

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
February 11, 2010

The Twin Platte Natural Resources District (TPNRD) Board of Directors meeting was held at the TierOne Bank Center Meeting Room, Second Floor, 111 South Dewey Street, North Platte, Nebraska on February 11, 2010. Mr. Rubenthaler called the meeting to order at 3:09 pm CST (2:09 pm MST). 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

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

BOARD MEMBERS ABSENT

Eric Hansen
Bob Petersen

NRCS PERSONNEL PRESENT

Roger Hammer
Howard Mains

STAFF PRESENT

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

OTHERS PRESENT

Brad Johnson, Sargent Irrigation
Bart Nichols, Sargent Irrigation
Glen Waltemath, McChesney Martin & Sagehorn PC

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 in the back of the meeting room and accessible to members of the public.

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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 will be absent and that the minutes will reflect whether an absent Director is excused or unexcused. Mr. Rubenthaler reported that Mr. Petersen notified the office that he would be absent and is therefore excused. Mr. Rubenthaler reported that Mr. Hansen had not notified the office that he would be absent and was therefore unexcused.

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.

AUDIT

2009 Fiscal Year – Mr. Meisner reported that the Audit for the TPNRD for the 2009 Fiscal Year was mailed to each member of the Board of Directors prior to the Board meeting. Mr. Meisner reported that Glen Waltemath prepared the Audit for the TPNRD and that he was present.

Mr. Waltemath reviewed the Audit and answered questions from the Board members.

Mr. Stack moved that the Audit for the 2009 Fiscal Year be received. Mr. Wahlgren seconded the motion. The motion carried. (Motion #1)

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

BOARD OF DIRECTORS MINUTES

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Minutes for January 14, 2010 Meeting – Mr. Rubenthaler reported that the Minutes for the January 14, 2010 meeting were in the Directors’ packet and he asked if there were any corrections or additions.

Mr. Meismer moved that the Minutes of the January 14, 2010 Board of Directors meeting be approved. Mr. Wiseman seconded the motion. The motion carried. (Motion #2)

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

REQUESTS FOR ASSISTANCE

None presented.

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service (NRCS) – District Conservationist Report – Mr. Miller reported that Mary Reece, District Conservationist, was unable to attend.

USDA Natural Resources Conservation Service – Soil Survey Report – Mr. Hammer reported on the status of soil survey work in the Twin Platte Natural Resources District.

Other Agencies – No reports presented.

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 February 11, 2010.

Ground Water Management – Variances – Conditions – Mr. Meismer reported that the Subcommittee agreed during the November 12, 2009 Subcommittee meeting that the TPNRD would continue to process variance requests in January 2010 using the current Rules and Regulations and specified conditions until such time as revised Rules and Regulations are implemented.

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Mr. Meismer reported that the Subcommittee agreed that the following conditions, unless waived, would apply to variances processed until such time as revised Rules and Regulations are implemented:

- 1) Landowner(s) file with the County Register of Deeds that the land has been decertified and will not be irrigated in the future and proof of the filing is provided to the TPNRD.
- 2) Proof of ownership provided to the TPNRD.
- 3) Twelve (12) month limitation for transfers to physically take place. If a transfer has not happened in the 12 month time frame, the transfer permit will become void and the producer will not receive a refund for the permit fee. Transfers into the water bank will not have a time limitation.
- 4) If there are contracts for state or federal programs requiring previously irrigated lands to not be irrigated, it is the responsibility of the landowner, and NOT the TPNRD, to be in compliance with those contracts.
- 5) Landowner(s) sign a notarized affidavit that the TPNRD is not responsible for any new depletions and offsets that may be required by other parties.

Ground Water Management – Variances - Requests – Village of Sutherland – Mr. Meismer reported that the TPNRD has received a variance request from the Village of Sutherland. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from the Village of Sutherland to obtain two de-watering well permits for the Village of Sutherland’s new well field. Mrs. Dimmitt reported that these wells were drilled in the SE ¼ Section 31, Township 14 North, Range 33 West, Lincoln County, Nebraska, to lower the water table during construction of the new well field and that these wells were originally intended to be functioning less than the 90 day limit. Mrs. Dimmitt reported that problems have occurred, and these wells have exceeded the 90 day limit for de-watering wells. Mrs. Dimmitt reported that these two wells now need a permit from the TPNRD so that they can be registered. Mrs. Dimmitt reported that in the Directors’ Board meeting notebook was an aerial photo of the area.

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to the Village of Sutherland for two de-watering well permits for the Village of Sutherland limited to 12 months of use from the date the permits are approved. Mr. Wiseman seconded the motion. The motion carried. (Motion #3)

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

Ground Water Management – Variances - Requests – Olson Farms – Mr. Meismer reported that the District has received a variance request from Olson Farms. Mr. Meismer asked Mrs. Dimmitt to report on the request.

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Mrs. Dimmitt reported that the TPNRD received a request from Olson Farms to transfer 8.413 certified ground water irrigated acres from along the north and south field boundaries on the NE¼ Section 25, Township 14 North, Range 32 West, Lincoln County, Nebraska, to under the pivot located in the same quarter section. Mrs. Dimmitt reported that these 8.413 acres are from buildings that were removed to allow the pivot to go all the way around the circle. Mrs. Dimmitt reported that there would be no new irrigated acres as the transfer would be in the same section with the same stream depletion factor. Mrs. Dimmitt reported that in the Directors' Board meeting notebook was an aerial photo of the area.

Mr. Meismer moved the Water Resources Subcommittee's recommendation to the Board of Directors to approve granting a variance to Olson Farms to transfer 8.413 certified ground water irrigated acres within the NE¼ Section 25, Township 14 North, Range 32 West, Lincoln County, Nebraska, conditioned on (1) Olson Farms filing with the County Register of Deeds that the land has been decertified and will not be irrigated in the future and proof of the filing is provided to the TPNRD, (2) Olson Farms providing the TPNRD proof of ownership, (3) a 12 month limitation for transfers to physically take place, (4) if there are contracts for state or federal programs requiring previously irrigated lands to not be irrigated, it is the responsibility of Olson Farms, and not the TPNRD to be in compliance with those contracts, and (5) Olson Farms executing a signed and notarized affidavit that the TPNRD is not responsible for any new depletions and offsets that may be required by other parties. Mr. Schilz seconded the motion. The motion carried. (Motion #4)

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

Ground Water Management – Variances - Requests – Ruth Matsutani Life Estate – Mr. Meismer reported that the District has received a variance request from the Ruth Matsutani Life Estate. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from the Ruth Matsutani Life Estate. Mrs. Dimmitt reported that they would like to be allowed to transfer 4.79 certified ground water irrigated acres from the SE corner of the NW¼ Section 13, Township 14 North, Range 32 West, Lincoln County, Nebraska to under a pivot located in this ¼ section. Mrs. Dimmitt reported that they removed 4.79 acres of wind break trees to allow their pivot to go all the way around the circle. Mrs. Dimmitt reported that the 4.79 acres in the SE corner has both certified ground water irrigated acres, and surface water irrigated rights. Mrs. Dimmitt reported that the policy has been to not allow certified ground water irrigated acres to be transferred from land that is also irrigated with surface water to land that has never been irrigated. Mrs. Dimmitt reported that if there are surface water rights at the location where the wind break has been removed, then the ground water certified irrigated acres could be transferred there. Mrs. Dimmitt reported that if there are no surface water rights associated with the land where the trees were located, then the landowner will have to have the surface water rights transferred to the location where the windbreak has been removed so the certified irrigated ground water acres can be transferred

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to that location. Mrs. Dimmitt reported that to offset for the increase in ground water irrigated acres due to the removal of the windbreak, the Ruth Matsutani Life Estate is agreeing to dry up the same amount of acres irrigated by the pivot that use to be flooded. Mrs. Dimmitt reported that there would be no new irrigated acres as the transfer would be in the same section with the same stream depletion factor. Mrs. Dimmitt reported that in the Directors’ Board meeting notebook was an aerial photo of the area.

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to the Ruth Matsutani Life Estate to transfer 4.79 certified ground water irrigated acres from the SE corner of the NW¼ Section 13, Township 14 North, Range 32 West, Lincoln County, Nebraska to under a pivot located in the same ¼ section, if there is a surface water right associated with the new location, and if there is no surface water right associated with the new location, the surface water right associated with the current location of the 4.79 certified ground water irrigated acres must be transferred to the new location within 24 months of this action, or certification of the 4.79 acres at the new location will be forfeited and those certified ground water irrigated acres will be returned to the former location, conditioned on (1) the Ruth Matsutani Life Estate filing with the County Register of Deeds that the land has been decertified and will not be irrigated in the future and proof of the filing is provided to the TPNRD, (2) the Ruth Matsutani Life Estate providing the TPNRD proof of ownership, (3) if there are contracts for state or federal programs requiring previously irrigated lands to not be irrigated, it is the responsibility of the Ruth Matsutani Life Estate, and not the TPNRD to be in compliance with those contracts, and (4) the Ruth Matsutani Life Estate executing a signed and notarized affidavit that the TPNRD is not responsible for any new depletions and offsets that may be required by other parties. Mr. Schilz seconded the motion. The motion carried. (Motion #5)

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

Ground Water Management – Violations – No report presented.

Ground Water Management – Certified Irrigated Acres – No report presented.

Integrated Management Plan (IMP) - Timeline - Mr. Meismer reported that the Subcommittee agreed to a revised timeline for developing and implementing revised Rules & Regulations and he asked Mr. Miller to report on the timeline.

Mr. Miller reviewed the following revised timeline for developing Rules & Regulations:

<u>Task</u>	<u>Dates</u>
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Water Subcomm./Bd. Meeting – Develop Rules & Reg.	Mar. 18
Process Variances – Current Rules & Reg. (plus require lien filings and other conditions desired)	Mar. 18
<i>Water Subcomm. – Offsets Options</i>	<i>Mar. 18</i>
Water Subcomm./Bd. Meeting – Approve Rules & Reg. for Pub. Hearing	Apr. 8
Process Variances – Current Rules & Reg. (plus require lien filings and other conditions desired)	Apr. 8
<i>Water Subcomm. – Offsets Options</i>	<i>Apr. 8</i>
Public Hearing - Rules & Reg.	May 13
Bd. Meeting – Approve Rules & Reg. Order	May 13
Process Variances – Current Rules & Reg. (plus require lien filings and other conditions desired)	May 13
<i>Water Subcomm. – Offsets Options</i>	<i>May 13</i>
Publish Rules & Reg. Order in NP Telegraph	May 20, 27, June 3
Effective Date for Rules & Reg. Rev.	June 10
Process Variances – New Rules & Reg.	June 10 & On Going
<i>Water Subcomm. / Bd. Mtg. – Offsets Options</i>	<i>On Going</i>

Integrated Management Plan (IMP) - Rules and Regulations – Mr. Meismer reported that the latest draft for revisions of the Rules and Regulations discussed by the Subcommittee on January 14, 2010 were in the Directors’ Board meeting packet. Mr. Meismer reported that this current draft of the Rules and Regulations include revisions recommended by the District’s legal counsel.

Mr. Meismer reported that the Subcommittee continued their review of the Rules and Regulations.

Mr. Meismer reported that the Subcommittee agreed that they would continue to provide to the full Board drafts of the Rules and Regulations prior to approval of the Rules and Regulations to take to a public hearing.

Integrated Management Plan (IMP) - Offset Water – Mr. Meismer reported that the Subcommittee continued discussion of potential options for offset water.

Mr. Miller reported on a Western Irrigation District study being funded by a federal grant the Nebraska Department of Natural Resources received.

Grants - Nebraska Environmental Trust – Mr. Meismer reported that the Nebraska Environmental Trust did not fund the application submitted by the North Platte NRD, the South Platte NRD, and the Twin Platte NRD for an aerial geophysical survey project. Mr. Miller

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reported that the General Managers of the NRDs are looking for alternative funding that might be available.

Grants - Interrelated Water Management Plan Program - No report presented.

Central Platte NRD “In Perspective” Newsletter, January 2010 - Mr. Meismer reported that in the Directors’ Board meeting packet was the Central Platte NRD “In Perspective” Newsletter, January 2010 for information. Mr. Meismer reported that the Water Resources Subcommittee agreed that the TPNRD should publish a similar newsletter.

Joint Platte Basin NRD Water Resources Subcommittees meeting (Central Platte, North Platte, South Platte, Tri-Basin, Twin Platte) – Mr. Meismer reported that in the Directors’ Board meeting packet for information was a draft agenda for the joint Platte Basin NRD Water Resources Subcommittees meeting that will be held in North Platte on February 23, 2010. Mr. Meismer reported that the Subcommittee agreed to invite any TPNRD Director to attend the joint meeting.

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 January 2010 was in the Directors' notebook and available as a handout.

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 January 2010 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on February 11, 2010 in the amount of \$42,250.36. Mr. Margritz seconded the motion. The motion carried. (Motion #6)

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

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Budget Status – Mr. Meismer reported that the Budget Status report was in the Directors’ notebook and available as a handout.

Bids/Proposals – None presented.

Bids/Proposals Scheduled to be Presented for Consideration during the March 18, 2010 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented during the March 18, 2009 board meeting.

DIRECTORS REPORTS

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

Nebraska Association of Resources Districts – Legislative Conference, January 25-27, 2010 – Mr. Meismer reported on the Nebraska Association of Resources Districts annual Legislative Conference that was held January 25-27, 2010 in Lincoln, Nebraska. Mr. Meismer reported that in the Directors’ Board meeting packet for information was a summary of the Legislative Bills discussed during the Legislative Conference and the positions established, and the January 29 NARD Legislative Update report.

Sandhills Resources, Conservation & Development Council – Mr. Miller reported that in the Directors’ Board meeting packet for information was the Sandhills Resources, Conservation, and Development Council annual report for 2009.

Board of Directors Elections 2010 – Mr. Rubenthaler reported that the deadline for Incumbents filing for re-election is February 15 and the deadline for Non-Office Holders is March 1. Mr. Rubenthaler reported that the TPNRD Director seats up for election in 2010 are Sub-District 1 (Eric Hansen), Sub-District 2 (Joe Wahlgren), Sub-District 3 (Doug Stack), Sub-District 4 (Dale Margritz), Sub-District 5 (Jim Meismer), and At Large (Jim Rubenthaler).

Requests for Authorization to Travel – No requests were presented.

DISTRICT REPORT

Cost-Share Programs - NE Soil & Water Conservation Program (NSWCP) – Mr. Miller reported that in the Directors' notebook was a report and that \$41,480.88 was available for funding contracts.

Mr. Wiseman moved to approve the February 11, 2010 contracts 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>
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10.031	NC-12	Trees	\$ 82.88	\$ 82.88
10.032	NC-12	Trees	\$ 1,105.00	\$ 1,105.00
10.033	NC-12	Trees	\$ 414.38	\$ 414.38
10.034	NC-14	Planned Grazing System	\$ 3,232.13	\$ 3,232.13
10.035	NC-14	Planned Grazing System	\$ 3,232.13	\$ 3,232.13
10.036	NC-12	Trees	\$ 828.75	\$ 828.75
10.037	NC-17	Irrigation Water Mgt	\$ 2,576.00	\$ 2,576.00
10.038	NC-12	Trees	\$ 1,119.00	\$ 1,119.00
10.039	NC-12	Trees	\$ 1,164.92	\$ 1,164.92
10.040	NC-12	Trees	\$ 1,105.00	\$ 1,105.00
10.041	NC-17	Irrigation Water Mgt	\$ 600.00	\$ 600.00
10.042	NC-17	Irrigation Water Mgt	\$ 600.00	\$ 600.00
10.043	NC-12	Trees	\$ 498.75	\$ 498.75
		Total Amount of New Contracts		\$ 16,558.94

FUNDS AVAILABLE:	Practice NC-12, Windbreaks	\$ 1,542.27
	Practice NC-14, Planned Grazing	\$ 6,298.24
	Practice NC-17, Irrigation	\$ 10,580.40
	Other available practices	\$ 6,501.03

Mr. Margritz seconded the motion. The motion carried. (Motion #7)

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

Mr. Miller reported that the TPNRD guidelines for the Nebraska Soil & Water Conservation Program are as follows:

- Funding adjustments shall go back to the reserved category established by the Board of Directors that the funds came from.
- Applications will be considered in the order the producers sign them.
- From July 1 – January 30, applications shall be considered for funding only when funds are available to fully fund the contract.
- From January 31 – June 30, the funds from each reserved category shall be merged and applications on file shall be considered for funding in the order they are signed by the producer, and only one application may be approved for partial funding at any time.
- On June 30, all applications not approved by the Board of Directors shall be cancelled.

Mr. Miller reported that any un-obligated funds on March 1, 2010 are required to be returned to the Nebraska Department of Natural Resources for re-distribution to Natural Resources Districts. Mr. Miller reported that he will approve additional contracts in the order they are signed by the producer and received in the office prior to March 1, 2010 for any eligible practices available for cost share within the TPNRD up to and not exceeding the funds

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available. Mr. Miller reported that a report will be presented during the March 18, 2010 Board meeting of any additional contracts approved prior to March 1, 2010.

Cost-Share Programs – District Conservation Programs – Mr. Miller reported that in the Directors' Board notebook was a report, and that \$4,817.10 was available for new contracts.

Tree Program – No report presented.

Range Programs – No report presented.

Water Programs – No report presented.

Soil Conservation Programs – No report presented.

Wildlife Habitat Programs – No report presented.

Regulatory Programs – No report presented.

Information & Education Programs – No report presented.

Brule Watershed – No report presented.

Interlocal Cooperation Agreements – No report presented.

Hazard Mitigation Plan - No report presented.

Requests for Authorization to Travel – None presented.

Legislature - Mr. Miller reported that in the Directors' notebook for information were NARD Legislative Update reports.

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

Miscellaneous Information – Mr. Miller reported that various items of information were in the Directors packet and in the Directors' notebook.

BASIN-WIDE PLAN FOR JOINT INTEGRATED WATER RESOURCES MANAGEMENT OF
OVERAPPROPRIATED PORTIONS OF THE PLATTE RIVER BASIN

Petition and Request for Contested Case Hearing filed by Central Nebraska Public Power & Irrigation District (CNPPID) – No report presented and no discussion occurred.

OTHER BUSINESS

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There was no other business.

NEXT MEETING

Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Thursday, March 18, 2010 at 3:00 pm CDT (2:00 pm MDT) at the TierOne Bank Center Meeting Room, 111 South Dewey Street, Second Floor, North Platte, Nebraska.

ADJOURNMENT

The meeting adjourned at 4:18 pm CST (3:18 pm MST).

Jerry Weaver, Secretary