

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting  
August 14, 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 August 14, 2008. 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  
Jim Meisner  
Jim Rubenthaler  
Dennis Schilz  
Doug Stack  
Shane Storer  
Joe Wahlgren  
Jerry Weaver  
Bob Wiseman

BOARD MEMBERS ABSENT

Dale Margritz  
Bob Petersen

OTHERS PRESENT

Neil Betty, West Central Water Coalition  
Brad Johnson, Sargent Irrigation  
Tina Kurtz, NE Dept of Natural Resources  
Frank Kwapnioski, NE Public Power District

NRCS PERSONNEL PRESENT

Mary Reece, NRCS 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 both Mr. Margritz and Mr. Petersen had notified the office prior to the meeting and that they would be absent and are therefore excused.

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

Other Announcements – Mr. Rubenthaler reported that the monthly summary report of Natural Resources Conservation Service 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

West Central Weed Management Area - Vegetation Control Project – Mr. Miller reported that Bill Carhart, Range Programs Coordinator, is Chairman of the West Central Weed Management Area. Mr. Miller reported that the report that Mr. Carhart had planned to present on the West Central Weed Management Area and the Vegetation Control Project will be presented during the September 11, 2008 Board of Directors meeting.

#### BOARD OF DIRECTORS MINUTES

Minutes for July 10, 2008 Meeting – Mr. Rubenthaler reported that the Minutes for the July 10, 2008 meeting were in the Directors packet and he asked if there were corrections or additions to the Minutes.

Mr. Storer moved that the Minutes of the July 10, 2008 Board of Directors meeting be approved. Mr. Meisner seconded the motion. The motion carried. (Motion #1)

Aye: Hansen, Meisner, Rubenthaler, Schilz, Stack, Storer, Wahlgren,  
Weaver, Wiseman

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Nay: None  
Absent & Excused: Margritz, Petersen  
Absent: None

REQUESTS FOR ASSISTANCE

No requests for assistance were presented.

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service – District Conservationist Report – Mrs. Reece reported on recent activities. Mrs. Reece distributed and reviewed information for the “Food, Conservation, and Energy Act of 2008. Mrs. Reece distributed information for the “No Till Field Day” scheduled for August 29, 2008 in Ogallala, Nebraska, which is sponsored in part by the Twin Platte Natural Resources District and the Natural Resources Conservation Service. Mrs. Reece distributed for information a brochure for the Annual Meeting of the Nebraska and South Dakota Society for Range Management scheduled for October 6-8, 2008 in Valentine, Nebraska.

SUBCOMMITTEE MEETINGS REPORT

Land Resources SubCommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT

Water Resources SubCommittee

Mr. Meismer, Water Resources SubCommittee Chairperson, presented a reported for the subcommittee meeting held on August 14, 2008.

Ground Water Management – Variances – Requests – Delmar Miller – Mr. Meismer reported that the District has received a request for a variance from Delmar Miller. 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 Delmar Miller to transfer 26.18 certified irrigated acres from the corners of Section 18, Township 13 North, Range 29 West, Lincoln County, to a pivot on the same Section 18, Township 13 North, Range 29 West, Lincoln County. Mrs. Dimmitt reported that the transferred irrigated acres would be watered from the registered irrigation well G-000491, which is located in the center of the section. Mrs. Dimmitt reported that installing the pivot netted no new irrigated acres. Mrs. Dimmitt reported that in the Directors’ Board meeting notebook was the completed Transfer of Certified Irrigated Acres form and a map of the area.

Mr. Meismer moved the Water Resources Subcommittee recommendation to approve

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granting a variance to Delmar Miller to transfer 26.18 certified irrigated acres from the corners of Section 18, Township 13 North, Range 29 West, Lincoln County, to a pivot on the same Section 18, Township 13 North, Range 29 West, Lincoln County for irrigation subject to Delmar Miller providing the Twin Platte Natural Resources District proof of ownership. Mr. Schilz seconded the motion. The motion carried. (Motion #2)

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

Nay: None

Absent & Excused: Margritz, Petersen

Absent: None

Ground Water Management – Violations – Mr. Meismer reported that the staff is working with the District’s Legal Counsel to investigate a potential violation of no new irrigated acres in Keith County.

Integrated Management Plan – Twin Platte Natural Resources District – Stakeholders –

Mr. Meismer reported that the Twin Platte Natural Resources District stakeholders agreed to cancel the May 19, 2008 and June 16, 2008 meetings of the 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 was 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 was 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 due to scheduling conflicts with the facilitator, Lorre McKeone.

Integrated Management Plan – Twin Platte Natural Resources District – Water Budget –

Mr. Meismer reported that during the April 21, 2008 meeting of the Twin Platte Natural Resources District Stakeholders, the Stakeholders agreed to request that the Twin Platte Natural Resources District develop a water budget for the District and that the water budget be developed similar to the water budget prepared by Matt Lindburg (Brown and Caldwell Engineering Consultants) for the West Central Nebraska Ground Water Coalition for an area in northern Perkins County. Mr. Meismer reported that during the May 8, 2008 meeting of the Twin Platte Natural Resources District Board of Directors, the Board of Directors approved the proposal from Brown and Caldwell for development of a water budget for the Twin Platte Natural Resources District. Mr. Meismer reported that Mr. Lindburg has completed the water budget for the Twin Platte Natural Resources District, which he will present to the Twin Platte Natural Resources District Stakeholders on August 18, 2008.

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

Mrs. Dimmitt reported that Ms. Kurtz has advised that the District needed to adopt “Rules of Practice and Procedure” prior to the District adopting an Integrated Management Plan. Mrs. Dimmitt reported that Ms. Kurtz provided the staff draft “Rules of Practice and Procedure”, draft “Legal Notice for Hearing”, and draft “Order”. Mrs. Dimmitt reported that these documents were provided to the District’s Legal Counsel, Harriet Hageman, for her review and recommendation. Mrs. Dimmitt reported that in the Directors’ Board meeting packet were the draft “Rules of Practice and Procedure”, draft “Legal Notice for Hearing”, and draft “Order” which include the recommendations from the District’s Legal Counsel, Harriet Hageman.

Mr. Miller reported that the Board of Directors could approve the “Rules of Practice and Procedure” for public hearing tonight. 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, 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.

Mr. Wahlgren moved the Water Resources Subcommittee recommendation that the Twin Platte Natural Resources District hold a public hearing, pursuant to Neb.Rev.Stat. § 46-712, to consider proposed Rules of Practice and Procedures for the Integrated Management Plan and that the Twin Platte Natural Resources District conduct the public hearing on October 9, 2008 at 8:00 p.m. CDT (7:00 p.m. MDT) at the Twin Platte Natural Resources District offices in North Platte, Nebraska. Mr. Wiseman seconded the motion. The motion carried. (Motion #3)

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

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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 September 11, 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 September 16, 2008 meeting of the Twin Platte Natural Resources District Stakeholders.

Integrated Management Plan – Platte River Basin – No report presented.

SUBCOMMITTEE MEETINGS REPORT  
Wildlife Habitat & Urban Affairs Subcommittee

Mr. Stack, Wildlife Habitat & Urban Affairs Subcommittee Chairperson, presented a report for the subcommittee held on August 14, 2008.

Urban Forestry Program - Program Report – Mr. Stack reported that in the Directors' notebooks was information in regard to the District's Urban Forestry Program.

Urban Forestry Program - Approved Community Programs & Applications for Community Programs –

Mr. Stack reported that Mr. Slattery reviewed the past levels of utilization for North Platte, which began in fiscal year 1995. Mr. Stack reported that the current three-year program for North Platte began July 1, 2006 and continues to June 30, 2009. Mr. Stack reported that the Subcommittee was recommending that \$1,000.00 be allocated for fiscal year 2009.

Mr. Stack reported that Mr. Slattery reviewed the past levels of utilization for Ogallala, which began in fiscal year 1995. Mr. Stack reported that the current three-year program for Ogallala began July 1, 2006 and continues to June 30, 2009. Mr. Stack reported that the Subcommittee was recommending that \$1,000.00 be allocated for fiscal year 2009.

Mr. Stack reported that Mr. Slattery reviewed the past levels of utilization for Sutherland, which began in fiscal year 1997. Mr. Stack reported that the current three-year program for Sutherland began July 1, 2005 and expired June 30, 2008. Mr. Stack reported that Sutherland has submitted a written request for a new three-year program. Mr. Stack reported that the Subcommittee was recommending a new three-year program for Sutherland and that \$2,000.00 be allocated for fiscal year 2009.

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Mr. Stack moved the Wildlife Habitat & Urban Affairs Subcommittee recommendation to the Board of Directors to authorize \$1,000.00 for funding the North Platte Urban Forestry Program July 1, 2008 through June 30, 2009, to authorize \$1,000.00 for funding the Ogallala Urban Forestry Program July 1, 2008 through June 30, 2009, and to approve a new Sutherland Urban Forestry Program for fiscal years 2009, 2010 and 2011 and to authorize \$2,000.00 for funding the Sutherland Urban Forestry Program July 1, 2008 through June 30, 2009. Mr. Schilz seconded the motion. The motion carried. (Motion #4)

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

SUBCOMMITTEE MEETINGS REPORT  
Executive Subcommittee

No report presented.

FINANCIAL REPORT

Financial Statement - Mr. Meisner reported that the Financial Statement for July 2008 was in the Directors' notebook and available as a handout for information.

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

Mr. Meisner moved that the Financial Statement for July 2008 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on August 14, 2008 in the amount of \$28,029.38. Mr. Stack seconded the motion. The motion carried. (Motion #5)

Aye: Hansen, Meisner, Rubenthaler, Schilz, Stack, Storer, Wahlgren,  
Weaver, Wiseman  
Nay: None  
Absent & Excused: Margritz, Petersen  
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 September 2008 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented for consideration during the September 11, 2008 Board of Directors meeting.

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DIRECTORS REPORTS

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

Nebraska Association of Resources Districts – Annual Conference, September 28-30, 2008, Kearney – Mr. Meismer reported that the Nebraska Association of Resources Districts annual conference would be held September 28-30, 2008 in Kearney. Mr. Meismer, Mr. Petersen, Mr. Rubenthaler, and Mr. Miller reported that they planned to attend. 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 would 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 – No report presented.

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 the monthly report. Mr. Miller reported that \$80,532.38 was available for funding contracts.

Mr. Wiseman moved to approve the August 14, 2008 contracts as 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>
9.001	NC-14	Planned Grazing System	\$ 5,147.22	\$ 5,147.22
9.002	NC-10	Pasture Planting	\$ 298.48	\$ 298.48
9.003	NC-14	Planned Grazing System	\$ 3,428.82	\$ 3,428.82
9.004	NC-14	Planned Grazing System	\$ 4,890.60	\$ 4,890.60
9.005	NC-14	Planned Grazing System	\$ 6,373.86	\$ 6,373.86
9.006	NC-14	Planned Grazing System	\$ 3,428.82	\$ 3,428.82
9.007	NC-17	Irrigation Water Management	\$ 5,335.66	\$ 5,335.66
9.008	NC-1	Terraces	\$ 1,634.78	\$ 1,634.78
Total Amount of New Contracts				\$ 30,538.24

FUNDS AVAILABLE: Practice NC-12, Windbreaks \$ 24,159.72  
 Practice NC-14, Planned Grazing \$ 890.40



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Practice NC-17, Irrigation	\$ 18,824.06
Other available practices	\$ 6,119.96

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

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

Cost-Share Programs – District Conservation Programs – Mr. Miller reported that in the Directors' Board meeting notebook was a report for information. Mr. Miller reported that \$7,604.60 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.

Water Programs – Watersheds - Brule – Mr. Miller reported that the District staff annually conducts an inspection of the Brule Watershed and that in the Board meeting packet for the July 10, 2008 Board meeting was the inspection report for June 17, 2008 prepared by Dave Slattery, Conservation Programs Coordinator for the Twin Platte Natural Resources District. Mr. Miller reported that some years the Nebraska Department of Natural Resources staff joins the District staff for the annual inspection of the Brule Watershed. Mr. Miller reported that in the Directors' packet for information was the inspection report for June 17, 2008 prepared the Nebraska Department of Natural Resources staff.

Water Programs – Watersheds – Western Irrigation – No report presented.

Water Programs – Interlocal Cooperation Agreements - Cooperative Hydrology Study – No report presented.

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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 – Mr. Miller reported that an individual contacted the District in regard to runoff from land located just south of the John Deere dealership at Ogallala, Nebraska. Mr. Miller reported that Bill Carhart, Regulatory Programs Coordinator for the Twin Platte Natural Resources District, has investigated the report and the runoff does not affect any private landowner as it follows the road ditch past the Ogallala I-80 Truck Stop, takes a 90 degree turn and goes north via a drainage ditch under I-80 and into the South Platte River. Mr. Miller reported that if a formal complaint were to be needed, the District could execute a complaint. Mr. Miller reported that the District staff always attempts to work with the effected landowners and/or operators informally. Mr. Miller reported that Mr. Carhart, Natural Resources Conservation Service staff, Carol Eakins and Shawn Riley, have met with the operator of the land and he had taken measures earlier this year to reduce runoff, such as deep ripping his soil to improve infiltration and that he is willing to continue to work to improve the situation. Mr. Miller reported that they discussed options still available and that Mr. Riley plans to work with the operator to fine tune the use of his surge valve. Mr. Miller reported that another solution would be installing a re-use pit and that a proposal for that will be prepared and presented to the landowner if these management options do not work yet this season.

Hazard Mitigation Plans – No reported presented.

Information & Education Programs – No report presented.

Legislation – No report presented.

Requests for Authorization to Travel – No requests for authorization to travel were presented.

Meetings and Dates of Interest – Mr. Miller reported that various items of information were in the Directors' Board meeting packet.

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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 2009 FISCAL YEAR

Preparation Schedule – Mr. Miller reported that in the Directors' 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 #3 – Mr. Miller reported that in the Directors' packet and available as a handout was the third draft of a budget for the 2009 fiscal year. Mr. Miller reviewed the information for the proposed budget for the 2009 fiscal year.

Mr. Stack moved to approve for Public Hearings a 2008-2009 Fiscal Year Budget for the Twin Platte Natural Resources District as proposed in Draft #3 with a property tax requirement of \$1,133,408.43 and a total requirement of \$1,802,686.27, and to set the Public Hearings for the 2008-2009 Fiscal Year Budget for September 11, 2008 to be held at 7:30 p.m. CDT (6:30 p.m. MDT) in the TierOne Bank Center Meeting Room located at 111 South Dewey Street in North Platte, Nebraska for the Board of Directors to hear and consider public comments prior to action for approval of a 2008-2009 Fiscal Year Budget and for setting the final property tax request for the Twin Platte Natural Resources District for the 2008-2009 Fiscal Year. Mr. Meismer seconded the motion. The motion carried. (Motion #7)

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

OTHER BUSINESS

There was no other business.

NEXT MEETING

Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Thursday, September 11, 2008 at 7:30 pm CDT (6:30 pm MDT) in North Platte, Nebraska.

ADJOURNMENT

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The meeting adjourned at 8:29 p.m. CDT (7:29 p.m. MDT).

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Jerry Weaver, Secretary