

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
February 10, 2011

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 February 10, 2011. Mr. Schilz called the meeting to order at 3:16 pm CST (2:16 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 S Hansen
James Meisner
Robert L Petersen
Bob Peterson
Dennis Schilz
Douglas L Stack
Shane Storer
Joe S Wahlgren
Jerry Weaver
John W Williams
Robert Wiseman

BOARD MEMBERS ABSENT

None

NRCS PERSONNEL PRESENT

Mary Reece

STAFF PRESENT

Ann Dimmitt, Water Programs Regulatory Coordinator
Harriet Hageman, Legal Counsel
Amy Mapes, Administrative Assistant
Kent O Miller, General Manager

OTHERS PRESENT

William M Barger
Bart Nichols, Sargent Irrigation
Jeff Shafer, NPPD
Mark Young, NP Telegraph

ANNOUNCEMENTS

Nebraska Open Meeting Act – Mr. Schilz 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

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information. Mr. Schilz 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. Schilz 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. Schilz reported that all directors were present.

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

Other Announcements – Mr. Schilz reported that the monthly summary report of Natural Resources Conservation Service conservation plans was available for information.

PUBLIC FORUM

Mr. Schilz opened the Public Forum. There were no comments. Mr. Schilz closed the Public Forum.

AGENDA MODIFICATION

None presented.

GENERAL INFORMATION

Wellness Program – Mrs. Dimmitt reported on the TPNRD wellness program.

BOARD OF DIRECTORS MINUTES

Minutes for January 13, 2011 Meeting – Mr. Schilz reported that the Minutes for the January 13, 2011 Board of Directors meeting were available for the Directors' and he asked if there were any corrections or additions for the minutes.

Mr. Meismer moved that the Minutes of the January 13, 2011 Board of Directors meeting be approved. Mr. Petersen seconded the motion. The motion carried. (Motion #1)

Aye: Hansen, Meismer, Petersen, Peterson, Schilz, Stack, Storer, Wahlgren,
Weaver, Williams, Wiseman

Nay: None

Absent & Excused: None

REQUESTS FOR ASSISTANCE

None presented.

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service (NRCS) – District Conservationist Report – Mrs. Reece 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 Water Resources Subcommittee meetings held on February 8, 2011 and February 10, 2011.

Ground Water Management – Variances – Policy – Mr. Meismer reported that the TPNRD received a concern with the current requirement of the TPNRD for filing approved variances with the counties. Mr. Meismer asked Mrs. Hageman to report on the filing requirements for variances.

Mrs. Hageman reported that the current filing requirements for variances was desired by the Water Resources Subcommittee when the Rules and Regulations were being developed, but that the filings with counties for variances approved were not required in the Rules and Regulations.

Mr. Meismer reported that the Water Resources Subcommittee agreed to direct the staff to have legal counsel prepare a document for approved variances to be filed with the counties for the parcel of land, identifying that changes in certified acres have occurred, but will not identify the specific locations, so that future owners would be alerted they should contact the TPNRD to obtain specific information for the parcel.

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

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Don Fleecs to de-certify and transfer 10.7 certified ground water irrigated acres from the NE¼ Section 3, Township 13 North, Range 34 West, Lincoln County, Nebraska to be relocated under a pivot in the NE¼ of Section 15, Township 13 North, Range 34 West, Lincoln County, Nebraska. Mr. Weaver seconded the motion. The motion carried. (Motion #2)

Aye: Hansen, Meismer, Petersen, Schilz, Stack, Storer, Wahlgren, Weaver,
Williams, Wiseman
Nay: Peterson

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Absent & Excused: None

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

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to John Hecox to transfer 3.64 ground water irrigated acres from the W½ Section 4, Township 12 North, Range 27 West, Lincoln County, Nebraska and the E½ Section 5, Township 12 North, Range 27 West, Lincoln County, Nebraska to be relocated in the same sections. Mr. Wiseman seconded the motion. The motion carried. (Motion #3)

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

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

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Koch Feedlots Inc (Steve Koch) to transfer the use of 7.4 acres of feed lot to 7.4 acres of irrigated corn in the NE¼ Section 24, Township 14 North, Range 33 West, Lincoln County, Nebraska to be relocated under a pivot in the NE¼ of Section 24, Township 14 North, Range 33 West, Lincoln County, Nebraska. Mr. Stack second the motion. The motion carried. (Motion #4)

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

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

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Joe Wahlgren to transfer 3.0 ground water irrigated acres from the SE¼ Section 24, Township 11 North, Range 26 West, Lincoln County, Nebraska to be relocated in the NW corner of the same quarter section. Mr. Williams seconded the motion. The motion carried. (Motion #5)

Aye: Hansen, Meismer, Petersen, Peterson, Schilz, Stack, Storer, Weaver,
Williams, Wiseman
Nay: None
Abstain: Wahlgren

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Absent & Excused: None

Ground Water Management – Variances – Geraldine & Robert Biel – Mr. Meismer reported that the TPNRD has received a request for a variance from Geraldine & Robert Biel. Mr. Meismer asked Mrs. Dimmitt to report on the request.

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Geraldine & Robert Biel to de-certify and transfer 52.14 certified ground water irrigated acres from the SE¹/₄ Section 23, Township 14 North, Range 38 West, Keith County, Nebraska to be relocated in the NW¹/₄ of the same section. Mr. Wahlgren seconded the motion. The motion carried. (Motion #6)

Aye: Hansen, Meismer, Petersen, Peterson, Schilz, Stack, Storer, Wahlgren, Weaver, Williams, Wiseman

Nay: None

Absent & Excused: None

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

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve granting a variance to Marjorie Weinman to transfer 12.33 ground water irrigated acres from the SE¹/₄ Section 29, Township 16 North, Range 26 West, Lincoln County, Nebraska to be relocated in the same quarter section. Mr. Weaver seconded the motion. The motion carried. (Motion #7)

Aye: Hansen, Meismer, Petersen, Peterson, Schilz, Stack, Storer, Wahlgren, Weaver, Williams, Wiseman

Nay: None

Absent & Excused: None

Ground Water Management – Violations – No report presented.

Integrated Management Plan – CNPPID vs. TPNRD – No report presented.

Integrated Management Plan – Offset Water – USDA Agricultural Water Enhancement Program (AWEP) - Mr. Meismer reported that the TPNRD has received two requests for proposed AWEP contracts to provide an offer for a permanent conservation easement to remove certified ground water irrigated acres. Mr. Meismer reported that the Water Resources Subcommittee’s recommendation to the staff for the TPNRD providing an offer for a permanent conservation easement to remove certified ground water irrigated acres would be reported on during an Executive Session later in the Board meeting.

Requests for Assistance – Water Use Demonstration - Mr. Meismer reported that the TPNRD has received an opportunity to participate in the Paulman Farms Water Conservation Project.

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Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve that the TPNRD provide for the Paulman Farms Water Conservation Project, TPNRD personnel during the 2011 calendar year for collecting and compiling field data and to calibrate the pumping rates of wells using the TPNRD ultrasonic well meter as an in-kind contribution, and \$6,000.00 of the currently remaining Nebraska Soil & Water Conservation Program funds and all of any remaining Nebraska Soil & Water Conservation Program funds that may be available on February 24, 2011 to be used for Practice NC-17 Irrigation Water Management for soil moisture sensors and data readers and to waive the requirement that two sets of soil moisture sensors and data readers are allowed per year per landowner. Mr. Wahlgren seconded the motion. The motion carried. (Motion #8)

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

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 2011 was available for the Directors’.

Accounts Payable - Mr. Meismer reported that the Accounts Payable report was available for the Directors’ 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 2011 be received and placed on file for audit and to approve payment of the invoices presented on February 10, 2011 in the amount of \$42,128.19. Mr. Petersen seconded the motion. The motion carried. (Motion #9)

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

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Budget Status – Mr. Meismer reported that the Budget Status report was available for the Directors’.

Bids/Proposals Scheduled to be Presented for Consideration during the March 10, 2011 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 no bids/proposals would be presented for the March 10, 2011 Board of Directors meeting.

DIRECTORS REPORTS

Nebraska Association of Resources Districts (NARD) – Board of Directors Meeting – Mr. Meismer reported on the NARD Board of Directors meeting held on January 26, 2011.

Nebraska Association of Resources Districts (NARD) – Legislative Conference, January 25-26, 2011 – Mr. Meismer reported on the NARD annual Legislative Conference held January 25-26, 2011.

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

Computers for Board of Directors – Mr. Hansen reported that he had discussed with Mr. Miller if there could be benefits and if there could be a cost savings for each Board member having a computer for receiving information for Board meetings that would also be used during Board meetings. The Directors’ agreed to request the staff to prepare information for consideration at a later time.

Requests for Authorization to Travel – No requests were presented.

DISTRICT REPORT

Cost-Share Programs – NE Soil & Water Conservation Program – Mr. Miller reported that a report was available for the Directors’ and \$23,554.41 was available for funding contracts.

Mr. Petersen moved to approve the February 10, 2011 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>
11.034	NC-12	Trees	\$ 1,051.65	\$ 1,051.65
11.035	NC-12	Trees	\$ 1,107.00	\$ 1,107.00
11.036	NC-12	Trees	\$ 1,051.65	\$ 1,051.65
11.037	NC-17	Irrigation Water Mgt	\$ 600.00	\$ 600.00
11.038	NC-17	Irrigation Water Mgt	\$ 2,037.00	\$ 2,037.00
11.039	NC-12	Trees	\$ 1,107.00	\$ 1,107.00
11.040	NC-12	Trees	\$ 1,107.00	\$ 1,107.00
11.041	NC-12	Trees	\$ 830.25	\$ 830.25

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11.042	NC-14	Planned Grazing	\$ 3,302.52	<u>\$ 3,302.52</u>
		Total Amount of New Contracts		\$ 12,194.07

FUNDS AVAILABLE:	Practice NC-12, Windbreaks	\$ 213.93
	Practice NC-14, Planned Grazing	\$ 2,420.14
	Practice NC-17, Irrigation	\$ 8,726.27
	Other available practices	\$ 0.00

Mr. Williams seconded the motion. The motion carried. (Motion #10)

Aye: Hansen, Meismer, Petersen, Schilz, Storer, Wahlgren, Weaver, Williams, Wiseman

Nay: Peterson

Out of Room: Stack

Absent & Excused: None

Cost-Share Programs – District Conservation Programs – Mr. Miller reported that a report was available for the Directors' and \$4,997.63 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 – Mr. Miller reported on the NARD sponsored Adventure Camp about the Environment (ACE) for 6th- 8th graders. Mr. Miller reported that the camp cost for 2011 is \$180.00 and that the TPNRD provides up to 10 - \$180.00 scholarships for youth residing in the TPNRD.

Brule Watershed – No report presented.

Interlocal Cooperation Agreements – No report presented.

Hazard Mitigation Plan – No report presented.

Requests for Authorization to Travel – No requests presented.

Legislature – Mr. Miller presented a report.

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Meetings and Dates of Interest – Mr. Miller reported that various items of information were available for the Directors’.

Miscellaneous Information – Mr. Miller reported that various items of information were available for the Directors’.

OTHER BUSINESS

There was no other business.

NEXT MEETING

Mr. Schilz reported that the next Board of Directors meeting was scheduled to be held on Thursday, March 10, 2011 at 3:00 pm CST (2:00 pm MST) at the Great Western Bank Center Meeting Room, 111 South Dewey Street, Second Floor, North Platte, Nebraska. Several Board members reported that they would not be able to attend a Board meeting on March 10, 2011.

The Board agreed to change the next Board of Directors meeting to be held on Tuesday, March 8, 2011 at 3:00 pm CST (2:00 pm MST) at the Great Western 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)

and

USDA Agricultural Water Enhancement Program - (EXECUTIVE SESSION)

Mr. Petersen 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 and to discuss legal matters related to the USDA Agricultural Water Enhancement Program. Mr. Wahlgren seconded the motion. The motion carried. (Motion #11)

Aye: Hansen, Meismer, Petersen, Peterson, Schilz, Storer, Wahlgren, Weaver, Wiseman

Nay: None

Out of Room: Stack, Williams

Absent & Excused: None

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Mr. Schilz 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 and to discuss legal matters related to the USDA Agricultural Water Enhancement Program.

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 4:47 pm CST.

Mr. Schilz opened the Board meeting room at 5:50 pm CST (4:50 pm MST).

Mr. Wahlgren moved that the Board of Directors return to Regular Session. Mr. Wiseman seconded the motion. The motion carried. (Motion #12)

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

ADJOURNMENT

The meeting adjourned at 5:51 pm CST (4:51 pm MST).

Jerry Weaver, Secretary