

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting  
March 18, 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 March 18, 2010. Mr. Rubenthaler called the meeting to order at 3:09 pm CDT (2:09 pm 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  
Joe Wahlgren  
Jerry Weaver  
Bob Wiseman

BOARD MEMBERS ABSENT

Shane Storer

NRCS PERSONNEL PRESENT

Brock Shouldis  
Shelly Taylor

STAFF PRESENT

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

OTHERS PRESENT

Harriet Hageman, Legal Counsel  
Bart Nichols, Sargent Irrigation  
Bob Peterson, Board of Directors Candidate

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

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

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.

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. Storer notified the office that he would be absent and is therefore excused.

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

Mr. Miller reported that the TPNRD “Natural Resources News” Winter 2010 newsletter was available.

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

No reports presented.

BOARD OF DIRECTORS MINUTES

Minutes for February 11, 2010 Meeting – Mr. Rubenthaler reported that the Minutes for the February 11, 2010 meeting were in the Directors’ packet and he asked if there were any corrections or additions.

Mr. Schilz moved that the Minutes of the February 11, 2010 Board of Directors meeting be approved. Mr. Margritz seconded the motion. The motion carried. (Motion #1)

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

Nay: None

Absent & Excused: Storer

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

REQUESTS FOR ASSISTANCE

None presented.

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service (NRCS) – District Conservationist Report – Mr. Rubenthaler reported that Mary Reece, District Conservationist, was unable to attend the meeting. Shelly Taylor distributed and reviewed a written report.

Other Agencies – No reports presented.

SUBCOMMITTEE MEETINGS REPORT

Land Resources SubCommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT

Water Resources SubCommittee

Mr. Meismer, Water Resources Chairperson, presented a report for the subcommittee meeting held on March 18, 2010.

Ground Water Management – Variances – Requests – Wm J Finch Farms (Neil Williams) – Mr. Meismer reported that the TPNRD has received a request for a variance from Neil Williams. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from Neil Williams to clarify which river basin the 41.7 certified ground water irrigated acres owned by Mike Newman located in the NESW Section 20, Township 14 North, Range 38 West, Keith County, Nebraska is located in. Mrs. Dimmitt reported that Mr. Williams wants to purchase these certified irrigated acres from Mr. Newman, bank the certified ground water irrigated acres, and transfer these certified ground water irrigated acres at a future time to a location in the South Platte River Basin. Mrs. Dimmitt reported that Section 20, Township 14 North, Range 38 West, Keith County, Nebraska is bisected between the North Platte River Basin and the South Platte River Basin and the TPNRD does not allow the transfer of certified ground water irrigated acres between the North Platte and South Platte River Basins. Mrs. Dimmitt reported that in the Directors' Board meeting notebook was a map and an aerial photo of the area.

Mr. Meismer reported that the Subcommittee determined that the well for the 41.7 certified ground water irrigated acres owned by Mike Newman and located in the NESW Section 20, Township 14 North, Range 38 West, Keith County, Nebraska is located in South Platte River

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

Basin and that therefore these 41.7 certified ground water irrigated acres could be transferred to allowed locations within the South Platte River Basin.

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Mike Newman to transfer his 41.7 certified ground water irrigated acres from the NESW Section 20, Township 14 North, Range 38 West, Keith County to the TPNRD water bank under Wm J Finch Farms (Neil Williams) name, conditioned on; (1) Wm Finch 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) Wm Finch Farms providing the TPNRD proof of ownership, (3) a 12 month limitation for transfers into the water bank or 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 Wm Finch Farms, and not the TPNRD to be in compliance with those contracts, (5) Wm Finch Farms executing a signed and notarized acknowledge statement that the TPNRD is not responsible for any new depletions and offsets that may be required by other parties, (6) the acres that are to be relocated at a future date are required to be in compliance with the rules and regulations that are in effect when the certified ground water acres are transferred out of the TPNRD water bank, and (7) Mike Newman modifying the existing irrigation well in the SESW section 20 Township 14 North, Range 38West, Keith County so that it cannot pump more than 50 gallons per minute. Mr. Schilz seconded the motion. The motion carried. (Motion #2)

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

Ground Water Management – Variances – Requests – Bob Fattig – Mr. Meismer reported that the TPNRD has received a request for a variance from Bob Fattig. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from Bob Fattig to drill a supplemental ground water well to irrigate his already certified 141.03 ground water irrigated acres located in the NESW Section 2, Township 11 North, Range 27 West, Lincoln County, Nebraska. Mrs. Dimmitt reported that Mr. Fattig currently has an old registered irrigation well irrigating these acres. Mrs. Dimmitt reported that the supplemental well is being requested so they can drill an irrigation well that is more efficient and more centrally located. Mrs. Dimmitt reported that in the future Mr. Fattig may want to install a pivot to irrigate the acres instead of flooding the fields. Mrs. Dimmitt reported that there would be no new irrigated acres. 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 Bob Fattig to install a supplemental ground water well in the NESW Section 2, Township 11 North, Range 27 West, Lincoln County, Nebraska conditioned on; (1) Bob Fattig providing the TPNRD proof of ownership, (2) Bob Fattig

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

executing a signed and notarized acknowledge statement that the TPNRD is not responsible for any new depletions and offsets that may be required by other parties, and (3) a twelve month limitation for the new supplemental well to physically be installed. Mr. Wahlgren seconded the motion. The motion carried. (Motion #3)

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

Ground Water Management – Variances – Requests – Cliff Welsh – Mr. Meismer reported that the TPNRD has received a request for a variance from Cliff Welsh. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from Cliff Welsh to transfer 15.0 of his 124.89 certified ground water irrigated acres located in the NW¼ Section 7 and the SW¼ Section 6, Township 12 North, Range 40 West, Keith County, Nebraska to be placed under a new pivot that will go over land that has not previously been irrigated at the same location. Mrs. Dimmitt reported that Mr. Welsh currently flood irrigates the 124.89 acres with an older well and he is also requesting a new well. Mrs. Dimmitt reported that the new pivot would cross over a water way that is not currently irrigated. Mrs. Dimmitt reported that Mr. Welsh would transfer acres off the corners to fill in under the pivot. Mrs. Dimmitt reported that there will be no new irrigated acres associated with this transfer. 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 Cliff Welsh to install a new supplemental well, and to transfer 15.0 of his 124.89 certified ground water irrigated acres located in the NW¼ Section 7 and the SW¼ Section 6, Township 12 North, Range 40 West, Keith County, Nebraska to a new location under a new pivot located in the NW¼ Section 7 and SW¼ Section 6, Township 12 North, Range 40 West, Keith County, Nebraska conditioned on; (1) Cliff Welsh 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) Cliff Welsh providing the TPNRD proof of ownership, (3) a twelve 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 Cliff Welsh, and not the TPNRD to be in compliance with those contracts, and (5) Cliff Welsh executing a signed and notarized acknowledge statement that the TPNRD is not responsible for any new depletions and offsets that may be required by other parties, and (6) the newly transferred acres under the pivot in the natural drain way will remain in native vegetation and landscape. Mr. Schilz seconded the motion. The motion carried. (Motion #4)

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

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

Ground Water Management – Variances – Requests – Lanny & Barry Stauffer– Mr. Meismer reported that the TPNRD has received a request for a variance from Lanny and Barry Stauffer. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from Lanny & Barry Stauffer to transfer 126.5 certified ground water irrigated acres to a new location. Mrs. Dimmitt reported that they would like to transfer 126.5 certified ground water irrigated acres from a flood field and three pivot corners located in Section 5, Township 12 North, Range 39 West, Keith County, Nebraska to a new pivot to be located in NW¼ Section 11, Township 12 North, Range 39 West, Keith County, Nebraska. Mrs. Dimmitt reported that the acres located in Section 5, Township 12 North, Range 39 West, Keith County, Nebraska, were originally certified as two separate pivots and two smaller flood fields. Mrs. Dimmitt reported that in 2007 a section sized pivot was installed over the two smaller pivots and flood ground. Mrs. Dimmitt reported that the request is to de-certify the three no longer irrigated corners and portions of the flood field totaling 126.5 acres, and relocating these acres to the NW¼ Section 11, Township 12 North, Range 39 West, Keith County, Nebraska. Mrs. Dimmitt reported that this request would transfer the irrigated acres three miles east and once mile south, therefore moving away from the river. Mrs. Dimmitt reported that the Stauffer’s are also requesting a new irrigation well at the new location in the NW¼ Section 11, Township 12 North, Range 39 West, Keith County, Nebraska. Mrs. Dimmitt reported that there will be no new irrigated acres associated with this transfer. 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 Lanny & Barry Stauffer to transfer 126.5 certified ground water irrigated acres from Section 5, Township 12 North, Range 39 West, Keith County, Nebraska, to the NW¼ Section 11, Township 12 North, Range 39 West, Keith County, Nebraska conditioned on; (1) Lanny & Barry Stauffer 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) Lanny & Barry Stauffer providing the TPNRD proof of ownership, (3) a twelve 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 Lanny & Barry Stauffer, and not the TPNRD to be in compliance with those contracts, and (5) Lanny & Barry Stauffer executing a signed and notarized acknowledge statement that the TPNRD is not responsible for any new depletions and offsets that may be required by other parties. Mr. Wiseman seconded the motion. The motion carried. (Motion #5)

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

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

Ground Water Management – Variances – Requests – Gene Purcell – Mr. Meismer reported that the TPNRD has received a request for a variance from Gene Purcell. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mrs. Dimmitt reported that the TPNRD received a request from Gene Purcell to rearrange his 105.9 certified irrigated acres from the SW¼ Section 2, Township 15 North, Range 26 West, Lincoln County, Nebraska so he may install a pivot over his certified flood irrigated acres. Mrs. Dimmitt reported that with installing the new pivot he will be irrigating 18.63 acres under the pivot that have not previously been irrigated. Mrs. Dimmitt reported that Mr. Purcell currently flood irrigates 105.9 acres of irrigated corn. Mrs. Dimmitt reported that he would like to install a new pivot instead of laying out the necessary irrigation pipe. Mrs. Dimmitt reported that the new pivot would cross over 18.63 acres that are currently not irrigated. Mrs. Dimmitt reported that he would transfer acres off the corners of his flood fields to fill in under the pivot. Mrs. Dimmitt reported that Mr. Purcell has agreed to remove from irrigation 18.63 acres so there are no new acres associated with this transfer. 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 Gene Purcell to transfer 18.63 of his 105.9 certified ground water irrigated acres to a new location under a new pivot in the SW¼ Section 2, Township 15 North, Range 26 West, Lincoln County, Nebraska conditioned on; (1) Gene Purcell 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) Gene Purcell providing the TPNRD proof of ownership, (3) a twelve 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 Gene Purcell, and not the TPNRD to be in compliance with those contracts, and (5) Gene Purcell executing a signed and notarized acknowledge statement that the TPNRD is not responsible for any new depletions and offsets that may be required by other parties. Mr. Margritz seconded the motion. The motion carried. (Motion #6)

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

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

Mrs. Dimmitt reported that the TPNRD received a request from Steve Koch of Koch Feedlots Inc. to be allowed to transfer 6.63 certified ground water irrigated acres from the SE and SW corner of the pivot in the NW¼ Section 23, Township 14 North, Range 33 West, Lincoln County, Nebraska, to under the pivot located in this ¼ section. Mrs. Dimmitt reported that they removed 6.63 acres of buildings and trees to allow their pivot to complete a full circle. Mrs.

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

Dimmitt reported that the 6.63 acres in the SE and the SW corner has both certified ground water irrigated acres, and surface 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 with surface water. Mrs. Dimmitt reported that if there are surface water rights at the location where the buildings and trees have 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 ground water irrigated acres can be transferred to that location. Mrs. Dimmitt reported to offset for the increase in ground water acres due to the removal of the buildings and trees, Koch Feedlots Inc is agreeing to dry up the same amount of acres irrigated by the pivot that use to be flooded in the corners. Mrs. Dimmitt reported that there would be no new irrigated acres related to ground water or surface water. 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 Koch Feedlots Inc. to transfer 6.63 ground water irrigated acres in the NW¼ Section 23, Township 14 North, Range 33 West, Lincoln County, Nebraska, since there is a surface water right associated with the new location and there will be no new depletions conditioned on; (1) Koch Feedlots Inc 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) Koch Feedlots Inc providing the TPNRD proof of ownership, (3) a twelve 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 Koch Feedlots Inc, and not the TPNRD to be in compliance with those contracts, and (5) Koch Feedlots Inc executing a signed and notarized acknowledge statement 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 #7)

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

Nay: None

Absent & Excused: Storer

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.

Mrs. Meismer reported that during the February 11, 2010 Subcommittee meeting, the Subcommittee had reviewed three examples of “acknowledgements” (affidavits) that the TPNRD is not responsible for any new depletions and offsets that may be required by other



TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

parties. Mrs. Meismer reported that the Subcommittee requested the staff to obtain additional legal advice.

Ms Hageman reviewed the acknowledgements discussed by the Subcommittee.

Mr. Meismer moved the Water Resources Subcommittee's recommendation to the Board of Directors to approve the following acknowledgments:

Acknowledgements for drilling a new irrigation well:

**ACKNOWLEDGEMENT AND CERTIFICATION**

I understand that, pursuant to the Ground Water Management and Protection Act, the TPNRD has imposed a stay on permits for the construction of new irrigation ground water wells that pump greater than 50 gallons per minute. I have filed this Application for a variance, requesting the TPNRD to grant a permit to allow me to construct a new irrigation well as described above.

If the TPNRD grants this Application, I hereby certify that I recognize and acknowledge that I will be obligated to offset and/or mitigate any impacts related to constructing and/or operating the new irrigation ground water well as requested herein. I further acknowledge that if I am unable to offset and/or mitigate such impacts at any time, I will immediately cease operating the new ground water well. I will also offset and/or mitigate all past and future impacts caused by constructing and operating the new irrigation ground water well.

The obligations described in this Acknowledgment and Certification are ongoing and run with the real property that is the subject of this Application. Such obligations apply equally to my successors and assigns, including all future purchasers of the new ground water well that is the subject of this Application and related irrigated acres. A copy of this Application, if granted, shall be recorded with the County Land Records to place such purchasers on notice of potential offset and/or mitigation obligations.

Acknowledgements for transferring certified acreage:

**ACKNOWLEDGEMENT AND CERTIFICATION**

I understand that the TPNRD has prohibited the transfer of certified irrigated acres when such transfer would result in changing the timing or amount of river flows. I hereby certify that, to the best of my knowledge, understanding and belief, the transfer requested herein will not change the timing or amount of river flows, and have submitted herewith the confirming information.

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

If the TPNRD grants this Application, and it is eventually determined that this transfer in fact has changed the timing or amount of river flows, I hereby certify that I recognize and acknowledge that I will be obligated to offset and/or mitigate any impacts related to transferring the certified irrigated acres from the historical location to the new location as requested in this Application. I further acknowledge that if I am unable to offset and/or mitigate such impacts at any time, I will immediately cease irrigating the new acres and will provide the necessary offsets and/or mitigation for all past and future impacts caused by transferring the certified irrigated acres as requested herein.

The obligations described in this Acknowledgment and Certification are ongoing and run with the real property that is the subject of this Application. Such obligations apply equally to my successors and assigns, including all future purchasers of new irrigated acres to which the certification is being transferred. A copy of this Application, if granted, shall be recorded with the County Land Records to place such purchasers on notice of potential offset and/or mitigation obligations.

Mr. Wiseman seconded the motion. The motion carried. (Motion #8)

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

Nay: None

Absent & Excused: Storer

Ground Water Management – Violations – No report presented.

Ground Water Management – Certified Irrigated Acres – Web Site – Mrs. Dimmitt reported on the status of the work being done by Applied Data Consultants for developing the water banking software and providing information for certified irrigated acres in the TPNRD on the TPNRD web site. Mrs. Dimmitt reviewed a current draft version for the web site.

Ground Water Management – Certified Irrigated Acres – Aerial Photography – Mrs. Dimmitt reported that Mr. Wahlgren requested during the February 11, 2010 Subcommittee meeting that the staff obtain information and costs for satellite imagery. Mrs. Dimmitt reported that in the Directors' Board meeting notebooks was a proposal the TPNRD received from IntraSearch delivering a 2-ft pixel multi-spectral product at an approximate cost of \$185,000.00 and would take 16-18 weeks.

Mrs. Dimmitt reported that the TPNRD previously obtained low level infrared photography in 2004 and 2009 from Cornerstone Mapping of Lincoln, Nebraska. Mrs. Dimmitt reported that in the Directors' Board meeting notebooks were three options the staff requested from Cornerstone Mapping for infrared photography acquisition, orthorectification, tone balanced mosaic, and MrSID compression. Mrs. Dimmitt reported that Option 1 was for all of the TPNRD in 2010 at a cost of \$80,800.00, Option 2 was for Arthur, McPherson, and Keith Counties in the TPNRD in 2010 or 2011 (\$46,500.00) and Lincoln County in the TPNRD in the other year (\$39,500.00) at a cost of \$86,000.00, and Option 3 was for the north half of the TPNRD in 2010 or 2011 (\$44,700.00) and south half of the TPNRD in the other year (\$44,600.00) at a cost of

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

\$89,300.00.

Mr. Meismer moved the Water Resources Subcommittee's recommendation to the Board of Directors to approve obtaining from Cornerstone Mapping of Lincoln, Nebraska infrared photography acquisition, orthorectification, tone balanced mosaic, and MrSID compression for all of the TPNRD in 2010 at a cost of \$80,800.00. Mr. Petersen seconded the motion. (Motion #9)

Discussion occurred.

Mr. Wahlgren moved to amend Motion #9 to strike "all of the TPNRD in 2010 at a cost of \$80,800.00" and insert "the south half of the TPNRD in 2010 at a cost of \$44,600.00". Mr. Stack seconded the motion. The motion failed. (Motion #10)

Aye: Hansen, Rubenthaler, Stack, Wahlgren, Weaver  
Nay: Margritz, Meismer, Petersen, Schilz, Wiseman  
Absent & Excused: Storer

Motion #9 carried.

Aye: Margritz, Meismer, Petersen, Rubenthaler, Schilz, Wiseman  
Nay: Hansen, Stack, Wahlgren, Weaver  
Absent & Excused: Storer

Aerial Geophysical Survey - Funding - Mr. Miller 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 reported that the General Managers of the NRDs are looking for alternative funding that might be available.

Mr. Miller reported that during the Nebraska Association of Resources Districts Conference in Washington DC March 8-11, 2010, Rod Horn, General Manager, South Platte NRD and he had met with USGS officials and Senator Nelson's office seeking alternative funding that might be available. Mr. Miller reported that the USGS officials are seeking a meeting for Mr. Horn and himself in Washington DC with the Assistant Secretary of the Interior.

Mr. Meismer reported that the TPNRD Policy provides that Board authorization is required for all staff or Director expenses for travel outside a 300-mile radius of the District.

Mr. Meismer moved the Water Resources Subcommittee's recommendation to the Board of Directors to authorize Kent O. Miller, General Manager, to participate in a meeting with the Assistant Secretary of Interior in Washington, D.C. during 2010, if a meeting is confirmed. Mr. Schilz seconded the motion. The motion carried. (Motion #11)

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

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

EvapoTranspiration Mapping Using Landsat and METRIC Software - Twin Platte Natural Resources District Project Proposal – Mr. Miller reported that on May 8, 2008, Dr. Gary Hergert, University of Nebraska Panhandle Research & Extension Center, presented a proposal for a project titled “Developing Consumptive Water Use Maps to Improve Groundwater Irrigation Management” using SEBAL and METRIC for the Twin Platte Natural Resources District. Mr. Miller reported that the Board of Directors on May 8, 2008 approved the TPNRD participating in the project and to authorize up to \$45,000.00 annually for the three years planned for the project and that the TPNRD requested that the project begin July 1, 2008.

Mr. Miller reported that on March 13, 2010, he had received an email from Dr. Hergert. Dr. Hergert reported that the project had not been able to begin July 1, 2008 due to problems with cloud masking in the project for the North Platte NRD and the South Platte NRD. Dr. Hergert reported that Ayse Irmak and Rick Allen have a new procedure to interpolate daily ET values and supporting NDVI values to allow greatly improved ET estimation from what they had three years ago. Dr. Hergert reported that cloudiness is even more of a problem in the TPNRD images than it is in the North Platte NRD and South Platte NRD images and that's why he did not seek to begin last year, but that it now is manageable. Dr. Hergert reported that they now are ready to start the process if the TPNRD still has the funds to commit. Mr. Miller reported that in the Directors' Board Meeting notebook was a new proposal with a revised time line received from Dr. Hergert for a cost of \$45,000.00 annually for the three years.

Mr. Meismer reported that the Subcommittee agreed to recommend to the Board of Directors that the TPNRD could not start the process at this time, as funds were not budgeted. No action occurred.

Meetings - Mr. Meismer reported that the next joint Platte Basin NRD Water Resources Subcommittees meeting (Central Platte, North Platte, South Platte, Tri-Basin, Twin Platte) would be held in North Platte on September 1, 2010.

Occupation Tax - Court Order – Mr. Meismer reported that in the Directors' Board Meeting notebook was the District Court of Lancaster County, Nebraska, order in regard to the Occupation Tax litigation for information.

Occupation Tax - Legislation - LB 862 - Mr. Meismer reported that in the Directors' Board Meeting notebook were emails that Mr. Miller had sent to Senator Ken Schilz and Senator Tom Hansen in regard to Legislative Bill 862 and the District Court of Lancaster County, Nebraska, order in regard to the Occupation Tax litigation for information.

Integrated Management Plan (IMP) - Rules and Regulations – Current Draft – Mr. Meismer reported that the latest draft for revisions of the Rules and Regulations discussed by the Subcommittee on February 11, 2010 were included with 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.

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

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

Mr. Meisner 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) - Timeline - Mr. Meisner reported that the Subcommittee agreed to the following revised timeline for developing Rules & Regulations:

<b>Task</b>	<b>Dates</b>
<b>Effective Date of IMP</b>	<b>Sept. 15<sup>th</sup></b>
Water Subcomm. – Develop Rules & Reg.	Oct. 8
<i>Water Subcomm. – Offsets Options</i>	<i>Oct. 8</i>
Water Subcomm./Board – Develop Rules & Reg.	Nov. 12
<i>Water Subcomm. – Offsets Options</i>	<i>Nov. 12</i>
Water Subcomm./Board – Develop Rules & Reg.	Jan. 14
Process Variances – Current Rules & Reg. (plus other conditions)	Jan. 14
<i>Water Subcomm. – Offsets Options</i>	<i>Jan. 14</i>
Water Subcomm./Board – Develop Rules & Reg.	Feb. 11
Process Variances – Current Rules & Reg. (plus other conditions)	Feb. 11
<i>Water Subcomm. – Offsets Options</i>	<i>Feb. 11</i>
Water Subcomm./Board – Develop Rules & Reg.	Mar. 18
Process Variances – Current Rules & Reg. (plus other conditions)	Mar. 18
<i>Water Subcomm. – Offsets Options</i>	<i>Mar. 18</i>
Water Subcomm./Board – Develop Rules & Reg.	Apr. 8
Process Variances – Current Rules & Reg. (plus other conditions)	Apr. 8
<i>Water Subcomm. – Offsets Options</i>	<i>Apr. 8</i>
NE DNR - Submit Preliminary Draft for Review	Apr. 9
Water Subcomm./Board – Develop Rules & Reg.	May 13
Process Variances – Current Rules & Reg. (plus other conditions)	May 13
<i>Water Subcomm. – Offsets Options</i>	<i>May 13</i>
NE DNR - Submit Preliminary Draft w/GW Rev for Review	May 14
NE DNR – Comments Deadline	June 1
Water Subcomm./Board – Approve Rules & Reg. for Pub. Hearing	June 10
Process Variances – Current Rules & Reg. (plus other conditions)	June 10

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

<i>Water Subcomm. – Offsets Options</i>	<i>June 10</i>
NE DNR - Submit Final Draft for Review	June 11
Public Hearing - Rules & Reg.	July 8
Board – Approve Rules & Reg. Order	July 8
Process Variances – Current Rules & Reg. (plus other conditions)	July 8
<i>Water Subcomm. – Offsets Options</i>	<i>July 8</i>
Publish Rules & Reg. Order in NP Telegraph	July 15, 22, 29
Effective Date for Rules & Reg. Rev.	August 6
Process Variances – New Rules & Reg. Going	August 6 & On
<i>Water Subcomm. / Bd. Mtg. – Offsets Options</i>	<i>On Going</i>

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

SUBCOMMITTEE MEETINGS REPORT  
Wildlife Habitat & Urban Affairs Subcommittee

Mr. Stack, Wildlife Habitat & Urban Affairs Chairperson, presented a report for the subcommittee meeting held on March 18, 2010.

Wildlife Habitat Programs – WILD Nebraska Program – Mr. Stack reported that information for the TPNRD WILD Nebraska Program was in the Directors’ Board meeting notebook for information. Mr. Stack reported that a total of \$1,015.00 is being spent this fiscal year on existing WHIP/WILD annual payment obligations, with 75% or \$761.25 of that amount provided by the Nebraska Game & Parks Commission, and with the remaining 25% or \$253.75 being the TPNRD's contribution. Mr. Stack reported that individuals who contact the Commission or TPNRD about WILD Nebraska often end up going to another program better suited to their project, especially if the other program offers annual payments. Mr. Stack reviewed data sheet information for two new WILD Nebraska projects with a total cost of materials at \$820.75 and no annual payments. Mr. Stack reported that \$205.18 of TPNRD funds would be spent for these projects.

Mr. Stack moved the Wildlife Habitat & Urban Affairs Subcommittee’s recommendation to the Board of Directors to approve the following 2010 WILD Nebraska agreements:

<u>Agreement #</u>	<u>Cooperator</u>	<u>County</u>	<u>Acres</u>	<u>Materials</u>
TP1001	Luebbe	Lincoln	2	\$ 434.50
TP1002	Bielicki	Lincoln	1	\$ 386.25

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

Mr. Meismer seconded the motion. The motion carried. (Motion #12)

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

Wildlife Habitat Programs – Corners for Wildlife Program – Mr. Stack asked Mr. Carhart to report on the Corners for Wildlife Program.

Mr. Carhart reported that Corners for Wildlife (CFW) has been an active program in the TPNRD since 1997 and that the program uses an Environmental Trust grant to provide annual payments made during the five year contract term. Mr. Carhart reviewed two spreadsheets provided in the Directors' Board meeting notebook that showed the level of participation by all the Natural Resources Districts since the program began, and over the last six years. Mr. Carhart reported that most CFW habitat materials are cost shared at 75% by local Pheasants Forever chapters, while the TPNRD contributes staff time in working with landowners to enroll qualifying projects and coordinate the installation of habitat improvements. Mr. Carhart reported that on CFW projects which utilize woody plantings, the TPNRD provides machine planting service as a contribution to the program. Mr. Carhart noted that the CFW program is not expected to be funded for new contracts beginning in 2010, the first year in 14 years where the program was not supported by the Nebraska Environmental Trust. Mr. Carhart reported that one project was enrolled late in last year's funding allocation that carried it over to this year's planting season.

Mr. Carhart reported that the following group of four corners is currently set to be planted this spring in CFW:

<u>Cooperator</u>	<u>County</u>	<u>Acres</u>	<u>Shrubs</u>	<u>Annual Payments</u>
Goedert Ltd	Lincoln	22.3	2,136	\$2,230.00

SUBCOMMITTEE MEETINGS REPORT

Executive Subcommittee

No report presented.

FINANCIAL REPORT

Financial Statement - Mr. Meismer reported that the Financial Statement for February 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.

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

Mr. Meismer moved that the Financial Statement for February 2010 be received and placed on file for audit and to approve payment of the invoices presented on the Accounts Payable report on March 18, 2010 in the amount of \$27,853.82. Mr. Petersen seconded the motion. The motion carried. (Motion #13)

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

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 April 8, 2010 Board of Directors Meeting – Mr. Miller reported that no bids/proposals were scheduled to be presented during the April 8, 2010 board meeting.

#### DIRECTORS REPORTS

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

Nebraska Association of Resources Districts – Legislation – Mr. Meismer reported that in the Directors’ packet and the Directors’ notebook were NARD Legislative Update reports.

Nebraska Association of Resources Districts – Washington DC Conference, March 8-10, 2010 – Mr. Miller reported that in the Directors’ packet and the Directors’ notebook were the Washington DC Conference program, speaker contact information, participants list, and conference notes prepared by Dean Edson, Executive Director. Mr. Miller reported that the conference was very good.

Sandhills Resources, Conservation & Development Council – Mr. Hansen reported that in the Directors’ Board meeting notebook for information was the Sandhills Resources, Conservation, and Development Council 2010 Spring Newsletter.

Requests for Authorization to Travel – No requests were presented.

#### DISTRICT REPORT

Cost-Share Programs - NE Soil & Water Conservation Program – Mr. Miller reported on the following TPNRD guidelines for the Nebraska Soil & Water Conservation Program (NSWCP):

- Funding adjustments shall go back to the reserved category established by the Board of Directors that the funds come from.



TWIN PLATTE NATURAL RESOURCES DISTRICT  
 Board of Directors Meeting Minutes – March 18, 2010

- 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 canceled.

Mr. Miller reported that in the Directors' notebook and available as a handout was the monthly report.

Mr. Miller reported that \$24,921.94 was available for funding additional contracts following the February 11, 2010 Board meeting. 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 redistribution to the NRD's. Mr. Miller reported that TPNRD procedure has been for the General Manager to approve contracts received following the February Board meeting 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 to exceed the funds available. Mr. Miller reported that 6 contracts totaling \$7,110.69 was approved following the February 11, 2010 Board meeting and prior to March 1, 2010 and \$17,811.25 was returned to the Nebraska Department of Natural Resources. Mr. Miller reported that currently there are no funds available to fund new contracts.

Mr. Wiseman moved to approve the March 18, 2010 report as presented and to approve the following new contracts previously approved by the General Manager:

<u>Cont#</u>	<u>Practice</u>	<u>Description</u>	<u>App Amt</u>	<u>Prop Amt to Fund</u>
10.044	NC-12	Trees	\$ 707.20	\$ 707.20
10.045	NC-14	Planned Grazing System	\$ 3,427.74	\$ 3,427.74
10.046	NC-12	Trees	\$ 1,105.00	\$ 1,105.00
10.047	NC-12	Trees	\$ 607.75	\$ 607.75
10.048	NC-12	Trees	\$ 663.00	\$ 663.00
10.049	NC-17	Irrigation Water Mgt	\$ 600.00	\$ 600.00
Total Amount of New Contracts				\$ 7,110.69

FUNDS AVAILABLE: 0.00

Mr. Petersen seconded the motion. The motion carried. (Motion #14)

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

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

Cost-Share Programs – District Conservation Programs – Mr. Miller reported that in the Directors' Board notebook was a report, and that \$3,217.10 was available for new contracts.

Tree Program – Mr. Miller reported that 8,090 trees were ordered from the Colorado State Nursery, 1,700 trees were ordered from the Lincoln-Oakes Nursery, and 11,450 trees were ordered from the Nursery at Halsey, NE for a total of 20,165 trees. Mr. Miller reported that District personnel will begin tree planting April 12, 2010. Mr. Miller reported that the District was using one machine crew this year, which is scheduled to plant 12,180 trees at 40 sites. Mr. Miller reported that Mike Ekdahl was scheduled to place 79,200 feet (15.00 miles) of Water Conservation Mulch at 35 sites, which is 88% of the machine crew planted sites. Mr. Miller reported that 7,985 trees have been sold to be planted by 63 individuals.

Range Program – Ranch Practicum – Mr. Miller reported that in the Directors' Board meeting packet was information for the 2010 Nebraska Ranch Practicum and a listing of scholarships awarded by the TPNRD 1999 through 2009. Mr. Miller reported that the Nebraska Ranch Practicum, is conducted at the University of Nebraska West Central Research and Extension Center in North Platte and at the Gudmunsen Sandhills Lab. Mr. Miller recommended that the Board of Directors authorize up to 4 - \$175.00 scholarships for the 2010 Nebraska Ranch Practicum.

Mr. Schilz moved to authorize up to four - \$175 scholarships for the 2010 Nebraska Ranch Practicum. Mr. Wiseman seconded the motion. The motion carried. (Motion #15)

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

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 –

Brule Watershed – No report presented.

Interlocal Cooperation Agreements – No report presented.

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

Hazard Mitigation Plan – Mr. Miller reported that in the Directors’ Board meeting packet was a TPNRD letter dated March 8, 2010 for information.

Requests for Authorization to Travel – None presented.

Legislature - No report presented.

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.

OTHER BUSINESS

There was no other business.

NEXT MEETING

Mr. Rubenthaler reported that the next Board of Directors meeting would be held on Thursday, April 8, 2010 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.

LEGAL

South Platte Compact - South Platte River Compact Coalition – (EXECUTIVE SESSION)

and

Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin - Legal Action filed by Central Nebraska Public Power & Irrigation District - (EXECUTIVE SESSION)

Mr. Schilz moved that the Board of Directors go into Executive Session to discuss legal matters related to the South Platte Compact and to discuss legal matters related to the legal action filed by Central Nebraska Public Power & Irrigation District in regard to the Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin. Mr. Wiseman seconded the motion. The motion carried. (Motion #16)

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

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting Minutes – March 18, 2010

Mr. Rubenthaler reported that the Board of Directors was going into Executive Session to discuss legal matters related to the South Platte Compact and to discuss legal matters related to the legal action filed by Central Nebraska Public Power & Irrigation District in regard to the Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin.

Mr. Petersen reported that he would leave the Executive Session when the legal matters related to the legal action filed by Central Nebraska Public Power & Irrigation District in regard to the Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin are discussed.

The Board of Directors went into Executive Session at 5:25 pm CDT (4:25 pm MDT).

Mr. Rubenthaler opened the Board meeting room at 7:05 pm CDT (6:05 pm MDT).

Mr. Wiseman moved that the Board of Directors return to Regular Session. Mr. Wahlgren seconded the motion. The motion carried. (Motion #17)

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

ADJOURNMENT

The meeting adjourned at 7:06 pm CDT (6:06 pm MDT).

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Jerry Weaver, Secretary