

PUBLIC NOTICE

The South Platte Natural Resources District will hold a regular public meeting on February 10, 2009 at the South Platte Natural Resources District, 551 Parkland Drive, Sidney, Nebraska, at 7:00 p.m. An agenda of the matters to be considered at such date, time and place is kept continually current and is available for public inspection during normal business hours at the south Platte NRD Office, 551 Parkland Drive, Sidney. Any person with disabilities who needs help in participating in the meeting should contact the District office (308) 254-2377, before the meeting.

TENTATIVE AGENDA

1. Call to Order - Chair, Rexroth
 - A. Nebraska Open Meetings Act
 - B. Legal Notices
2. Minutes
 - A. Minutes of the January 13, 2009 meeting of the Board of Directors
 - B. Minutes of the January 13, 2009 meeting of the District Operations Committee
 - C. Minutes of the January 12, 2009 meeting of the Natural Resources/Projects & Programs Committee
3. *Treasurer's Report for January 2009 and Accounts Payable
4. Public Questions, Comments and/or Concerns
5. Discussion with Nebraska Department of Natural Resources Representatives regarding the following items (Jim Schneider and Tina Kurtz):
 - A. Review of the Proposed Basin-wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin, Nebraska
 - B. Review of the Proposed Overappropriated Component of the SPNRD Integrated Management Plan (IMP)
 - C. Discussion Concerning the SPNRD Post-1997 Depletion Analysis
 - D. Discussion Regarding Future Modeling Studies and the Interrelated Water Management Plan Program Funds
6. Director and Staff Reports
7. Agency Reports
 - A. USDA-Natural Resources Conservation Service (NRCS)
 1. NRCS Report – Kristin miller, D.C. - NRCS
 - B. Nebraska Association of Resources Districts (NARD)
 1. NARD Board of Directors Meeting Report - Johnson
 2. NARD Risk Pool Board of Directors Monthly Report - Johnson
 3. 2009 NARD Legislative Conference Report - Johnson/Rexroth/Rutt/Halligan
 4. Review 2009 Legislative Bills - Johnson/Rutt/Halligan
 5. NARD Information and Education Committee - Ogle
 - C. Panhandle Resources Conservation and Development (PRC&D)
 1. PRC&D Report - Burkhart-Kriesel
 - D. Nebraska Department of Natural Resources (NDNR)
 1. NDNR Report - Rexroth

8. Ground Water Quality Nitrogen Management Summary Report - Kaiser
9. Committee Reports
 - A. Natural Resources/Projects & Programs Committee - Hutchison, Chair
 1. Variance Advisory Group
 - a. Review Requests brought before the Group
 - b. *Action on Variance Requests Recommended by the Group
 - B. District Operations Committee - Johnson, Chair
 1. *Six Month Performance Appraisal and Salary Review for Hilary Cook, NRD/NRCS Field Office Secretary
 2. *Discussion and Action to Change Hilary Cook's Employment Classification and Expand Responsibilities
 3. *Action to Consider Proposed Amendment #1 to "Groundwater Modeler Position Agreement" between North Platte Natural Resources District and the South Platte Natural Resources District dated April 1, 2007
 4. *Discussion and Action as Desired to Proceed with Bidding Process to Purchase:
 - a. Computer Equipment and Installation
 - b. Office Furniture
 - c. Refrigerators
 5. *Authorization to Create and Fill Water Resources Program Specialist Position
10. Correspondence
11. Upcoming Dates
 - A. February 16, 2009 - SPNRD Office Closed, Presidents Day
 - B. February 24, 2009 - Variance Advisory Group Meeting at 7:00 p.m.
 - C. March 4, 2009 - NRD Managers' Meeting with Senators, Lincoln, NE
 - D. March 9, 2009 - NARD Board of Directors Meeting, Lincoln, NE
 - E. March 10, 2009 - SPNRD Board of Directors Meeting at 7:00 p.m.
12. Adjourn

*Denotes Action Items

MINUTES

The meeting of the South Platte Natural Resources District Board of Directors was held Tuesday February 10, 2009, at the South Platte NRD Conference Room, 551 Parkland Drive, Sidney, NE, at 7:00 p.m. The public notices were published in the Sidney, Chappell and Kimball newspapers. The agenda was compiled and each member of the Board of Directors and other interested and affected persons were notified of the meeting date within the deadline.

Board Members Present

Keith Rexroth, Chair

Cheryl Burkhart-Kriesel, Vice Chair

Tom Biggs, Secretary

Paul Hutchison

Larry Rutt

Bill Halligan

Jim Johnson (left at 10:14 p.m.)

Board Members Absent

None

Others Present

Kristin Miller, DC NRCS-USDA; Tina Kurtz and Jim Schneider, NDNR; Thad Kuntz, NPRND/SPNRD modeler; and KNEB staff member via telephone for part of the NDNR presentation

NRD Staff Present

Rod L. Horn, General Manager

Galen Wittrock, Assistant Manager

Don Ogle, I & E Coordinator

Chris Kaiser, Natural Resources Coordinator

Linda L. Suhr, Admin. Sec. /Bookkeeper

Kyle Liebig, Water Resources Coordinator

Travis Glanz, Water Resources Technician

Informational Material

The following information provided prior to the board meeting or made available at the meeting:

1. Tentative and Final Agendas, SPNRD Board meeting, February 10, 2009
2. Tentative and Final Agendas, Natural Resources/Projects and Programs Committee meeting, February 9, 2009
3. Tentative Agenda, District Operations Committee meeting, February 10, 2009
4. January 2008 Treasurer's Report and Accounts Payable
5. Minutes of the SPNRD Board meeting, January 13, 2009
6. Minutes of the Natural Resources/Projects & Programs Committee meeting, January 12, 2009
7. Minutes of the District Operations Committee meeting, January 13, 2009
8. Minutes of the Variance Advisory Group meeting, January 20, 2009
9. January 30, 2009 Manager's Letter
10. Staff Reports: Linda L. Suhr, Administrative Secretary and Jodi R. Livingstone, District Secretary
11. SPNRD South Platte Valley GWM Subarea, Deuel County, 2008 Summary for Nitrogen
12. SPNRD Sidney GWM Subarea, 2008 Summary for Nitrogen
13. February 9, 2009 Letter to the Kielian Family Residuary Trust Re: Amended Corrective Action Plan
14. Amendment #1 to the Ground Water Modeler Position Agreement (SPNRD/NPNRD) January 28, 2009 Draft Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portion of the Platte River Basin, Nebraska

15. January 8, 2009 Draft SPNRD Overappropriated IMP (Rule 9)
16. November 20, 2008 SPNRD Post 1997 Depletions Analysis
17. NARD CA & Bill Summary 2009 Legislative Session
18. PRRIP, Governance Committee Meeting Minutes, December 2-3, 2009
19. Interrelated Water Management Plan Program Funds Application
20. February 9, 2009 email from Pam Andersen, DNR Re: SPNRD IMP
21. Star-Herald Article "Game and Parks OK with State's failing grade on prairie dogs"
22. Kearney Hub Article "LB701 property tax unconstitutional"
23. Per Diem/Expense sheet

BOARD MEETING

1. Call to Order

Chair Rexroth called the meeting to order at 7:00 p.m. Rexroth welcomed Thad Kuntz, NPNRD/SPNRD modeler. Kuntz gave a brief description about his prior work experience.

A. Nebraska Open Meetings Act

Rexroth stated for the record that a copy of the Nebraska Open Meetings Law is posted in the meeting room.

B. Legal Notices

Rexroth stated for the record that the meeting affidavits of publication are included with these minutes.

2. Minutes

A. Minutes of the January 13, 2009 meeting of the Board of Directors

These minutes were approved as corrected. A typographical error on the first page was corrected (corrected Water to Walter) and a decimal place was omitted on page 5, 10.A.1. (corrected 11 to .11).

B. Minutes of the January 12, 2009 meeting of the Natural Resources/Projects & Programs Committee

These minutes were approved as presented.

C. Minutes of the January 13, 2009 meeting of the District Operations Committee

These minutes were approved as presented.

3. *Treasurer's Report January 2009 and Accounts Payable

Manager and Treasurer Rod Horn encouraged the board to review the Treasurer's Report and to address any questions. Account balances for accounts are as follows:

<u>Account</u>	<u>1/1/09</u>	<u>1/31/09</u>
SPNRD Checking	\$ 322,171.48	\$ 410,990.15
Citizens' Monitoring - combined	\$ 21,264.17	\$ 21,283.23
NPAIT-LPCSI-EQIP	\$ 228,705.19	\$ 228,913.10
NPAIT-SPRCC	\$ 0.00	\$ 5,001.63

Investment accounts were reviewed. Accounts payable was presented in the amount of \$51,122.74. Horn presented an additional payment request for Paul Reed Construction in the amount of \$51,063.70 for a total for accounts payable of \$102,186.44. Horn reviewed several items. After discussion Burkhart-Kriesel moved and Johnson seconded the motion to approve the January Treasurer's Report and pay the accounts payable in the amount of \$102,186.44. A roll call vote was taken.

Aye: Halligan, Johnson, Burkhart-Kriesel, Hutchison, Rexroth, Biggs, Rutt

Nay: None

Absent: None

Motion Carried.

4. Public Questions, Comments and/or Concerns

None.

5. Discussion with Nebraska Department of Natural Resources Representatives regarding the following items (Jim Schneider and Tina Kurtz):

A. Review of the Proposed Basin-wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin, Nebraska

Tina Kurtz, NDNR, reviewed the draft basin-wide overappropriated plan. She reviewed a timeline for the SPNRD. The plan is to have a draft at the March board meeting with a vote in April. The order must be implemented by September 15, 2009. The basin-wide plan must be adopted by the five NRDs and NDNR.

B. Review of the Proposed Overappropriated Component of the SPNRD Integrated Management Plan (IMP)

Kurtz reviewed the overappropriated component of the SPNRD IMP (Rule 9). Discussion followed.

C. Discussion Concerning the SPNRD Post 1997 Depletion Analysis

This agenda item and item D were presented before A and B.

Jim Schneider, Integrated Water Management Division of NDNR, gave a power point presentation on the SPNRD Post 1997 Depletion Analysis. A staff member from KNEB was present via telephone during the presentation.

D. Discussion Regarding Future Modeling Studies and the Interrelated Water Management Plan Program Funds

Schneider said, along with other comments, that the METRIC and HEM studies were important and that their data would be useful in further analysis. He said studies of this type as well as CROPSIM and other work that has been done in the Panhandle should help make the COHYST model the tool the SPNRD needs.

He also said that management activities that are implemented need to show where the water will go (such as into Lodgepole Creek).

A recess was called at 8:56 p.m. The meeting was reconvened at 9:05 p.m.

The District Operations Committee (Agenda item 9 B) was addressed next.

Agenda Item 6 was addressed after the District Operations Committee.

6. Director and Staff Reports

Liebig, Glanz, Wittrock, Kaiser, Ogle and Horn gave oral reports. Suhr and Livingstone presented written reports. Rexroth also gave an oral report. He is working with the board chairs of the UNW NRD and the NPNRD to hold a joint board meeting to develop beneficial relationships among the Panhandle NRD boards.

Liebig worked on variances, items for the Allocation Subcommittee meeting, met with producers, drafted letters, worked to input information lost because of the file server and backup failures. He attended a CALMIT meeting and is working on a scope of work for a GIS project. He and other staff members worked on the lot to prepare it for the new gravel.

Glanz has been busy with flow meter inspections, readings and cost share. He is reentering lost data because of the file server and backup failures. He met with a producer to ultrasonic a flow meter and assisted with the lot work.

Wittrock reported on the conservation tree program progress. He said that since the Pipeline

came out, about 5,000 additional trees have been ordered.

He is working on a draft Memorandum of Agreement for Oliver Reservoir, which he plans to submit to the board at their March meeting.

In regard to the McRoberts (Gurley) sediment and erosion complaint, he and Kristin Miller have been working with the producer, McRoberts, on a compliance plan. The plan should be ready by the March board meeting for board's review and action.

Wittrock also reported that the Environmental Trust Grant for a new 10' no-till grass drill was successful. Funds (\$15,000) should be available after the Trust meets in April. Pheasants Forever will also contribute to the project. He also assisted with the lot work.

Kaiser read flow meters, worked on the nitrogen report, reentered lost data, worked on wellhead protection areas, well abandonments and did surface water sampling. The information that the board requested from the last meeting (Ward lab results) will be ready by the March meeting. He assisted with the lot work.

Ogle attended the legislative conference in Lincoln. He met with staff from the Groundwater Foundation while he was in Lincoln. He reported that Sidney placed second at the Western Regional Envirothon in Gordon and they won the forestry division. He prepared press releases. Recently he met with Dave Wolf (NARD) and other Panhandle I & E Coordinators. He has been working on the Ground Water Festival and Ground Water Guardian and rebuilding the website. He also reported good comments from the Pipeline.

Horn complimented the staff for their professional attitude during the recent file server and backup system failures. He also reported on the construction projects and thanked the staff for their efforts.

7. Agency Reports

A. USDA/Natural Resources Conservation Service (NRCS)

1. NRCS Report

Kristin Miller, D.C. added to Wittrock's report about the McRoberts soil & erosion complaint situation. She said tolerable soil loss was five tons in one year, but that McRoberts' erosion was calculated at about 20 tons loss in one year. She and Wittrock did ground truthing and the accuracy of the calculation was within 1-2%.

The Field Office Appraisal is scheduled for the first week in March 2009. Miller requested Rexroth, Horn and other interested directors attend the meeting. It will be held at the SPNRD conference room.

B. Nebraska Association of Resources Districts (NARD)

1. NARD Report Board of Directors Meeting Report

Johnson gave a brief report on the NARD board of directors meeting. The next meeting will be held on March 9, 2009.

2. NARD Risk Pool Board of Directors Monthly Report

Johnson attended the monthly NARD Risk Pool board of directors meeting. He reported the risk pool is in good financial condition.

3. 2009 NARD Legislative Conference Report

Johnson, Rutt, Rexroth and Halligan attended the 2009 NARD legislative conference in Lincoln. They reported briefly about the conference.

4. Review 2009 Legislative Bills

Horn encouraged the board to read the 2009 legislative bills included in the handout material.

5. NARD Information and Education Committee

Ogle reported on the information and education committee meeting. One of the committee's projects is to provide each legislator with a booklet of the NRD

information across the state.

C. Panhandle RC& D

1. PRC&D Report

Burkhart-Kriesel gave a brief RC&D report. Of note was the Western District outstanding council award that went to the Panhandle RC&D.

D. Nebraska Department of Natural Resources (NDNR)

1. NDNR Report

Rexroth reported briefly on the meeting held during the legislative conference. A new chair and vice-chair were elected at that time.

8. SPNRD Ground Water Quality Nitrogen Management Summary Report

Kaiser reviewed the 2008 SPNRD Nitrogen Management Summary reports for the South Platte Valley (Deuel County) and the Sidney Ground Water Management Subarea.

9. Committee Reports

A. Natural Resources/Projects and Programs Committee

1. Variance Advisory Group (VAG)

a. Review Requests Brought Before the Group

Hutchison reviewed the variance recommendations from the January 20, 2009 VAG meeting.

Clayton Shoemaker-20" Allocation (9-16-52 and 22-17-52)

The VAG took no action on this request. Further information was requested.

Don Frerichs-18" Allocation (27-14-48)

Hutchison reported that Don Frerichs requested to certify 59.6 acres with a history of flood irrigation. This was similar to prior approved requests. The VAG group recommended approving the variance request.

Annemieke P. Rossini Trust in care of Matt Varra-20" Allocation (6-16-54)

The VAG took no action on this request. Further information was requested.

b. *Action on Variance Requests Recommended by the Group

Hutchison moved on behalf of committee and Rutt seconded the motion to approve the VAG recommendation for the Don Frerichs variance discussed at the January 20, 2009 Variance Advisory Group meeting and listed above. A roll call vote was taken.

Aye: Biggs, Rutt, Halligan, Burkhart-Kriesel, Hutchison, Rexroth

Nay: None

Absent: None

Motion carried.

B. District Operations Committee

1. *Six Month Performance Appraisal and Salary Review for Hilary Cook, NRD/NRCS Field Office Secretary

Johnson reported that the full committee and Kristin Miller, D.C. were present during the committee meeting. Johnson on behalf of committee moved and Halligan seconded the motion to approve the updated salary pay range values, and approve the salary adjustment made according to the Salary Grade and Pay Range Schedule provided by the Manager for Hilary Cook. This motion was withdrawn, and Johnson moved on behalf of committee and Halligan seconded the motion to approve

the updated salary pay range values, and approve the salary adjustment made according to the Salary Grade and Pay Range Schedule provided by the Manager for Hilary Cook and change her employment classification to full-time and expand her responsibilities (Agenda item 2 below) as outlined by Manger Horn and Miller. A roll call vote was taken.

Aye: Johnson, Burkhart-Kriesel, Hutchison, Rexroth, Biggs, Rutt, Halligan
Nay: None
Absent: None
Motion Carried.

2. *Discussion and Action to Change Hilary Cook’s Employment Classification and Expand Responsibilities

This agenda item was addressed in prior motion.

3. *Action to Consider Proposed Amendment #1 to “Groundwater Modeler Position Agreement” between North Platte Natural Resources District and the South Platte Natural Resources District, dated April 1, 2007

The amendment was discussed. Thad Kuntz was present during this discussion. The North Platte NRD pays 70% of the modeler’s expenses and the South Platte NRD pays 30%, with the modeler to work out of the NPNRD office. SPNRD expenses are estimated at \$18,053 (budgeted funds). NPNRD’s expenses are \$42,124. Johnson moved and Halligan seconded the motion to approve Amendment #1 to the Groundwater Modeler Position Agreement with Horn to sign the agreement. A roll call vote was taken.

Aye: Burkhart-Kriesel, Hutchison, Rexroth, Biggs, Rutt, Halligan, Johnson
Nay: None
Absent: None
Motion Carried.

4. *Discussion and Action as Desired to Proceed with Bidding Process to Purchase:

- a. Computer Equipment and Installation
- b. Office Furniture
- c. Refrigerators

Johnson explained that this is the usual procedure used when purchasing items over \$2,500. These items are covered in the current budget. Johnson moved on behalf of committee and Halligan seconded the motion to authorize staff to proceed with the bidding process. A roll call vote was taken.

Aye: Hutchison, Rexroth, Biggs, Rutt, Halligan, Johnson, Burkhart-Kriesel
Nay: None
Absent: None
Motion Carried.

5. *Authorization to Create and Fill Water Resources Program Specialist Position

Johnson explained that this new position was the result of the successful 319 Grant. Johnson, on behalf of committee, moved to authorize Horn to create and fill the Water Resources Program Specialist position. Halligan seconded the motion. A roll call vote was taken.

Aye: Rexroth, Biggs, Rutt, Halligan, Johnson, Burkhart-Kriesel, Hutchison

Nay: None
Absent: None
Motion Carried.

Agenda item 6 was addressed next.

11. Upcoming Dates

- A. February 16, 2009 - SPNRD Office Closed, Presidents Day
- B. February 23, 2009 - Variance Advisory Group Meeting at 7:00 p.m.
- C. March 4, 2009 - NRD Managers' Meeting with Senators, Lincoln, NE
- D. March 9, 2009 - NARD Board of Directors Meeting, Lincoln, NE
- E. March 10, 2009 - SPNRD Board of Directors Meeting at 7:00 p.m.
- F. March 21-25, 2009 - Annual Washington D.C. Conference
- G. May 2, 2009 - State Envirothon

12. Adjourn

With no further action, the meeting was adjourned at 10:28 p.m.

Linda L. Suhr, Recording Secretary

*Denotes Action Taken