

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

The Twin Platte Natural Resources District Board of Directors meeting was held at the Lake McConaughy Visitors Center located on Highway 61 one mile south of Kingsley Dam and at the Figure 4 Traditions at the Haythorn Ranch located on Highway 61 4½ miles north of Kingsley Dam in Keith County, Nebraska on December 13, 2005. Mr. Rubenthaler called the meeting to order at 3:45 p.m. MST (4:45 p.m. CST). 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
James Meisner
Robert Petersen
Jim Rubenthaler
Dennis Schilz
Douglas Stack
Shane Storer
Joe Wahlgren
Robert Wiseman

BOARD MEMBERS ABSENT

Jeff Baldrige
Jerry Weaver

OTHERS PRESENT

Philip Armstrong
Rick Bodenhamer
Claude Hoatson
Frank Kwapnioski, NPPD
Kim Riley
Mike Wheeler, Sargent Irrigation – Ogallala

NRCS PERSONNEL PRESENT

Traci Bates
Carol Eakin
Roger Hammer
Myra Hipke
Casey Lancaster
Lee Morse
Jeff Nichols
Mary Reece, District Conservationist
Shawn W. Riley

STAFF PRESENT

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Brad Carlson, Range Programs Technician
Ann Dimmitt, Water Programs Regulatory Coordinator
Harriet Hageman, Legal Counsel
Amy Mapes, Administrative Assistant
Kent O. Miller, General Manager

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. Baldrige and Mr. Weaver had notified the office prior to the meeting that they would be absent and that they are therefore 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.

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 November 10, 2005 Meeting - Mr. Rubenthaler reported that the Minutes for the November 10, 2005 Board of Directors meeting were in the Directors' packet and he asked if there were corrections or additions to the Minutes.

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Mr. Petersen moved that the Minutes of the November 10, 2005 Board of Directors meeting be approved. Mr. Meismer seconded the motion. The motion carried. (Motion #1)

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

COOPERATING AGENCIES REPORTS

USDA Natural Resources Conservation Service - District Conservationist Report – Mrs. Reece introduced the Natural Resources Conservation Service employees attending the Board meeting. 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

Water Resources Subcommittee

Mr. Meismer, Water Resources Subcommittee Chairperson, presented a report.

Ground Water Management – Ground Water Management Area – Mr. Meismer asked the District’s Legal Counsel, Harriet Hageman, to report on the procedure for the District to initiate and carry out a District-wide Ground Water Management Area as required in the Twin Platte Natural Resources District’s Ground Water Management Plan.

Ms. Hageman reported that on February 10, 2005, the District Board approved revisions to Chapter 8 of its’ Ground Water Management Plan. Ms. Hageman reported that the revisions state that the Board, in order to take a proactive approach to protecting the ground water resources, and upon approval by the Director of the Department of Natural Resources, will establish the entire district as a Ground Water Quantity Management Area. Ms. Hageman reported that the Director approved the revisions on May 26, 2005.

Ms. Hageman reported that the Plan now provides that, upon establishment of a District-wide Ground Water Quantity Management Area, permits will be required for all new wells with the capacity to pump greater than 50 gallons per minute. Ms. Hageman reported that the Plan also provides that a permit could be issued if the total irrigated acres would not exceed 25% of the land area within a one-mile radius of a new well.

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Ms. Hageman reported that the Board had initially anticipated that it would be possible to issue permits to allow the construction of new wells in those areas of the District that are outside of the current stay area. Ms. Hageman reported that such development would be restricted by imposing a limit on the total number of irrigated acres that could be developed within a one-mile radius of a new well. Ms. Hageman reported that Nebraska Statutes, primarily Section 46-714(1), however, impose a stay on the issuance of water well construction permits at the moment the District is designated as a Management Area and the Board adopts the necessary Rules and Regulations to implement the permitting requirements. Ms. Hageman reported that the Rules and Regulations do not restrict the construction of water wells that pump less than 50 gallons per minute. Ms. Hageman reported that the Rules and Regulations also identify several exceptions to the stay on the issuance of permits for the construction of new wells, including replacement wells, test holes, dewatering wells, and water wells for range livestock, among others.

Ms. Hageman reported that within the District, and along a specifically-defined corridor of the North Platte River, the South Platte River, the Platte River, Birdwood Creek, and Whitetail Creek, and pursuant to the Ground Water Management and Protection Act, there is currently a stay on the construction of new water wells and on the use of an existing water well to increase the number of acres historically irrigated which is often referred to as the “28/40” stay area. Ms. Hageman reported that the geographic area within which these particular stays are in effect is not affected by designation of the District as a Ground Water Quantity Management Area.

Ms. Hageman reported that a District-wide stay on the issuance of water well construction permits, if the District is designated as a Management Area, as well as the current stays within the 28/40 stay area, will remain in place until the development and adoption of an Integrated Management Plan by the District and the Nebraska Department of Natural Resources. Ms. Hageman reported that a group of stakeholders, representing all water users, meets monthly for the purpose of developing recommendations to the District and the Department. Ms. Hageman reported that we anticipate that the Integrated Management Plan will be adopted within the next two to four years.

Ms. Hageman reported that part of the Integrated Management Plan process will involve an assessment of whether to impose restrictions on water use within the District and, if so, what those restrictions should be. Ms. Hageman reported that one of the primary reasons for designating the District as a Management Area, recognizing that operation of the Ground Water Management and Protection Act results in a stay on the issuance of water well construction permits, is to attempt to protect existing water users from being required to mitigate (i.e., replace) the water use associated with newly-permitted wells.

Ms. Hageman reported that in order to establish a Management Area, the Board of the District is required to hold a public hearing to consider revisions to the Management Plan and adoption of the related Rules and Regulations. Ms. Hageman reported that within 90 days thereafter the Board shall determine whether a Management Area should be

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designated.

Mr. Meismer hereby moves the Water Resources Subcommittee's recommendation to the Board of Directors that the Twin Platte Natural Resources District hold a public hearing pursuant to Neb.Rev.Stat. § 46-712(2) to consider the management plan information supplied by the Director of the Department of Natural Resources and to hear any other evidence as to whether to establish the entire Twin Platte Natural Resources District as a District-wide Ground Water Management Area, and to consider the proposed amendments to Chapter 8 of the Ground Water Management Plan for the purpose of establishing a District-wide Ground Water Management Area, with such hearing to be held on January 19, 2006 at 1:00 pm CST (12:00 pm MST) in North Platte, Nebraska. Mr. Wahlgren seconded. The motion carried. (Motion #2)

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

Mr. Meismer hereby moves the Water Resources Subcommittee's recommendation to the Board of Directors that the Twin Platte Natural Resources District hold a public hearing pursuant to Neb.Rev.Stat. § 46-707 to consider the proposed District-wide Ground Water Management Area Rules and Regulations and to take any other evidence as to whether such Rules and Regulations should be adopted, and that the Twin Platte Natural Resources District conduct such public hearings on January 19, 2006 at 1:00 pm CST (12:00 pm MST) in North Platte, Nebraska. Mr. Stack seconded. The motion carried. (Motion #3)

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

The Board agreed that the next Board of Directors meeting would be held on January 19, 2006 at 4:00 pm CST (3:00 pm MST) in North Platte, Nebraska.

SUBCOMMITTEE MEETINGS REPORT
Wildlife Habitat & Urban Affairs Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Executive Subcommittee

No report presented.

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FINANCIAL REPORT

Financial Statement - Mr. Meismer reported that the Financial Statement for November 2005 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 November 2005 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on December 13, 2005 in the amount of \$39,503.65. Mr. Schilz seconded the motion. The motion carried. (Motion #4)

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

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 January 19, 2006 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented for consideration during the January 19, 2006 Board of Directors meeting.

DIRECTORS REPORTS

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

Nebraska Association of Resources Districts – Legislative Conference, January 24-25, 2006 – Mr. Meismer reported that in the Directors Board meeting packet was information for the Legislative Conference.

Nebraska Association of Resources Districts – Water Policy Task Force – Mr. Meismer reported on recent activities of the Water Policy Task Force.

Platte River Citizens Advisory Council – Mr. Meismer reported on recent activities of the Platte River Citizens Advisory Council.

Sandhills Resources, Conservation & Development Council – Mr. Hansen reported on

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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 \$67,830.15 was available.

Mr. Petersen moved to approve the December 13, 2005 report as presented 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>
PROPOSED NEW CONTRACTS:				
06-007	NC-12	Trees	\$ 915.00	\$ 915.00
06-008	NC-12	Trees	\$ 229.00	\$ 229.00
06-009	NC-12	Trees	\$ 783.84	\$ 783.84
06-010	NC-12	Trees	\$ 417.80	\$ 417.80
06-011	NC-14	Planned Grazing System	\$ 1,163.25	\$ 1,163.25
06-012	NC-12	Trees	\$ 916.00	\$ 916.00
06-013	NC-12	Trees	\$ 148.93	\$ 148.93
Total Amount Of New Contracts				\$ 4,573.82
FUNDS AVAILABLE: Practice NC-12, Windbreaks				\$ 19,865.23
Practice NC-14, Planned Grazing				\$ 22,112.55
Practice NC-17, Irrigation				\$ 18,710.80
Other available practices				\$ 2,567.75

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

Aye: Hansen, Meismer, Petersen, Rubenthaler, Schilz, Stack, Storer, Wahlgren, Wiseman

Nay: None

Absent & Excused: Baldrige, Weaver

Absent: None

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 \$5,582.81 was available for new contracts.

Tree Program – No report presented.

Range Programs – No report presented.

Soil Conservation Programs – No report presented.

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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 – No report presented.

Water Programs – Integrated Management of Ground Water & Surface Water – Temporary Well Drilling Suspension – No report presented.

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.

Water Programs – Integrated Management of Ground Water & Surface Water – Certifying Irrigated Acres – No report presented.

Water Programs – Integrated Management of Ground Water & Surface Water – Platte River Cooperative Agreement – Mr. Miller reported on the status of the Platte River Cooperative Agreement Governance Committee study to evaluate the feasibility of increasing the flood stage discharge to 3,000 cubic feet per second (cfs) in the North Platte River at North Platte, Nebraska. Mr. Miller reported that the North Platte River is used to transport Program water from Lake McConaughy and other future potential water supplies to meet water supply goals in the central Platte River. Mr. Miller reported that in the fall of 2002, the National Weather Service lowered the flood stage of the North Platte River just north of the City of North Platte from 6.0 feet to 5.7 feet. Mr. Miller reported that the discharge rate in the study area at the revised flood stage is approximately 1,980 cfs. Mr. Miller reported that the purpose of this channel capacity study is to identify alternatives to increase the flood stage discharge to 3,000 cfs at North Platte, Nebraska, provide cost estimates for each alternative identified, and offer recommendations relating to the most cost effective means to increase and maintain the desired flood stage discharges. Mr. Miller reported that the Governance Committee has considered and approved the recommendation of the Water Management Committee.

Mr. Miller reported that in the Directors' notebook for information was a document approved by the Governance Committee for representation of downstream water users.

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

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

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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.

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 – Mr. Miller reported that he attended the Nebraska Department of Roads Select Committee meeting on December 8, 2005 during which the committee heard presentations and reviewed applications submitted for the Federal Transportation Enhancement Program funds. Mr. Miller reported that the Twin Platte Natural Resources District application for the first segment, South Maloney Trail, of the Lake Maloney trail system was considered and not approved for funding in 2006.

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 this evening to Most Farms Inc (Anita and Donal) during the District's Awards Banquet at the Haythorn Ranch.

Legislation – No report presented.

Requests for Authorization to Travel – Mr. Miller reported that the District Policy provides that Board authorization is required for all staff or Director expenses for travel outside a 300-mile radius of the District. Mr. Miller reported that Bill Carhart, Range Programs Coordinator, has requested authorization to attend the Society for Range Management 2006 Annual Meeting February 11-17, 2006 in Vancouver, British Columbia, Canada. Mr. Miller reported that he believes that this is a very worthwhile meeting and he would encourage Directors to also consider attending. Mr. Miller reported that Mr. Carhart has participated in these meetings most years and he believes that Mr. Carhart continues to benefit from these meetings. Mr. Miller reported that in the

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Directors' packet for information was information for the Society for Range Management 2006 Annual Meeting.

Mr. Meismer moved to authorize Bill Carhart to attend the Society for Range Management 2006 Annual Meeting February 11-17, 2006 in Vancouver, British Columbia, Canada. Mr. Schilz seconded the motion. The motion carried. (Motion #6)

Aye: Hansen, Meismer, Petersen, Rubenthaler, Schilz, Stack, Storer, Wahlgren, Wiseman

Nay: None

Absent & Excused: Baldrige, Weaver

Absent: None

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.

NEXT MEETING

Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Thursday, January 19, 2006 at 4:00 pm CST (3:00 pm MST) in North Platte, Nebraska.

AWARDS DINNER

An Awards Dinner was held during which the District's 2005 Conservation Award for Keith/Arthur Counties was presented to Most Farms Inc (Anita and Donal).

ADJOURNMENT

The meeting adjourned at 7:55 p.m. MST (8:55 p.m. CST).

Jerry Weaver, Secretary

KOM:Minutes:Bmin1205