

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
December 9, 2003

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 9, 2003. Mr. Rubenthaler called the meeting to order at 4:35 p.m. MST (5:35 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

Jeff Baldridge
Eric Hansen
James Meisner
Robert Petersen
Jim Rubenthaler
Dennis Schilz
Douglas Stack
Joe Wahlgren
Jerry Weaver
Robert Wiseman

BOARD MEMBERS ABSENT

Todd Kramer

OTHERS PRESENT

LeRoy Sievers, Legal Counsel, Western Irrigation District
Doug Teaford, Keith County Commissioner
Jim Olson, Chairperson, North Platte Natural Resources District
John Cizek, NE Public Power District
Barry Carl, NE Public Power District
Neil Betty
Ron Kalkowski
Lonnie Boring
Wayne Hansmeier
Mike Wheeler, Sargent Irrigation
Brad Johnson, Sargent Irrigation
Ted Slagle
Richard Bode
Peter Stec
Steve Krajewski, City Manager, Ogallala
Richard Hauck
Don Colvin
Jeff Orr
Richard Bodenhamer

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Doug Downs
Bill Maassen
Jed Flaming
Mark Flaming
Chuck Frates
Norv Elmshaeuser
J C Simmons
Jim Fleecs
Eric Brown
Thomas W. Brown
Ryan Holscher
William M. Franken
Dick Zeller
Rich VanVelson
Claude Hoatson
Dick Reynolds, North Platte Telegraph
Barry Baerg
Eldon Dyck
Arleen Petersen
Amy Svoboda

NRCS PERSONNEL PRESENT

Traci Bates, Soil Conservationist
Carol Eakins, Soil Conservationist
Ryan Kroemer, GIS Specialist
Lee Morse, Civil Engineering Technician
Mary Reece, District Conservationist

STAFF PRESENT

Amy Mapes, Administrative Assistant
Kent O Miller, General Manager

ANNOUNCEMENTS

Report of Directors Excused - Mr. Rubenthaler reported that Mr. Kramer was 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.

Other Items - Mr. Rubenthaler reported that notebooks containing the USDA Natural Resources Conservation Service Conservation Plans signed by the General Manager as the Twin Platte Natural Resources District representative were available for information,

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and that the notebooks would be passed around the Board table for review by each member of the Board of Directors present.

PUBLIC FORUM

Mr. Rubenthaler reported that an information sheet was available in regard to the Board of Directors consideration of initiating the process for the preparation of a joint action plan for the integrated management of hydrologically connected ground water and surface water, and a proposed temporary suspension in the drilling of certain new wells in a portion of the district for which the preparation of the joint action plan is proposed.

The Public Forum of the meeting was opened.

Comments and questions were presented to the Board of Directors in regard to the District's proposed joint action plan for the integrated management of hydrologically connected ground water and surface water, and a proposed temporary suspension in the drilling of certain new wells in a portion of the district for which the preparation of the joint action plan is proposed.

The Public Forum of the meeting was closed.

AGENDA MODIFICATION

Mr. Rubenthaler reported that the Water Resources Subcommittee report would be presented next.

SUBCOMMITTEE MEETINGS REPORT
Water Resources Subcommittee

Mr. Meismer, Water Resources Subcommittee Chairperson, reported that the Water Resources Subcommittee met December 2, 2003 and he presented a report.

Ground Water Programs - Integrated Management of Ground Water & Surface Water –
Mr. Meismer reported that in the Directors' Board meeting notebook was a map of "Proposed Area for Suspension" in the Twin Platte Natural Resources District showing the boundary line following section lines prepared by Ryan Kroemer, NRCS GIS Specialist, and Ann Dimmitt, Twin Platte Natural Resources District Water Programs Technician, and a North Platte Telegraph front page news article, Sunday, December 7, 2003. Mr. Meismer reported that in the Directors' Board meeting packet were the Water Resources Subcommittee meeting minutes for the December 2, 2003 meeting of the Subcommittee, Draft #5 "Rules and Regulations for a Temporary Suspension of Drilling New Wells", draft schedule and agenda for public hearings, draft Newsletter for mailing following December 9, 2003 Board meeting if the Board of Directors chooses to proceed with public hearings in regard to the District implementing a temporary suspension of the drilling of new wells in a portion of the District, draft "Questions & Answers Concerning

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the Proposed Temporary Suspension of the Drilling of New Wells” that could be included with the Newsletter, and the information sheet distributed to the public this afternoon.

Mr. Meismer reported that the “Proposed Area for Suspension” in the Twin Platte Natural Resources District was prepared utilizing the Stream Depletion Factor (SDF) area within which 28% of the consumption of a well will impact the river within 40 years which is an area approximately six to eight miles either side of the North Platte, South Platte, and Platte Rivers. Mr. Meismer reported that a complete section was included if any of the SDF area was within a section.

Mr. Meismer reported that the following is the timeline developed by the Water Resources Subcommittee for the Board of Directors consideration to initiate the process of a joint action plan for the integrated management of hydrologically connected ground water and surface water, and consideration of a temporary suspension of the drilling of new wells within a portion of the Twin Platte Natural Resources District:

January 13, 2004

- Public Hearings in North Platte and Ogallala

February 12, 2004

- Board consideration during regular monthly Board meeting of action for a temporary suspension for drilling wells

July 1, 2004

- Effective date for a temporary suspension for irrigation wells (if implemented)

Mr. Meismer reported that the Water Resources Subcommittee has prepared four recommended actions for consideration by the Board of Directors, which are contained in the minutes for the Water Resources Subcommittee meeting held on December 2, 2003. Mr. Meismer reported that he would be submitting two motions in regard to the Water Resources Subcommittee’s four recommended actions.

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors that the Twin Platte Natural Resources District request that the affected appropriators, the affected surface water project sponsors, and the Department of Natural Resources consult with the Twin Platte Natural Resources District and that studies and a hearing be held on the preparation of a joint action plan for the integrated management of hydrologically connected ground water and surface water. Mr. Stack seconded the motion. (Motion #1)

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Mr. Baldrige moved to table Motion #1. Mr. Wiseman seconded the motion, and it failed. (Motion #2)

AYE: Baldrige, Hansen, Petersen, Wiseman
NAY: Meismer, Rubenthaler, Schilz, Stack, Wahlgren, Weaver
ABSENT: Kramer

Motion #1 carried.

AYE: Hansen, Meismer, Petersen, Rubenthaler, Schilz, Stack, Wahlgren,
Weaver, Wiseman
NAY: Baldrige
ABSENT: Kramer

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors that the Twin Platte Natural Resources District propose a temporary suspension of drilling new wells within the Stream Depletion Factor area of the North Platte, South Platte, and Platte Rivers in the Twin Platte Natural Resources District within which 28% of the consumption of a well will impact the river within 40 years with the boundary line following the surveyed section lines, and that a full section be included if any portion of the Stream Depletion Factor area is within a section, to approve Draft #5 of proposed “Rules and Regulations for a Temporary Suspension of Drilling New Wells for presentation at a public hearing, and that the Twin Platte Natural Resources District conduct public hearings for proposed “Rules and Regulations for a Temporary Suspension of Drilling New Wells” on January 13, 2004 at 1:00 pm MST in Ogallala, NE and on January 13, 2004 at 7:00 pm CST in North Platte, NE. Mr. Schilz seconded the motion, and it carried. (Motion #3)

AYE: Hansen, Meismer, Petersen, Rubenthaler, Schilz, Stack, Wahlgren,
Weaver, Wiseman
NAY: Baldrige
ABSENT: Kramer

Mr. Meismer reported that the draft Newsletter would be mailed within the next few days and would include the draft sheet titled “Questions & Answers Concerning the Proposed Temporary Suspension of the Drilling of New Wells”.

GENERAL INFORMATION

South Platte River Compact – Mr. Rubenthaler introduced LeRoy Sievers, Legal Counsel for the Western Irrigation District. Mr. Sievers reviewed the South Platte River Compact and reported on meetings and discussions in regard to the Compact. Mr. Sievers reported on the status of legal investigations by the Nebraska Attorney General’s office and technical investigations by the Nebraska Department of Natural Resources. Mr. Sievers reported on discussions in regard to additional legal and technical investigations that may be needed.

BOARD OF DIRECTORS MEETINGS

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Minutes for November 13, 2003 Meeting - Mr. Rubenthaler reported that the Minutes for the November 13, 2003 Board of Directors meeting were in the Directors' packet and he asked if there were corrections or additions to the Minutes.

Mr. Peterson moved that the Minutes of the November 13, 2003 Board of Directors meeting be approved. Mr. Wiseman seconded the motion, and it carried. (Motion #4)

A YE: Baldrige, Hansen, Meismer, Petersen, Rubenthaler, Schilz, Stack,
 Wahlgren, Weaver, Wiseman

NAY: None

ABSENT: Kramer

COOPERATING AGENCIES REPORTS

USDA Natural Resources Conservation Service - District Conservationist Report – Mrs. Reece distributed a written report. Mrs. Reece reported on the workload update for the past month. Mrs. Reece reported that the NRCS was considering ideas to reduce the demand on water during dry years, and she reported that a part of her written report was a list of questions and she asked the Directors to provide input to her.

Nebraska Natural Resources Commission – South Platte River Basin Caucus – No report presented.

Other Agencies - No report presented.

SUBCOMMITTEE MEETINGS REPORT

Land 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

Financial Statement - Mr. Meismer reported that the Financial Statement for November 2003 was in the Directors' notebook and available as a handout for information.

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Accounts Payable - Mr. Meisner 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. Meisner moved that the Financial Statement for November 2003 be received and placed on file for audit, and to approve payment of the invoices presented on the Accounts Payable report on December 9, 2003 in the amount of \$28,292.60. Mr. Stack seconded the motion, and it carried. (Motion #5)

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

NAY: None

ABSENT: Kramer

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

Bids/Proposals – Mr. Miller reported that during the November 13, 2003 Board meeting, the staff reported, per District policy, that bids/proposals would be presented for consideration during the December 9, 2003 Board of Directors meeting for the purchase of a copy machine. Mr. Miller reported that the Budget provides \$8,000.00 for the purchase of a copy machine. Mr. Miller reported that in the Directors' packet for information was the letter sent to vendors inviting proposals, specifications for proposed copy machine, and a summary of proposals received. Mr. Miller reported that the current Xerox copy machine is 13 years old and is no longer functioning very well. Mr. Miller reported that the quality is poor, there is a lot of down time, and there is a lot of wasted staff time in operating the machine.

Mr. Petersen moved to accept the low proposal received for Alternate #1 from Eakes Office Plus for a Sharp copy machine for a purchase cost of \$6,072.00. Mr. Meisner seconded the motion, and it carried. (Motion #6)

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

NAY: None

ABSENT: Kramer

Bids/Proposals Scheduled To Be Presented for Consideration During the January 8, 2004 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented for consideration during the January 8, 2004 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 27-28,

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2004 – Mr. Meismer reported that the Nebraska Association of Resources Districts annual Legislative Conference will be held January 27-28, 2004 in Lincoln, NE and that in the Directors’ packet was information and the tentative agenda. Mr. Miller reported that Senator Pederson will have a private dinner with representatives of the Twin Platte Natural Resources District attending the conference on Tuesday evening, January 27, 2004 following the reception. Mr. Miller reported that the panhandle Natural Resources Districts have a formal dinner, which Senator Erdman participates, and the Loup River Basin Natural Resources Districts have a formal dinner, which Senator Jones participates.

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 – 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 \$46,446.15 was available.

Mr. Meismer moved to approve the December 9, 2003 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:				
04-017	NC-12	Trees	\$ 409.50	\$ 409.50
04-018	NC-12	Trees	\$ 195.65	\$ 195.65
04-019	NC-12	Trees	\$ 819.00	\$ 819.00
04-020	NC-12	Trees	\$ 801.00	\$ 801.00
04-021	NC-12	Trees	\$ 811.58	\$ 811.58
04-022	NC-12	Trees	\$ 773.10	\$ 773.10
04-023	NC-12	Trees	\$ 491.40	\$ 491.40
Total Amount Of New Contracts				\$ 4,302.23

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FUNDS AVAILABLE:	Practice NC-12, Windbreaks	\$ 19,086.38
	Practice NC-14, Planned Grazing	\$ 1,577.94
	Practice NC-17, Irrigation	\$ 20,301.11
	Other available practices	\$ 1,001.48

Mr. Wiseman seconded the motion, and it carried. (Motion #7)

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

NAY: None

ABSENT: Kramer

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 a report for information. Mr. Miller reported that 8 contracts have been approved for cost-share, and that \$7,839.48 was available for additional contracts.

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

Tree Program – No report presented.

Range Programs – No report presented.

Soil Conservation Programs – No report presented.

Wildlife Habitat Programs – No report presented.

Water Programs – Ground Water Program – District Programs – Mr. Miller reported that Legislative Bill 329 enacted during the 2001 Legislative Session directs that Natural Resources Districts provide a report of Water Quality Programs to the Legislature's Natural Resource Committee. Mr. Miller reported that the Nebraska Association of Resources Districts has requested that each District submit a report to the Association, and the Association will compile the 23 reports and provide them to the Legislature's Natural Resources Committee. Mr. Miller reported that in the Directors' packet was the Twin Platte Natural Resources District's Water Quality Programs LB 329 Report submitted to the Nebraska Association of Resources Districts.

Mr. Miller reported that during the last state audit of the Nebraska Department of Natural Resources, the auditors asked the Department to perform a limited audit on a few Natural Resources Districts to determine that the state Natural Resources Water Quality Funds and the Natural Resources District's matching funds had been properly expended. Mr. Miller reported that the Department randomly selected four Natural Resources Districts to audit this year, and that the Twin Platte Natural Resources District was one of the four Districts selected. Mr. Miller reported that Gayle Starr of the Department of Natural Resources conducted the audit on November 17, 2003, and determined that the state Natural Resources Water Quality Funds and the Twin Platte Natural Resources District's matching funds had been properly recorded and properly expended.

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Water Programs – Ground Water Program – 319 Project – Mr. Miller reported that in the Directors' packet for information was the Quarterly Report.

Water Programs – Ground Water Program – Ground Water Management Coalition – Mr. Miller reported on the status of the Ground Water Management Coalition. Mr. Miller reported that he participates in the meetings of the sponsors as the representative for the District.

Water Programs – Watershed Program – No report presented.

Water Programs – Platte River Activities – No report presented.

Irrigation Districts – Western Irrigation District – No report presented.

Regulatory Programs – No report presented.

Trails – Lake Maloney – No report presented.

Information & Education Programs – 2003 Awards Program – Presentation, November 17, 2003 – Mr. Miller reported that the District's 2003 Conservation Award for Lincoln/McPherson Counties was presented November 17, 2003 to Larry & Phyllis Kracman during the North Platte Chamber Farmer/Rancher Appreciation Banquet. Mr. Miller reported that the Board Chairperson, Mr. Rubenthaler, and the District staff participated in the award presentation.

Information & Education Programs – 2003 Awards Program – Presentation, December 9, 2003 – Mr. Miller reported that the District's 2003 Grassland Conservation Award for Keith/Arthur Counties would be presented this evening to Krab, Inc (Gene Krab) during the District's Awards Banquet.

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 2004 Annual Meeting January 25-30, 2004 in Salt Lake City, Utah. Mr. Miller reported that he believes that this is a very worthwhile meeting and he encouraged Directors to also consider attending.

Mr. Meismer moved to authorize Bill Carhart to attend the Society for Range Management 2004 Annual Meeting January 25-30, 2004 in Salt Lake City, Utah. Mr. Schilz seconded the motion, and it carried. (Motion #8)

AYE: Baldridge, Hansen, Meismer, Petersen, Rubenthaler, Schilz, Stack,

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Wahlgren, Weaver, Wiseman
NAY: None
ABSENT: Kramer

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.

OTHER BUSINESS

There was no other business.

AWARDS DINNER

An Awards Dinner was held during which the District's 2003 Grassland Conservation Award for Keith/Arthur Counties was presented to Krab, Inc (Gene Krab).

ADJOURNMENT

The meeting adjourned at 8:40 p.m. MST (9:40 p.m. CST).

Jerry Weaver, Secretary

KOM:Minutes:Bmin1203