

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
May 11, 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 May 11, 2006. Mr. Rubenthaler called the meeting to order at 7:35 p.m. CDT (6:35 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
Eric Hansen
James Meisner
Robert Petersen
Jim Rubenthaler
Doug Stack
Shane Storer
Joe Wahlgren
Jerry Weaver
Robert Wiseman

BOARD MEMBERS ABSENT

Dennis Schilz

OTHERS PRESENT

Darin Messersmith, Sargent Irrigation - Gothenburg

NRCS PERSONNEL PRESENT

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. Schilz had notified the office prior to the meeting and that he would be absent and therefore excused.

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.

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 April 13, 2006 Meeting – Mr. Rubenthaler reported that the Minutes for the April 13, 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 April 13, 2006 Board of Directors meeting be approved. Mr. Meismer seconded the motion. The motion carried. (Motion #1)

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

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service – District Conservationist Report – Mrs.

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Mary Reece distributed and reviewed a written report.

Mr. Miller reported that the Nebraska Natural Resources Conservation Service for the past several years has been able to provide to Natural Resources Districts ARCGIS software at no cost for the Natural Resources Districts as part of the NRCS enterprise contract with the provider. Mr. Miller reported that Steve Chick, State Conservationist, had recently notified the Natural Resources Districts that as long as that national contract continues the NRCS should be able to continue providing to Natural Resources Districts the opportunity for the ARCGIS software upgrades. Mr. Miller reported that Mr. Chick had reported to Natural Resources Districts that in this current year the NRCS provided the software to 22 of the 23 Natural Resources Districts. Mr. Miller reported that Mr. Chick had reported to Natural Resources Districts that the State of Nebraska contract price for this ARCGIS software results in a total value of \$1,311,614 in software provided to the 22 Natural Resources Districts in this fiscal year and since 2003 the total value of ARCGIS software and upgrades provided to Natural Resources Districts has a total value of \$6,492,515.

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 May 11, 2006.

Ground Water Management - Policy – Variances – No report presented.

Ground Water Management – Variances – Mr. Meismer 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. Meismer requested that Mrs. Dimmitt present a report.

Mrs. Dimmitt reported that the Twin Platte Natural Resources District has received a request from Wesley Steel requesting a variance on the property described as Section 22, Township 14 North, Range 29 West, Lincoln County, Nebraska. Mrs. Dimmitt reported that Mr. Steel has a small full pivot and a small half pivot currently irrigating the NW ¼ of Section 22 and he currently lays pipe to irrigate the SE corner of the full pivot. Mrs. Dimmitt reported that Mr. Steel would like to move the center point of the half pivot and add one tower to irrigate where his driveway used to be. Mrs. Dimmitt reported that Mr. Steel is willing to dry up the SE corner of the full pivot that is currently irrigated, and the small irrigated grass field directly to the east of the half pivot. Mrs. Dimmitt reported that by making the changes to the half pivot, Mr. Steel has increased irrigated acres by

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4.0 acres. Mrs. Dimmitt reported that by Mr. Steel taking out the flood corner he will dry up 2.0 acres and the irrigated field to the east of the half pivot, which is an additional 2.5 acres. Mrs. Dimmitt reported that Mr. Steel would have 0.5 acres less irrigated 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. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Wesley Steel requesting a variance on the property described as Section 22, Township 14 North, Range 29 West, Lincoln County, Nebraska, to increase irrigated acres by 4 acres once he dries up 4.5 irrigated acres in the NW ¼ of Section 22. Mr. Wahlgren seconded the motion. The motion carried. (Motion #2)

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

Ground Water Management – Certifying Irrigated Acres - Ground Water Management Area Rules and Regulations - Mr. Meismer reported that in regard to the Twin Platte Natural Resources District “Rule 4-5 Certification and Restricted Expansion of Irrigated Acres” in the “District-wide Ground Water Management Area Rules and Regulations” and the Board of Directors approval of Motion #8 on April 13, 2006 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, that the District’s legal counsel, Harriet Hageman, has reviewed the Rules and Regulations and determined that the Rules and Regulations allow for this action and they will not have to be revised.

Ground Water Management – Certifying Irrigated Acres – Status Report - Mr. Meismer reported that in the Directors’ notebook for information was a copy of the letter sent to landowners for certification which included a new paragraph prepared by the District’s legal counsel, Harriet Hageman, to include a reference that the certification of irrigated acres will be allowed for any acres irrigated in 2000, 2001, 2002, 2003, and/or 2004. Mr. Meismer reported that in the Directors’ notebook for information was a map of the Twin Platte Natural Resources District showing areas in the District for certification of irrigated acres and a chart showing the progress of the certification in each of those areas and she reviewed the map and chart.

Ground Water Management – Certifying Irrigated Acres – Request from Ron Armstrong – Mr. Meismer reported that the Twin Platte Natural Resources District has received a request from Ron Armstrong on the property described as Section 14, Township 12 North, Range 41 West, Keith County, Nebraska. Mr. Meismer requested that Mrs. Dimmitt present a report.

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Mrs. Dimmitt reported that Mr. Armstrong would like to be able to irrigate approximately 30 acres of grass in the NE ¼ that has been irrigated off and on for over 20 years from two holding ponds/dams. Mrs. Dimmitt reported that the water is mostly rainfall runoff with possibly some ground water runoff from his two pivots. Mrs. Dimmitt reported that the only time this grass gets watered is if there is enough water in the ponds to run the hydro pump system they have in place. Mrs. Dimmitt reported that this land has not been irrigated in the last five years because of the drought and not having enough water to run the equipment. Mrs. Dimmitt reported that this land has been enrolled in the Conservation Reserve Program in the 80's, but not within the last 15 years. Mrs. Dimmitt reported that Mr. Armstrong uses the grass on the land to feed his cattle. Mrs. Dimmitt reported that in the Directors' notebook for information was a map of the area in question.

Mr. Meisner reported that the Subcommittee agreed that land should only be certified if it has a history of ground water irrigation in 2000, 2001, 2002, 2003, or 2004 or at least one time within the last 15 years as provided for in the Rules and Regulations and that this land could not be certified as the water used for irrigation is rainfall runoff and not ground water.

Ground Water Management – Certifying Irrigated Acres – Request from Tim Holzfaster on behalf of Craig Haythorn – Mr. Meisner reported that the Twin Platte Natural Resources District has received a request from Tim Holzfaster on behalf of Craig Haythorn on the property described as Section 7, Township 14 North, Range 36 West, Lincoln County, Nebraska. Mr. Meisner requested that Mrs. Dimmitt present a report.

Mrs. Dimmitt reported that Mr. Haythorn has a pivot in the North Platte River Valley that has a registered irrigation well for 160 acres. Mrs. Dimmitt reported that the well was drilled in 1973 and sometime in the mid-late 80's the pivot was old and removed and the corn was placed back into grass. Mrs. Dimmitt reported that they were planning to get a newer pivot and continue the corn crop but never did. Mrs. Dimmitt reported that they have from time to time run the well out onto the ground to keep it in good running order. Mrs. Dimmitt reported that they would like to go back to irrigating this piece of property. Mrs. Dimmitt reported that in the Directors' notebook for information were well registration information, a map of the area in question, and the Crop Irrigation Requirement (CIR) chart for this section of land.

Mr. Meisner reported that the Subcommittee considered whether the Twin Platte Natural Resources District should allow certification of sub-irrigated acres and that the Subcommittee agreed that sub-irrigated land should not be certified unless the land has a history of ground water irrigation.

Mr. Meisner reported that the Subcommittee considered whether the Twin Platte Natural Resources District should allow sub-irrigated lands with no history of irrigation to be used for off-setting water for municipal or industrial use provided that the current

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vegetation on the land was being sub-irrigated and that vegetation was replaced with a vegetation that would have a root system that would not provide sub-irrigation for the vegetation, and that the Subcommittee agreed that the Twin Platte Natural Resources District should not allow land to be used for off-setting water use unless the land has a history of irrigation as allowed for in the District's Rules and Regulations.

Ground Water Management – Certifying Irrigated Acres – History of Irrigation - Mr. Meisner reported that the Subcommittee discussed what would be sufficient documentation that land had a history of irrigation. Mr. Meisner reported that the Subcommittee discussed that the Rules and Regulations already state that documentation may include, but is not limited to, crop insurance, Farm Service Agency records, or well registration records. Mr. Meisner reported that the Subcommittee agreed that electrical records for electric powered wells could also be used to determine if the well was used and ran for a sufficient length of time that the full land area could have been irrigated. Mr. Meisner reported that the Subcommittee agreed that they would like to discuss other options for sufficient documentation that the land had a history of irrigation during a future meeting of the Subcommittee.

Certifying Irrigated Acres – Cooperative Agreement with the Upper Republican Natural Resources District – Mr. Meisner reported that due to limited time, the Subcommittee agreed to discuss the proposed Cooperative Agreement with the Upper Republican Natural Resources District during a future meeting of the Subcommittee.

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 April 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 April 2006 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on May 11, 2006 in the amount of \$12,746.73. Mr. Wiseman seconded

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the motion. The motion carried. (Motion #3)

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

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 June 8, 2006 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented for consideration during the June 8, 2006 Board of Directors meeting.

DIRECTORS REPORTS

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

Nebraska Association of Resources Districts – Western Reaches Basin Tour – Mr. Meismer reported that in the Directors' packet was information for the Nebraska Association of Resources Districts Western Reaches Basin Tour June 19-21, 2006.

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

Platte River Citizens Advisory Council – Mr. Meismer reported on the meeting of the Platte River Citizens Advisory Council held on April 17, 2006 in North Platte, NE.

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

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 \$2,481.68 was available.

Mr. Miller reported that for Contract #6.063, the requested funding was \$3,201.00 and on February 24, 2006, the Board of Directors approved funding of \$2,270.91 which was the remaining funds available at that time and on April 13, 2006, the Board of Directors

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approved funding of \$331.93 which was the remaining funds available at that time. Mr. Miller reported that the remainder of Contract #6.063 could now be approved for funding in the amount of \$598.16 and that additional funds were available to approve another contact.

Mr. Meismer moved to approve the April 6, 2006 report as presented, to approve the \$598.16 available for Contract #6.063, and to approve the following new contracts:

<u>Cont#</u>	<u>Practice</u>	<u>Description</u>	<u>App Amt</u>	<u>Prop Amt To</u> <u>Fund</u>
6.064	NC-12	Trees	\$ 719.80	\$ 719.80
FUNDS AVAILABLE:				\$ 1,163.72

Mr. Weaver seconded the motion. The motion carried. (Motion #4)

Aye: Baldridge, Hansen, Meismer, Petersen, Rubenthaler, Stack, Storer, Wahlgren, Weaver, Wiseman

Nay: None

Absent & Excused: Schilz

Absent: None

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 \$1,111.47 was available for new contracts.

Tree Program – No report presented.

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 – No report presented.

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.

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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 – Mr. Miller reported that in the Directors’ notebook for information was a news article in regard to the Upper Big Blue Natural Resources District filing documents in Lancaster County District Court claiming that the Nebraska Department of Natural Resources had exceeded its authority with an order extending the ban on new wells and new irrigated acres related to the Platte River Basin to an area within the Upper Big Blue Natural Resources District. Mr. Miller reported that the Ground Water Management Coalition has scheduled a meeting to consider participating in the litigation.

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 – 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 – Mr. Miller reported that the team from Ogallala High School that qualified to participate in the 2006 Nebraska State Envirothon placed eleventh.

Legislation – Mr. Miller reported that in the Directors’ packet for information was Legislative Resolution 389 approved during the 2006 Legislative Session. Mr. Miller reported that Legislative Resolution 389 is an interim study to examine the possibility of interbasin transfers during water-short years to assist the state in complying with any interstate compact, decree, or agreement. Mr. Miller reported that the Legislature’s Natural Resources Committee has scheduled a hearing on LR389 on Tuesday, May 16,

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2006 in Holdrege, NE. The Board of Directors agreed that Mr. Miller should present testimony during the hearing that the Platte River Basin is Fully-Appropriated and Over-Appropriated, that there will likely be a program agreed to by Nebraska, Colorado, Wyoming, and the United States for endangered species that would have water requirements in the Platte River Basin that could increase after the first 13 year increment, that there are currently ground water declines in the Twin Platte Natural Resources District due to the on going drought, and that the Twin Platte Natural Resources District would not support transfers out of the Platte River Basin either currently or in the future.

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.

Mr. Baldrige stated that he believed that Governor Dave Heineman should initiate immediately a nationwide search for a permanent Director of Natural Resources. Mr. Baldrige reported that this is not a personal attack on the current acting Director of Natural Resources, Ann Bleed, and that she could certainly submit an application during the search process.

Mr. Baldrige moved that the Twin Platte Natural Resources District send a letter to Governor Dave Heineman requesting that he initiate immediately a nationwide search for a permanent Director of Natural Resources. Mr. Hansen seconded the motion. The motion failed. (Motion #5)

Aye: Baldrige, Hansen

Nay: Meismer, Petersen, Rubenthaler, Stack, Storer, Wahlgren, Weaver, Wiseman

Absent & Excused: Schilz

Absent: None

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

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legal matters relating to the South Platte River Compact. Mr. Petersen seconded the motion. The motion carried. (Motion #6)

Aye: Baldridge, Hansen, Meismer, Petersen, Rubenthaler, Stack, Storer,
Wahlgren, Weaver, Wiseman

Nay: None

Absent & Excused: Schilz

Absent: None

The Board of Directors went into Executive Session at 9:33 pm CDT (8:33 pm MDT).

Mr. Rubenthaler opened the door to the Board meeting room at 10:22 pm CDT (9:22 pm MDT).

Mr. Wahlgren moved that the Board of Directors return to open session. Mr. Petersen seconded the motion. The motion carried. (Motion #7)

Aye: Baldridge, Hansen, Meismer, Petersen, Rubenthaler, Stack, Storer,
Wahlgren, Weaver, Wiseman

Nay: None

Absent & Excused: Schilz

Absent: None

NEXT MEETING

Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Thursday, June 8, 2006 at 7:30 pm CDT (6:30 pm MDT) in North Platte, Nebraska.

ADJOURNMENT

The meeting adjourned at 10:24 p.m. CDT (9:24 p.m. MDT).

Jerry Weaver, Secretary