

TWIN PLATTE NATURAL RESOURCES DISTRICT
Board of Directors Meeting
April 12, 2018

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 April 12, 2018. Mr. Schilz called the meeting to order at 3:04 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 Meismer
Judy Pederson
Robert L Petersen
Dennis Schilz
Douglas L Stack
Joe Wahlgren
Jerry Weaver
Robert Wiseman

BOARD MEMBERS ABSENT

David Colvin
Shane Storer

NRCS PERSONNEL PRESENT

None

STAFF PRESENT

Ann Dimmitt, IMP Manager
Kent Miller, General Manager
Amy Oberst, Administrative Assistant

OTHERS PRESENT

Chuck Burr, UNL Extension Educator
Leland Poppe, North Platte Trails
Doug Wallace, North Platte Trails

ANNOUNCEMENTS

Nebraska Open Meeting Act – Mr. Schilz reported 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 the current Open Meeting Act was on the wall in the front of the meeting room which is accessible to members of the public.

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Report of Directors Excused – Mr. Schilz reported Operating Policy Number 4: BOARD OF DIRECTORS ABSENCES provides a Director will be considered excused if the Director notifies the office prior to the meeting that he or she will be absent and the minutes will reflect whether an absent Director is excused or unexcused. Mr. Schilz reported Mr. Colvin and Mr. Storer notified the office they would be absent and are therefore excused.

Information Packet and Notebook available for the Public – Mr. Schilz reported on the table along the north wall of the meeting room is a notebook containing information each Board member has electronically. Mr. Schilz reported the notebook is available for viewing by the public attending the Board of Directors meeting, is available on the TPNRD website, and internet access is available in the room.

Other Announcements – None presented.

PUBLIC FORUM

Mr. Schilz opened the Public Forum.

Mr. Schilz stated that the public is provided an opportunity to speak to the Board during the public forum at the beginning of each Board meeting and the public is only allowed to speak during the Public Forum. Mr. Schilz stated that the Chairman may limit the time for each person speaking to the Board.

Leland Poppe and Doug Wallace thanked the Board for support of North Platte Trails.

Mr. Schilz closed the Public Forum.

REQUESTS FOR ASSISTANCE

Farm Management Competition - Mr. Chuck Burr, University of Nebraska – Lincoln (UNL) Extension Educator, provided to the Board members a written report on the 2017 UNL sponsored Farm Management Competition. Mr. Burr requested a \$1,000.00 contribution to support the 2018 UNL sponsored Farm Management Competition.

Mr. Wahlgren moved to approve \$1,000 for the UNL Farm Management Competition. Mrs. Pederson seconded the motion. The motion carried. (Motion #1)

Aye: Hansen, Meismer, Pederson, Petersen, Schilz, Stack, Wahlgren,
Weaver, Wiseman

Nay: None

Absent & Excused: Colvin, Storer

COOPERATING AGENCIES REPORT

USDA Natural Resources Conservation Service (NRCS) – District Conservationist Report –

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Mr. Schilz reported that Mary Reece, NRCS District Conservationist, was unable to attend the Board meeting. Mr. Miller reported that available for the Directors was a NRCS written report prepared by Mrs. Reece. Mr. Miller reported that available for the Directors for information was an email from Craig Derickson, State Conservationist, dated April 3, 2018 regarding an update on NRCS Operations and Staffing.

USDA Natural Resources Conservation Service (NRCS) – Brule Watershed – Mr. Miller reported that Kevin (Gus) Gustafson, Assistant State Conservation Engineer, reported to him that the NRCS is currently waiting on headquarters to select pre-qualified design firms for rebuilding the Brule Watershed dam. Mr. Miller reported that Mr. Gustafson plans to attend a future TPNRD Board meeting to update the Board.

GENERAL INFORMATION

None presented.

BOARD OF DIRECTORS MEETINGS

Minutes for the March 8, 2018 Meeting – Mr. Schilz reported the Minutes for the March 8, 2018 Board of Directors meeting were available for the Directors and he asked if there were any corrections or additions.

Mr. Petersen moved the Minutes of the March 8, 2018 Board of Directors meeting be approved. Mrs. Pederson seconded the motion. The motion carried. (Motion #2)

Aye: Hansen, Meismer, Pederson, Petersen, Schilz, Stack, Wahlgren,
Weaver, Wiseman

Nay: None

Absent & Excused: Colvin, Storer

FINANCIAL REPORT

Financial Statement - Mr. Meismer reported the Financial Statement for March 2018 was available for the Directors.

Accounts Payable - Mr. Meismer reported the Accounts Payable report was available for the Directors, he had reviewed the Report, and found it to be in order.

Mr. Meismer moved the Financial Statement for March 2018 be received and placed on file for audit and to approve payment of the invoices presented on April 12, 2018 in the amount of \$709,525.50. Mr. Wiseman seconded the motion. The motion carried. (Motion #3)

Aye: Hansen, Meismer, Pederson, Petersen, Schilz, Stack, Wahlgren,
Weaver, Wiseman

Nay: None

Absent & Excused: Colvin, Storer

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

Bids/Proposals – None presented.

Bids/Proposals Scheduled to be Presented for Consideration during the May 10, 2018 Board of Directors Meeting – Mr. Miller reported the District Policy provides “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 no bids/proposals would be presented for the May 10, 2018 Board of Directors meeting.

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 April 12, 2018.

Variances – No report presented.

Violations – No report presented.

Offset Water - Nebraska Cooperative Republican Platte Enhancement Project (NCORPE) – Sale of Land - TPNRD Policy for Conditions of Sale of NCORPE Property - MOTION Tabled March 8, 2018 – Mr. Meismer reported that the following Motion #5 was made on March 8, 2017:

To approve the following Policy for Conditions of Sale of the NCORPE Property:

- I. NCORPE is an essential project for ensuring the goals and objectives of the TPNRD Integrated Management Plan are achieved. NCORPE is also essential to Nebraska’s compliance with the Republican River Compact.
- II. TPNRD is working with NCORPE members to evaluate the appropriate conditions under which NCORPE can dispose of some of its real estate associated with the project. TPNRD believes NCORPE, as a public body, should not retain ownership to more real estate than is necessary to serve the purposes of NCORPE members.
- III. TPNRD recognizes that multiple parties have threatened litigation, which litigation has the potential to limit NCORPE’s operations and the amount of water for

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use. This threatened litigation requires TPNRD and NCORPE to exercise great caution in the disposal of any real estate held by NCORPE.

ACCORDINGLY, TPNRD believes that the following conditions must be met before NCORPE disposes of any of its real estate:

1. Legislation must expressly convey the authority to natural resources districts and interlocal bodies comprised of natural resources districts, who are engaged in augmentation projects, absolute discretion in determining the rate and volume of water to pump without regard to the amount of real property owned by either of those entities;

2. Legislation shall expressly recognize or convey the power of sovereign immunity to natural resources districts and interlocal bodies comprised of natural resources districts, who are engaged in augmentation projects, for all claims associated with the operation and use of the augmentation projects.

3. Legislation will require the State of Nebraska to indemnify and make whole each natural resources district and/or interlocal body's member, in the event the operation of an augmentation project is disrupted or limited in any way for reasons associated with the ownership of real property or the failure to own sufficient amounts of real property relative to the rates and volumes of water desired to be pumped.

4. The development of any legislation should be accomplished using a collaborative process that includes all interested stakeholders.

and then laid on the table.

Mr. Schilz reported that the Board today may take the question, Motion #5 – March 8, 2018 Board meeting, from the table. Mr. Schilz reported a motion to take a question from the table is undebatable and if the question is taken from the table, the motion is on the floor as original stated.

Mr. Wahlgren moved to take the question, Motion #5 – March 8, 2018 Board meeting, from the table. Mrs. Pederson seconded the motion. The motion carried. (Motion #4)

Aye: Hansen, Meismer, Pederson, Petersen, Schilz, Stack, Wahlgren, Weaver, Wiseman

Nay: None

Absent & Excused: Colvin, Storer

Mr. Schilz reported that the following motion is now on the floor.

To approve the following Policy for Conditions of Sale of the NCORPE Property:

I. NCORPE is an essential project for ensuring the goals and objectives of the TPNRD Integrated Management Plan are achieved. NCORPE is also essential to Nebraska's compliance with the Republican River Compact.

II. TPNRD is working with NCORPE members to evaluate the appropriate conditions under which NCORPE can dispose of some of its real estate associated with the project.

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TPNRD believes NCORPE, as a public body, should not retain ownership to more real estate than is necessary to serve the purposes of NCORPE members.

III. TPNRD recognizes that multiple parties have threatened litigation, which litigation has the potential to limit NCORPE’s operations and the amount of water for use. This threatened litigation requires TPNRD and NCORPE to exercise great caution in the disposal of any real estate held by NCORPE.

ACCORDINGLY, TPNRD believes that the following conditions must be met before NCORPE disposes of any of its real estate:

1. Legislation must expressly convey the authority to natural resources districts and interlocal bodies comprised of natural resources districts, who are engaged in augmentation projects, absolute discretion in determining the rate and volume of water to pump without regard to the amount of real property owned by either of those entities;

2. Legislation shall expressly recognize or convey the power of sovereign immunity to natural resources districts and interlocal bodies comprised of natural resources districts, who are engaged in augmentation projects, for all claims associated with the operation and use of the augmentation projects.

3. Legislation will require the State of Nebraska to indemnify and make whole each natural resources district and/or interlocal body’s member, in the event the operation of an augmentation project is disrupted or limited in any way for reasons associated with the ownership of real property or the failure to own sufficient amounts of real property relative to the rates and volumes of water desired to be pumped.

4. The development of any legislation should be accomplished using a collaborative process that includes all interested stakeholders.

The motion carried. (Motion #5)

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

Offset Water - Nebraska Cooperative Republican Platte Enhancement Project (NCORPE) – Bond Payments – Mr. Meismer reported that the Board on March 8, 2018 asked if a larger payment could be made by the TPNRD for the bonds for the NCORPE Project.

Mr. Meismer reported that available for the Directors were the following:

- Email from Deb DeGarmo, Vice President Corporate Trust, Union Bank & Trust.
- NCORPE Series 2015 Bond Call Information
- NCORPE Series 2017 Bond Call Information
- TPNRD Financial History and Estimate for Accruing Funds for Offset Water
- Budget for Occupation Tax fund for NCORPE – 2018 Fiscal Year

Mr. Meismer reported that Mr. Miller asked Deb DeGarmo, Vice President Corporate Trust, Union Bank & Trust, if the TPNRD could make a larger payment at this time for either the Series 2015 NCORPE Bonds or the Series 2017 NCORPE Bonds. Mr. Meismer reported that the first time the Series 2015 bonds can optionally be called is 11/3/20 and the first optional call date for Series 2017 is 5/1/22.

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Mr. Miller reported that available for information was a TPNRD Financial History and Estimate for Accruing Funds for Offset Water.

Offset Water - Nebraska Cooperative Republican Platte Enhancement Project (NCORPE) – Information - Sent to TPNRD Irrigated Land Owners & others – Mr. Meismer reported that available for the Directors were a “Fact Sheet” titled “What’s New With NCORPE”, and a Frequently Asked Questions” document regarding NCORPE. Mr. Meismer reported that the “Fact Sheet” titled “What’s New With NCORPE” and the “Frequently Asked Questions” document regarding NCORPE, has been mailed to every landowner with irrigated acres within the TPNRD who are paying the occupation tax. Mr. Meismer reported that these were also mailed to banks, attorneys, and land managers and have also been provided or placed in offices of NRCS, FSA, and Extension.

Offset Water - Nebraska Cooperative Republican Platte Enhancement Project (NCORPE) – North Pipeline – Mr. Meismer reported that the contractor is continuing to finalize the controls.

Offset Water - Nebraska Cooperative Republican Platte Enhancement Project (NCORPE) – Wellfield Operation – Mr. Meismer reported that pumping of water to the Republican River is not presently occurring. Mr. Meismer reported that Kansas will not call for water before October 2018 and pumping may not be needed in 2018.

Offset Water - Nebraska Cooperative Republican Platte Enhancement Project (NCORPE) – Ground Water Levels – Mr. Meismer reported that available for the Directors’ was an aerial photo of the NCORPE property showing the locations of ground water monitoring wells, and graphs for the monitoring wells.

Offset Water - Nebraska Cooperative Republican Platte Enhancement Project (NCORPE) – Board Meetings – Mr. Weaver reported that the NCORPE Board has not met since January 31, 2018. Mr. Weaver reported that the next NCORPE Board meeting would be on April 18, 2018 at Curtis, NE. Mr. Weaver reported that the NCORPE Board has determined to meet every other month alternating between NRDs and Curtis, NE.

Offset Water - Integrated Management Plan (IMP) Second Increment – Timeline – Mr. Meismer reviewed the Basin NRDs Second Increment Timeline.

Offset Water - Integrated Management Plan (IMP) Second Increment – TPNRD Stakeholders Meetings – Mr. Meismer reported that available for the Directors were the NRDs Stakeholders meetings schedule, education topics for the first meetings, the TPNRD Stakeholders categories & names, and a Scope of Work for Facilitation of TPNRD Stakeholders meetings.

Offset Water - Integrated Management Plan (IMP) Second Increment – TPNRD Stakeholders Meetings - Schedule – Mr. Meismer reported that the TPNRD Stakeholders meetings will be held at the Holiday Inn Express in North Platte at 7:00 pm Central Time and the following is

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the current schedule for the TPNRD Stakeholders meetings:

June 5, 2018
August 7, 2018
September 19, 2018
October 2, 2018 (if needed)
November 21, 2018
January 16, 2019

Offset Water - Integrated Management Plan (IMP) Second Increment – TPNRD Stakeholders Meetings - Members – Mr. Meisner reviewed that listing of the categories and representatives the Subcommittee identified for each category that have been invited to participate as a TPNRD Stakeholder. Mr. Meisner reported that the Subcommittee today identified other individuals to invite where previous identified individuals declined to participate.

Offset Water - Integrated Management Plan (IMP) Second Increment – TPNRD Stakeholders Meetings - Facilitation – Mr. Meisner reported that the Subcommittee previously agreed that Stephanie White, HDR, the Basin Stakeholders meetings facilitator should facilitate the TPNRD Stakeholders meetings. Mr. Meisner reported that available for the Directors was a Scope of Work for facilitation of TPNRD Stakeholders meetings. Mr. Meisner reported that the Subcommittee had hoped to have a contract available for Mrs. White's services for the TPNRD to recommend to the Board of Directors today, but did not have a contract. Mr. Meisner reported that the NRDs using Mrs. White for facilitation have agreed to have one contract with Mrs. White through the Platte Basin Coalition and the TPNRD Board could approve the part of the contract related to the TPNRD when it is available. Mr. Meisner reported that the South Platte NRD and the Central Platte NRD are planning to use Mrs. White to facilitate their Stakeholders meetings, the North Platte NRD will be hiring a facilitator, but has not decided who at this time, and the Tri-Basin NRD does not plan to use a facilitator.

Offset Water – Irrigation Districts – NE DNR Meeting with Irrigation Districts Boards facilitated by TPNRD – Mr. Miller reported that the TPNRD, at the request of the Irrigation Districts within the TPNRD, facilitated a meeting at the TPNRD with NE DNR representatives, Jesse Bradley, Assistant Director, and Mike Thompson, Permits & Regulations Division Head, and Irrigation Districts Board members and staff on March 28, 2018.

Offset Water – Irrigation Districts – Western Pilot Project – No report presented.

Offset Water – Irrigation Districts – Cody-Dillon Instream Flows – Mrs. Dimmitt reported that the TPNRD is working with two land owners for the TPNRD to irrigate their land this summer for the TPNRD to obtain water leases for the land. Mrs. Dimmitt reported that the TPNRD is continuing to work with NE DNR to transfer the existing water leases the TPNRD has obtained to an instream flow.

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Offset Water – Irrigation Districts – K&L, Paxon-Hershey, Platte Valley, Suburban – No report presented.

Offset Water – Irrigation Districts – Excess Flows – Mr. Meismer reported that all the Irrigation Districts have or will sign new temporary five-year agreements with TPNRD & NE DNR. Mr. Meismer reported that the TPNRD applications for permanent water rights is still pending at the NE DNR.

Offset Water – Irrigation Districts – Engineering Analysis – No report presented.

Offset Water – Non-Irrigated Certified Acres – Mr. Meismer reported that the program will continue to be offered and that the TPNRD is receiving some new contracts.

Offset Water – J2 Project – No report presented.

Offset Water – CPNRD Agreement – No report presented.

Offset Water – Conservation Tillage Measures – No report presented.

Subcommittee Priorities – Mr. Meismer reported that the following is the current list of the Subcommittee priorities for offset water.

- 1 Irrigation Districts in TPNRD (2016FY Budget)
- 2 N-CORPE Project (2016FY Budget)
- 3 CPNRD Agreement (2016FY Budget)
- 4 J-2 Project (2016FY Budget)
5. Non-Irrigated Certified Acres (2016FY Budget)
- 6 Conservation tillage measures (2016FY Budget)
- 7 South Platte River Compact Coalition (2016FY Budget)

Mr. Meismer reported that available for the Directors was the IMP accounting shown on a graph and a chart.

Regulations - No report presented.

Platte Basin Over-Appropriated Plan - Stakeholders Meeting – Mr. Wahlgren reported that the next stakeholders meeting will be May 16, 2018 at 10:30 am at the Holiday Inn Express in North Platte, Nebraska. Mr. Wahlgren reported that the July 18, 2018 meeting will be cancelled.

Platte River Recovery Implementation Program – No report presented.

South Platte River Compact Coalition – No report presented.

SUBCOMMITTEE MEETINGS REPORT
Wildlife Habitat & Urban Affairs Subcommittee

No report presented.

SUBCOMMITTEE MEETINGS REPORT
Executive Subcommittee

No report presented.

DIRECTORS REPORTS

Nebraska Association of Resources Districts (NARD) – Board of Directors – Mr. Miller reported that available for the Directors was a news article that was in the North Platte Telegraph on April 8, 2018 regarding Mr. Meismer chairing the NARD Government Committee.

Nebraska Association of Resources Districts (NARD) – 2018 Southeast NE NRD Basin Tour, June 11-12, 2018 – Mr. Meismer reported that the annual Nebraska NRD Basin Tour will be June 11-12, 2018 in the NRDs in Southeast Nebraska.

Sandhills Task Force – Mr. Hansen presented a report.

Requests for Authorization to Travel – No requests presented.

DISTRICT REPORT

Cost-Share Programs – NE Soil & Water Conservation Program – Mr. Miller reported the monthly report was available for the Directors, \$3,822.20 was available, and there were no new applications to present.

Cost-Share Programs – District Conservation Programs – Mr. Miller reported the monthly report was available for the Directors, and \$4,845.37 was available.

Personnel – Information & Education Coordinator Proposal – Mr. Miller reported that the Board on March 8, 2018 requested that a proposal for a new TPNRD Information & Education (I&E) Coordinator position be considered today. Mr. Miller reported that available for the Directors were a Job Description for a Full Time I&E Coordinator, a Job Description for a Part Time I&E Coordinator, budgets for a Full Time and a Part Time I&E Coordinator, and a map showing I&E Coordinators in Nebraska's NRDs prepared by the NARD. Mr. Miller reported that the Job Description for a Part Time I&E Coordinator is the Job Description for a Full Time I&E Coordinator with lined through items of which a part time position would not be able to do compared to a full-time position. Mr. Miller reported that for the map showing I&E Coordinators in Nebraska's NRDs, the NARD used Mrs. Dimmitt's

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and Mr. Carhart’s pictures for the TPNRD since the TPNRD does not have an I&E Coordinator. Mr. Miller reported that there have been several personnel changes since this map was prepared. Mr. Miller reported that he believes that all the NRDs have an I&E Coordinator except the TPNRD and that most of the I&E Coordinators are full time positions. Mr. Miller reported that he recommends authorizing a full time I&E Coordinator for the TPNRD.

Mrs. Pederson moved to approve authorization of a full-time Information & Education Coordinator for the TPNRD. Mr. Wahlgren seconded the motion. The motion carried.
(Motion #6)

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

Miscellaneous Information – Mr. Miller reported 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 would be held on Thursday, May 10, 2018 at 7:30 pm.

ADJOURNMENT

The meeting adjourned at 4:15 pm.

Jerry Weaver, Secretary