

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
May 17, 2007

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 17, 2007. Mr. Rubenthaler called the meeting to order at 7:37 p.m. CDT (6:37 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

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

BOARD MEMBERS ABSENT

None

NRCS PERSONNEL PRESENT

Mary Reece, District Conservationist

OTHERS PRESENT

None

STAFF PRESENT

Bill Carhart, Range Programs Coordinator
Ann Dimmitt, Water Programs Regulatory Coordinator
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 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

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unexcused. No directors were absent.

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 April 12, 2007 Meeting – Mr. Rubenthaler reported that the Minutes for the April 12, 2007 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 12, 2007 Board of Directors meeting be approved. Mr. Margritz seconded the motion. The motion carried. (Motion #1)

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

Nay: None

Absent & Excused: None

Absent: None

REQUESTS FOR ASSISTANCE

No requests for assistance were presented.

COOPERATING AGENCIES REPORT

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USDA Natural Resources Conservation Service – District Conservationist Report – Mrs. Mary Reece distributed and reviewed a written report.

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 17, 2007.

Ground Water Management - Variances – Sadle Land Co. – Mr. Meismer reported that the Twin Platte Natural Resources District has received a request from Sadle Land Co. Mr. Meismer asked Mrs. Dimmitt to report on the request. Mrs. Dimmitt reported that the Twin Platte Natural Resources District has received a request from Sadle Land Co to stop irrigating 54.8 acres from the SW Section 22 T14N-R36W; NE Section 23 T14N-R36W; corners in the NW, SW and SE¼ Section 24 T14N-R36W; corners in the NE, and NW Section 25 T14N-R36W; and corners in the NE Section 26 T14N-R36W, all in Keith County. Mrs. Dimmitt reported that they would like to move these irrigated acres to Section 19 T14N-R35W, Keith County. Mrs. Dimmitt reported that these acres have been irrigated in the past and have been certified and that Sadle Land Co agrees to stop irrigating these acres if they could put a small pivot on Section 19 and that they would not irrigate more than 54.8 acres. Mrs. Dimmitt reported that in the Directors’ notebook was a certification map of the area.

Mr. Meismer moved the Water Resources Subcommittee recommendation to the Board of Directors to approve granting a variance to Sadle Land Co to transfer 54.8 certified irrigated acres from the SW Section 22 T14N-R36W; NE Section 23 T14N-R36W; corners in the NW, SW and SE¼ Section 24 T14N-R36W; corners in the NE, and NW Section 25 T14N-R36W; and corners in the NE Section 26 T14N-R36W, all in Keith County to Section 19 T14N-R35W, Keith County. Mr. Wahlgren seconded the motion. The motion carried. (Motion #2)

Aye: Hansen, Margritz, Meismer, Petersen, Rubenthaler, Schilz, Storer, Wahlgren, Weaver, Wiseman
Nay: None
Absent & Excused: None
Absent: None
Out of Room: Stack

Ground Water Management - Variances – TBT, LLC - Mr. Meismer reported that the Twin Platte Natural Resources District has received a request from TBT, LLC. Mr.

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Meismer asked Mrs. Dimmitt to report on the request. Mrs. Dimmitt reported that the Twin Platte Natural Resources District personnel issued a replacement well permit on August 1, 2006 for TBT, LLC to drill a replacement well on Section 30, Township 13 North, Range 40 West, Keith County as allowed by the Twin Platte Natural Resources District Rules & Regulations. Mrs. Dimmitt reported that Legislative Bill 701, recently enacted by the Nebraska Legislature, requires the water well being replaced to be decommissioned within 180 days of construction of the new well by a licensed water well contractor. Mrs. Dimmitt reported that previously, one year was allowed to decommission a well for which a replacement well permit has been issued. Mrs. Dimmitt reported that the District received from the state a letter that this well has not been decommissioned in the 180 days and the new well is no longer considered a replacement well. Mrs. Dimmitt reported that if the well that was replaced still exists and was not decommissioned within the 180 day period, the well drilled on November 2, 2006 is now considered an illegal well and Nebraska law does not allow TBT, LLC to maintain the new well as a replacement well. Mrs. Dimmitt reported that in the Directors' notebook were the original replacement well paper work and a letter from the state to the owner and the well driller. Mrs. Dimmitt reported that the Twin Platte Natural Resources District Board could issue a variance if TBT, LLC desires to maintain this new well. Mrs. Dimmitt reported that the new well would not be considered a replacement well, but they would be able to maintain and use the well. Mrs. Dimmitt reported that if the old well is not decommissioned, the new well will need to be decommissioned.

Mr. Meismer moved the Water Resources Subcommittee recommendation to the Board of Directors to approve granting a variance to TBT, LLC for a new well in Section 30, Township 13 North, Range 40 West, Keith County if the well being replaced is decommissioned on or before November 1, 2007, which is one year from the time a replacement well permit was issued and the Twin Platte Natural Resources District is provided proof on or before November 1, 2007, that the old well was decommissioned and the new well is not used to increase irrigated acres. Mr. Petersen seconded the motion. The motion carried. (Motion #3)

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

Ground Water Management - Rules & Regulations – Mr. Meismer reported that a public hearing was held on May 17, 2007 at 6:30 pm CDT (5:30 pm MDT) in North Platte, Nebraska, pursuant to Neb.Rev.Stat. § 46-712 to consider amending the “Districtwide Ground Water Management Area Rules and Regulations”.

Mr. Meismer reported that the amendments to the Districtwide Ground Water Management Area Rules and Regulations (adopted January 19, 2006; effective February 24, 2006) are:

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- To add definitions for a “dewatering well,” “monitoring/observation well,” and “remediation plan”;
- To identify the manner in which an expedited permit may be granted to alleviate an emergency situation involving the provision of water for human consumption or public health and safety;
- To clarify the information an applicant is required to provide to obtain a water well construction permit for a replacement well, to identify the circumstances under which the TPNRD Manager (or his or her designee) has the authority to act on an expedited replacement well permit application, and to identify the circumstances under which the Board of the TPNRD has the authority to act upon a replacement well permit application;
- To establish the date on which certification of acres will become final (i.e., upon the signature of the ground water user, landowner, or operators, or sixty (60) days from the date the District sends the letter with the application form and aerial photograph of each irrigated parcel of land, whichever occurs first, unless other arrangements are made between the District and the ground water user, landowner or operator);
- To rewrite Rule 4-6 regarding the transfers of ground water (to address transfers off of overlying land, delivery systems, transfers out of the District, transfers within the State, transfers out of State, transfer of location of use, permanent transfers, and transfer permits); and
- To adopt a stay on the use of an existing water well to increase the number of acres historically irrigated.

Mr. Meismer reported that the amendments to the Districtwide Ground Water Management Area Rules and Regulations shall apply to all lands within the political boundaries of the TPNRD.

Mr. Stack moved that the Twin Platte Natural Resources District issue an order to amend the “District-wide Ground Water Management Area Rules and Regulations”. Mr. Wahlgren seconded the motion. The motion carried. (Motion #4)

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

Mr. Meismer reported that in the Directors’ notebooks were the District-wide Ground Water Management Area Rules and Regulations presented for public hearing and approved by the Board of Directors in Motion #4 and suggested revisions recommended by the Nebraska Department of Natural Resources and the District’s staff. Mr. Meismer reported that the revisions were for clarification and did not substantially change the Rules and Regulations as presented for public hearing.

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Mr. Meismer moved to approve the revisions for the “District-wide Ground Water Management Area Rules and Regulations”. Mr. Weaver seconded the motion. The motion carried. (Motion #5)

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

Ground Water Management - Certifying Irrigated Acres – Mr. Meismer asked Mrs. Dimmitt to report on the status of certifying irrigated acres. Mrs. Dimmitt reported on the status of certifying irrigated acres.

Ground Water Management - Modeler – Mr. Meismer asked Mr. Miller to report on the status of hiring a ground water modeler. Mr. Miller reported that Kevin Spelts, the new Ground Water Modeler, began work on May 7, 2007. Mr. Miller reported that an Interlocal Cooperation Agreement for a Ground Water Modeling Coalition was established to hire a Ground Water Modeler for the Twin Platte Natural Resources District, the Central Platte Natural Resources District, and the Tri Basin Natural Resources District. Mr. Miller reported that Mr. Spelts is an employee of the Twin Platte Natural Resources District with the other District’s reimbursing the Twin Platte Natural Resources District for the time and expenses when they utilize him. Mr. Miller reported that the Twin Platte Natural Resources District has received a grant from the Interrelated Water Management Plan Program Funds to fund 80% of the cost for his work for six months and that the grant may be extended for an additional two years.

Ground Water Management - City of North Platte – Mr. Meismer reported that in the Directors’ notebook for information was a copy of an order from the Nebraska Department of Natural Resources for a Municipal and Rural Domestic Ground Water Transfers permit for the City of North Platte.

Chemigation Program - Policy – Mr. Meismer asked Mr. Wahlgren to report on the Subcommittee’s recommendation for the Chemigation Program Policy. Mr. Wahlgren reported that the Twin Platte Natural Resources District policy, enacted June 10, 1999, is to deny an application for a chemigation permit for an irrigation system in which any portion of the equipment passes directly over flowing waters of the state. Mr. Wahlgren reported that the purpose of this policy was to not allow a chemigation permit for an irrigation system that would cause the operator to be in violation of state regulations due to chemicals injected into the irrigation water coming in contact with flowing waters of the state. Mr. Wahlgren reported that irrigation systems now may have the technology such that all of the chemigation system can be turned on or off mechanically, electrically, or by some other means that does not require manual operation for different locations in the field and/or selected nozzles can be turned off mechanically, electrically, or by some other means that does not require manual operation while the irrigation system is operating.

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Mr. Wahlgren moved the Water Resources Subcommittee recommendation to the Board of Directors to approve the following revisions for the Chemigation Program Policy (additions are underscored and deletion have a strikethrough line):

The Twin Platte Natural Resources District shall deny an application for a Chemigation permit for an irrigation system in which any portion of the equipment passes directly over flowing waters of the state unless the irrigation system has the capability to shut off individual sprinkler nozzles mechanically, electrically, or by some other means that does not require manual operation, to prevent any chemical injected into the irrigation water from coming in contact with the flowing waters of the state. For a chemigation permit to be issued, the valves which control the nozzles traveling over the flowing waters of the state must shut off every time they travel over the flowing waters of the state, even when chemigation is not occurring and irrigation is the only objective. This will allow both the operator and the District staff to better monitor the equipment function. Operators of irrigation systems with chemigation permits in which a portion of the irrigation system's equipment passes directly over flowing waters of the state shall be encouraged to regularly inspect the irrigation systems equipment that prevents any chemical injected into the irrigation water from coming in contact with the flowing waters of the state. Irrigation systems with chemigation permits in which a portion of the irrigation system's equipment passes directly over flowing waters of the state may be subject to unannounced inspections by the District to determine if chemicals from the system are coming in contact with flowing waters of the state. The District may suspend a chemigation permit if there is or may be an actual or imminent threat of damage to persons or the environment by the operation of a chemigation system.

Mr. Meisner seconded the motion. The motion carried. (Motion #6)

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

Platte River Basin Instream Flow - Memorandum of Agreement – Mr. Meisner asked Mr. Miller to report on the Subcommittee's recommendation for the Platte River Basin Instream Flow Memorandum of Agreement. Mr. Miller reported that in the Directors packet was a Memorandum of Agreement developed by the Lower Platte River Basin Instream Flow Work Group and a summary of the Instream Flow Work Group meeting held April 19, 2007. Mr. Miller reported that he had been participating in the Instream Flow Work Group meetings. Mr. Miller reported that it was the consensus of the group to prepare a Memorandum of Agreement to encourage participation of all interested parties. Mr. Miller reported that the premise behind this Work Group stems from the Nebraska Game & Parks Commission proposing a review of its instream flow appropriations in the Lower Platte River Basin. Mr. Miller reported that a goal of the effort is a determination

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if modifications to spring and summer instream flow appropriations would be biologically justified. Mr. Miller reported that such a modification could reduce the likelihood of new fully appropriated determinations by the Nebraska Department of Natural Resources pursuant to LB962. Mr. Miller reported that it has been the Work Groups intention to be as inclusive as possible with the membership thus accommodating all of the interests that wish to participate. Mr. Miller reported that by joining this Work Group, the Twin Platte Natural Resources District will be able to help determine the scope, potential funding mechanisms for the study, and possibly avoid conflicts concerning the instream flow statutes for fish, wildlife, and recreation beneficial purposes.

Mr. Stack moved the Water Resources Subcommittee recommendation to the Board of Directors to approve the Memorandum of Agreement developed by the Lower Platte River Basin Instream Flow Work Group and authorize the General Manager to sign the Memorandum of Agreement for the Twin Platte Natural Resources District. Mr. Petersen seconded the motion. The motion carried. (Motion #7)

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

Integrated Management Plan - Twin Platte Natural Resources District – Mr. Meisner reported that the next meeting of the Twin Platte Natural Resources District Stakeholders would be May 21, 2007 at 7:30 p.m. CDT and would be held at the Holiday Inn Express in North Platte.

Mr. Meisner reported that a subcommittee of the Twin Platte Natural Resources District Stakeholders had agreed to recommend to the Twin Platte Natural Resources District Board of Directors that a consultant be hired to work with the Stakeholders to develop a water budget for the Twin Platte Natural Resources District. Mr. Meisner reported that the Subcommittee of the Stakeholders had subsequently agreed that upon learning that additional information was soon to be available through the Cooperative Hydrology Study (COHYST), that the Twin Platte Natural Resources District was discussing with the Central Platte Natural Resources District and the Nebraska Public Power District the possibility of expanding into the Twin Platte Natural Resources District the development of a surface water modeling component for the COHYST ground water model which would be developed by a consultant for a study for Dawson County, and that the Twin Platte Natural Resources District has hired a ground water modeler, that the Twin Platte Natural Resources District should not at this time hire a consultant to work with the Stakeholder. Mr. Meisner reported that the Subcommittee of the Stakeholders have had informal discussions with the Flatwater Group consultants and with Brown and Caldwell consultants in regard to the possibility of them working with the Stakeholders at some future time. Mr. Meisner reported that Mr. Miller had recently heard a presentation by Dr. Gary Hergert, who works at the University of Nebraska Panhandle Research &

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Extension Center in Scottsbluff, Nebraska in regard to a project he has with the South Platte Natural Resources District and the North Platte Natural Resources District for EvapoTranspiration Mapping with SEBAL and METRIC. Mr. Meismer reported that Dr. Hergert has agreed to consider including the Twin Platte Natural Resources District in the project and that he was willing to come to North Platte and discuss the project with members of the Twin Platte Natural Resources District Board of Directors.

Mr. Meismer reported that the Subcommittee agreed to invite Dr. Hergert to discuss the EvapoTranspiration Mapping with SEBAL and METRIC project with the Water Resources Subcommittee on May 31, 2007 at 7:30 p.m. CDT (6:30 p.m. MDT). Mr. Meismer invited the members of the Twin Platte Natural Resources District Board of Directors to attend this meeting.

Integrated Management Plan - Platte River Basin – Mr. Meismer reported that the next meeting of the Platte River Basin Stakeholders would be June 20, 2007 from 10:00 am to 4:00 pm CDT and would be held at the Quality Inn in North Platte.

South Platte River Compact - Water Right – Mr. Meismer asked Mr. Miller to report on South Platte River Compact water right. Mr. Miller reported that the South Platte River Coalition sponsors meeting scheduled for May 9, 2007 to discuss the proposed Interlocal Cooperation Agreement was cancelled and has been re-scheduled for July 18, 2007 with an alternate date of July 31, 2007.

South Platte River Compact - Hydrologic Assessment – No report presented.

SUBCOMMITTEE MEETINGS REPORT
Wildlife Habitat & Urban Affairs Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Executive Subcommittee

No report presented.

FINANCIAL REPORT

Financial Statement - Mr. Meismer reported that the Financial Statement for April 2007 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 April 2007 be received and placed

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on file for audit and to approve payment of the invoices presented on the Accounts Payable report on May 17, 2007 in the amount of \$32,033.84. Mr. Wiseman seconded the motion. The motion carried. (Motion #8)

Aye: Hansen, Margritz, Meismer, Petersen, Rubenthaler, Schilz, Stack, Storer, Wahlgren, Weaver, Wiseman
Nay: None
Absent & Excused: None
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 14, 2007 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented for consideration during the June 14, 2007 Board of Directors meeting.

DIRECTORS REPORTS

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

Water Policy Task Force – No report presented.

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 \$1,362.69 is available for funding additional contracts.

Mr. Wahlgren moved to approve the May 17, 2007 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>
7.058	NC-12Trees		\$ 891.25	<u>\$ 891.25</u>
		Total Amount of New Contracts		\$ 891.25
		FUNDS AVAILABLE:		\$ 471.44

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Mr. Petersen seconded the motion. The motion carried. (Motion #9)

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

Nay: None

Absent & Excused: None

Absent: None

Cost-Share Programs - District Conservation Program – Well Abandonment Contracts –
Mr. Miller reported that in the Directors' Board meeting notebook was a report of
contracts approved by the Twin Platte Natural Resources District staff as provided for by
District policy. Mr. Miller reported that \$3,864.34 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 – Integrated Management Plans – No report presented.

Water Programs – Platte River Recovery Implementation Program – Mr. Miller reported
that Jerry Kenny has been selected as the Executive Director for the Platte River
Recovery Implementation Program. Mr. Miller reported that an office will be established
in central Nebraska.

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.

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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 River 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 – No report presented.

Information & Education Programs – No report presented.

Legislation – Mr. Miller reported that in the Directors’ packet for information was a Nebraska Association of Resources Districts report dated May 10, 2007.

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, June 14, 2007 at 7:30 p.m. CDT (6:30 p.m. MDT) at the TierOne Bank Center in North Platte, Nebraska.

DINNER

The directors and staff convened to the Canteen Grille for dinner following the meeting.

ADJOURNMENT

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The meeting adjourned at 10:30 p.m. CDT (9:30 p.m. MDT).

Jerry Weaver, Secretary

KOM:D:Bmin0507