

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
July 10, 2008

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 10, 2008. Mr. Rubenthaler called the meeting to order at 7:36 p.m. CDT (6:36 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
Bob Petersen
Jim Rubenthaler
Dennis Schilz
Doug Stack
Shane Storer
Joe Wahlgren
Jerry Weaver

BOARD MEMBERS ABSENT

Bob Wiseman

OTHERS PRESENT

Brad Johnson, Sargent Irrigation - Ogallala
Tina Kurtz, NE DNR

NRCS PERSONNEL PRESENT

Carlos Estrada, NRCS Technician
Mary Reece, District Conservationist

STAFF PRESENT

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

ANNOUNCEMENTS

Nebraska Open Meeting Act – Mr. Rubenthaler reported that the Nebraska Open Meeting 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 was posted on the wall of the meeting room and accessible to members of

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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. Wiseman had contacted the office prior to the meeting that he would be absent and was therefore excused.

Distribution of Information – Mr. Rubenthaler reported that handouts were 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 and Derek Powers 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. None presented. Mr. Rubenthaler closed the Public Forum.

AGENDA MODIFICATION

No agenda modification.

GENERAL INFORMATION

None presented.

BOARD OF DIRECTORS MINUTES

Minutes for June 12, 2008 Meeting – Mr. Rubenthaler reported that the Minutes for the June 12, 2008 meeting were in the Directors packet and he asked if there were any corrections or additions.

Mr. Petersen moved that the Minutes of the June 12, 2008 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

Nay: None

Absent & Excused: Wiseman

Absent: None

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REQUESTS FOR ASSISTANCE

No requests for assistance were presented.

COOPERATING AGENCIES REPORT

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

USDA Natural Resources Conservation Service – Local Work Group for Conservation Programs –Mrs. Reece reported that the Local Work Group for Conservation Programs needs to meet. Mr. Miller reported that the Local Work Group was established primarily for the Environmental Quality Incentive Program (EQIP). Mr. Miller reported that the Twin Platte Natural Resources District initially established the Local Work Group to include four Twin Platte Natural Resources District Directors and four USDA Farm Service Agency County Committee members. Mr. Miller reported that representatives of various Nebraska state agencies now participate. Mr. Miller reported that the Local Work Group is chaired by Mrs. Reece. Mr. Miller reported that the Twin Platte Natural Resources District representatives are the Chair of the Water Resources Subcommittee (Jim Meismer), a member of the Water Resources Subcommittee (Robert Petersen), the Chair of the Land Resources Subcommittee (Eric Hansen), and a member of the Land Resources Subcommittee (Shane Storer). Mr. Miller reported that the USDA Farm Service Agency County Committee representatives are one County Committee member from each of the four counties within the Twin Platte Natural Resources District selected by the County Committees. The Twin Platte Natural Resources District representatives agreed that they could be available for a Local Work Group meeting the week of July 21-25, 2008 at the Twin Platte Natural Resources District offices.

Other Agencies – No reports presented.

SUBCOMMITTEE MEETINGS REPORT

Land Resources Subcommittee

Mr. Hansen, Land Resources Subcommittee Chairperson, presented a report for the subcommittee meeting held on July 10, 2008.

Awards Program – Tree Award for 2008 – Mr. Hansen reported that the Subcommittee agreed to select John & Maureen Childears of Lincoln County to receive the 2008 Tree Award for Lincoln/McPherson Counties

Awards Program – Conservation Award for 2008 – Mr. Hansen reported that the Subcommittee agreed to select Paul & Janet Heinrich of Keith County to receive the 2008 Conservation Award for Keith/Arthur Counties.

Cost-Share Programs – Nebraska Soil & Water Conservation Program – Eligible

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Practices - Mr. Hansen reported that in the Directors' packet 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, 2007 – June 30, 2008. Mr. Hansen 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
- Practice NC-17, Irrigation Water Management, selected components in part B and part D
- Practice NC-19, Repair of Practices

Mr. Hansen reported that the Land Resources Subcommittee recommendation was to continue the current policy. Mr. Hansen reported that Board of Directors action is not needed to continue the current policy.

Cost-Share Programs – Nebraska Soil & Water Conservation Program – Funding - Mr. Hansen reported that the District's allocation for the 2009 Fiscal Year has not been received, but it should be similar to the allocation for the 2008 Fiscal Year. Mr. Hansen reported that the Twin Platte Natural Resources District's allocation for the 2008 Fiscal Year was \$78,021.58.

Mr. Hansen reported that for the 2008 FY, the Board of Directors approved the following:

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

Mr. Hansen moved the Land Resources Subcommittee recommendation to the Board of Directors to approve the following allocation of the funds for the Nebraska Soil & Water Conservation Program in the Twin Platte Natural Resources District for July 1, 2008 – June 30, 2009:

- For Practice NC-12, Windbreaks, that 30% of available funds be reserved from July 1, 2008 to January 30, 2009
- For Practice NC-14, Planned Grazing Systems, that 30% of available funds be reserved from July 1, 2008 to January 30, 2009
- For Practice NC-17, Irrigation Water Management, that 30% of available funds be reserved from July 1, 2008 to January 30, 2009

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- For the other eligible practices that 10% of available funds be reserved from July 1, 2008 to January 30, 2009
- Any funds available after January 30, 2009 may be used for any eligible practice.

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

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

Cost-Share Programs – Nebraska Soil & Water Conservation Program – Cost-Share Rate

- Mr. Hansen reported that Mr. Slattery and Mrs. Reece presented a report to the Subcommittee regarding the cost-share rate for programs available from the District. Mr. Hansen reported that the Natural Resources Conservation Service and the Nebraska Department of Natural Resources were simplifying the Nebraska Practice Payment Schedule for all Programs by utilizing one average cost that would be cost-shared on a flat rate basis. Mr. Hansen reported that it is up to each Natural Resource District to arrive at their own cost-share percentage rate for the available eligible practices. Mr. Hansen reported that in the Directors' notebook was a payment schedule for the Nebraska Soil and Water Conservation Program showing the cost-share rate difference between 50% and 65% for all available eligible practices. Mr. Hansen reported that the cost-share rate used to be 65% before the Board decided to change it to 50% on July 7, 1996. Mr. Hansen reported that the Subcommittee agreed to recommend to the Board of Directors that the Twin Platte Natural Resources District cost-share rate for the Nebraska Soil and Water Conservation Program be 65%. Mr. Hansen reported that the Subcommittee wants to re-evaluate this change for the 2010 Fiscal Year.

Mr. Hansen moved the Land Resources Subcommittee recommendation to the Board of Directors that the Twin Platte Natural Resources District cost-share rate for the Nebraska Soil and Water Conservation Program be 65% for July 1, 2008 through June 30, 2009.

Mr. Margritz seconded the motion. The motion carried. (Motion #3)

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

SUBCOMMITTEE MEETINGS REPORT
Water Resources Subcommittee

Mr. Meismer, Water Resources Subcommittee Chairperson, presented a report for the

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subcommittee meeting held on July 10, 2008.

Ground Water Management – Ground Water Levels – Program Review – No report presented.

Ground Water Management – Ground Water Levels – Report – Mr. Meismer asked Mrs. Dimmitt to present the report.

Mrs. Dimmitt reported that on the wall was a map of the District showing spring 2007 to 2008 ground water changes and a map of the District showing spring 1997 to 2008 ground water changes.

Ground Water Management – Variances – Requests - Ryan Sellers - Mr. Meismer reported that the District has received a request from Royal Colonial Inn (Ryan Sellers) and David Colvin. 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 Royal Colonial Inn (Ryan Sellers) and David Colvin to transfer 64.9 certified irrigated acres from the SW $\frac{1}{4}$ Section 8, Township 13 North, Range 31 West, Lincoln County, to the NW $\frac{1}{4}$ Section 25, Township 13 North, Range 33 West, Lincoln County. Mrs. Dimmitt reported that the irrigation well, G-013856, currently providing the water to these acres would be decommissioned. Mrs. Dimmitt reported that the transferred irrigated acres would be watered from the registered irrigation well G-149021, which is located in the SW $\frac{1}{4}$ of the section. Mrs. Dimmitt reported that the intentions are to put up a pivot to water these acres, and in the future be able to transfer more acres to complete the pivot. Mrs. Dimmitt reported that the COHYST cycle well model has been run on both locations, and it was determined that the current location has a depletion percentage of 78%, and the proposed site has a depletion percentage of 30% and therefore there will be no increase in depletion to the river. Mrs. Dimmitt reported that in the Directors' Board meeting notebook was a completed Transfer of Certified Irrigated Acres form, a map of the area, and the COHYST cycle well analysis of the area.

Mr. Meismer moved the Water Resources Subcommittee recommendation to approve granting a variance to Royal Colonial Inn (Ryan Sellers) and David Colvin to transfer 64.9 certified irrigated acres from the SW $\frac{1}{4}$ Section 8, Township 13 North, Range 31 West, Lincoln County, to the NW $\frac{1}{4}$ Section 25, Township 13 North, Range 33 West, Lincoln County for irrigation subject to Royal Colonial Inn (Ryan Sellers) and David Colvin providing the Twin Platte Natural Resources District proof of ownership. Mr. Stack seconded the motion. The motion carried. (Motion #4)

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

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Ground Water Management – Depletions Analysis – Mr. Meismer asked Mr. Miller to report on depletions analysis.

Mr. Miller reported that Mr. Spelts has determined new depletions factors, using a COHYST cycle well analysis, for several transects through the Twin Platte Natural Resources District and for each variance considered by the Board of Directors. Mr. Miller reported that on the wall was a map of the District showing the new depletion factors that have been determined.

Integrated Management Plan – Twin Platte Natural Resources District – Stakeholders – Mr. Meismer reported that the stakeholders agreed to cancel the May 19, 2008 and June 16, 2008 meetings of the Twin Platte Natural Resources District Stakeholders. Mr. Meismer reported that the stakeholders felt they needed more information to continue which would be available from a water budget they requested and approved by the Twin Platte Natural Resources District Board of Directors and from the Nebraska Department of Natural Resources as to what they believe is fully appropriated. Mr. Meismer reported that the Water Resources Subcommittee on May 8, 2008 agreed that the July 21, 2008 stakeholders meeting should also be cancelled as the Brown and Caldwell Water Budget report is not expected to be available until late July 2008. Mr. Meismer reported that the next meeting of the Twin Platte Natural Resources District Stakeholders would be August 18, 2008 at 7:00 pm CDT and would be held at the Holiday Inn Express in North Platte. Mr. Meismer reported that the stakeholders meetings in September and October would be on Tuesday nights, September 16, 2008 and October 21, 2008.

Integrated Management Plan – Twin Platte Natural Resources District – Public Hearings – Mr. Meismer asked Ms. Kurtz and Mr. Miller to report on the need for public hearings.

Ms. Kurtz reported that the District needed to adopt “Rules of Practice and Procedure” prior to the District adopting an Integrated Management Plan. Ms. Kurtz reported that she has provided the staff draft “Rules of Practice and Procedure”, draft “Legal Notice for Hearing”, and draft “Order”.

Mr. Miller reported that these documents would be provided to the District’s Legal Counsel, Harriet Hageman, for her review and recommendation. Mr. Miller reported that the tentative schedule is for the Board of Directors to approve the “Rules of Practice and Procedure” for public hearing during the August 14, 2008 Board meeting. Mr. Miller reported that notices of the public hearing would then need to be published in a newspaper published or of general circulation in the affected area at least once each week for three (3) consecutive weeks, the last publication of which was not less than seven (7) days prior to the public hearing. Mr. Miller reported that the notices of the public hearing could be published in the North Platte Telegraph August 21, 2008, August 28, 2008, and September 4, 2008 and the public hearing could then be held during the September 11, 2008 regular meeting of the Board of Directors. Mr. Miller reported that the Board of Directors could then approve the “Rules of Practice and Procedure” on September 11,

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2008. Mr. Miller reported that when the “Rules of Practice and Procedure” are approved, an order would need to be published in a newspaper published or of general circulation in the affected area at least once each week for three (3) consecutive weeks, the last publication of which was not less than seven (7) days prior to the effective date. Mr. Miller reported that the order could be published in the North Platte Telegraph September 18, 2008, September 25, 2008, and October 2, 2008 with an effective date of October 9, 2008 for the “Rules of Practice and Procedure”. Mr. Miller reported that if this schedule did not work out, the schedule could be moved back one month.

Integrated Management Plan – Twin Platte Natural Resources District – Draft Fully Appropriated Integrated Management Plan – Mr. Meisner reported that the Water Resources Subcommittee continued review of the draft Twin Platte Natural Resources District Fully Appropriated Integrated Management Plan prepared by Mrs. Dimmitt and Ms. Kurtz. Mr. Meisner reported that the Subcommittee began review of the draft during the June 12, 2008 Water Resources Subcommittee meeting. Mr. Meisner reported that the Subcommittee agreed that the August 14, 2008 meeting of the Water Resources Subcommittee should begin at 3:00 p.m. CDT (2:00 p.m. MDT) with the goal of having a recommendation available for the next meeting of the Twin Platte Natural Resources District Stakeholders on August 18, 2008.

Integrated Management Plan – Platte River Basin – 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. Meisner reported that the Financial Statement for June 2008 was in the Directors' notebook and available as a handout.

Accounts Payable - Mr. Meisner reported that the Accounts Payable report was in the Directors' notebook and available as a handout, and the report appeared to be in order.

Mr. Meisner moved that the Financial Statements for June 2008 be received and placed on file for audit and to approve payment of the invoices presented in the Accounts Payable report on July 10, 2008 in the amount of \$22,291.02. Mr. Petersen seconded the motion. The motion carried. (Motion #5)

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

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Nay: None
Absent & Excused: Wiseman
Absent: None

Budget Status – No report presented.

Bids/Proposals – No bids or proposals were presented.

Bids/Proposals Scheduled To Be Presented for Consideration During the August 14, 2008 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented for consideration during the August 14, 2008 Board of Directors meeting.

DIRECTORS REPORTS

Nebraska Association of Resources Districts – Board of Directors Meeting – Mr. Meismer reported on the Nebraska Association of Resources Districts Board of Directors Meeting held on June 16, 2008.

Nebraska Association of Resources Districts – Annual Conference – September 29-30, 2008 – Kearney, NE - Resolutions – Mr. Meismer reported that the Nebraska Association of Resources Districts annual conference would be held September 29-30, 2008 in Kearney. Mr. Meismer reported that the deadline for submitting resolutions to the Nebraska Association of Resources Districts office for the conference is August 28, 2008. Mr. Meismer reported that any resolutions submitted after that date will need a two-thirds vote for consideration during the conference.

Water Policy Task Force – No report presented.

Sandhills Resources, Conservation & Development Council – Mr. Hansen reported on recent activities of the R C & D Council.

Requests for Authorization to Travel – No requests were presented.

DISTRICT REPORT

Cost-Share Programs - Nebraska Soil & Water Conservation Program – No report presented.

Cost-Share Programs - District Conservation Program - Eligible Practices and Funding – Mr. Miller reported that the District's Cost-Share Program for July 1, 2007 – June 30, 2008 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

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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, 2008 – June 30, 2009, 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, 2008 – June 30, 2009.

Mr. Miller reported that in the Directors' Board meeting notebook was a report for information, and \$9,400.00 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 – No report presented.

Water Programs – Integrated Management Plans – No report presented.

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

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Water Programs – Watersheds - Brule – Mr. Miller reported that the District staff annually conducts an inspection of the Brule Watershed. Mr. Miller reported that in the Directors’ packet for information was the inspection report for June 17, 2008 prepared by Dave Slattery, Conservation Programs Coordinator.

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.

Hazard Mitigation Plans – No reported presented.

West Central Weed Management Area – Mr. Miller reported that Bill Carhart, Range Programs Coordinator, is Chairman of the West Central Weed Management Area. Mr. Miller reported that Mr. Carhart will present a report on the West Central Weed Management Area and there Vegetation Control Project during the August 14, 2008 Board of Directors meeting. Mr. Miller reported that in the Directors’ packet for information were news articles about the West Central Weed Management Area Vegetation Control Project.

Legislation – No reported presented.

Requests for Authorization to Travel – No requests presented.

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 were in the Directors'

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Board meeting packet and in the Directors' Board meeting notebook.

BUDGET FOR 2009 FISCAL YEAR

Preparation Schedule – Mr. Miller reported that in the Director's packet was a schedule for preparing the 2009 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 Director's notebook and available as a handout was the second draft of a budget for the 2009 Fiscal Year. Mr. Miller reviewed the information for the proposed budget for the 2009 Fiscal Year.

OTHER BUSINESS

There was no other business.

NEXT MEETING

Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Thursday, August 14, 2008 at 7:30 pm CDT (6:30 pm MDT) at the TierOne Bank Center Meeting Room, 111 South Dewey Street, Second Floor, North Platte, Nebraska.

ADJOURNMENT

The meeting adjourned at 8:55 p.m. CDT (7:55 p.m. MDT).

Jerry Weaver, Secretary