

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
December 12, 2006

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 four and one-half miles north of Kingsley Dam in Keith County, Nebraska on December 12, 2006. 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

Eric Hansen
Jim Meisner
Robert Petersen
Jim Rubenthaler
Dennis Schilz
Doug Stack
Shane Storer
Joe Wahlgren
Jerry Weaver

BOARD MEMBERS ABSENT

Jeff Baldrige
Bob Wiseman

OTHERS PRESENT

Tom Hansen, Senator Elect – District 42
Mike Wheeler, Sargent Irrigation

NRCS PERSONNEL PRESENT

Traci Bates
Roger Hammer

STAFF PRESENT

Brad Carlson, Range Technician
Ann Dimmitt, Water Programs Regulatory Coordinator
Susan Johnson, Conservation Technician
Kent O. Miller, General Manager

ANNOUNCEMENTS

Nebraska Open Meeting Act – Mr. Rubenthaler reported that the Nebraska Open Act requires public bodies to make available at least one current copy of the Open Meeting Act posted in the meeting room at a location accessible to members of the public and at the beginning of the meeting, the public shall be informed about the location of the posted information. Mr. Rubenthaler reported that the current Open Meeting Act is

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posted on the wall of the meeting room and is accessible to members of the public.

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. Wiseman notified the office prior to the meeting that they would be absent and they are therefore excused.

Distribution of Information – Mr. Rubenthaler reported that handouts are available for the public in the back of the meeting room.

Other Announcements – Mr. Rubenthaler reported that the monthly summary report of NRCS conservation plans was available for information and that the report 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

None presented.

BOARD OF DIRECTORS MINUTES

Minutes for November 9, 2006 Meeting – Mr. Rubenthaler reported that the Minutes for the November 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 November 9, 2006 Board of Directors meeting be approved. Mr. Schilz seconded the motion. The motion carried. (Motion #1)

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

Nay: None

Absent & Excused: Baldrige, Wiseman

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Absent: None

REQUESTS FOR ASSISTANCE

No requests for assistance were presented.

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service – District Conservationist Report – Mr. Rubenthaler reported that Mary Reece, District Conservationist, was unable to attend the Board meeting and that Traci Bates would present the report. Ms. Bates distributed and reviewed a written report for information. Ms. Bates reported that Lee Morse would be retiring effective January 3, 2007 and she distributed information in regard to Mr. Morse's 40 years of service.

Nebraska Natural Resources Commission – South Platte River Basin Caucus – Mr. Miller reported that the current Nebraska Department of Natural Resources was the result of a merger between the agencies named the Natural Resources Commission and the Department of Water Resources. Mr. Miller reported that with this merger the Natural Resources Commission is still a functioning body within the Department of Natural Resources. Mr. Miller reported that three of the 16 members are appointed by the Governor to represent the specific interests of municipal water users, surface water irrigators, and ground water irrigators, and the remaining 13 members are selected for four-year terms at caucuses of Natural Resources Districts directors to represent Nebraska's river basins. Mr. Miller reported participants in the basin caucuses are the seated Natural Resources District Directors within the River Basin. Mr. Miller reported that the Twin Platte Natural Resources District is within the South Platte, North Platte, and Middle Platte Basins and that the Natural Resources Commission's South Platte Basin representative's term expires in January 2007. Mr. Miller reported that a South Platte Basin Caucus needs to be held in early January to select a representative for the South Platte River Basin. Mr. Miller reported that the Twin Platte Natural Resources District Directors residing in the South Platte River Basin (Mr. Petersen, Mr. Schilz, Mr. Stack, Mr. Weaver, and Mr. Wiseman) are eligible to participate in the South Platte Basin Caucus. Mr. Miller reported that the current representative for the South Platte Basin is Keith Rexroth, who is a current member of the South Platte Natural Resources District Board of Directors. Mr. Miller reported that Mr. Rexroth would like to serve another term. Mr. Miller reported that candidates eligible are any resident in the South Platte Basin of majority age of 19. Mr. Miller asked if there were any candidates from within the Twin Platte Natural Resources District and there were none indicated. The Directors residing in the South Platte River Basin indicated that they support Mr. Rexroth to be re-elected to serve another term representing the South Platte River Basin on the Nebraska Natural Resources Commission. The Directors residing in the South Platte River Basin indicated that they did not plan to attend a caucus and recommended that the Commission schedule the South Platte River Basin caucus at a time and location desired by the South Platte Natural Resources District Board of Directors. The Directors residing in the South

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Platte River Basin indicated that their non-attendance is simply to save time and expenses, as they support the re-election of Mr. Rexroth and appreciate the representation Mr. Rexroth has provided for the South Platte River Basin.

SUBCOMMITTEE MEETINGS REPORT
Land Resources Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Water Resources Subcommittee

Mr. Meisner, Water Resources Subcommittee Chairperson, presented a report for the Water Resources Subcommittee meeting held on December 12, 2006.

Ground Water Management - Policy – Mr. Meisner reported that during the September 14, 2006 Subcommittee meeting, the staff had presented a request received for a variance to transfer ground water irrigated acres. Mr. Meisner reported that the land that is currently irrigated with ground water is also currently irrigated with surface water from the Western Irrigation District.

Mr. Meisner reported that following a discussion during the September 14, 2006 Subcommittee meeting, the Subcommittee agreed to request the staff to discuss this request with personnel from the Nebraska Department of Natural Resources as to how to deal with variances for transferring ground water irrigated acres from land that is currently irrigated with ground water and surface water without causing new depletions and without effecting the surface water right. Mr. Meisner reported that Mr. Rubenthaler, Mr. Miller, and he had met with Ann Bleed – Acting Director, Nebraska Department of Natural Resources, and Jim Cook – Legal Counsel, Nebraska Department of Natural Resources, on September 25, 2006. Mr. Meisner reported that Mr. Miller presented to the Subcommittee on October 12, 2006 a procedure developed from the discussion with the personnel from the Nebraska Department of Natural Resources and that following discussion by the Subcommittee, the Subcommittee agreed to request Mr. Miller to prepare a draft policy for the procedure. Mr. Meisner reported that Mr. Miller presented to the Subcommittee on November 9, 2006 a draft policy and that following extensive discussion, the Subcommittee agreed to request Mr. Miller to again discuss the draft policy with Jim Cook – Legal Counsel, Nebraska Department of Natural Resources. Mr. Meisner reported that Mr. Miller met with Mr. Cook on November 16, 2006. Mr. Meisner distributed and reviewed a revised draft policy.

Mr. Meisner reported that the Twin Platte Natural Resources District Operation Guidelines for New Wells & New Irrigated Acres provides for a stay on increases in acres irrigated with either ground water or surface water (no new depletions). Mr. Meisner reported that the Twin Platte Natural Resources District and the Nebraska Department of Natural Resources are required by Nebraska Statutes to jointly implement

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come from irrigated corners that have been irrigated since 2001. Mrs. Dimmitt reported that in the close proximity of the one mile limit, they could dry up 22.7 acres and they would like the Board to consider another 27.5 acres approximately 3.5 miles to the east northeast. Mrs. Dimmitt reported that they also own several other pivots within that 3.5 mile range, which the corners could be used to offset any new developed irrigated acres. Mrs. Dimmitt reported that the Hoovers understand that they will not be allowed to increase irrigated acres, so they will dry up the appropriate number of acres in order to irrigate the ground water acres at the new location. Mrs. Dimmitt reported that in the Directors' notebook for information was a variance well request, a map of the area in question, and the definitions from the District's Operation Guidelines for New Wells and Irrigated Acres.

Mr. Meismer moved to approve the Water Resources Subcommittee recommendation to the Board of Directors that based on Twin Platte Natural Resources District policy, approve granting a variance to Hoover Farms Inc requesting a variance to irrigate 50 acres in Section 7, Township 12 North, Range 41 West, Keith County Nebraska, and to remove from irrigation the acres required by District policy subject to an agreement executed between Hoover Farms Inc and the Twin Platte Natural Resources District, and to waive the District policy for this variance that the edge of the parcel of land within which the acres being taken out of ground water irrigation is within one mile of the edge of the parcel of land to be irrigated with ground water. Mr. Schilz seconded the motion. The motion carried. (Motion #3)

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

Ground Water Management - Certifying Irrigated Acres – Mrs. Dimmitt reported on the status of certifying irrigated acres.

Ground Water Management - Modeler – Mr. Miller reported that there is an Interlocal Cooperation Agreement for a Ground Water Modeling Coalition to hire a Hydrologist / Ground Water Modeler for the Twin Platte Natural Resources District, the Central Platte Natural Resources District, and the Tri Basin Natural Resources District with the Hydrologist / Ground Water Modeler to be housed in the Twin Platte Natural Resources District offices in North Platte, and an Interlocal Cooperation Agreement for a Ground Water Modeling Coalition to hire a Hydrologist / Ground Water Modeler for the North Platte Natural Resources District and the South Platte Natural Resources District, with the Hydrologist / Ground Water Modeler to be housed in the North Platte Natural Resources District offices in Scottsbluff. Mr. Miller reported that the two coalitions are cooperating in the advertising and interviewing to select two Hydrologist / Ground Water Modelers. Mr. Miller reported that interviews were held in Denver and one individual was then invited to visit North Platte and Gering and was presented a job offer. Mr.

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Miller reported that he prefers North Platte and that he plans to decide in early January if he wants to take the job. Mr. Miller reported that recently, phone interviews were held with additional candidates and that one individual will be coming to Scottsbluff in January for an interview.

Integrated Management Plan - Stakeholders – Twin Platte Natural Resources District – Mr. Meismer reported that the next meeting of the Twin Platte Natural Resources District Stakeholders would be December 18, 2006 at 7:00 pm CST at the Holiday Inn Express in North Platte.

Integrated Management Plan - Stakeholders – Platte River Basin – Mr. Meismer reported on the Platte River Basin Stakeholders meeting held on December 7, 2006 in North Platte. Mr. Miller reported that the next meeting of the Platte River Basin Stakeholders would be February 20, 2006 from 10:00 am to 4:00 pm CST at the Quality Inn in North Platte.

Platte River Recovery Implementation Program - Mr. Meismer reported on the meeting that Mr. Miller and he participated in with Governor Dave Heineman in regard to implementation of the Platte River Recovery Implementation Program and post-1997 depletions being offset or mitigated by the State of Nebraska. Mr. Meismer reported that others participating in the meeting were Ron Cacek - General Manager and a Director from the North Platte Natural Resources District, Ron Bishop - General Manager and a Director from the Central Platte Natural Resources District, two Directors from the Tri-Basin Natural Resources District, Ann Bleed – Acting Director Nebraska Department of Natural Resources, and Dean Edson – Executive Director Nebraska Association of Resources Districts. Mr. Meismer reported that during the meeting, the Natural Resources Districts representatives proposed preparing a long-range plan detailing possible needs for offsets and/or mitigation prior to and after 1997, and within two to four months have another meeting with Governor Heineman to continue discussion of how state government and natural resources districts could work together. Mr. Meismer reported that Governor Heineman liked the proposal, agreed to meet again, and told those present that if more time is needed he would set aside a Saturday morning to meet.

South Platte River Compact – Status Report – Mr. Miller reported that the South Platte River Coalition sponsors on November 15, 2006, informally agreed to request that the Twin Platte Natural Resources District Board of Directors suspend their action that the District file the necessary documents, materials, and permit applications in order to fully use and exercise the rights and entitlements described in the South Platte Compact relating to the winter provision, and allow the South Platte River Coalition to file the necessary documents, materials, and permit applications in order to fully use and exercise the rights and entitlements described in the South Platte Compact relating to the winter provision. Mr. Miller reported that Mr. Meismer, Mr. Schilz, and he have met with the District's legal counsel, Harriet Hageman, to discuss this request and have another meeting scheduled with Ms. Hageman in January. Mr. Meismer reported that Mr. Schilz and he support this request and that the meetings with Ms. Hageman are to prepare a

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proposal to present to the Board of Directors in February.

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 2006 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 2006 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on December 12, 2006 in the amount of \$22,661.12. Mr. Wahlgren seconded the motion. The motion carried. (Motion #4)

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

Nay: None

Absent & Excused: Baldrige, Wiseman

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 January 11, 2007 Board of Directors Meeting – Mr. Miller reported per District policy, that bids/proposals would be presented for consideration during the January 11, 2007 Board of Directors meeting for the purchase of computer equipment. Mr. Miller reported that the Budget provides for the purchase of computer equipment. Mr. Miller reported that a proposal will be presented for a new GIS computer workstation. Mr. Miller reported that the current GIS computer workstation does not have sufficient memory capabilities to work with the volume of data we are working with and does not have sufficient storage to provide for a backup of the data being compiled for certifying irrigated acres. Mr. Miller

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reported that the staff is working with a local computer business that has the capability of designing as well as servicing a GIS computer workstation that has the capabilities for effectively working with the data, as well as the capability for on-going backup of all of the software and data in the work station. Mr. Miller reported that the new GIS computer workstation will be designed to have the capability for on-going backup of all of the other computers in the office for which we currently do not have backup capabilities. Mr. Miller reported that the District has an approved agreement with the Nebraska Department of Natural Resources which provides state funds to the Twin Platte Natural Resources District for implementation of the Platte River Recovery Implementation Program and these funds can be used for the new GIS computer workstation. Mr. Miller reported that the current GIS computer workstation will be used by the Computer Modeler, a new position we are currently in the process of seeking applicants to fill.

DIRECTORS REPORTS

Nebraska Association of Resources Districts – Board of Directors Meeting – Mr. Meismer, Twin Platte Natural Resources District representative, reported on the Nebraska Association of Resources Districts Board of Directors meeting held on November 13, 2006.

Nebraska Association of Resources Districts – Legislative Conference, January 23-24, 2007 – Mr. Meismer reported that the Nebraska Association of Resources Districts annual Legislative Conference will be held January 23-24, 2007 in Lincoln, NE. Mr. Meismer reported that in the Directors' packet for information was the tentative agenda. Mr. Meismer reported that Senator Elect Tom Hansen has been invited to have a private dinner with representatives of the Twin Platte Natural Resources District attending the conference on Tuesday evening, January 23, 2007 following the reception. Mr. Meismer reported that the panhandle Natural Resources Districts have a formal dinner which Senator Philip Erdman participates, and the Loup River Basin Natural Resources Districts have a formal dinner which Senator Deb Fischer participates. Mr. Meismer reported that Mr. Miller and he will need to travel to Lincoln Monday morning, January 22 and return Wednesday evening, January 24 as there is a Nebraska Association of Resources Districts Legislative Committee meeting Monday afternoon and a Managers meeting Monday afternoon, and a Nebraska Association of Resources Districts Board meeting Wednesday afternoon.

Mr. Hansen, Mr. Petersen, Mr. Rubenthaler, Mr. Stack, Mr. Wahlgren, and Mr. Weaver indicated that they also plan to attend the Nebraska Association of Resources Districts annual Legislative Conference.

Water Policy Task Force – Mr. Meismer, Twin Platte Natural Resources District representative, reported on recent activities of the Water Policy Task Force.

Sandhills Resources, Conservation & Development Council – Mr. Hansen, Twin Platte Natural Resources District representative, reported on recent activities of the Sandhills

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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 \$52,276.70 was available.

Mr. Schilz moved to approve the December 12, 2006 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>
7.014	NC-12	Trees	\$ 100.00	\$ 100.00
7.015	NC-12	Trees	\$ 572.75	\$ 572.75
7.016	NC-12	Trees	\$ 965.00	\$ 965.00
7.017	NC-12	Trees	\$ 952.50	\$ 952.50
7.018	NC-12	Trees	\$ 762.62	<u>\$ 762.62</u>
Total Amount of New Contracts				\$ 3,352.87
FUNDS AVAILABLE:		Practice NC-12, Windbreaks		\$ 19,882.24
		Practice NC-14, Planned Grazing		\$ 14,839.45
		Practice NC-17, Irrigation		\$ 7,902.11
		Other Available Practices		\$ 6,422.15

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

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

Nay: None

Absent & Excused: Baldrige, Wiseman

Absent: None

Cost-Share Programs - District Conservation Program – Well Abandonment Contracts – Mr. Miller reported that in the Directors' notebook and available as a handout was a report of contracts approved by the Twin Platte Natural Resources District staff as provided for by District policy. Mr. Miller reported that \$6,371.78 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.

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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 – Integrated Management Plans – No report presented.

Water Programs – Platte River Recovery Implementation Program – No report presented.

Water Programs – Watersheds - Brule – No report presented.

Water Programs – Watersheds – Western Irrigation – 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 – Mr. Miller reported that in the Directors’ packet for information was a Request for Proposal to obtain the services of an independent consultant to perform an analysis of the flows as related to the South Platte River Compact and a listing of the 24 consultants the Request for Proposals was mailed to on November 29, 2006. Mr. Miller reported that the Twin Platte Natural Resources District budget provides funding for a hydrologic analysis of the flows of the South Platte River as related to the South Platte River Compact, and the District has received a grant from the Interrelated Water Management Plan Program Funds for a project named “South Platte River Compact Water” which can be used to fund a hydrologic assessment. Mr. Miller reported that the Request for Proposal was distributed as a Request for Proposal from the South Platte River Coalition. Mr. Miller reported that during the South Platte River Coalition sponsors meeting on November 15, 2006, the sponsors approved a motion that the Request for Proposal to obtain the services of an independent consultant to perform an analysis of the flows as related to the South Platte River Compact be a Request for Proposal from the South Platte Group, and that the non-state members share in the 20% local cost-share of the grant the Twin Platte Natural Resources District received from the Interrelated Water Management Plan Program Funds.

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

Water Programs – South Platte River Compact – No report presented.

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Regulatory Programs - Chemigation – No report presented.

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

Regulatory Programs – Ground Water Runoff - No report presented.

Trails – No report presented.

Information & Education Programs – 2006 Awards Program – Presentation December 12, 2006 – Mr. Miller reported that the District’s 2006 Grassland Conservation Award for Keith/Arthur Counties will be presented this evening to the Robert F. Lute Trust – Mick & Toni Knott during the District’s Awards Banquet at the Haythorn Ranch.

Information & Education Programs – Environmental Education – Mr. Miller reported that in the Directors’ notebook for information was a copy of a letter from Jon Bruning, Nebraska Attorney General, within which was enclosed a check to the Twin Platte Natural Resources District for \$3,000.00 to support environmental education.

Legislation – No report presented.

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.

NEXT MEETING

Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Thursday, January 11, 2007 at 3:00 pm CST (2:00 pm MST) in North Platte, Nebraska.

AWARDS DINNER

An Awards Dinner was held during which the District’s 2006 Conservation Award for Keith/Arthur Counties was presented to the Lute Family Trust and Mick and Toni Knott.

ADJOURNMENT

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

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Jerry Weaver, Secretary

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