

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the Temporary Suspension of Drilling New Wells will remain and a Stay on New Irrigated Acres will take effect in the area. Mr. Meismer reported that the letter received from BJ-Trust was dated July 7, 2004 and received on July 7, 2004 and that there was not adequate time to schedule a hearing prior to the July 8, 2004 Board of Directors meeting.

Mr. Meismer moved the Water Resources Subcommittee recommendation to the Board of Directors that the Board approve the following:

- Waive Rule 4.3 that states that all requests for a variance will be acted upon after a hearing before the district.
- As provided for in Rule 4.1, grant a variance for good cause shown to BJ-Trust for the construction of a new well that may be used only when and to the extent that surface water is not available from the Paxton-Hershey Irrigation District for irrigation of approximately 100 acres located in part of the W1/2 of Section 10, Township 14 North, Range 33 West of the 6th P.M., Lincoln County, Nebraska and may not be used to irrigate additional acres from what were irrigated with surface water during 2002 and 2003.
- That the variance will be allowed upon the landowner entering into an agreement with the Twin Platte Natural Resources District in which the landowner agrees that the well will only be used when the surface water supply has been exhausted and is no longer available to the operator at his normal rotation of schedule time(s), that the landowner will maintain the surface water right, and that the landowner agrees that the irrigated acres will not exceed the acres irrigated with surface water during 2002 or 2003.

Mr. Wahlgren seconded the motion, and it carried. (Motion #2)

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

NAY: None

ABSENT: Kramer, Schilz

Integrated Management of Ground Water & Surface Water - Temporary Well Drilling Suspension – LB 962 – Mr. Meismer reported that the “Rules and Regulations for a Temporary Suspension of Drilling New Wells” approved February 12, 2004 and were effective July 1, 2004, will no longer exist effective July 16, 2004 due to Legislative Bill 962 becoming effective on July 16, 2004. Mr. Meismer reported that LB962 eliminated the authority for Natural Resources District’s Temporary Suspension of Drilling New Wells. Mr. Meismer reported that the Director of Natural Resources, as provided for in LB962, would designate the Twin Platte Natural Resources District Temporary Suspension area as Fully Appropriated and the Temporary Suspension of Drilling New Wells will remain and a Stay on New Irrigated Acres will take effect in the area. Mr. Meismer reported that the Twin Platte Natural Resources District may receive after July 16, 2004 requests to drill new wells to irrigate land that is currently irrigated with surface water and that such requests may occur at a time when waiting till the next Board meeting could cause extensive crop damage.

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Mr. Meismer reported that the Subcommittee discussed if the Board of Directors should define a replacement well as provided for in section 54(3)(h) of LB962 that may be used to irrigate acres that were irrigated with surface water when that surface water is not available to irrigate those acres and if the Board of Directors should develop a procedure to allow the General Manager to execute an agreement with a landowner to allow the replacement well to be constructed. Mr. Meismer reported that Mr. Miller had contacted Jim Cook, Legal Counsel, Nebraska Department of Natural Resources, and that Mr. Cook suggested that the Board could adopt a motion that states “for purposes of section 54(3)(h) of LB962 (2004 Nebraska Legislature), a water well constructed and used to irrigate acres that were irrigated with surface water in the last two years shall be considered a replacement well if the owner of that well agrees to use that well only when and to the extent that surface water is not available to irrigate those acres”.

Mr. Meismer moved the Water Resources Subcommittee recommendation to the Board of Directors that for purposes of section 54(3)(h) of LB962 (2004 Nebraska Legislature), a water well constructed and used to irrigate acres that were irrigated with surface water in the last two years shall be considered a replacement well if the owner of that well agrees to use that well only when and to the extent that surface water is not available to irrigate those acres and authorize the General Manager to execute an agreement with a landowner in which the landowner agrees that the replacement well will only be used when the surface water supply has been exhausted and is no longer available to the operator at his normal rotation of schedule time(s), that the landowner will maintain the surface water right, and that the landowner agrees that the irrigated acres will not exceed the acres irrigated with surface water in the last two years. Mr. Petersen seconded the motion, and it carried. (Motion #3)

AYE: Baldridge, Hansen, Meismer, Petersen, Rubenthaler, Wahlgren

NAY: Stack, Weaver, Wiseman

ABSENT: Kramer, Schilz

Integrated Management of Ground Water & Surface Water - Integrated Management Plan (IMP) – No report presented.

Integrated Management of Ground Water & Surface Water - Over Appropriated Basins & Fully Appropriated Basins – Mr. Meismer reported that in the Directors’ notebook for information were a letter to Roger Patterson, Director of Natural Resources, dated June 15, 2004 in regard to Twin Platte Natural Resources District Board action June 10, 2004, a draft letter to the Twin Platte Natural Resources District from Roger Patterson, Director of Natural Resources, in regard to Over Appropriated Basins that he must send to Natural Resources Districts within a specified number of day of the effective date for LB962, and a draft Nebraska Department of Natural Resources map of the Twin Platte Natural Resources District, dated July 2, 2004, showing the area for the Over Appropriated Basin.

Integrated Management of Ground Water & Surface Water - Municipalities - Mr. Meismer reported that in the Directors’ notebook for information were a letter dated June

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30, 2004 from the City Manager of McCook, Nebraska and an E-Mail dated June 28, 2004 in regard to a LB962 Workshop scheduled for July 21, 2004 in North Platte. Mr. Meismer reported that in the Directors' Board meeting notebook was information concerning the workshop prepared by Jim Cook, Legal Counsel, Nebraska Department of Natural Resources, who is one of the presenters for the workshop. Mr. Meismer reported that Mr. Miller and he planned to attend the workshop.

Ground Water Management - Ground Water Management Plan - Revisions – Mr. Meismer reported that the staff would have draft revisions for the Ground Water Management Plan for a future meeting of the Subcommittee. Mr. Meismer reported that the revisions are to allow the Board of Directors the option to implement a Ground Water Management Area for the entire District. Mr. Meismer reported that a Ground Water Management Area for the entire District would allow the Board of Directors the option to require permits for drilling new wells and would allow the Board of Directors the option to manage ground water use and to designate additional areas with a moratorium for drilling new wells if needed.

Certifying Irrigated Acres - Aerial Photography Contract – Mr. Meismer reported that the Board of Directors, during the June 10, 2004 Board meeting, approved the Twin Platte Natural Resources District entering into a contract for aerial photography for the SDF area along the North Platte River, South Platte River, Platte River, Birdwood Creek, and Whitetail Creek with Cornerstone Mapping – Lincoln, NE for work to be performed during the summer of 2004 for a cost not to exceed \$37,000.00 and to authorize the General Manager to execute the contract as the Twin Platte Natural Resources District representative. Mr. Meismer reported that in the Directors' Board meeting notebook for information were a map showing a Base Contract area and Alternates for additional areas and estimated costs for the Base Contract area and the Alternates for additional areas. Mr. Meismer reported that the Subcommittee agreed that the contract for the aerial photography should be the Base Contract area and the portion of Alternate A1 in Keith County.

Certifying Irrigated Acres - FSA Information – No report presented.

Personnel - Meismer reported that Ann Dimmitt had begun her new position as Water Programs Regulatory Coordinator on July 1, 2004. Mr. Meismer reported that the staff was developing a job description for the new Geographic Information Systems Coordinator position and that they hoped to begin advertising for the position in the next few weeks.

SUBCOMMITTEE MEETINGS REPORT
Land Resources Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT

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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 June 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 June 2004 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on July 8, 2004 in the amount of \$21,065.06. Mr. Wahlgren seconded the motion, and it carried. (Motion #4)

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

NAY: None

ABSENT: Kramer, Schilz

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.

Bids/Proposals Scheduled To Be Presented for Consideration During the July 8, 2004 Board of Directors Meeting – Mr. Miller reported that the District Policy provides that “The staff will notify the Board during the Board meeting immediately prior to the Board meeting at which bids will be presented for consideration”. Mr. Miller reported that the staff plans to present bids/proposals for consideration during the August 12, 2004 or September 9, 2004 Board of Directors meeting for the purchase of a vehicle, computer equipment, computer software, and a electric logging tape. Mr. Miller reported that these items were to implement the Interlocal Cooperation Agreement with the Nebraska Department of Natural Resources 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 and that the Budget provides for the purchase of these items.

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DIRECTORS REPORTS

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

Nebraska Association of Resources Districts – Water Policy Task Force – No report 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 for information was the final monthly report for the 2004 Fiscal Year.

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 the final monthly report for the 2004 Fiscal Year. Mr. Miller reported that 20 contracts were approved during the 2004 Fiscal Year for sealing abandoned wells.

Mr. Miller reported that in the Directors' notebook and available as a handout for information was the first monthly report for the 2005 Fiscal Year. Mr. Miller reported that one contract has been approved for cost-share, and that \$9,700.00 was available for additional contracts.

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

Tree Program – Mr. Miller reported that the Twin Platte Natural Resources District and several other Natural Resources have experienced a problem with the Eastern Red Cedar stock purchased from the Halsey Nursery. Mr. Miller reported that it appears that we have experienced a total loss of the 18,000 trees we received. Mr. Miller reported that in the Directors' packet for information was a sample of a letter sent to customers of machine planted trees and a sample of a letter sent to customers who purchased trees that were to be hand planted. Mr. Miller reported that although the District does not guarantee trees, when there is a total loss of a species that was of no fault of the customer, the staff believes that the trees should be replaced and that the customer needed to be informed of

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this immediately. Mr. Miller reported that the staff was attempting to obtain replacement trees from the Halsey Nursery at no cost to the District. Mr. Miller reported that if this is not successful, the Board can consider adjusting the cost for trees next year to fund the cost for the replacement trees. Mr. Miller reported that the Land Resources Subcommittee will receive a full report during the September 9th meeting of the Subcommittee and if necessary, the Subcommittee can develop options at that time to fund the cost of the replacement trees.

Range Programs – Mr. Miller reported that the District's 2003 Grassland Conservation Award for Keith/Arthur Counties presented to Krab, Inc (Gene Krab) has been selected to receive the Nebraska Association of Resources Districts 2004 Nebraska Outstanding Grassland Conservation Award, which will be presented during the annual conference luncheon on September 27, 2004 in Kearney, NE.

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 Program – Ground Water Management – No report presented.

Water Programs – Ground Water Program – 319 Project – No report presented.

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

Water Programs – Integrated Management of Ground Water & Surface Water – Mr. Miller reported that in the Directors' notebook and available as a handout for information was the Nebraska Department of Natural Resources order dated July 1, 2004 dismissing the Central Nebraska Public Power and Irrigation District filing and the Central Nebraska Public Power and Irrigation District filing dated July 9, 2003.

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

Water Programs – Watershed Program – Western Irrigation Watershed – Mr. Miller reported that during the January 8, 2004 Board meeting, that a motion was approved to authorize that the Twin Platte Natural Resources District be the lead sponsor or a joint sponsor with the South Platte Natural Resources District and the Upper Republican Natural Resources District for development, with assistance from the USDA Natural Resources Conservation Service, of the Southwestern Keith County Watershed and to authorize the General Manager to submit a letter and the appropriate applications to the USDA Natural Resources Conservation Service requesting federal assistance for development of the Southwestern Keith County Watershed. Mr. Miller reported that the

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name of the watershed has since been changed to the Western Irrigation Watershed. Mr. Miller reported that the Board of Directors of the South Platte Natural Resources District and the Board of Directors of the Upper Republican Natural Resources District recently took action to be joint sponsors. Mr. Miller reported that in the Directors' packet for information was a map of the Western Irrigation Watershed area, a Letter to Steve Chick, State Conservationist – USDA NRCS, the Upper Republican Natural Resources District letter, and the South Platte Natural Resources District letter. Mr. Miller reported that if the preliminary plan shows a favorable benefits to costs for conservation and/or structural measures, the local sponsors would then need to determine whether to proceed and what the local costs would be.

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 – South Platte River Coalition – Mr. Miller reported on recent activities of the coalition.

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 – 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.

BUDGET FOR 2005 FISCAL YEAR

Preparation Schedule - Mr. Miller reported that the schedule provides for Board review of the first draft of the Budget during the June Board meeting and provides the Board

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four opportunities to review and discuss the Budget prior to final approval.

Review Draft #2 - Mr. Miller reported that in the Directors' packet and available as a handout was the second draft of a budget for the 2005 fiscal year. Mr. Miller reviewed the information for the proposed budget for the 2005 fiscal year.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

The meeting adjourned at 11:31 p.m. CDT (10:31 p.m. MDT).

Jerry Weaver, Secretary

KOM:Minutes:Bmin0704