

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting  
September 10, 2009

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 September 10, 2009. Mr. Rubenthaler called the meeting to order at 7:38 pm CDT (6:38 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  
Bob Wiseman

BOARD MEMBERS ABSENT

None

NRCS PERSONNEL PRESENT

Mary Reece, District Conservationist

STAFF PRESENT

Ann Dimmitt, Water Programs Regulatory Coordinator  
Phil Heimann, Conservation Technician  
Amy Mapes, Administrative Assistant  
Kent Miller, General Manager

OTHERS PRESENT

Brad Johnson, 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 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.

TWIN PLATTE NATURAL RESOURCES DISTRICT  
 Board of Directors Meeting Minutes – September 10, 2009

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. All directors were present.

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 present.

INFORMAL PUBLIC HEARING - BUDGET

Open Proceedings - Jim Rubenthaler, Chair of the Twin Platte Natural Resources District Board of Directors and Presiding Officer, opened the Public Hearing at 7:40 p.m. CDT.

Appointment of Hearing Examiner - Mr. Rubenthaler appointed Kent O. Miller, General Manager of the Twin Platte Natural Resources District, Hearing Examiner.

Review of Purpose by Hearing Examiner – Mr. Miller distributed an informational packet for the proposed 2009-2010 Fiscal Year Budget, which was also in the Director’s packet, for information. Mr. Miller reported that the purpose of the informal public hearing was for hearing testimony in regard to support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed Twin Platte Natural Resources District 2009-2010 Fiscal Year Budget. Mr. Miller reported that a legal notice was published in the North Platte Telegraph on September 3, 2009 and he distributed a copy of the proof of publication of the legal notice.

Mr. Miller reviewed the following for the proposed 2009-2010 Fiscal Year Budget:

2007-2008 Actual Disbursements & Transfers	\$ 938,632.63
2008-2009 Actual Disbursements & Transfers	<u>\$ 1,069,818.94</u>
2009-2010 Proposed Budget of Disbursements & Transfers	<u>\$ 3,186,078.44</u>
2009-2010 Necessary Cash Reserve	<u>\$ 200,000.00</u>
2009-2010 Total Resources Available	<u>\$ 3,386,078.44</u>
Total 2009-2010 Personal & Real Property Tax Requirement	<u>\$ 2,597,000.00</u>
Unused Budget Authority Created For Next Year	<u>\$ 245,386.18</u>

**Breakdown of Property Tax:**

Personal and Real Property Tax Required for Bonds	<u>\$ -</u>
Personal and Real Property Tax Required for All Other Purposes	<u>\$ 2,597,000.00</u>

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – September 10, 2009

Public Testimony - Mr. Miller opened the Hearing for Public Testimony.

No testimony was offered.

Informal Questions – Mr. Miller asked if there were questions in regard to the Budget.

There were no questions.

Close Proceedings - Mr. Miller turned the Hearing back to the Presiding Officer, Mr. Rubenthaler.

Mr. Rubenthaler declared the hearing closed at 7:43 p.m. CDT.

INFORMAL PUBLIC HEARING – SETTING FINAL TAX REQUEST

Open Proceedings - Jim Rubenthaler, Chair of the Twin Platte Natural Resources District Board of Directors and Presiding Officer, opened the Public Hearing at 7:43 p.m. CDT.

Appointment of Hearing Examiner - Mr. Rubenthaler appointed Kent O. Miller, General Manager of the Twin Platte Natural Resources District Hearing Examiner.

Review of Purpose by Hearing Examiner – Mr. Miller reported that the purpose of the informal public hearing was for hearing testimony in regard to support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request at a different amount than the prior year tax request to fund the proposed Twin Platte Natural Resources District 2009-2010 Fiscal Year Budget. Mr. Miller reported that a legal notice was published in the North Platte Telegraph on September 3, 2008 and he distributed a copy of the proof of publication of the legal notice.

Mr. Miller reported that if the proposed Twin Platte Natural Resources District 2009-2010 Fiscal Year Budget is approved as presented for public hearing, the Twin Platte Natural Resources District's 2009 Tax Rate would be \$0.069101 instead of the previously published \$0.069296 due to the certification of the taxable value for the portion of Lincoln County in the Twin Platte Natural Resources District, dated September 8, 2009, changing from \$2,605,873,494 to \$2,616,400,102 and the valuation for the Twin Platte Natural Resources District then changing from \$3,747,715,021 to \$3,758,241,629

Mr. Miller reviewed the following for the proposed 2009-2010 Fiscal Year Budget:

2008-2009 Property Tax Request	\$ 1,133,408.43
2008 Tax Rate	0.032585
Property Tax Rate (2008-2009 Request/2009 Valuation)	0.030158
2009-2010 Proposed Property Tax Request	\$ 2,597,000.00
Proposed 2009 Tax Rate	0.069101

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – September 10, 2009

Public Testimony - Mr. Miller opened the Hearing for Public Testimony.

No testimony was offered.

Informal Questions – Mr. Miller asked if there were questions in regard to the Budget.

There were no questions.

Close Proceedings - Mr. Miller turned the Hearing back to the Presiding Officer, Mr. Rubenthaler.

Mr. Rubenthaler declared the hearing closed at 7:48 p.m. CDT.

2009-2010 FISCAL YEAR BUDGET

Final Approval

Mr. Meisner moved to approve the following resolution:

WHEREAS, a legal notice of budget hearing and budget summary was published in the North Platte Telegraph on September 3, 2009, for a hearing scheduled for September 10, 2009 by the Board of Directors of the Twin Platte Natural Resources District; and

WHEREAS, the Board of Directors of the Twin Platte Natural Resources District on September 10, 2009 held a public hearing for the purpose of hearing support, opposition, criticism, suggestions and observations of taxpayers relating to the proposed budget;

NOW THEREFORE BE IT RESOLVED, that the Twin Platte Natural Resources District Board of Directors approves the 2009-2010 Fiscal Year Budget as presented for public hearing.

Mr. Schilz seconded the motion. The motion carried. (Nebraska Statutes requires a majority vote of the Board of Directors present.) (Motion #1)

AYE: Hansen, Meisner, Petersen, Rubenthaler, Schilz, Stack, Storer,  
Wahlgren, Weaver, Wiseman

NAY: Margritz

ABSENT & EXCUSED: None

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – September 10, 2009

Set Property Tax Request

Mr. Schilz moved to approve the following resolution:

WHEREAS, Nebraska Statutes provide that the property tax request for the prior year shall be the property tax request for the current year unless the Board of Directors passes by a majority vote a resolution setting the tax request at a different amount; and

WHEREAS, a legal notice of special hearing to set final tax request was published in the North Platte Telegraph on September 3, 2009, for a hearing scheduled for September 10, 2009 by the Board of Directors of the Twin Platte Natural Resources District; and

WHEREAS, the Board of Directors of the Twin Platte Natural Resources District on September 10, 2009 held a public hearing for the purpose of hearing testimony in regard to support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request at a different amount than the prior year tax request to fund the proposed Twin Platte Natural Resources District 2009-2010 Fiscal Year Budget; and

WHEREAS, the 2008-2009 Fiscal Year property tax request for the Twin Platte Natural Resources Districts was \$1,133,408.43 and the 2009-2010 Fiscal Year Budget requires a property tax request for the Twin Platte Natural Resources Districts of \$2,597,000.00.

NOW THEREFORE BE IT RESOLVED, that the Twin Platte Natural Resources District Board of Directors sets the final property tax request for the Twin Platte Natural Resources District for the 2009-2010 Fiscal Year Budget at \$2,597,000.00.

Mr. Petersen seconded the motion. The motion carried. (Nebraska Statutes requires that the Board of Directors passes by a majority vote a resolution setting the tax request at a different amount from the property tax request for the prior year. The State Auditors office has interpreted a majority vote to be a majority of the Board of Directors which would require 6 affirmative votes.) (Motion #2)

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

NAY: Margritz

ABSENT & EXCUSED: None

Restricted Funds Authority - No action occurred.

PUBLIC FORUM

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – September 10, 2009

Mr. Rubenthaler opened the Public Forum. There were no comments. Mr. Rubenthaler closed the Public Forum.

AGENDA MODIFICATION

None presented.

GENERAL INFORMATION

Programs Information Reports – GIS Program – Mr. Heimann presented a power point report on the GIS program in the TPNRD.

BOARD OF DIRECTORS MEETING

Minutes for August 13, 2009 Meeting – Mr. Rubenthaler reported that the Minutes for the August 13, 2009 meeting were in the Directors’ packet and he asked if there were any corrections or additions.

Mr. Wahlgren moved that the Minutes of the August 13, 2009 Board of Directors meeting be approved. Mr. Margritz seconded the motion. The motion carried. (Motion #3)

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

REQUESTS FOR ASSISTANCE

None presented.

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service – District Conservationist Report – Mrs. Reece distributed and reviewed a written report for information.

Other Agencies – No reports presented.

SUBCOMMITTEE MEETINGS REPORT  
Land Resources Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – September 10, 2009

Water Resources SubCommittee

Mr. Meismer, Water Resources Sub-Committee Chairperson, presented a report for the meeting held on September 10, 2009.

Ground Water Management – Variances – Requests – Clinton Hodges / Steve Scholz –  
Mr. Meismer reported that the TPNRD has received a request for a variance from Clinton Hodges/Steve Scholz. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from Clinton Hodges / Steve Scholz to transfer the consumptive use of 42.0 acres of irrigated grass from the N $\frac{1}{2}$ SW $\frac{1}{4}$  Section 19, Township 13 North, Range 27 West, Lincoln County, Nebraska, for the offset of the expansion of an existing feedlot operation located in the E $\frac{1}{2}$  Section 2 and/or the W $\frac{1}{2}$  Section 11, Township 16 North, Range 29 West, Lincoln County, Nebraska. Mrs. Dimmitt reported that the exact location of the site is pending a final ruling from the Lincoln County Planning Commission. Mrs. Dimmitt reported that the upon the final ruling, Clinton Hodges / Steve Scholz will send the TPNRD written notification of the location of where the offset acres will be transferred. Mrs. Dimmitt reported that Clinton Hodges / Steve Scholz purchased the 42.0 certified irrigated acres required to offset the future expansion from Haythorn Ranch Co in Maxwell, NE. Mrs. Dimmitt reported that the consumptive use of the 42.0 aces is equal to the future expansion of the feedlot. Mrs. Dimmitt reported that these certified irrigated acres will mitigate for all of the future water needs for the feedlot. Mrs. Dimmitt reported that the NE Department of Environmental Quality approved holding capacity of the feedlot at 25,000 head of cattle. Mrs. Dimmitt reported that the current capacity of the operation is 5,000 head of cattle. Mrs. Dimmitt reported that it will take 10.5 irrigated acres to offset 5,000 head of cattle. Mrs. Dimmitt reported that they do not need to offset for the existing 5,000 head of cattle; therefore, 10.5 acres x 20,000 head / 5,000 head equals the increase in the size of the feedlot = 42.0 acres. Mrs. Dimmitt reported that in the Directors' Board meeting notebook were aerial photos of the areas.

Mr. Meismer moved the Water Resources Subcommittee's recommendation to the Board to approve granting a variance to Steve Scholz de-certify 42.0 acres of certified irrigated grass from the N $\frac{1}{2}$ SW $\frac{1}{4}$  Section 19, Township 13 North, Range 27 West, Lincoln County, Nebraska owned by Haythorn Ranch Co, and to transfer the consumptive use to the E $\frac{1}{2}$  Section 2 and/or the W $\frac{1}{2}$  Section 11, Township 16 North, Range 29 West, Lincoln County, Nebraska for the offset for the expansion of an existing livestock operation, as there would be no new depletions to the stream, upon the final ruling of the Lincoln County Planning Commission, and upon written notification to the Twin Platte Natural Resources District of where the feedlot will be located and where the offset acres will be transferred, and upon Steve Scholz providing the Twin Platte Natural Resources District proof of ownership. Mr. Weaver seconded the motion. The motion carried. (Motion #4)

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

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – September 10, 2009

Nay: None  
Absent & Excused: None  
Out of Room: Petersen

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

Mrs. Dimmitt reported that the TPNRD received a request from Haythorn Ranch Co to transfer 74.7 acres of certified irrigated acres from the S½ Section 14, Township 14 North, Range 28 West, Lincoln County, Nebraska to the SW¼ Section 19, Township 13 North, Range 27 West, Lincoln County, Nebraska. Mrs. Dimmitt reported that Clinton Hodges / Steve Scholz purchased the 42.0 certified irrigated acres from Haythorn Ranch Co in Maxwell, NE from the south pivot located in the SW¼ Section 19, Township 13 North, Range 27 West, Lincoln County, Nebraska. Mrs. Dimmitt reported that the Haythorn Ranch Co would like to keep the south pivot whole, and needs 42.0 acres at the south pivot to do that. Mrs. Dimmitt reported that the Haythorn Ranch Co is willing to transfer the needed acres from their north pivot located the S½ Section 14, Township 14 North, Range 28 West, Lincoln County, Nebraska to the south pivot to keep it whole. Mrs. Dimmitt reported that because the north pivot is located at a location farther from the stream, it has a stream depletion factor (SDF) of 30.5%, while the south pivot is located closer to the river and has a SDF of 54.25%. Mrs. Dimmitt reported that in order to get the 42.0 acres needed to keep the south pivot whole, they will have to dry up or de-certify 74.7 acres from the north pivot. Mrs. Dimmitt reported that in the Directors' Board meeting notebook were aerial photos of the areas.

Mr. Meismer moved the Water Resources Subcommittee's recommendation to the Board to approve granting a variance Haythorn Ranch Co to de-certify 74.7 certified irrigated acres located in the S½ Section 14, Township 14 North, Range 28 West, Lincoln County, Nebraska, and transfer the eligible 42.0 certified irrigated acres to the SW¼ Section 19, Township 13 North, Range 27 West, Lincoln County, Nebraska, as there would be no new depletions to the stream, subject to Haythorn Ranch Co providing the Twin Platte Natural Resources District proof of ownership. Mr. Margritz seconded the motion. The motion carried. (Motion #5)

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

Ground Water Management – Variances – Requests – Fred & Gladith Maire – Mr. Meismer reported that the TPNRD has received a request for a variance from Fred & Gladith Maire. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from Fred & Gladith Maire to transfer 33.0 certified irrigated acres from the S½ Section 34, Township 14 North, Range

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – September 10, 2009

34 West, Lincoln County, Nebraska, to the NE¼ Section 15, Township 13 North, Range 33 West, Lincoln County, Nebraska. Mrs. Dimmitt reported that Josh Bode is purchasing the 33.0 certified irrigated acres from Fred & Gladith Maire from a side roll alfalfa/grass field just north of the interstate, and wants to transfer those acres to a location where he can add a small pivot just north of the canal leaving the Sutherland Reservoir. Mrs. Dimmitt reported that the stream depletion factor (SDF) of the Maire’s irrigated acres is 79.75%, and the SDF of the proposed new location of Josh Bode’s is 49.25%. 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 and a map of the area.

Mr. Meisner moved the Water Resources Subcommittee’s recommendation to the Board to approve granting a variance to Fred & Gladith Maire to de-certify 33.0 certified irrigated acres in the S½ Section 34, Township 14 North, Range 34 West, Lincoln County, Nebraska, and transfer the eligible 33.0 certified irrigated acres to the to the NE¼ Section 15, Township 13 North, Range 33 West, Lincoln County, Nebraska, as there would be no new depletions to the stream, subject to Fred & Gladith Maire providing the Twin Platte Natural Resources District proof of ownership. Mr. Petersen seconded the motion. The motion carried. (Motion #6)

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

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

Mrs. Dimmitt reported that the TPNRD received a request from Phil Merrill to transfer 12.66 acres and 2.3 acres of certified ground water irrigated acres from the W½ Section 12, Township 13 North, Range 33 West, Lincoln County, Nebraska, within the same half section. Mrs. Dimmitt reported that Phil Merrill has recently installed a sub-surface drip irrigation (SDI) system and wants to include the corners of his pivot under this system. He would like to transfer some of his irrigated acres from his smaller fields to these corners. Mrs. Dimmitt reported that Phil Merrill has the initial set up of the SDI completed, and the cost was relatively very little to add to the existing system. Mrs. Dimmitt reported that by transferring his less productive smaller irrigated fields to these corners, 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. Meisner moved the Water Resources Subcommittee’s recommendation to the Board to approve granting a variance to Phil Merrill to de-certify 14.96 certified irrigated acres in the S½ Section 34, Township 14 North, Range 34 West, Lincoln County, Nebraska, and transfer the eligible 14.96 certified irrigated acres within the same half section, as there would be no new depletions to the stream, subject to Phil Merrill providing the

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – September 10, 2009

Twin Platte Natural Resources District proof of ownership. Mr. Schilz seconded the motion. The motion carried. (Motion #7)

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

Ground Water Management – Violations – No report presented.

Ground Water Management – Certified Irrigated Acres – No report presented.

Ground Water Management – Aerial Photography – 2009 - Mr. Meismer reported that Cornerstone Mapping has completed the image acquisition and was working on the image processing and image compression.

Integrated Management Plan (IMP) – Timeline - Mr. Meismer reviewed the following timeline:

<u>Task</u>	<u>Approval / Implementation</u>	<u>Dates</u>
Water Subcomm. - IMP Stakeholder's Mtg.		Feb 19 <sup>th</sup> Feb. 23 <sup>rd</sup>
Water Subcomm. - IMP Stakeholder's Mtg. – Final Recommendation		Mar. 12 <sup>th</sup> Mar. 16 <sup>th</sup>
Special Bd. Mtg. - IMP Water Subcomm./Bd. Mtg. - IMP Stakeholder's Mtg. - Final Recommendation (if needed)		Apr 2 <sup>nd</sup> Apr. 9 <sup>th</sup> Apr. 20 <sup>th</sup>
Water Subcomm./Bd. Mtg. – Approve IMP to submit DNR Joint NRD/DNR Mtg. (If needed) Exchange Letters – NRD/DNR agreement		May 14 <sup>th</sup> May 21 <sup>st</sup> or 28 <sup>th</sup> May 15 <sup>th</sup> – June 3 <sup>rd</sup>
Water Subcomm./Bd. Mtg. – Approve IMP for Pub. Hearing <i>Water Subcomm. – Rules &amp; Reg.</i> Publish Legal Notice in NP Telegraph		June 4 <sup>th</sup> * <i>June 4<sup>th</sup> *</i> June 9 <sup>th</sup> , 16 <sup>th</sup> , 23 <sup>rd</sup>
Public Hearing - IMP Water Subcomm./Bd. Mtg.–Approve IMP to submit to DNR <i>Water Subcomm. – Rules &amp; Reg.</i> Exchange Letters – Implement the plan		July 2 <sup>nd</sup> July 9 <sup>th</sup> <i>July 9<sup>th</sup></i> July 10 <sup>th</sup> – Aug. 12 <sup>th</sup>
Water Subcomm./Bd. Meeting – Approve IMP Order <i>Water Subcomm. – Rules &amp; Reg.</i> <i>Water Subcomm. – Offsets Options</i>		Aug. 13 <sup>th</sup> <i>Aug. 13<sup>th</sup></i> <i>Aug. 13<sup>th</sup></i>

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – September 10, 2009

<b>Publish IMP Order in NP Telegraph</b>	<b>Aug. 18<sup>th</sup>, 25<sup>th</sup>, Sept.1<sup>st</sup></b>
Water Subcomm. – Rules & Reg. <i>Water Subcomm. – Offsets Options</i>	Sept. 10 <sup>th</sup> <i>Sept. 10<sup>th</sup></i>
<b>Effective Date of IMP</b>	<b>Sept. 15<sup>th</sup></b>
Water Subcomm./Bd. Meeting – Approve Rules & Reg. for Pub. Hearing <i>Water Subcomm. – Offsets Options</i>	Oct. 8 <sup>th</sup> <i>Oct. 8<sup>th</sup></i>
Public Hearing - Rules & Reg. Water Subcomm./Bd. Meeting – Approve Rules & Reg. Order <i>Water Subcomm. – Offsets Options</i> Publish Rules & Reg. Order in NP Telegraph	Nov. 12 <sup>th</sup> Nov. 12 <sup>th</sup> <i>Nov. 12<sup>th</sup></i> Nov. 17 <sup>th</sup> , 24 <sup>th</sup> , Dec 1 <sup>st</sup>
Effective Date for Rules & Reg. Rev.	Dec. 8 <sup>th</sup>
<i>Water Subcomm. / Bd. Mtg. – Additional Offsets Options</i>	<i>2010 as needed</i>

Integrated Management Plan (IMP) – Twin Platte Natural Resources District – Mr. Meismer reported that the TPNRD has received the Nebraska Department of Natural Resources Order for the TPNRD IMP.

Integrated Management Plan (IMP) – Platte River Basin – Approval of Order – Mr. Meismer reported that the TPNRD has received a request from the Nebraska Department of Natural Resources (NE DNR) to issue an Order for the Basin-Wide Plan. Mr. Meismer asked Mr. Miller to report on the request.

Mr. Miller reported that the TPNRD’s Legal Counsel, Harriet Hageman, has advised that the TPNRD does not need to issue an Order for the Basin-Wide Plan. Mr. Miller reported that Ms. Hageman has also advised that she is OK with the TPNRD issuing an Order. Mr. Miller reported that the North Platte NRD, the South Platte NRD, and the Central Platte NRD have issued an Order for the Basin-Wide Plan. Mr. Miller reported that Ms. Hageman and NE DNR agree that a legal notice is not needed and the Order for the Basin-Wide Plan does not need to be published. Mr. Miller reported that in the Directors’ Board meeting notebook was a draft order prepared by Ms. Hageman.

Mr. Miller reported that on July 9, 2009, the Board of Directors of the TPNRD reviewed the transcripts of the testimony received during the public hearing held on July 2, 2009 for the Basin-Wide Plan for Joint Integrated Water Resources Management of the Over-Appropriated portions of the Platte River Basin, Nebraska.

Mr. Miller reported that on July 9, 2009, the Board of Directors of the TPNRD received a report that NE DNR personnel, Jennifer Schellpeper and Doug Hallum, and TPNRD personnel, Ann Dimmitt and Kent O. Miller, participated in a conference call on July 8,

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – September 10, 2009

2009 to review the Basin-Wide Plan hearing testimony and that the participants agreed that overall the Basin-Wide Plan achieves what is required by state statutes, that no testimony was provided that points to any missing concepts, and that while the concerns presented in testimony might not be provided for in the manner desired by those testifying, the plan itself accomplished the items that are prescribed by statute and does contain provisions that discuss the concepts presented by each testifier.

Mr. Miller reported that on July 9, 2009, the Board of Directors of the TPNRD approve a motion signifying that the TPNRD has reached agreement with the NE DNR to implement the Basin-Wide Plan proposed for the Over-Appropriated portion of the Platte River Basin without modifications.

Mr. Meisner moved the Water Resources Subcommittee’s recommendation to the Board to approve an Order that the Basin-Wide Plan for joint integrated water resources management of the Over-Appropriated portions of the Platte River Basin, and the goals, objectives, and components in the plan are hereby adopted by the TPNRD and will become effective September 11, 2009. Mr. Wahlgren seconded the motion. The motion carried. (Motion #8)

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

Integrated Management Plan (IMP) – Rules and Regulations – No report presented.

Integrated Management Plan (IMP) – Offset Water – Mr. Meisner reported that the Subcommittee continued discussion of potential options for offset water.

Joint Water Resources Subcommittee Meeting (Central Platte, North Platte, South Platte, Tri-Basin, & Twin Platte NRDs) - September 9, 2009 – Mr. Meisner reported that there was a joint meeting of the Central Platte NRD, North Platte NRD, South Platte NRD, Tri-Basin NRD, and Twin Platte NRD Water Resources Subcommittees on September 9, 2009. Mr. Meisner asked Mr. Wahlgren to report on the joint meeting.

Mr. Wahlgren reported on the discussions in regard to implementation of each Districts Integrated Management Plan and coordination with the Nebraska Department of Natural Resources.

Farm Service Agency - Availability of Records for Natural Resources Districts - Mr. Meisner reported that the Central Platte NRD has initiated legal action to obtain records from the USDA Farm Service Agency for use by NRDs in implementing Integrated Management Plans.

Mr. Meisner moved the Water Resources Subcommittee’s recommendation to the Board to approve the Twin Platte Natural Resources District contributing \$2,500.00 to the

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – September 10, 2009

Central Platte Natural Resources District for legal expenses in the legal action initiated by the Central Platte Natural Resources District to obtain records from the USDA Farm Service Agency for use by Natural Resources Districts in implementing Integrated Management Plans. Mr. Wahlgren seconded the motion. (Motion #9)

Mr. Stack reported that attorney fees may be awarded by the court if the litigation is successful.

Mr. Stack moved to amend Motion #9 by adding “and if the court awards attorney fees to the Central Platte Natural Resources District, that a proportionate share of the Twin Platte Natural Resources District contribution be returned to the Twin Platte Natural Resources District. Mr. Weaver seconded the motion. The motion carried. (Motion #10)

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

(Amended motion #9) Approve the Twin Platte Natural Resources District contributing \$2,500.00 to the Central Platte Natural Resources District for legal expenses in the legal action initiated by the Central Platte Natural Resources District to obtain records from the USDA Farm Service Agency for use by Natural Resources Districts in implementing Integrated Management Plans and if the court awards attorney fees to the Central Platte Natural Resources District, that a proportionate share of the Twin Platte Natural Resources District contribution be returned to the Twin Platte Natural Resources District. Amended motion carried. (Motion #9)

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

SUBCOMMITTEE MEETINGS REPORT  
Wildlife Habitat & Urban Affairs

No report presented.

SUBCOMMITTEE MEETINGS REPORT  
Executive Subcommittee

No report presented.

FINANCIAL REPORT

Financial Statement - Mr. Meisner reported that the Financial Statement for August 2009 was in the Directors' notebook and available as a handout.

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – September 10, 2009

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 August 2009 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on September 10, 2009 in the amount of \$96,373.35. Mr. Margritz seconded the motion. The motion carried. (Motion #11)

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

Nay: None

Absent & Excused: None

Out of Room: Hansen

Budget Status – No report presented.

Bids/Proposals – None presented.

Bids/Proposals Scheduled to be Presented for Consideration during the October 8, 2009 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented during the October 8, 2009 Board meeting.

### DIRECTORS REPORTS

NARD – Annual Conference, September 28-29, 2009, Kearney - Schedule – Mr. Meismer reported that the NARD annual conference would be held September 28-29, 2009 in Kearney, Nebraska and that in the Directors' packet for information was the program for the conference.

Mr. Miller reported that Mr. Meismer, Mr. Petersen, Mr. Rubenthaler, Mrs. Dimmitt, and he planned to attend.

NARD – Annual Conference, September 28-29, 2009, Kearney - Resolutions – Mr. Meismer reported that in the Directors' packet for information were resolutions that have been submitted.

Water Policy Task Force – No report presented.

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

October Board Meeting – Mr. Rubenthaler reported that the evening of the October 8, 2009 Board meeting, that Nebraska is playing Missouri at Columbia at 8:00 p.m. CDT and it is a national ESPN telecast game. Mr. Rubenthaler reported that the TPNRD policy provides that the November, January, February and March meetings shall begin at 3:00

TWIN PLATTE NATURAL RESOURCES DISTRICT  
 Board of Directors Meeting Minutes – September 10, 2009

pm Central Time. Mr. Rubenthaler suggested that the Board could consider beginning afternoon meetings a month early this year and have the October 8, 2009 Board meeting begin at 3:00 p.m. Central Time or the Board could consider changing the Board meeting date to October 1<sup>st</sup> or October 15<sup>th</sup>.

Mr. Stack moved to approve changing the beginning time for the October 8, 2009 Board meeting from 7:30 p.m. to 3:00 pm CDT. Mr. Hansen seconded the motion. The motion carried. (Motion #12)

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

Mr. Meismer reported that the Water Resources Subcommittee meeting on October 8, 2009 would begin at 1:00 pm CDT.

Mr. Hansen reported that the Land Resources Subcommittee meeting on October 8, 2009 would begin at 2:00 pm CDT.

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 \$62,989.53 was available for funding contracts.

Mr. Petersen moved to approve the September 10, 2009 report 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>
10.005	NC-14	Planned Grazing System	\$ 3,790.80	\$ 3,790.80
10.006	NC-17	Irrigation Water Mgt	\$ 600.00	\$ 600.00
10.007	NC-17	Irrigation Water Mgt	\$ 600.00	\$ 600.00
Total Amount of New Contracts				\$ 4,990.80

FUNDS AVAILABLE:	Practice NC-12, Windbreaks	\$ 22,594.70
	Practice NC-14, Planned Grazing	\$ 9,357.16
	Practice NC-17, Irrigation	\$ 18,878.55
	Other available practices	\$ 7,462.19

Mr. Wiseman seconded the motion. The motion carried. (Motion #13)

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

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – September 10, 2009

Absent & Excused: None

Cost-Share Programs – District Conservation Programs – Mr. Miller reported that in the Directors' Board notebook was a report and \$6,531.40 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.

Brule Watershed – No report presented.

Interlocal Cooperation Agreements – No report presented.

Hazard Mitigation Plan – No report presented.

Requests for Authorization to Travel – No requests for travel 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 notebook.

OTHER BUSINESS

There was no other business.

NEXT MEETING

Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Thursday, October 8, 2009 at 3:00 pm CDT (2:00 pm MDT) at the TierOne Bank Center Meeting Room, 111 South Dewey Street, Second Floor, North Platte, Nebraska.

ADJOURNMENT

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – September 10, 2009

The meeting adjourned at 9:16 pm CDT (8:16 pm MDT).

---

Jerry Weaver, Secretary