

TWIN PLATTE NATURAL RESOURCES DISTRICT  
Board of Directors Meeting  
November 18, 2010

The Twin Platte Natural Resources District (TPNRD) Board of Directors meeting was held at the Great Western Bank Meeting Room, Second Floor, 111 South Dewey Street, North Platte, Nebraska on November 18, 2010. Mr. Rubenthaler called the meeting to order at 3:06 pm CST (2:06 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

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

BOARD MEMBERS ABSENT

NRCS PERSONNEL PRESENT

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

Neil Betty, West Central Water Coalition  
Gary Bodeen  
Bob Peterson, Director-Elect  
Brad Rathje, AquaSpy  
Ted Tiegen, NE Water Balance  
Rich Walters, TNC

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

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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.

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 all directors were present.

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.

Brad Rathje, AquaSpy, presented an Irrigation Strategy Proposal for the TPNRD.

Ted Tiegen, presented a proposal to use terraces for aquifer recharge

AGENDA MODIFICATION

None presented.

GENERAL INFORMATION

Programs Information Reports - Range Program – Noxious Weeds – Mr. Carhart introduced Rich Walters, Platte Valley Weed Management Area Project Coordinator for the Nature Conservancy. Mr. Walters presented an update on the Platte Valley Weed Management Area activities in the Platte River corridor.

BOARD OF DIRECTORS MINUTES

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

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Mr. Meismer moved that the Minutes of the October 14, 2010 Board of Directors meeting be approved. Mr. Petersen seconded the motion. The motion carried. (Motion #1)

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

REQUESTS FOR ASSISTANCE

None presented.

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service (NRCS) – District Conservationist Report -  
Shelly Taylor distributed and reviewed a report.

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 subcommittee meeting held on November 18, 2010.

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

Mrs. Dimmitt reported that the TPNRD received a request from Terry Martin to de-certify and transfer 18.71 certified ground water irrigated acres from the W $\frac{1}{2}$  Section 7, Township 12 North, Range 33 West, Lincoln County, Nebraska to the same section but relocated under an additional tower of the existing pivot in the SW $\frac{1}{4}$  irrigating acres that were not certified as irrigated. Mrs. Dimmitt reported that the 18.71 “new” acres that were not certified are determined from adding another tower to the existing pivot. Mrs. Dimmitt reported that the same number of acres being transferred to the “new” location will be removed from between the two pivots in the W $\frac{1}{2}$  of the section. Mrs. Dimmitt reported that originally there was one pivot certified in the center of the W $\frac{1}{2}$  of this section, prior to the moratorium going into effect for the Fully Appropriated Area of the TPNRD. Mrs. Dimmitt reported that the existing pivot was slid north and another pivot was added to the south. Mrs. Dimmitt reported that the 18.71 acres that are no longer irrigated outside of the now two pivots are the acres that will be used to offset the additional tower on the south pivot. Mrs. Dimmitt

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reported that there will be no new depletions to the river. 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 Terry Martin to transfer 18.71 ground water irrigated acres from the W½ Section 7, Township 12 North, Range 33 West, Lincoln County, Nebraska conditioned on: (1) Terry Martin executing a signed and notarized affidavit that the TPNRD is not responsible for any new depletions and offsets that may be required due to the transfer by other parties; (2) Terry Martin 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 Terry Martin and not the TPNRD to be in compliance with those contracts; (4) Terry Martin filing with the County Register of Deeds that all the lands have been de-certified and will not be irrigated in the future and proof of the filing is provided to the TPNRD; and (5) Terry Martin paying the \$200 application fee to be collected when the transfer form is completed. Mr. Wahlgren seconded the motion. The motion carried. (Motion #2)

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

Nay: None

Absent: None

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

Mrs. Dimmitt reported that the TPNRD received a request from Dan Dancer to de-certify and transfer 3.89 certified ground water irrigated acres from the NWSW ¼ Section 30, Township 14 North, Range 33 West, Lincoln County, Nebraska to the same section but relocated under a pivot irrigating acres that were not certified as irrigated. Mrs. Dimmitt reported that the 3.89 "new" acres that were not certified are along the north side of the pivot. Mrs. Dimmitt reported that the same number of acres being transferred to the "new" location will be removed from the northeast corner of the field. Mrs. Dimmitt reported that prior to the pivot being installed, this field was flood irrigated. Mrs. Dimmitt reported that with the installation of the pivot, these grass acres have become irrigated and farmed. Mrs. Dimmitt reported that there will be no new depletions to the river. 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 Dan Dancer to transfer 3.89 ground water irrigated acres from the NWSW ¼ Section 30, Township 14 North, Range 33 West, Lincoln County, Nebraska conditioned on: (1) Dan Dancer executing a signed and notarized affidavit that the TPNRD is not responsible for any new depletions and offsets that may be required due to the transfer by other parties; (2) Dan Dancer providing the TPNRD proof of ownership; (3) if there are contracts for state or federal programs requiring previously

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irrigated lands to not be irrigated, it is the responsibility of Dan Dancer and not the TPNRD to be in compliance with those contracts; (4) Dan Dancer filing with the County Register of Deeds that all the lands have been de-certified and will not be irrigated in the future and proof of the filing is provided to the TPNRD; and (5) Dan Dancer paying the \$200 application fee to be collected when the transfer form is completed. Mr. Wiseman seconded the motion. The motion carried. (Motion #3)

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

Nay: None

Absent: None

Ground Water Management – Violations – No report presented.

Integrated Management Plan (IMP) - Amendments for the Ground Water Management Area Rules and Regulations – Order for Approval – Mr. Meismer reported that during the September 9, 2010 Board of Directors meeting, an informal public hearing was conducted by the Board for hearing testimony in regard to proposed amendments for the Districtwide Ground Water Management Area Rules and Regulations.

Mr. Meismer reported that during the public hearing, Jeff Shafer, Nebraska Public Power District (NPPD), distributed and reviewed written testimony and that Mrs. Dimmitt reported that she received an email just prior to the public hearing from Jennifer J. Schellpeper, Nebraska Department of Natural Resources (NE DNR), of which written testimony was attached to present during the public hearing and that Mrs. Dimmitt reported that since the Board meeting was not at the office, that she was unable to print the written testimony to present during the hearing.

Mr. Meismer reported that following the public hearing, the Board of Directors agreed that they would like to see and consider the NE DNR written testimony and they would like to consider further the NPPD written testimony prior to taking action on revisions of the amendments for the Districtwide Ground Water Area Rules and Regulations. Mr. Meismer reported that Mr. Rubenthaler asked the Water Resources Subcommittee to review and analyze the written testimony received from the NE DNR and NPPD and to prepare a recommendation for the Board of Directors.

Mr. Meismer reported that when amendments for the Districtwide Ground Water Area Rules and Regulations are approved, an order needs 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. Meismer reported that in the Directors' Board meeting packet for information were the draft Rules & Regulations with proposed amendments, the NE DNR written testimony, the NPPD written testimony, and a draft Order prepared by Harriet Hageman, Legal Counsel.

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Mr. Meismer reported that on September 16, 2010, Mrs. Dimmit, Harriet Hageman – Legal Counsel, and he met with Brian Barels – NPPD and Jeff Shafer – NPPD to discuss the testimony presented by NPPD. Mr. Meismer reported that the meeting was brief, as Mrs. Hageman recommended that the TPNRD should have detailed discussions with the other NRDs in the Upper Platte Basin and NE DNR as actions the TPNRD Board may decide to take could cause issues for the other NRDs.

Mr. Meismer reported that on November 1, 2010, the NRDs in the Upper Platte Basin and NE DNR met with Brian Barels – NPPD and Jeff Shafer – NPPD to discuss the testimony presented by NPPD. Mr. Meismer reported that another meeting has been scheduled for January 21, 2011 to continue the discussions.

Mr. Meismer reported that the Subcommittee agreed to review the NE DNR testimony and consider revisions for the amendments for the Districtwide Ground Water Management Area Rules and Regulations in regard to the NE DNR testimony and approve an Order at this time and agreed to consider at a late time additional revisions for the amendments for the Districtwide Ground Water Management Area Rules and Regulations in regard to NPPDs testimony.

Mr. Meismer asked Mrs. Dimmitt to review the NE DNR testimony. Mrs. Dimmitt reviewed the NE DNR testimony.

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to accept all the items noted in the NE DNR testimony presented during the public hearing held on September 9, 2010 in regard to proposed revisions for the amendments for the Districtwide Ground Water Management Area Rules and Regulations and to approve the Order prepared by Harriet Hageman, Legal Counsel in regard to the proposed amendments for the Districtwide Ground Water Management Area Rules and Regulations. Mr. Margritz seconded the motion. The motion carried. (Motion #4)

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

Mr. Meismer reported that the Water Resources Subcommittee would consider at a late time additional revisions for amendments for the Districtwide Ground Water Management Area Rules and Regulations in regard to NPPDs testimony.

Integrated Management Plan (IMP) - CNPPID vs. TPNRD – No discussion or actions occurred.

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

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SUBCOMMITTEE MEETINGS REPORT  
Wildlife Habitat & Urban Affairs Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT  
Executive Subcommittee

No report presented.

FINANCIAL REPORT

Financial Statement - Mr. Meisner reported that the Financial Statement for October 2010 was in the Directors' notebook and available as a handout.

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

Mr. Meisner moved that the Financial Statement for October 2010 be received and placed on file for audit and to approve payment of the invoices presented on November 18, 2010 in the amount of \$71,184.40. Mr. Petersen seconded the motion. The motion carried. (Motion #5)

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

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

Bids/Proposals - Vehicle – Mr. Miller reported that during the October 14, 2010 Board meeting, the General Manager reported, per TPNRD policy, that bids/proposals would be presented for consideration during the November 18, 2010 Board of Directors meeting for the purchase of a vehicle, a ½ ton pickup, for the Range Programs Coordinator, Bill Carhart. Mr. Miller reported that the current vehicle used by Mr. Carhart, a 2002 ½ ton pickup will be transferred to Chase Dodson, Field Technician. Mr. Miller reported that a current 1999 ½ ton pickup will be traded or sold. Mr. Miller reported that the Budget provides for this purchase. Mr. Miller reported that in the Directors' Board meeting packet was the vehicles Schedule for Replacement for the 2011 Fiscal Year Budget, the bid specifications and a report of the bids received. Mr. Miller reported that the low bid received from Jason Zoellner Ford, Ogallala, NE, for an F-150 pickup, met the specifications, and he recommended that the Board approve the bid from Jason Zoellner Ford, Ogallala, NE and to trade the 1999 ½ ton pickup.

Mr. Meisner moved to approve the low bid from Jason Zoellner Ford, Ogallala, NE for the

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purchase of an F-150 pickup and to trade the 1999 pickup for a total cost for the TPNRD of \$20,889.00. Mr. Schilz seconded the motion. The motion carried. (Motion #6)

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

Bids/Proposals Scheduled to be Presented for Consideration during the December 14, 2010 Board of Directors Meeting – Mr. Miller reported that the District Policy provides that “The staff will notify the Board during the Board meeting immediately prior to the Board meeting at which bids will be presented for consideration”. Mr. Miller reported that he plans to present bids/proposals for consideration during the December 14, 2010 Board of Directors meeting for the purchase of an All Terrain Vehicle (ATV) for the Chemigation Program, the Ground Water Monitoring Program, the Range Program, the Wildlife Habitat Program, and the Tree Program. Mr. Miller reported that the Budget provides for this purchase.

DIRECTORS REPORTS

Nebraska Association of Resources Districts – Board of Directors Meeting – Mr. Meisner reported on the Nebraska Association of Resources Districts Board of Directors Meeting held on November 8, 2010.

Sandhills Resources, Conservation & Development Council – No report presented.

Board of Directors Election Results – Mr. Miller reported that in the Directors’ Board meeting packet were unofficial General Election results for the TPNRD. Mr. Miller reported that Directors elected will take office in January 2011.

Requests for Authorization to Travel – No requests were presented.

DISTRICT REPORT

Cost-Share Programs – NE Soil & Water Conservation Program – Mr. Miller reported that in the Directors' notebook was a report and \$50,275.89 was available for funding contracts.

Mr. Wiseman moved to approve the November 14, 2010 report 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>
11.006	NC-17	Irrigation Water Mgt	\$ 5,379.23	\$ 5,379.23
11.007	NC-12	Trees	\$ 1,107.00	\$ 1,107.00
11.008	NC-12	Trees	\$ 1,107.00	\$ 1,107.00
11.009	NC-12	Trees	\$ 1,107.00	\$ 1,107.00
11.010	NC-17	Irrigation Water Mgt	\$ 600.00	\$ 600.00



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Total Amount of New Contracts		\$ 9,300.23
FUNDS AVAILABLE:	Practice NC-12, Windbreaks	\$ 17,735.72
	Practice NC-14, Planned Grazing	\$ 2,732.78
	Practice NC-17, Irrigation	\$ 15,077.49
	Other available practices	\$ 5,606.85

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

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

Nay: None

Absent: None

Cost-Share Programs – District Conservation Programs – Mr. Miller reported that in the Directors' Board notebook was a report and \$7,139.45 was available for new contracts.

Tree Programs – 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 – 2010 Awards – Presentation, November 8, 2010 – Mr. Miller reported that the TPNRD 2010 Grassland Award for Lincoln/McPherson Counties was presented November 8, 2010 to the Sundstrom Ranch of Brady, NE, during the North Platte Chamber Farmer/Rancher Appreciation Banquet. Mr. Miller reported that the Board Chairperson, Mr. Rubenthaler, and TPNRD staff participated in the award presentation.

Information & Education Programs – 2010 Awards – Presentation, December 14, 2010 – Mr. Miller reported that the TPNRD 2010 Tree Planting Award for Keith/Arthur Counties will be presented December 14, 2010 to the Krajewski Family Farm (Dave Krajewski) of Ogallala, NE, during the District's Awards Banquet. Mr. Miller reported that the Board of Directors meeting will be at 4:30 pm MST (5:30 pm CST) and the Awards Banquet will be at 6:00 pm MST (7:00 pm CST) at the Haythorn Ranch Figure 4 Traditions.

Information & Education Programs – Logo – Mr. Miller reported that the TPNRD has never had a Logo. Mr. Miller reported that most, if not all the NRDs have Logos. Mr. Miller reported that he, therefore, attempted a design, as he did not want to recommend that the

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TPNRD hire a design firm to create a logo. Mr. Miller reported that in the Directors' Board meeting packet was a proposed logo. Mr. Miller reported that the proposed logo is intended to represent the Sandhills, the North Platte River, the South Platte River, the Platte River, ground water, and range and crop land. Mr. Miller reported the costs to implement should be minimal as using only two colors reduces printing costs, the proposed logo can be used with the existing name format, the proposed logo copies good in black and white, and the TPNRD currently needs to print new letterhead, etc due to the bank name change.

Mr. Meismer moved to approve the proposed logo. Mr. Petersen seconded the motion. The motion carried. (Motion #8)

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

Brule Watershed – Mr. Miller reported that the TPNRD annually conducts an inspection of the Brule Watershed. Mr. Miller reported that in the Directors' Board meeting packet was the report for the inspection that occurred November 2, 2010 for information.

Interlocal Cooperation Agreements – No report presented.

Hazard Mitigation Plan – No report presented.

Requests for Authorization to Travel – Mr. Miller 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. Miller reported that Bill Carhart, Range Programs Coordinator, has requested authorization to attend the Society for Range Management 2011 Annual Meeting February 6–10, 2011, in Billings, Montana. Mr. Miller reported that he believes that this is a very worthwhile meeting and he would encourage Directors to also consider attending. Mr. Miller reported that Mr. Carhart use to participate in these meetings most years, but he now hasn't attended an Annual Meeting of the Society for Range Management since 2006. Mr. Miller reported that he believed that Mr. Carhart would benefit from attending.

Mr. Miller reported that he was requesting authorization to participate in the 2011 Nebraska Association of Resources Districts annual meetings in Washington, D.C. March 14-16, 2011. Mr. Miller reported that he was able to participate in 2008, 2009, and 2010 and have found that there is a lot of valuable information being presented to the participants from the Natural Resources Districts. Mr. Miller reported that there are numerous meetings with presentations from agencies and organizations in addition to making contacts in the Congressional offices.

Mr. Schilz moved to approve authorizing Bill Carhart to attend the Society for Range

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Management 2011 Annual Meeting February 6–10, 2011, in Billings, Montana and to approve authorizing Kent O. Miller to participate in the Nebraska Association of Resources Districts meetings in Washington D.C. March 14-16, 2011. Mr. Meismer seconded the motion. The motion carried. (Motion #9)

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

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 Tuesday, December 14, 2010 at 4:30 pm MST (5:30 pm CST) at Haythorn Ranch, Arthur County, Nebraska.

ADJOURNMENT

The meeting adjourned at 5:00 pm CST (4:00 pm MST).

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Jerry Weaver, Secretary