

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting  
July 12, 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 July 12, 2007. Mr. Rubenthaler called the meeting to order at 7:33 p.m. CDT (6:33 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  
Jim Meisner  
Bob Petersen  
Jim Rubenthaler  
Dennis Schilz  
Doug Stack  
Shane Storer  
Joe Wahlgren  
Bob Wiseman

BOARD MEMBERS ABSENT

Dale Margritz  
Jerry Weaver

OTHERS PRESENT

None

NRCS PERSONNEL PRESENT

None

STAFF PRESENT

Ann Dimmitt, Water Programs Regulatory Coordinator  
Amy Mapes, Administrative Assistant  
Kent O. Miller, General Manager

ANNOUNCEMENTS

Nebraska Open Meeting Act – Mr. Rubenthaler reported that the Nebraska Open Meetings Act requires public bodies to make available at least one current copy of the Open Meetings 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 Meetings 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

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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. Margritz and Mr. Weaver notified the office prior to the meeting that they would be unable to attend and were therefore excused.

Distribution of Information – Mr. Rubenthaler reported that handouts are available for the public in the back of the meeting room. Mr. Rubenthaler passed around the Board table a thank you received from Tom Kelly who had received a scholarship from the Twin Platte Natural Resources District to attend the Nebraska Range Youth Camp.

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 June 14, 2007 Meeting – Mr. Rubenthaler reported that the Minutes for the June 14, 2007 meeting were in the Directors packet and he asked if there were corrections or additions to the Minutes.

Mr. Meismer moved that the Minutes of the June 14, 2007 Board of Directors meeting be approved. Mr. Petersen seconded the motion. The motion carried. (Motion #1)

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

COOPERATING AGENCIES REPORT

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USDA Natural Resources Conservation Service – District Conservationist Report – Mr. Rubenthaler reported that Mary Reece, District Conservationist, had informed the office prior to the Board of Directors meeting that she was unable to attend the Board meeting. Mr. Rubenthaler reported that in the Directors’ notebook was a written report prepared by Mrs. Reece for information.

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 July 12, 2007.

Ground Water Management – Variances – Tim Thompson – Mr. Meismer reported that the Twin Platte Natural Resources District has received a request from Tim Thompson. 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 Tim Thompson to transfer 68.638 certified irrigated acres in Section 21 Township 14 North, Range 30 West, Lincoln County to a 50 acre alfalfa field in Section 20 Township 14 North, Range 30 West, Lincoln County. Mrs. Dimmitt reported that the alfalfa field is in the adjacent west section. Mrs. Dimmitt reported that Mr. Thompson would dry up his irrigation rights on his 68.638 acres in Section 21 so he can move 50 acres to section 20. Mrs. Dimmitt reported that Mr. Thompson would be decreasing irrigated acres. Mrs. Dimmitt reported that in the Directors’ notebook was the form requesting the transfer and a map of the area.

Mr. Petersen moved the Water Resources Subcommittee recommendation to the Board of Directors to approve granting a variance to Tim Thompson to transfer 68.638 certified irrigated acres in Section 21 Township 14 North, Range 30 West, Lincoln County to a 50 acre alfalfa field in Section 20 Township 14 North, Range 30 West, Lincoln County. Mr. Schilz seconded the motion. The motion carried. (Motion #2)

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

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.

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Integrated Management Plan - Twin Platte Natural Resources District – Mr. Meismer reported that the next meeting of the Twin Platte Natural Resources District Stakeholders would be July 16, 2007 at 7:00 pm CDT and would be held at the Holiday Inn Express in North Platte.

Integrated Management Plan - Platte River Basin – Mr. Meismer and Mr. Wahlgren reported on the Platte River Basin Stakeholders meeting held June 20, 2007.

Mr. Meismer reported that the next meeting of the Platte River Basin Stakeholders would be August 7, 2007 from 10:00 am to 4:00 pm CDT and would be held at the Quality Inn in North Platte.

Integrated Management Plan - Surface Water Model for COHYST - Mr. Meismer reported that the Twin Platte Natural Resources District had been discussing with the Central Platte Natural Resources District, the Nebraska Public Power District, and the Nebraska Department of Natural Resources 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 in the Central Platte Natural Resources District. Mr. Meismer reported that in the Directors notebook was a cost analysis for the proposals received from HDR Engineering, Inc. and PWA Engineering, Inc., the proposal received from HDR Engineering, Inc., and the proposal received from PWA Engineering, Inc. Mr. Meismer reported that a technical committee would be recommending to the sponsors to select HDR Engineering, Inc. for the study.

Mr. Meismer moved the Water Resources Subcommittee recommendation to the Board of Directors to approve the Twin Platte Natural Resources District participating in the Central Platte Natural Resources District, the Nebraska Public Power District, and the Nebraska Department of Natural Resources Interlocal Cooperation Agreement for a Conjunctive Management Project for portions of Dawson and Buffalo Counties for an expansion of the Surface Water Model to include the Twin Platte Natural Resources District, to authorize the General Manager to sign for the Twin Platte Natural Resources District the required documents to participate in the Interlocal Cooperation Agreement, to support the technical committee recommendation that HDR Engineering, Inc. be selected for the project, and to authorize \$65,280.00 to fund the costs for an expansion of the Surface Water Model to include the Twin Platte Natural Resources District. Mr. Wahlgren seconded the motion. The motion carried. (Motion #3)

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

Platte River Basin Instream Flow - Memorandum of Agreement – Mr. Meismer reported

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that during the May 17, 2007 Board of Directors meeting that the Board of Directors had approved a Memorandum of Agreement developed by the Lower Platte River Basin Instream Flow Work Group and authorized the General Manager to sign the Memorandum of Agreement for the Twin Platte Natural Resources District. Mr. Meisner asked Mr. Miller to report on the status. 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 was a determination if modifications to spring and summer instream flow appropriations would be biologically justified. Mr. Miller reported that it was hoped 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 the Work Group met on July 2, 2007 and that the personnel from the Nebraska Game & Parks Commission had reported that it was not likely that the Nebraska Game & Parks Commission's instream flow appropriations in the Lower Platte River Basin could be reduced. Mr. Miller reported that the Work Group determined that it would not be beneficial for the Work Group to continue.

South Platte River Compact - Water Right – Mr. Meisner asked Mr. Miller to report on South Platte River Compact water right. Mr. Miller reported that the South Platte River Coalition sponsors would be meeting on July 18, 2007 to discuss the Twin Platte Natural Resources District's proposed Interlocal Cooperation Agreement.

South Platte River Compact - Hydrologic Assessment – Mr. Meisner asked Mr. Miller to report on South Platte River Compact hydrologic assessment. Mr. Miller reported on the status of the hydrologic assessment being done by the Flatwater Group.

Water Resources Cash Fund – Mr. Meisner asked Mr. Miller to report on the Water Resources Cash Fund. Mr. Miller reported that he planned to attend the Nebraska Department of Natural Resources Public Hearing for the proposed Rules and Regulations for administration of the Water Resources Cash Fund on July 23, 2007 and present testimony. Mr. Miller reported that the concern and objection to the draft Rules and Regulations are in Chapter 2, Section 001 – Primary Allocations and Distribution of Funds specifically in regard to “purpose of attaining state compliance with the Republican River Compact”. Mr. Miller reported that those of us in the Platte River Basin understand that the Legislature in 2007 intended that 100% of the funds for 2007 go to the Republican Basin this year for which we have no objection but that we do not believe that Rules and Regulations should specify a river basin and thereby possibly giving that basin a priority.

Mr. Miller reported that he would be proposing that Chapter 2, Section 001 be amended to strike “attaining state compliance with the Republican River Compact” and insert “reducing consumptive uses of water in river basins, subbasins, or reaches which are deemed by the department over appropriated pursuant to section 46-713 or fully appropriated pursuant to section 46-714 or are bound by an interstate compact or decree or a formal state contract or agreement”.

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Mr. Miller reported that testimony was necessary, as the Department of Natural Resources can effectively suggest change of the published written rule based only on hearing testimony. Mr. Miller reported that following the hearing, the Department of Natural Resources must request such a change through the Attorney General and they may not support it for fear of an impermissible “substantive difference” from what was noticed. Mr. Miller reported that it is hoped that the Attorney General will determine that the suggested change is not substantive, and clearly authorized in 701, but if that fails, the Department will need to fail to adopt a rule it proposed, and start the regulation process over again.

Shores at Lake McConaughy Development – Mr. Meismer asked Mr. Miller to report on the Shores at Lake McConaughy development. Mr. Miller reported that a new group is attempting to start again a proposed development on the south side of Lake McConaughy. Mr. Miller reported that the new development is called Shores at Lake McConaughy and the previous development was called Trails Crossings. Mr. Miller reported that the developers have met with the Twin Platte Natural Resources District staff to discuss what would be required to obtain water for the development.

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 June 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 June 2007 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on July 12, 2007 in the amount of \$16,129.02. Mr. Petersen seconded the motion. The motion carried. (Motion #4)

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

Nay: None

Absent & Excused: Margritz, Weaver

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Absent: None

Budget Status – No report presented.

Bids/Proposals – None presented.

Bids/Proposals Scheduled to be Presented for Consideration during the August, 2007 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented for consideration during the August, 2007 Board of Directors meeting.

### DIRECTORS REPORTS

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

Nebraska Association of Resources Districts – Annual Conference - September 24-25, 2007, Kearney, NE – Mr. Meisner reported that the Nebraska Association of Resources Districts annual conference will be held September 24-25, 2007 in Kearney. Mr. Meisner reported that the deadline for submitting resolutions to the Nebraska Association of Resources Districts office for the conference is August 23, 2007. Mr. Meisner reported that any resolutions submitted after that date will need a two-thirds vote for consideration during the conference.

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

Sandhills Resources, Conservation & Development Council – Mr. Hansen reported on recent activities of the Sandhills Resources, Conservation & Development Council. Mr. Hansen reported that the 2007 Nebraska Resources, Conservation & Development Association Annual Conference would be held October 2-4, 2007 at the Grey Goose Lodge in Ogallala, Nebraska. Mr. Hansen distributed a brochure for the conference.

Requests for Authorization to Travel – No requests were presented.

### DISTRICT REPORT

Cost-Share Programs - Nebraska Soil & Water Conservation Program – Eligible Practices – Mr. Miller reported that in the Directors' notebook for information was a listing of the Nebraska Soil and Water Conservation Program eligible practices in which is shown the Twin Platte Natural Resources District Eligible Practices for July 1, 2006 – June 30, 2007. Mr. Miller reported that the current policy of the District provides that the following practices are not available for cost-share in the District:

- Practice NC-12, Windbreaks, parts F & G
- Practice NC-14, Planned Grazing Systems, part C
- Practice NC-16, Windbreak Renovation

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Practice NC-17, Irrigation Water Management, selected components in part B  
Practice NC-19, Repair of Practices

Mr. Miller reported that Board of Directors action is not needed to continue the current policy.

Mr. Wahlgren moved to remove from the list of eligible practices Practice NC-17, Irrigation Water Management, part D. Mr. Petersen seconded the motion. The motion carried. (Motion #5)

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

Nay: None

Absent & Excused: Margritz, Weaver

Absent: None

Cost-Share Programs – Nebraska Soil & Water Conservation Program – Funding – Mr. Miller reported that the District has not yet received notice of the funds available for the Twin Platte Natural Resources District beginning July 1, 2007.

Mr. Miller reported that for July 1, 2006 – June 30, 2007, the Board of Directors approved the following allocation of funds for the Twin Platte Natural Resources District:

- For Practice NC-12, Windbreaks, that 30% of available funds be reserved from July 1, 2006 to January 31, 2007
- For Practice NC-14, Planned Grazing Systems, that 30% of available funds be reserved from July 1, 2006 to January 31, 2007
- For Practice NC-17, Irrigation Water Management, that 30% of available funds be reserved from July 1, 2006 to January 31, 2007
- For the other eligible practices, that 10% of available funds be reserved from July 1, 2006 to January 31, 2007
- Any funds available after January 31, 2007 may be used for any eligible practice

Mr. Wahlgren moved that for the Nebraska Soil & Water Conservation Program for July 1, 2007 – June 30, 2008, the Board of Directors approve the following allocation of the funds for the Twin Platte Natural Resources District:

- For Practice NC-12, Windbreaks, that 30% of available funds be reserved from July 1, 2007 to January 31, 2008
- For Practice NC-14, Planned Grazing Systems, that 30% of available funds be reserved from July 1, 2007 to January 31, 2008
- For Practice NC-17, Irrigation Water Management, that 30% of available funds be reserved from July 1, 2007 to January 31, 2008
- For the other eligible practices, that 10% of available funds be reserved from July 1, 2007 to January 31, 2008
- Any funds available after January 31, 2008 may be used for any eligible practice



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

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

Cost-Share Programs – Nebraska Soil & Water Conservation Program – Contracts – Mr. Miller reported that no new contracts have been requested for funding.

Cost-Share Programs - District Conservation Program - Eligible Practices and Funding – Mr. Miller reported that the District's Cost-Share Program for July 1, 2006 – June 30, 2007 provided cost-share for sealing abandoned wells.

Mr. Miller reported that during the July 10, 2003 Board of Directors meeting, the Board approved that the Twin Platte Natural Resources District participate in the Nebraska Water Well Decommissioning Fund, to authorize budgeting \$10,000.00 annually for the Twin Platte Natural Resources District Water Well Decommissioning program and to authorize the General Manager to sign the Water Well Decommissioning Fund Agreement and Certification for the Twin Platte Natural Resources District required by the Nebraska Department of Natural Resources as the Twin Platte Natural Resources District representative.

Mr. Miller reported that the fund provides state tax dollars for cost-share assistance through the state's Natural Resources Districts to help encourage the proper decommissioning of water wells that are no longer needed or used. Mr. Miller reported that the Nebraska Water Well Decommissioning Fund provides reimbursement for Natural Resources District's programs of up to the amount of the local programs cost-share, and if there are not adequate funds available to fully reimburse Districts, the funds available are shared.

Mr. Miller recommended that for the District's Cost-Share Program for July 1, 2007 – June 30, 2008, that the District continue to provide cost-share for sealing abandoned wells and that the District continue with the current policy that the Twin Platte Natural Resources District participate in the Nebraska Water Well Decommissioning Fund and authorizes budgeting \$10,000.00 annually for the Twin Platte Natural Resources District Water Well Decommissioning program.

Mr. Miller reported that Board of Directors action was not needed to continue the current policy. No action occurred and the current policy of providing cost-share for sealing abandoned wells remains for July 1, 2007 – June 30, 2008.

Mr. Wahlgren requested that the Board of Directors review the policy for the cost-share provided for the Water Well Decommissioning program. Mr. Rubenthaler requested the Water Resources Subcommittee to review the Water Well Decommissioning program

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and the cost-share provided.

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 – 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 – 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.

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Information & Education Programs – Mr. Miller reported that in the Directors’ notebook was a newsletter that will be mailed next week.

Requests for Authorization to Travel – Mr. Miller reported that the District Policy provides that Board authorization is required for all staff or Director expenses for travel outside a 300-mile radius of the District. Mr. Miller reported that Kevin Spelts, Ground Water Modeler, has requested authorization to attend the Ground Water Modeling System (GMS) training September 4-7, 2007 in Park City, Utah. Mr. Miller reported that GMS is used by COHYST and provides tools for every phase of a ground water simulation and that the ground water modeling training course by EMS-I is designed as a hands-on, application oriented training course.

Mr. Schilz moved to authorize Kevin Spelts, Ground Water Modeler, to attend the Ground Water Modeling System (GMS) training September 4-7, 2007 in Park City, Utah. Mr. Meismer seconded the motion. The motion carried. (Motion #7)

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

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.

BUDGET FOR 2008 FISCAL YEAR

Preparation Schedule - Mr. Miller reported that in the Directors’ packet was a schedule for preparing the 2008 Fiscal Year Budget for the District. Mr. Miller reported that the schedule provides for Board review of the first draft of the Budget during the June Board meeting and provides the Board four opportunities to review and discuss the Budget prior to final approval.

Review Draft #2 - Mr. Miller reported that in the Directors’ packet was the second draft of a budget for the 2008 fiscal year. Mr. Miller reviewed the information for the proposed budget for the 2008 fiscal year.

OTHER BUSINESS

There was no other business.

NEXT MEETING

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Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Thursday, August 9, 2007 at 7:30 pm CDT (6:30 pm MDT) in North Platte, Nebraska.

ADJOURNMENT

The meeting adjourned at 9:15 p.m. CDT (8:15 p.m. MDT).

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Jerry Weaver, Secretary