

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
October 13, 2005

The Twin Platte Natural Resources District Board of Directors meeting was held at the TierOne Bank Center Meeting Room, Second Floor, West Wing, 111 South Dewey Street, North Platte, Nebraska on October 13, 2005. Mr. Rubenthaler called the meeting to order at 7:38 p.m. CDT (6:38 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
Robert Petersen
Jim Rubenthaler
Dennis Schilz
Douglas Stack
Shane Storer
Joe Wahlgren

BOARD MEMBERS ABSENT

James Meisner
Jerry Weaver
Robert Wiseman

OTHERS PRESENT

Mike Wheeler, Sargent Irrigation – Ogallala
Frank Fleecs
Tessa Reece

NRCS PERSONNEL PRESENT

Mary Reece, District Conservationist

STAFF PRESENT

Ann Dimmitt, Water Programs Regulatory Coordinator
Kent O. Miller, General Manager
Dave Slattery, Conservation Programs Coordinator

ANNOUNCEMENTS

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 or she will be absent and that the minutes will reflect whether an absent Director is excused or unexcused. Mr. Rubenthaler reported that Mr. Meisner and Mr. Wiseman had notified the office prior to the meeting that they would be absent and that they are therefore excused. Mr. Rubenthaler reported that Mr. Weaver had not notified the office prior to the meeting that he would be absent and that he therefore is unexcused.

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DISTRIBUTION OF INFORMATION TO BOARD OF DIRECTORS

Directors Notebooks Containing Information Items Available for Handout - Mr. Rubenthaler reported that each Director has a notebook containing information items.

Other Items - Mr. Rubenthaler reported that monthly summary reports of NRCS conservation plans were available for information and that the reports 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.

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 September 8, 2005 Meetings - Mr. Rubenthaler reported that the Minutes for the September 8, 2005 Board of Directors meetings were in the Directors' packet and he asked if there were corrections or additions to the Minutes.

Mr. Stack moved that the Minutes of the September 8, 2005 Board of Directors meeting be approved. Mr. Petersen seconded the motion. The motion carried. (Motion #1)

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

Nay: None

Absent & Excused: Meismer, Wiseman

Absent: Weaver

COOPERATING AGENCIES REPORTS

USDA Natural Resources Conservation Service - District Conservationist Report – Mrs. Reece distributed and reviewed a written report for information. Mrs. Reece reported that in the Director's notebook for information was a report titled "Natural Resources Conservation Service Helping People Help the Land" dated September 2005. Mrs. Reece

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reported that in the Director's packet for information were the minutes of discussions regarding the 2006 Environmental Quality Incentive Program, a revised practice list for the 2006 Environmental Quality Incentive Program, and a report for the Platte and Republican River Basins CREP

Other Agencies – No reports presented.

SUBCOMMITTEE MEETINGS REPORT
Land Resources Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Water Resources Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Wildlife Habitat & Urban Affairs Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Executive Subcommittee

No report presented.

FINANCIAL REPORT

Mr. Rubenthaler reported that the Board Treasurer, Jim Meismer, was absent and excused and he asked Mr. Miller to present the financial report.

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

Accounts Payable - Mr. Miller 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. Petersen moved that the Financial Statement for September 2005 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on October 13, 2005 in the amount of \$15,724.96. Mr. Schilz seconded the motion. The motion carried. (Motion #2)

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

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Nay: None
Absent & Excused: Meismer, Wiseman
Absent: Weaver

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

Bids/Proposals – Mr. Miller reported that during the September 8, 2005 Board meeting, the staff reported, per District policy, that bids/proposals would be presented for consideration during the October 13, 2005 Board of Directors meeting for the purchase of a trailer for the tree program. Mr. Miller reported that the Budget provides for the purchase of this trailer. Mr. Miller reported that in the Directors' packet for information was a letter to vendors, specifications, and the one bid received. Mr. Miller reported that the bid received met the specifications.

Mr. Petersen moved to approve the bid received from Kohler Trailer Sales in the amount of \$3,695.00 for purchase of a trailer for the tree program. Mr. Schilz seconded the motion. The motion carried. (Motion #3)

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

Bids/Proposals Scheduled To Be Presented for Consideration During the November 10, 2005 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented for consideration during the November 10, 2005 Board of Directors meeting.

DIRECTORS REPORTS

Nebraska Association of Resources Districts – Annual Conference September 25-27, 2005 – Mr. Rubenthaler, Mr. Petersen, and Mr. Miller reported on the Nebraska Association of Resources Districts annual conference, which they attended on September 25-27, 2005 in Kearney, Nebraska. Mr. Miller reported that in the Directors' notebook for information were the minutes for the Business Session held during the annual conference and the resolutions adopted.

Nebraska Association of Resources Districts – Water Policy Task Force – Mr. Miller reported that Mr. Meismer and he attended the Water Policy Task Force meeting October 6, 2005 in Kearney, NE and he presented a report. Mr. Miller reported that subcommittees have been appointed to prepared recommendations for the task force in regard to funding, in-stream flows, and municipal needs. Mr. Miller reported that he has been asked to participate in each of the subcommittee meetings.

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Platte River Citizens Advisory Council – No report presented.

Sandhills Resources, Conservation & Development Council – Mr. Hansen reported on recent activities of the Sandhills Resources, Conservation & Development Council.

Requests for Authorization to Travel - No requests were presented.

DISTRICT REPORT

Requests for Assistance – No requests for assistance were presented.

Cost-Share Programs - Nebraska Soil & Water Conservation Program – Mr. Miller reported that in the Directors' notebook and available as a handout was the monthly report. Mr. Miller reported that \$69,719.50 was available. Mr. Miller reported that there were no new contracts to present.

Cost-Share Programs - District Conservation Program - Contracts – Mr. Miller reported that in the Directors' Board meeting notebook was a report for information. Mr. Miller reported that \$7,291.35 was available for new contracts.

Tree Program – No report presented.

Range Programs – No report presented.

Soil Conservation Programs – Mr. Miller reported that in the Directors' Board meeting packet was a proposal to Nebraska's Natural Resources Districts from the University of Nebraska Department of Agronomy and Horticulture to assist in the funding for developing a web-based application (SoilTest 2006) to generate fertilizer recommendations for all agronomics crops produced in Nebraska. The Board agreed that they were not interested in the Twin Platte Natural Resources District participating.

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

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

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

Water Programs – Ground Water Management – Ground Water Management Plan – Mr. Miller reported that Mr. Meismer and he had met with the District's legal counsel, Harriet Hageman, for developing options for the area of the Twin Platte Natural Resources District outside of the temporary suspension for new wells and new uses of ground water and for initiating the District-wide Ground Water Management Area as required by the Twin Platte Natural Resources District revised and approved Ground Water Management Plan. Mr. Miller reported that Mr. Meismer and he had also met with

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the General Manager and legal counsel for the Central Platte Natural Resources District to coordinate wherever possible. Mr. Miller reported that Ms. Hageman is scheduled to meet with the Water Resources Subcommittee prior to the Board of Directors regular meeting on November 10, 2005 and with the Board of Directors during the November 10th meeting of the Board. Mr. Miller reported that a procedure and draft rules and regulations for initiating the Twin Platte Natural Resources District Ground Water Management Area will be considered by the Water Resources Subcommittee and a recommendation presented to the Board of Directors on November 10th. Mr. Miller reported that a public hearing is required prior to final Board actions for the Ground Water Management Area. Mr. Miller reported that newsletter(s) would go out during the process of developing the Ground Water Management area to provide information to the public.

Water Programs – Integrated Management of Ground Water & Surface Water – Temporary Well Drilling Suspension – Mr. Miller reported that stays have been imposed on the use of existing water wells to increase the number of acres historically irrigated in an area within the Twin Platte Natural Resources District. Mr. Miller reported that during the September 8, 2005 Board meeting, the Board had held an Executive Session to hear a report on legal matters relating to enforcement of a possible violation of the suspension of constructing new wells and increasing irrigated acres within the Twin Platte Natural Resources District. Mr. Miller reported that the possible violation involved two wells constructed in early September 2004 prior to the September 25, 2004 effective date of the Nebraska Department of Natural Resources order for over appropriated which added the Birdwood Creek and Whitetail Creek 28% / 40 year area to the stay that was then in place for the Platte River 28% / 40 year area. Mr. Miller reported that action by the Board of Directors in June 2004 provided that “the Twin Platte Natural Resources District intends to allow, until at least July 1, 2005, acres not previously irrigated with ground water within the SDF area for Whitetail Creek and Birdwood Creek to be developed for irrigation through the use of legal water wells constructed within nine months of the effective date of the temporary suspension of drilling new wells”. Mr. Miller reported that the District’s legal counsel, Harriet Hageman, has determined that Nebraska Statutes 46-714 (3) (k), allow for exceptions for new wells drilled nine months prior to the September 15, 2004 order and she has determined, based on the Board of Directors action in June 2004, that the producer had till July 1, 2005 to develop the irrigated acres from the two wells he constructed in September 2004. Mr. Miller reported that the irrigated acres were developed prior to July 1, 2005. Mr. Miller reported that Ms. Hageman and the producer’s legal counsel have had phone discussions in regard to her opinion and that following a correction being made in the letter the producer’s legal counsel sent to the Twin Platte Natural Resources District, Ms. Hageman will respond to the producer’s legal counsel in writing that the irrigated acres developed prior to July 1, 2005 from the two wells were allowed.

Water Programs – Integrated Management of Ground Water & Surface Water – Integrated Management Plan – Mr. Miller reported on the meetings held and the schedule for future meetings of the Twin Platte Natural Resources District Stakeholders.

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Mr. Miller reported that the range representative, Todd Kramer, has not attended a meeting of the stakeholders. The Board agreed that a replacement should be appointed and Mr. Storer agreed to identify someone from Arthur or McPherson Counties that the Board could consider appointing.

Mr. Miller reported on the discussions between the Natural Resources Districts and the Nebraska Department of Natural Resources, being facilitated by the Nebraska Association of Resources Districts, in regard to the Department's rules and regulations for fully appropriated areas. Mr. Miller reported that Mr. Meismer and he had been requested to participate in the discussions.

Water Programs – Integrated Management of Ground Water & Surface Water – Certifying Irrigated Acres – Mr. Miller reported that the Twin Platte Natural Resources District would be beginning to obtain records from the county assessors for names and addresses to go with the aerial photos being developed by the District for certifying irrigated acres. Mr. Miller reported that he hopes that letters to a portion of the District could begin going out early in 2006. Mr. Miller reported that this would be a big task that will probably take 12 to 18 months and that we may be hiring temporary employees to assist the full time staff. During discussion, the Board recommended that a newsletter be distributed prior to the initial letters going out that will inform the public that only a portion of the District will receive letters at a time and to allow land owners and/or tenants to notify the District if there are alternate addresses from what the county assessors have that the letter should go to for a tract of land.

Water Programs – Integrated Management of Ground Water & Surface Water – Platte River Cooperative Agreement – Mr. Miller reported that in the Directors' packet for information was a "Proposed Platte River Recovery and Implementation Program Status Report, September 27, 2005" and a document titled "Platte River Cooperative Agreement and What IT Means to the State of Nebraska, September 22, 2005", prepared by Jim Cook, Legal Counsel, Nebraska Department of Natural Resources

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

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

Water Programs – Interlocal Cooperation Agreements - Cooperative Hydrology Study – No report presented.

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

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

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

Water Programs – South Platte Compact – Nebraska Environmental Trust Grant Application – No report presented.

Regulatory Programs - Chemigation – No report presented.

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

Regulatory Programs – Ground Water Runoff - No report presented.

Trails – Lake Maloney – No report presented.

Information & Education Programs – 2005 Awards Program – Presentation November 7, 2005 – Mr. Miller reported that the District's 2005 Tree Planting Award for Lincoln/McPherson Counties will be presented November 7, 2005 to Diane and Rocky Hoffman during the North Platte Chamber Farmer/Rancher Appreciation Banquet. Mr. Miller reported that the Board Chairperson, Mr. Rubenthaler and the District staff will participate in the award presentation.

Information & Education Programs – 2005 Awards Program – Presentation December 13, 2005 – Mr. Miller reported that the District's 2005 Conservation Award for Keith/Arthur Counties will be presented December 13, 2005 to Most Farms Inc (Anita and Donal) during the District's Awards Banquet. Mr. Miller reported that the Board of Directors meeting will be at 4:30 pm MST (5:30 pm CST) at the Lake McConaughy Visitors Center and the Awards Banquet will be at 6:00 pm MST (7:00 pm CST) at the Haythorn Ranch.

Legislation – No report presented.

Requests for Authorization to Travel – No requests were presented.

Meetings and Dates of Interest – Mr. Miller reported that various items of information were in the Directors' Board meeting packet.

Miscellaneous Information – Mr. Miller reported that various items of information were in the Directors' Board meeting packet and in the Directors' Board meeting notebook.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

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The meeting adjourned at 9:00 p.m. CDT (8:00 p.m. MDT).

Jerry Weaver, Secretary

KOM:Minutes:Bmin1005