

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
November 8, 2012

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 8, 2012. Mr. Schilz called the meeting to order at 3:00 pm. 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 Wahlgren
Jerry Weaver
John W Williams
Robert Wiseman

BOARD MEMBERS ABSENT

None

NRCS PERSONNEL PRESENT

Mary Reece, District Conservationist

STAFF PRESENT

Ann Dimmitt, IMP Coordinator
Amy Mapes, Administrative Assistant
Kent O Miller, General Manager

OTHERS PRESENT

Ken Anderson, Lincoln Farms LLC
Bill Arnett
Bob Arnett
Pat Aylward, Middle Republican NRD
Geneva Bassett
Mary Lou Block
Jason Bode
Andrew Bottrell, NP Telegraph
Ron Bourne
Dennis Brosius, JTD LLC
Kenny Brosius

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Mick Brosius
VJ Brosius
Tom Brown
Dean Edson, NARD
Alex Egan, KNOP-TV
Dan Estermann
Robert Foran
Brian Fox, Lincoln Farms LLC
Darwin Fry
Cathy Grauerholz
Lawrence Hanson
Gary Heinzle
Joe Hewgley, Lincoln County Commissioners
Sherman Hirsch
Wayne Hora, Wells Enterprises
Brad Johnson, Sargent Irrigation
Patrick Kasson
Marvin Knoll, Knoll Ranch
Russell Licking
Burt Loughry, Plains Equipment
Mark Lovitt
Casey Mack, Fairbanks International
Skip Marland, Great Western Bank
Dan Mauk, NP Chamber/Devco
Duane McClain, Lashley Land LLC
Lynn Meissner
Benton Miller
Rob Myers, United Farm Management
Bart Nichols, Sargent Irrigation
Ed Reiker
Willis Roethemeyer
Jeff Shafer, NPPD
Jeff Smith
Forrest Sowle
Julie Stenger, Lincoln Co. Assessor
Amy Svoboda
Frank Svoboda
Jim Tierney
Donna Tryon
Mark Walters, Farmers State Bank
Jon Walz
Leo Walz
Rex Walz
John Webster

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Rodger White
Jason Wray, Community State Bank

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 which may be 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. Schilz reported that the current Open Meeting Act was on the counter 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 board members were present.

Information Packet and Notebook available for the Public – Mr. Schilz reported that on the shelf in the back of the room is a copy of the Board Meeting Notebook and the Board Meeting Information Packet that each Board member has that are available for viewing by the public attending the Board of Directors meeting.

Other Announcements – None presented.

PUBLIC FORUM

Mr. Schilz opened the Public Forum. Several people commented on the recent purchase of property for the Nebraska Cooperative Republican Platte Enhancement Project. Mr. Schilz closed the Public Forum.

AGENDA MODIFICATION

None presented.

GENERAL INFORMATION

None presented.

BOARD OF DIRECTORS MINUTES

Minutes for October 11, 2012 Meeting and the October 18, 2012 Special Meeting – Mr. Schilz reported that the Minutes for the October 11, 2012 Board of Directors meeting and the October 18, 2012 Special Board of Directors Meeting were available for the Directors' and

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he asked if there were any corrections or additions.

Mr. Meismer moved that the Minutes of the October 11, 2012 Board of Directors meeting and the October 18, 2012 Special Board of Director’s 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 – Mary Reece distributed and presented 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 8, 2012.

Ground Water Management – Variances – Richard Van Nelson – Mr. Meismer reported that the TPNRD received a request for a variance from Richard Van Velson. 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 Richard Van Velson to drill a new supplemental irrigation well in the SE¼ Section 9, Township 13 North, Range 39 West, Keith County, Nebraska. Mr. Wahlgren seconded the motion. The motion carried. (Motion #2)

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

Ground Water Management – Variances – Jason Bode – Mr. Meismer reported that the

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TPNRD received a request for a variance from Jason Bode. 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 Jason Bode to transfer a total of 45.97 acres from the Twin Platte NRD Water Bank to a new a new pivot location in the SE¼ Section 16, Township 13 North, Range 32 West, Lincoln County, Nebraska. Mr. Wiseman seconded the motion. The motion carried. (Motion #3)

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

Ground Water Management – Variances – Jason Bode – Mr. Meismer reported that the TPNRD received another request for a variance from Jason Bode. 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 Jason Bode to drill a new irrigation well on the SE¼ Section 16, Township 13 North, Range 32 West, Lincoln County, Nebraska which is at the location of the transferred acres from TP-TRANS-12.68. Mr. Williams seconded the motion. The motion carried. (Motion #4)

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

Ground Water Management – Violations – No report presented.

Ground Water Management – Irrigated Acres – Mr. Meismer reviewed a report showing the amount of surface water and ground water irrigated acres in the TPNRD which was available for the Directors’.

Integrated Management Plan - Integrated Management Plan (IMP) – Mr. Meismer reported that a timeline for revisions to the TPNRD IMP was available for the Directors’ and he reviewed the timeline. Mr. Meismer reported that the revisions are to provide for the TPNRD the authority to utilize qualified projects described in Neb. Rev. Stat. §2-3226.04 to provide river-flow enhancement to achieve the goals and objective of the TPNRD and the TPNRD may pay for such projects by using the occupation tax provided in Neb. Rev. Stat. §2-3226.05, funds granted to the TPNRD by the State or Federal government, or the levy authority authorized by Neb. Rev. Stat. §2-3225.

Mr. Meismer moved the Water Resources Subcommittee’s recommendation to the Board of Directors to approve the proposed revisions for the TPNRD IMP and to approve that the

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TPNRD submit a letter to the NE Department of Natural Resources stating that the TPNRD recommends that the TPNRD and the NE Department of Natural Resources schedule a joint public hearing on the proposed revisions for the TPNRD IMP and that the TPNRD proposes that such hearing be held in North Platte, NE on January 3, 2013 at 3:00 pm CST. Mr. Wahlgren seconded the motion. The motion carried. (Motion #5)

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

Integrated Management Plan - Rules and Regulations – No report presented.

Integrated Management Plan – Industrial Reporting – No report presented.

Integrated Management Plan - Offset Water - Nebraska Cooperative Republican Platte Enhancement Project (N-CORPE) – Resolution setting forth the designation and appointment of Board Member and alternate for the Board of Directors of the Nebraska Cooperative Republican Platte Enhancement Project

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

RESOLUTION NO. 1-110812

BE IT RESOLVED by the Board of Directors of the Twin Platte Natural Resources District, in the State of Nebraska, that the designation and appointment of Kent O. Miller as Board Member and Jerry Weaver as alternate for the Board of Directors of the Nebraska Cooperative Republican Platte Enhancement Project are hereby approved, confirmed and ratified in all respects and that this Resolution shall be in force and take effect immediately from and after its adoption.

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

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

Integrated Management Plan - Offset Water - N-CORPE - Resolution setting forth the intent, at an appropriate time, to authorize limited obligation occupation tax supported river flow enhancement bonds in support of permanent financing bonds to be issued by the Nebraska Cooperative Republican Platte Enhancement Project, an Interlocal Cooperation Act joint entity, for a project consisting of acquisition of land and certain water transmission and distribution facilities and related equipment and improvements, to assist the river flow

enhancement programs of the Twin Platte Natural Resources District and making certain other related undertakings and approvals

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

RESOLUTION NO. 2-110812

A RESOLUTION OF THE TWIN PLATTE NATURAL RESOURCES DISTRICT, IN THE STATE OF NEBRASKA, DECLARING AN INTENT TO ISSUE A LIMITED OBLIGATION OCCUPATION TAX SUPPORTED RIVER FLOW ENHANCEMENT BOND IN THE MAXIMUM PRINCIPAL AMOUNT OF TWENTY-FIVE MILLION DOLLARS (\$25,000,000), FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF ACQUIRING REAL ESTATE FOR A LAND RESERVE, INCLUDING WATER TRANSMISSION AND DISTRIBUTION FACILITIES, AS A PART OF A COOPERATIVE PROGRAM FOR FLOW ENHANCEMENT FOR THE REPUBLICAN RIVER AND THE PLATTE RIVER; CONFIRMING THE INTERLOCAL COOPERATION ACT AGREEMENT BY AND AMONG THE DISTRICT AND CERTAIN OTHER NATURAL RESOURCES DISTRICTS; MAKING CERTAIN UNDERTAKINGS WITH RESPECT TO THE “IRRIGATED” STATUS OF THE PROJECT LAND AND PROVIDING FOR THE EFFECTIVENESS OF THIS RESOLUTION.

BE IT RESOLVED by the Board of Directors of the Twin Platte Natural Resources District, in the State of Nebraska, as follows:

Section 1. The Board of Directors of the Twin Platte Natural Resources District, in the State of Nebraska, (the “District”) hereby finds and determines (a) that the District has entered into an Interlocal Cooperation Agreement dated October 19, 2012 (for the Upper Republican Natural Resources District), October 19, 2012 (for the Lower Republican Natural Resources District), October 23, 2012 (for the Middle Republican Natural Resources District) and October 18, 2012 (for the District) (the “Interlocal Agreement”) with the Upper Republican Natural Resources District, the Lower Republican Natural Resources District and the Middle Republican Natural Resources District (together, the “Other Districts” and collectively with the District, the “Districts”) which provides for the creation, governance and operation of the Nebraska Cooperative Republican Platte Enhancement Project (“N-CORPE”), a joint entity constituting a separate body corporate and politic of the State of Nebraska, organized and existing under Sections 13-801 to 13-827, R.R.S. Neb. 2007, as amended (the “Interlocal Act”); (b) that N-CORPE has been formed to own, operate and finance a land reserve and river flow enhancement project consisting of approximately 19,500 acres of agricultural real estate and certain water transmission and distribution facilities and related equipment and improvements to land (the “Project”) and to issue bonds on behalf of the Districts; (b) that under the terms of Sections 2-3225, 2-3226.01, 2-3226.02, 2-3226.03, 2-3226.04, 2-3226.05, R.R.S. Neb. 2007, as

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amended, (together, the “Project Statutes”) the District expects that it will, in the near future, constitute a natural resources district qualified to issue bonds under the terms of Section 2-3226.01 of the Project Statutes in that it is in the process of amending its integrated management plan so that such plan becomes an integrated management plan described in subsection (1) of Section 2-3226.01 of the Project Statutes; (c) that the N-CORPE currently proposes to issue its bond in a principal amount not to exceed \$76,000,000 (the “Agency Bond”) to Pinnacle Bank (the “Bank”) in order to provide immediate funds for the acquisition and improvement of the Project for temporary financing and anticipates providing for permanent financing through the issuance of its permanent river flow enhancement revenue bonds (the “Permanent Agency Bonds”) pursuant to the provisions of Sections 13-807 through 13-824 of the Interlocal Act; (d) that the District’s share with respect to such funding and the costs of the Project has been and is hereby determined to be 25%; (e) that to provide a source for the payment of the Permanent Agency Bonds, the District hereby acknowledges the actions being taken by the Agency and the Other Districts in providing for the purchase of the Project as being, in significant part, for the benefit of the District and declares its intention to issue the District’s bond or bonds in an amount not to exceed \$25,000,000 to secure and support the Permanent Bonds, if and when the District receives the power and authority to do so; (f) this Resolution represents a declaration of intent only and is not to be interpreted or construed to represent a contractual commitment on the part of the District to issue such bond or bonds.

Section 2. The terms and conditions of the Interlocal Agreement and the execution and delivery thereof on behalf of the District are hereby approved, ratified and confirmed in all respects.

Section 3. The Board of Directors hereby acknowledges on behalf of the District that N-CORPE will be agreeing that, so long as the Agency Bond remains outstanding N-CORPE will not take any action to change the status of the land included in the Project from that of acres classified as “irrigated” to any other status, all within the meaning of such term as set forth in Section 2-3226.05, R.S.Supp. 2012, including an agreement stating that all pivots will remain intact, all wells and pumps will remain in an active status and all irrigation rights will remain with each irrigated acre. To the fullest extent that it may lawfully do so, the District hereby covenants and agrees that so long as the Agency Bond remains outstanding and unpaid, the District will not take any action causing or permitting a change the status of the land included in the Project from that of acres classified as “irrigated” to any other status, all within the meaning of such term as set forth in Section 2-3226.05, R.S.Supp. 2012.

Section 4. The Chairman, Vice Chairman, Secretary, Treasurer and General Manager of the District are each hereby approved to act as authorized officers on behalf of the District under the terms of this Resolution to execute any certifications or other documents required in connection with the issuance of the Agency Bond.

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Section 5. This Resolution shall be in force and take effect immediately from and after its adoption.

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

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

Integrated Management Plan - Offset Water – Irrigation Districts – No report presented.

Integrated Management Plan - Offset Water – Conjunctive Management of Ground Water and Surface Water – No report presented.

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 2012 was available for the Directors’.

Accounts Payable - Mr. Meisner 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. Meisner moved that the Financial Statement for October 2012 be received and placed on file for audit and to approve payment of the invoices presented on November 8, 2012 in the amount of \$55,465.88. Mr. Petersen seconded the motion. The motion carried. (Motion #8)

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

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

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Bids/Proposals – None presented.

Bids/Proposals Scheduled to be Presented for Consideration during the December 11, 2012 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 there are no bids to be presented at the December meeting.

DIRECTORS REPORTS

Nebraska Association of Resources Districts (NARD) – Board of Directors – No report presented.

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

Requests for Authorization to Travel – No requests were presented.

DISTRICT REPORT

Water Programs – Integrated Management Plan – No report presented.

Water Programs – Regulatory – No report presented.

Brule Watershed – No report presented.

Conservation Programs - Trees – No report presented.

Conservation Programs - Regulatory – No report presented.

Cost-Share Programs – NE Soil & Water Conservation Program – Mr. Miller reported that the monthly report was available for the Directors’. Mr. Miller reported that \$49,714.88 was available for funding contracts.

Mr. Wiseman moved to approve the November 8, 2012 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>
13.007	NC-17	Irrig Water Mgt	\$ 600.00	<u>\$ 600.00</u>
		Total Amount of New Contracts		\$ 600.00
		FUNDS AVAILABLE		<u>\$ 49,147.07</u>

Mr. Petersen seconded the motion. The motion carried. (Motion #9)

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

Nay: None

Absent & Excused: None

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Cost-Share Programs – District Conservation Programs – Mr. Miller reported that a report was available for the Directors'. Mr. Miller reported that \$7,451.40 was available for new contracts.

Habitat Programs – No report presented.

Information & Education Programs – No report presented.

Requests for Authorization to Travel – No requests presented.

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

Mr. Peterson moved to allow all TPNRD Directors to attend the Water Resources Subcommittee meetings. Mr. Williams seconded the motion. (Motion #10)

Mr. Schilz ruled the motion could not be considered during this Board meeting, as there was not an agenda item for revisions of TPNRD Operating Policies.

Mr. Schilz reported that the current Operating Policy Number 22 provides that if more than five members of the Board of Directors are in attendance of a subcommittee meeting, which would constitute a quorum of the Board of Directors, the subcommittee Chairperson will ask the non-subcommittee members to leave the subcommittee meeting.

Mr. Peterson requested that the Board consider at a future Board meeting a revision of TPNRD Operating Policies that would allow all TPNRD Directors to attend the Water Resources Subcommittee meetings.

There was no other business.

ADJOURNMENT

The meeting adjourned at 4:20 pm.

Jerry Weaver, Secretary