

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting  
April 13, 2006

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 April 13, 2006. Mr. Rubenthaler called the meeting to order at 7:34 p.m. CDT (6:34 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 Baldrige  
James Meisner  
Robert Petersen  
Jim Rubenthaler  
Dennis Schilz  
Shane Storer  
Joe Wahlgren  
Robert Wiseman

BOARD MEMBERS ABSENT

Eric Hansen  
Doug Stack  
Jerry Weaver

OTHERS PRESENT

Tessa Reece

NRCS PERSONNEL PRESENT

Lee Morse  
Mary Reece

STAFF PRESENT

Ann Dimmitt, Water Programs Regulatory Coordinator  
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. Weaver had notified the office prior to the meeting and that he would be absent and that he is therefore excused. Mr. Rubenthaler reported that Mr. Hansen and Mr. Stack had not notified the office prior to the meeting that they would be absent and that they are therefore unexcused.

DISTRIBUTION OF INFORMATION TO BOARD OF DIRECTORS

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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. Mr. Rubenthaler reported that a notebook containing the Cooperative Agreements between the Nebraska Board of Educational Lands and Funds and Lessees that were signed by the General Manager as the Twin Platte Natural Resources District representative for the District to assist in the development and the application of a complete resources conservation plan was available for information, and that the notebook 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

Mr. Meismer, Water Resources Subcommittee Chairperson, reported that for the South Platte River Compact agenda item, the Water Resources Subcommittee is recommending that the Board of Directors go into Executive Session to discuss legal matters relating to the South Platte River Compact. Mr. Rubenthaler reported that the Water Resources Subcommittee agenda item for the South Platte River Compact would occur at the end of the Board meeting.

GENERAL INFORMATION

None presented.

BOARD OF DIRECTORS MINUTES

Minutes for March 9, 2006 Meeting – Mr. Rubenthaler reported that the Minutes for the March 9, 2006 meeting were in the Directors packet and he asked if there were corrections or additions to the Minutes.

Mr. Petersen moved that the Minutes of the March 9, 2006 Board of Directors meeting be approved. Mr. Wahlgren seconded the motion. The motion carried. (Motion #1)

Aye:                         Baldrige, Meismer, Petersen, Rubenthaler, Schilz, Storer,  
                                  Wahlgren, Wiseman

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Nay: None  
Absent & Excused: Weaver  
Absent: Hansen, Stack

REQUESTS FOR ASSISTANCE

Logan County Coop – Mr. Rubenthaler reported that this agenda item was to consider the request presented March 9, 2006 during the Public Forum by Larry Vasquez of the Logan County Coop that the Twin Platte Natural Resources District provides cost-share for soil sampling. Mr. Miller reported that in the Directors’ packet was information the staff requested and received from the Upper Loup Natural Resources District in regard to their cost-share program for soil sampling. Mr. Miller reported that the Upper Loup Natural Resources District was utilizing Nebraska Water Quality Funds for this cost-share program and that the Twin Platte Natural Resources District was using the Nebraska Water Quality Funds for other programs. Mr. Miller reported that the Twin Platte Natural Resources District last provided a cost-share program for soil sampling during the 2000 Fiscal Year. Mr. Miller recommended that if the Board is interesting in again offering a cost-share program for soil sampling, that the Board may wish to consider such a program during the preparation of the Budget for the 2007 Fiscal Year.

The Board of Directors agreed that they did not wish to consider a program within the Twin Platte Natural Resources District to provide cost-share for soil sampling.

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service – District Conservationist Report – Mrs. Reece distributed and reviewed a written report. Mrs. Reece distributed and reviewed a USDA Natural Resources Conservation Service “Fact Sheet” titled “Farm Bill 2002 – Conservation Security Program”.

SUBCOMMITTEE MEETINGS REPORT

Land Resources Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT

Water Resources Subcommittee

Mr. Meismer, Water Resources Subcommittee Chairperson, presented a report for the Water Resources Subcommittee meeting held on April 13, 2006.

Ground Water Management – Over-Appropriated Area – Operation Guidelines – New Wells & New Irrigated Acres – Mr. Meismer reported that on September 15, 2004, the Director of the Nebraska Department of Natural Resources designated the Platte River Basin above the Kearney Canal diversion as “Over-Appropriated” and determined the

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hydrologically connected area for purposes of that designation. Mr. Meisner reported that on February 10, 2005, the Board of Directors adopted guidelines for the “Over-Appropriated” area within the District.

Mr. Meisner reported that this area currently includes the location of two proposed industrial developments in the Twin Platte Natural Resources District. Mr. Meisner reported that as a result of that designation and determination, the areas being considered for an industrial development are subject to stays on new wells.

Mr. Miller presented a power point presentation showing the procedure for determining consumptive use for a proposed industrial development. Mr. Miller reported that the consumptive use of the replacement well for a proposed industrial development must be equal to or less than the historic consumptive use of the water use being replaced. Mr. Miller reported that upon receipt of information of actual locations secured for the water use being replaced, the Twin Platte Natural Resources District will calculate the consumptive use of the water use being replaced. Mr. Miller reported that he has told the local entities that if the consumptive use of the proposed industrial development is equal to or less than the historic consumptive use of the water use being replaced, the Board of Directors of the Twin Platte Natural Resources District will consider the necessary action(s) to allow replacement well(s) for the proposed industrial development. Mr. Miller reported that he has also told the local entities that although he cannot guarantee what action the Board of Directors of the Twin Platte Natural Resources District may take, if all of the requirements of the District’s guidelines as identified herein are met, that he would expect the Board of Directors to take the necessary action(s) to allow replacement well(s) for the proposed industrial development. Mr. Miller reported that although both of these proposals have not reached a point of needing action for water, the local entities have told him that there may come a time that they would need quick action to win the industrial development and to keep the developer from going somewhere else. Mr. Miller reported that they have also told him that it is critical for economic development that the names and even the type of industry or company are kept confidential until the industry or company is ready to release the information that they are going to build and locate in the area.

Mr. Meisner reported that the Water Resources Subcommittee was recommending that the Board of Directors allow for an expedited permit by the Twin Platte Natural Resources District's General Manager, or his designated representative. Mr. Meisner distributed draft revisions for the guidelines for the “Over-Appropriated” area within the District for replacement wells and he reported that the draft revisions had been reviewed by the District’s Legal Counsel, Harriet Hageman.

Mr. Meisner moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve the following revisions of the guidelines for the Over-Appropriated area within the Twin Platte Natural Resources District for replacement wells subject to legal counsel review: (additions are underscored and deletions have a strikethrough)

## GUIDELINE 1: DEFINITIONS

- 1.7. Replacement well:** For the purposes of these guidelines, a water well may be considered a replacement well if it meets any one of the following criteria:
- 1.7.1.** It is a water well which: (a) replaces a previously abandoned water well within three years of the last operation of the abandoned water well or replaces a water well that will not be used after construction of the new water well and the original water well will be decommissioned within one year of construction of the new water well; and (b) if used for irrigation, is constructed to provide water only to the same tract of land served by the water well being replaced and only to an equal or lesser number of acres than the maximum number of acres served by the well being replaced in any one of the last four years.
  - 1.7.2.** It is a water well that is used to supplement one or more existing irrigation wells and the number of acres that will be collectively irrigated by the supplemental well and the existing well(s) will not exceed the maximum number of acres served by such existing well(s) in any one of the last four years.
  - 1.7.3.** It is a new well constructed and used to irrigate acres that were irrigated with surface water in the last two years and the owner of the well executes an agreement with the Twin Platte Natural Resources District in which the landowner agrees: (1) that the new well will only be used to supplement the surface water supply for the tract involved and will only be used when that supply has been exhausted and is no longer available to the operator at his or her normal rotation of schedule time(s); (2) that any allocation of surface water for this property shall not be leased, transferred, or otherwise conveyed to another property during any calendar year within which the well is used; (3) ~~(2)~~ to not relinquish the surface water right and to take reasonable measures to protect it from adjudication because of non use; (4) ~~(3)~~ that the number of acres collectively irrigated with surface water and through use of the new supplemental well will not exceed the maximum number of acres irrigated with surface water in any one of the last two years; and (5) ~~(4)~~ any other requirement or condition the board may impose consistent with the purposes of these guidelines. *(Revision in this section was requested during the March 9, 2006 Board of Directors meeting.)*
  - 1.7.4.** It is a new well constructed and used to irrigate lands not presently irrigated and: (1) the landowner certifies that an equal number of acres

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are being taken out of irrigated production by or on behalf of the landowner, and that the edge of the parcel of land within which the acres are being taken out of irrigated production is within one mile of the edge of the parcel of land to be irrigated; (2) if the new well is to be constructed on a different parcel of land than the well being replaced, existing ground water users in the vicinity of the new well will not be adversely affected by the withdrawals at the new location; and (3) the new well would be consistent with any other requirement or condition the board may impose consistent with the purposes of these guidelines and the protection of the public interest.

- 1.7.5** It is a new well to be constructed and used to provide water for a purpose or purposes and/or location of use different from the well being replaced, and: (1) the well being replaced will not be used after construction of the new well; (2) the well being replaced will be decommissioned within one year of construction of the new well; (3) the consumptive use of the replacement well will be equal to or less than the historic consumptive use of the well being replaced; (4) if the new well is to be constructed on a different parcel of land than the well being replaced, existing ground water users in the vicinity of the well will not be adversely affected by the withdrawals at the new location; and (5) the new well would be consistent with any other requirement or condition the board may impose consistent with the purposes of these guidelines and the protection of the public interest. *(Addition of “well” in this section corrects a mistake.) (The Board action directs that language be added to this section by legal counsel to limit the new wells referenced in this section to industrial and municipal wells.)*

**GUIDELINE 2: EXCEPTIONS TO STAYS**

- 2.3.** All requests for a well to be considered a replacement well under the terms and conditions of Paragraphs 1.7. shall be made on forms provided by the district and such requests will be acted upon as follows:
- 2.3.1.** For all replacement wells as defined in Paragraphs 1.7.1, 1.7.2, and 1.7.3, an expedited permit may be granted by the Twin Platte Natural Resources District's General Manager, or his designated representative, without prior approval of the Board of Directors.
- 2.3.2.** To substantiate that a proposed well is a replacement well subject to Paragraph 1.7.1, the request must include proof that the well being replaced was or will be abandoned and properly decommissioned as provided in that Paragraph and proof that only the same tract irrigated by the well being replaced will be irrigated by the replacement well

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and that there will be no increase in the maximum number of acres irrigated in any one of the last four years as a result.

- 2.3.3.** To substantiate that a proposed well is a supplemental replacement well subject to Paragraph 1.7.2., the request must include proof that the land to be irrigated with the supplemental well was already irrigated within the previous four years and that the number of acres irrigated will not exceed the maximum number of acres in any one of the last four years.
- 2.3.4.** To substantiate that a proposed well is a replacement well subject to Paragraph 1.7.3., the request must include proof that the land to be irrigated with the replacement well was irrigated with surface water in the last two years and that the number of acres irrigated will not exceed the maximum number of acres irrigated with surface water in any one of the last two years.
- 2.3.5.** For all replacement wells as defined in Paragraph 1.7.4 ~~or 1.7.5~~, such requests shall be acted upon by the Board of Directors and the board may require the requesting party to provide such information as the board deems necessary for it to determine if the well proposed would be consistent with the applicable criteria.
- 2.3.6.** For all replacement wells as defined in Paragraph 1.7.5, such requests shall be acted upon by the Board of Directors, except as noted below, and the board may require the requesting party to provide such information as the board deems necessary for it to determine if the well proposed would be consistent with the applicable criteria. For all replacement wells as defined in Paragraph 1.7.5, an expedited permit may be granted by the Twin Platte Natural Resources District's General Manager, or his designated representative, without prior approval of the Board of Directors, provided that the requester can substantiate that the permit is needed prior to the next regularly scheduled meeting of the Board of Directors due to economic, environmental, social or public health and safety benefit that is equal to or greater than the benefit resulting from delaying action to the next regularly scheduled meeting of the Board of Directors and provided that the requester can substantiate that the new well to be constructed and used is to provide water for a purpose or purposes and/or location of use different from the well being replaced, and: (1) the well being replaced will not be used after construction of the new well; (2) the well being replaced will be decommissioned within one year of construction of the new well; (3) the consumptive use of the replacement well will be equal to or less than the historic consumptive use of the well(s) being replaced; (4) if the new well is to be

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constructed on a different parcel of land than the well being replaced, existing ground water users in the vicinity of the new well will not be adversely affected by the withdrawals at the new location; and (5) the new well would be consistent with any other requirement or condition the board may have imposed consistent with the purposes of these guidelines and the protection of the public. For all replacement wells as defined in Paragraph 1.7.5, the General Manager, or his designated representative, may require the requesting party to provide such information as he or she deems necessary to determine if the well proposed would be consistent with the applicable criteria.

Mr. Wahlgren seconded the motion. The motion carried. (Motion #2)

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

Ground Water Management - Variances – Mr. Meisner reported that stays have been imposed on increasing the number of acres historically irrigated within the Over-Appropriated area of the Twin Platte Natural Resources District. Mr. Meisner requested that Mrs. Dimmitt present a report.

Mrs. Dimmitt reported that the Twin Platte Natural Resources District has received a request from Feeney Farms Inc, requesting a variance on the property described as Section 11/12, Township 12 North, Range 28 West, Lincoln County, Nebraska. Mrs. Dimmitt reported that Feeney Farms Inc. currently has a seven tower pivot irrigating 114 acres located in the NE ¼ of Section 11. Mrs. Dimmitt reported that they would like to decrease the size of that pivot to six towers which would shrink their irrigated acres to 100 acres. Mrs. Dimmitt reported that they would also like to convert the NE and NW corners into non-irrigated crops adding an additional 19 acres to not be irrigated. Mrs. Dimmitt reported that the total irrigated acres they would be drying up on this NE ¼ pivot would be  $14 + 19 = 33$  acres. Mrs. Dimmitt reported that they currently have a six tower pivot they would like to expand to seven towers located in the NE ¼ of Section 12. Mrs. Dimmitt reported that by doing so they would be expanding their irrigated acres by 30 acres from the currently irrigated 135 acres to 165 acres. Mrs. Dimmitt reported that they would bank 33 acres from the pivot in the NE ¼ of Section 11 and would need an additional 30 newly irrigated acres on the NE ¼ of Section 12. Mrs. Dimmitt reported that the variance request is to be allowed to shift the needed acres having three acres to spare. Mrs. Dimmitt reported that the request would not increase the acres currently irrigated. Mrs. Dimmitt reported that in the Directors’ notebook for information were the Twin Platte Natural Resources District variance application and a map of the area in question.

Mr. Petersen moved the Water Resources Subcommittee’s recommendation to the Board

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of Directors to approve granting a variance to Feeney Farms Inc, requesting a variance on the property described as Section 11/12, Township 12 North, Range 28 West, Lincoln County, Nebraska, to move 30 irrigated acres in the NE ¼ of Section 11 to the NE ¼ of Section 12 with a stipulation that the new non-irrigated land shall not have vegetation that would directly consume ground water through sub-irrigation. Mr. Schilz seconded the motion. The motion carried. (Motion #3)

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

Discussion occurred in regard to the stipulation approve in Motion #3 that the new non-irrigated land shall not have vegetation that would directly consume ground water through sub-irrigation.

Mr. Petersen moved to reconsider Motion #3. Mr. Schilz seconded the motion. The motion carried. (Motion #4)

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

Reconsideration of Motion #3. The motion failed. (Motion #5)

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

Mr. Petersen moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Feeney Farms Inc, requesting a variance on the property described as Section 11/12, Township 12 North, Range 28 West, Lincoln County, Nebraska, to move 30 irrigated acres in the NE ¼ of Section 11 to the NE ¼ of Section 12. Mr. Schilz seconded the motion. The motion carried. (Motion #6)

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

Mrs. Dimmitt reported that the Twin Platte Natural Resources District has received a request from Kennedy Farms LLC, requesting a variance on the property described as Section 17/18, Township 14 North, Range 33 West, Lincoln County, Nebraska. Mrs.

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Dimmitt reported that Kennedy Farms has a half pivot that does not go the full half, in the NW ¼ of Section 18 and they would like to make it so they can go that last few acres (7.8 acres are needed). Mrs. Dimmitt reported that they are willing to dry up a small currently irrigated flood field about ½ - ¾ of a mile away of about 7.9 acres so that they could finish their half circle pivot without increasing irrigated acres. Mrs. Dimmitt reported that they would be taking out of production 7.9 acres and irrigating 7.8 new acres. Mrs. Dimmitt reported that the request would not increase the acres currently irrigated. Mrs. Dimmitt reported that in the Directors’ notebook for information were the Twin Platte Natural Resources District variance application and a map of the area in question.

Mr. Wahlgren moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Kennedy Farms, requesting a variance on the property described as Section 17/18, Township 14 North, Range 33 West, Lincoln County, Nebraska, to move 7.8 irrigated acres in the NW ¼ of Section 17 to the NW ¼ of Section 18. Mr. Wiseman seconded the motion. The motion carried. (Motion #7)

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

Ground Water Management - Certifying Irrigated Acres – Mr. Meisner reported that in the Directors’ notebook for information was “Rule 4-5 Certification and Restricted Expansion of Irrigated Acres” in the Twin Platte Natural Resources District “DISTRICTWIDE GROUND WATER MANAGEMENT AREA RULES AND REGULATIONS” adopted January 19, 2006. Mr. Meisner reported that Mr. Miller and Mrs. Dimmitt reviewed with the Water Resources Subcommittee issues regarding certifying irrigated acres.

Mr. Meisner reported that within the Over-Appropriated area of the Twin Platte Natural Resources District, that there could be new irrigated acres developed after calendar year 2004 due to action taken by the Board of Directors on February 12, 2004 which stated that “unless prohibited or limited by state law, the Twin Platte Natural Resources District intends to allow, until at least July 1, 2005, acres not previously irrigated with ground water to be developed for irrigation through the use of legal water wells constructed between October 1, 2003 and July 1, 2004, the effective date of the temporary suspension”.

Mr. Meisner reported that Twin Platte Natural Resources District “DISTRICTWIDE GROUND WATER MANAGEMENT AREA RULES AND REGULATIONS” adopted January 19, 2006 and which became effective February 24, 2006 initiated a stay on the issuance of water well construction permits outside of the Over-Appropriated area. Mr. Meisner reported that the stay outside of the Over-Appropriated area is on the issuance

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of water well construction permits and there could be additional irrigated acres from existing wells.

Mr. Meisner reported that the Subcommittee reviewed and discussed Rule 4-5 and the Subcommittee members agreed that it was their intent to allow certification of irrigated acres for any acres irrigated in 2000, 2001, 2002, 2003, and 2004.

Mr. Meisner moved the Water Resources Subcommittee's recommendation to the Board of Directors that the certification of irrigated acres be allowed for any acres irrigated in 2000, 2001, 2002, 2003, and 2004 subject to legal counsel review of the Twin Platte Natural Resources District Ground Water Management Area Rules and Regulations. Mr. Wahlgren seconded the motion. The motion carried. (Motion #8)

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

SUBCOMMITTEE MEETINGS REPORT  
Wildlife Habitat & Urban Affairs Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT  
Executive Subcommittee

No report presented.

FINANCIAL REPORT

Financial Statement - Mr. Meisner reported that the Financial Statement for March 2006 was in the Directors' notebook and available as a handout for information.

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 March 2006 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on April 13, 2006 in the amount of \$30,884.26. Mr. Wahlgren seconded the motion. The motion carried. (Motion #9)

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

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Absent: Hansen, 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 May 11, 2006 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented for consideration during the May 11, 2006 Board of Directors meeting.

DIRECTORS REPORTS

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

Nebraska Association of Resources Districts – Water Policy Task Force – No report presented.

Platte River Citizens Advisory Council – Mr. Meismer reported that the next meeting of the Platte River Citizens Advisory Council will be April 17, 2006 in North Platte at the Quality Inn / Sandhills Convention Center and will begin at 10:00 a.m. CDT. Mr. Meismer reported that in the Directors' packet for information was the agenda for Platte River Citizens Advisory Council meeting.

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

Requests for Authorization to Travel - No requests were presented.

DISTRICT REPORT

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 \$331.93 was available. Mr. Miller reported that for Contract #6.063, the requested funding was \$3,201.00 and that on February 24, 2006, the Board of Directors approved funding of \$2,270.91 which was the remaining funds available at that time. Mr. Miller reported that the \$331.93 currently available could be approved for Contract #6.063.

Mr. Meismer moved to approve the April 6, 2006 report as presented and to approve the \$331.93 available for Contract #6.063. Mr. Schilz seconded the motion. The motion carried. (Motion #10)

Aye: Baldridge, Meismer, Petersen, Rubenthaler, Schilz, Storer, Wahlgren, Wiseman

Nay: None

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Absent & Excused: Weaver  
 Absent: Hansen, Stack

Cost-Share Programs – Well Abandonment Contracts – Mr. Miller reported that in the Directors' Board meeting notebook was a report for information. Mr. Miller reported that \$2,782.81 was available for new contracts.

Tree Program –Mr. Miller reported that 31,680 trees were ordered from the Colorado State Nursery, 6,800 trees were ordered from the Lincoln-Oakes Nursery, and 17,350 trees were ordered from the Nursery at Halsey, NE for a total of 55,830 trees. Mr. Miller reported that District personnel will begin tree planting April 17, 2006. Mr. Miller reported that the District was using one machine crew this year which is scheduled to plant 20,000 trees at 60 sites. Mr. Miller reported that Mike Ekdahl was scheduled to place 173,040 feet (32.78 miles) of Water Conservation Mulch at 50 sites which is 84% of the machine crew planted sites. Mr. Miller reported that 35,830 trees have been sold to be planted by 110 individuals (producers). Mr. Miller reported that the pickup day for individuals planting trees was April 13, 2006 in Ogallala and will be April 14, 2006 in North Platte.

Range Programs – No report presented.

Soil Conservation Programs – No report presented.

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

Wildlife Habitat Programs – Corners for Wildlife Program – Mr. Miller reported that the Corners for Wildlife Program (CFW) is in the third year out of three to receive Environmental Trust grant funding, which provides the annual payments for CFW contracts. Mr. Miller reported that most CFW habitat materials are cost shared at 75% by local Pheasants Forever chapters. Mr. Miller reported that the District's contribution is to work with landowners to enroll qualifying projects and coordinate the habitat improvements and providing free machine planting of trees and shrubs on CFW sites. Mr. Miller reported that previous action by the Board of Directors has allowed the District staff to proceed in signing up acres in CFW as funds become available, since Pheasants Forever allocates funding on a first come, first served basis across Nebraska. Mr. Miller reported that last month, Mr. Carhart reported that 13 CFW projects were enrolled for 2006 before the funding ran out. Mr. Miller reported that three CFW projects previously enrolled for 2006 have withdrawn and that additional funds had become available for the District which allowed for 10 additional CFW projects to be enrolled for 2006 within the District. Mr. Miller reported that the following is a listing of the 20 CFW projects enrolled for 2006: (additions are underscored and deletions have a strikethrough)

<u>Cooperator</u>	<u>Co.</u>	<u>Acres</u>	<u>Trees (Tree Planting Service Value)</u>	<u>Total of Annual Payments</u>
Guy Jones	KE	6.4	0	\$1,280.00

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Guy Jones	KE	7.1	458	Grass Only \$2,662.50 (\$242.74)
Guy Jones	KE	6.2	0	\$1,240.00
Guy Jones	KE	7.1	0	Grass Only \$1,420.00
Guy Jones	KE	7.8	458	Grass Only \$2,925.00 (\$242.74)
<del>Jeanine Lane</del>	<del>KE</del>	<del>11.6</del>	<del>0</del>	<del>\$2,320.00</del>
<del>Jeanine Lane</del>	<del>KE</del>	<del>6.7</del>	<del>0</del>	<del>Grass Only</del> <del>\$1,340.00</del>
<del>Jeanine Lane</del>	<del>KE</del>	<del>9.0</del>	<del>0</del>	<del>Grass Only</del> <del>\$1,800.00</del>
M & T Farms	KE	7.7	0	Grass Only \$1,540.00
Karen Sandberg	LN	6.9	0	Grass Only \$1,380.00
Karen Sandberg	LN	7.5	0	Grass Only \$1,500.00
Louis Schimonitz	KE	3.3	0	Grass Only \$ 660.00
Louis Schimonitz	KE	6.1	0	Grass Only \$2,287.50
Gerald Spurgin	KE	4.7	0	Grass Only \$ 940.00
Gerald Spurgin	KE	4.1	0	Grass Only \$ 820.00
Gerald Spurgin	KE	1.3	0	Grass Only \$ 260.00
Gerald Spurgin	KE	11.8	0	Grass Only \$2,360.00
Gerald Spurgin	KE	6.5	0	Grass Only \$1,300.00

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<u>Gerald Spurgin</u>	<u>KE</u>	<u>6.9</u>	<u>0</u>	<u>\$1,380.00</u>
				<u>Grass Only</u>
<u>Gerald Spurgin</u>	<u>KE</u>	<u>10.1</u>	<u>0</u>	<u>\$2,020.00</u>
				<u>Grass Only</u>
<u>Gerald Spurgin</u>	<u>KE</u>	<u>1.3</u>	<u>0</u>	<u>\$ 260.00</u>
				<u>Grass Only</u>
<u>Gerald Spurgin</u>	<u>KE</u>	<u>4.7</u>	<u>0</u>	<u>\$ 940.00</u>
				<u>Grass Only</u>
<u>Gerald Spurgin</u>	<u>KE</u>	<u>5.9</u>	<u>0</u>	<u>\$1,180.00</u>
				<u>Grass Only</u>

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

Water Programs – Ground Water Management – Certifying Irrigated Acres – No report presented.

Water Programs – Ground Water Management –Integrated Management Plans (IMP) – Mr. Miller reported on the meetings held and the schedule for future meetings of the Twin Platte Natural Resources District Stakeholders. Mr. Miller reported on the meetings held and the schedule for future meetings of the Platte River Basin Stakeholders.

Water Programs –Platte River Cooperative Agreement – No report presented.

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.

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

Water Programs – South Platte Compact – No report presented.

Regulatory Programs - Chemigation – Mr. Miller reported that in the Directors’ notebook for information was the Nebraska Department of Environmental Quality report for Chemigation in Nebraska for 2005.

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

Regulatory Programs – Ground Water Runoff - No report presented.

Trails – Mr. Miller reminded the Board of Directors of the action taken during the April 10, 2003 Board meeting that the Twin Platte Natural Resources District be the sponsor for a grant application for federal funds and state funds for the first segment of the Lake Maloney trail system, provided that the Lake Maloney Home Owners Association commits in writing that they can successfully secure the required local matching funds, that the Lake Maloney Home Owners Association will acquire Nebraska Public Power District approval of a detailed plan that is all inclusive for any of the trail system occupying Nebraska Public Power District property at Lake Maloney prior to beginning construction, and that the Lake Maloney Home Owners Association enters into a written agreement with the Twin Platte Natural Resources District that the Association will provide full maintenance. Mr. Miller reported that applications for funding from the Federal Transportation Enhancement Program, which is administered in Nebraska by the Nebraska Department of Roads, have been prepared by the Consulting Engineering firm, Kirkham Michael, and submitted in 2003, 2004, and 2005. Mr. Miller reported that in each of those years the application has not been approved for funding. Mr. Miller reported that he recently met with the Trails Committee for the Lake Maloney Home Owners Association and they have requested that the Twin Platte Natural Resources District submit an application for funding from the Federal Transportation Enhancement Program for 2006. Mr. Miller reported that he will work with the Consulting Engineering firm, Kirkham Michael, to prepare a grant application for funding for 2006. Mr. Miller reported that to assist the Lake Maloney Home Owners Association in securing the required local matching funds, the Kirkham Michael Consulting Engineering firm will again prepare a grant application for the Twin Platte Natural Resources District for the Trail Development Assistance Fund administered by the Nebraska Game & Parks Commission. Mr. Miller reported that a grant of \$20,000.00 was approved in 2003. Mr. Miller reported that due to the failure to obtain the Federal Funds in 2003, the grant could not be accepted and that the District was encouraged to re-submit an application for a grant.

Information & Education Programs - Nebraska State Envirothon – Mr. Miller reported that a team from Ogallala High School has qualified to participate in the 2006 Nebraska State Envirothon. Mr. Miller reported that qualification is based on the results of the competition at the Regional Envirothons. Mr. Miller reported that historically, when a team from within the District has qualified to participate in the State Envirothon, the District has paid the team's registration fee for the Nebraska State Envirothon. Mr. Miller reported that the Ogallala High School Team is the only team from within the Twin Platte Natural Resources District to qualify. Mr. Miller reported that the 2006 Nebraska State Envirothon is May 6<sup>th</sup> at Bunker Hill near Hastings, Nebraska. Mr. Miller reported that the registration fee is \$100.00 per team. Mr. Miller reported that the Nebraska State Envirothon is coordinated and sponsored by the Nebraska Association of

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Resources Districts

Mr. Petersen moved that the District provide the \$100.00 registration fee for the Ogallala High School Envirothon Team to participate in the 2006 Nebraska State Envirothon. Mr. Schilz seconded the motion. The motion carried. (Motion #11)

Aye: Baldridge, Meismer, Petersen, Rubenthaler, Schilz, Storer,  
Wahlgren, Wiseman

Nay: None

Absent & Excused: Weaver

Absent: Hansen, Stack

Information & Education Programs – NRD Radio Program – Mr. Miller reported that the Tri-Basin Natural Resources District Board of Directors is proposing to create a coalition of Natural Resources Districts in the KRVN coverage area to jointly produce and buy time for a weekly two minute radio show on KRVN. Mr. Miller reported that in the Directors’ packet was information received from the Tri-Basin Natural Resources District.

The Board of Directors agreed that they did not wish to participate in a coalition of Natural Resources Districts in the KRVN coverage area to jointly produce and buy time for a weekly two minute radio show on KRVN.

Information & Education Programs – Scholarships – Mr. Miller reported that the District’s policy provides for seven scholarships annually for the Nebraska Range Youth Camp. Mr. Miller reported that the District provides the full cost of the camp (transportation is not included). Mr. Miller reported that the cost for 2006 is \$250.00 and that the camp will be held June 12-16, 2006 at the State 4-H Camp at Halsey.

Mr. Miller reported that the District’s policy provides for three scholarships annually for other Natural Resources and Leadership related camps for youth. Mr. Miller reported that for 2006, the scholarships are available for the Sandhills Academy Camp. Mr. Miller reported that the District provides the full cost of the camp (transportation is not included). Mr. Miller reported that the cost for 2006 is \$269.00 and that the camp will be held June 13-19, 2006 at the State 4-H Camp at Halsey.

Mr. Miller reported that the District’s policy provides that if applications for other scholarships for youth or teachers are received, the Board would consider the applications.

Mr. Miller reported that in the Directors’ packet for information was an E-Mail to Educators within the Twin Platte Natural Resources District.

Legislation – Mr. Miller reported that in the Directors’ packet for information was a Nebraska Association of Resources Districts report dated April 2, 2006 and information from the Nebraska Association of Resources Districts in regard to Legislative Bill 1226.

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

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.

SUBCOMMITTEE MEETINGS REPORT (Continued)  
Water Resources Subcommittee (Continued)

South Platte River Compact – Mr. Meismer reported that the Water Resources Subcommittee recommends that the Board of Directors meet in an Executive Session to discuss legal matters relating to the South Platte River Compact.

Mr. Meismer moved that the Board of Directors go into Executive Session to discuss legal matters relating to the South Platte River Compact. Mr. Petersen seconded the motion. The motion carried. (Motion #12)

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

The Board of Directors went into Executive Session at 9:02 pm CDT (8:02 pm MDT).

Mr. Rubenthaler opened the door to the Board meeting room at 9:41 pm CDT (8:41 pm MDT).

Mr. Wiseman moved that the Board of Directors return to open session. Mr. Wahlgren seconded the motion. The motion carried. (Motion #13)

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

Mr. Meismer moved the Water Resources Subcommittee's recommendation to the Board of Directors that the Twin Platte Natural Resources District collect and compile information and research related to the South Platte River Compact and that the Twin

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Platte Natural Resources District file the necessary documents, materials, and permit applications with the Department of Natural Resources (and any other necessary State or local agency, whether located in Colorado or Nebraska), in order to fully use and exercise the rights and entitlements described in Articles IV, V, and VI of the South Platte Compact. Mr. Schilz seconded the motion. The motion carried. (Motion #14)

Aye: Baldridge, Meismer, Petersen, Rubenthaler, Schilz, Storer,  
Wahlgren, Wiseman

Nay: None

Absent & Excused: Weaver

Absent: Hansen, Stack

NEXT MEETING

Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Thursday, May 11, 2006 at 7:30 pm CDT (6:30 pm MDT) in North Platte, Nebraska.

ADJOURNMENT

The meeting adjourned at 9:44 p.m. CDT (8:44 p.m. MDT).

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Jerry Weaver, Secretary

KOM: D: Board Meeting Minutes: Bmin0406