

## PUBLIC NOTICE

The South Platte Natural Resources District will hold a regular public meeting on November 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 - Keith Rexroth, Chair
  - A. Nebraska Open Meetings Act
  - B. Legal Notice
  - C. Approval of Expenditures
    1. \*Possible December 2009 Committee Meeting Expenditures for Meals
2. Minutes
  - A. Minutes of the October 13, 2009 meeting of the Board of Directors
  - B. Minutes of the October 13, 2009 meeting of the District Operations Committee
  - C. Minutes of the October 12, 2009 meeting of the Natural Resources/Projects and Programs Committee
3. \*Treasurer's Report for October 2009 and Accounts Payable
4. Public Questions, Comments and/or Concerns
5. Presentation on Uranium Mining in the Nebraska Panhandle - Steve Sibray, Geoscientist
6. Director and Staff Reports
7. Agency Reports
  - A. USDA-Natural Resources Conservation Service (NRCS)
    1. NRCS Report - Kristin Miller, DC-NRCS
  - B. Nebraska Association of Resources Districts (NARD)
    1. NARD Report - Johnson
  - C. Panhandle Resource Conservation and Development (PRC&D)
    1. PRC&D Report - Burkhart-Kriesel
  - D. Nebraska Department of Natural Resources (NDNR)
    1. NDNR Report - Rexroth
8. Information on Public Benefits and Verification of Lawful Presence under Neb. Rev. Stat. §§4-108 to 4-114 (LB 403) - Suhr
9. Final 2009 SPNRD Chemigation Report – Wittrock

10. \*Progress Report and Action as Desired on the GIS Water Accounting Program – Liebig
11. Report on Adjacent Lots/Land Acquisition - Horn
12. Status of the CNPP&ID Litigation Case Regarding the OA Basin-Wide Plan - Horn
13. Report on the Hazard Mitigation Planning Process - Horn
14. Committee Report
  - A. Natural Resources/Projects and Programs Committee - Hutchison, Chair
    1. Variance Advisory Group (VAG) Meeting Report
    2. Discussion on Aspects of the Platte Basin Habitat Enhancement Project
    3. Discussion Regarding Certified Irrigated Acres/Uses Transfers and Lien Holder Requirements under LB 477
15. Correspondence
16. Upcoming Dates
  - A. November 11, 2009 - Closed, Veterans Day
  - B. November 26-27, 2009 - Closed, Thanksgiving Day Holiday
  - C. December 8, 2009 - SPNRD Board of Directors Meeting
  - D. December 11, 2009 - Annual SPNRD/NRCS Christmas Luncheon
  - E. December 25, 2009 - Closed, Christmas
  - F. January 1, 2010 - Closed, New Years Day
  - G. January 6, 2010 - First Day of the Legislative Session
  - H. January 25-27, 2010 - NARD Legislative Conference, Embassy Suites, Lincoln, Nebraska
  - I. March 6-10, 2010 - Annual NARD Washington, D.C. Trip, Embassy Suites
17. Adjourn

\*Denotes Action Items

## MINUTES

The meeting of the South Platte Natural Resources District Board of Directors was held Tuesday, November 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

Jim Johnson

Bill Halligan

Larry Rutt

Paul Hutchison

### Board Members Absent

None

### Others Present

Kristin Miller, District Conservationist, NRCS/USDA

Steven Sibray, Geoscientist and Hydrogeologist, University of Nebraska Panhandle Research and Extension Center, Scottsbluff

### NRD Staff Present

Rod L. Horn, General Manager

Galen Wittrock, Assistant Manager

Kyle Liebig, Water Resources Coordinator

Ryan Reisdorff, Water Resources Program Specialist

Linda L. Suhr, Administrative Manager

Travis Glanz, Water Resources Technician

Don Ogle, I & E Coordinator

### Information Material

The following information was provided prior to the meeting or provided at the meeting:

1. November 10, 2009 Tentative Agenda, meeting of the SPNRD Board of Directors
2. November 10, 2009 Tentative Agenda, meeting of the Natural Resources/Projects and Programs Committee
3. October 13, 2009 Minutes, SPNRD Board of Directors meeting
4. October 13, 2009 Minutes, District Operations Committee meeting
5. October 12, 2009 Minutes, Natural Resources/Projects & Programs Committee meeting
6. October 2009 Treasurer's Report
7. October 30, 2009 Manager's Letter and October 31, 2009 staff reports: Chris Kaiser, Natural Resources Coordinator; Linda L. Suhr, Administrative Manager; and Jodi Livingstone, District Secretary
8. November 3, 2009 NARD letter from Dean Edson Re: Special Session Proposed Spending Cuts
9. Panhandle RC&D 5-year plan 2009-2014
10. October 30, 2009 Memo from Linda L. Suhr Re: U.S. Citizenship Attestation Form with attachment
11. 2009 SPNRD Chemigation Program Report

12. November 2, 2009 letter from Rod Horn to Jerry Spiker, Chair, City of Sidney Planning Commission, Re: Petition to Rezone Lots from Heavy Density, Multi-Family Zone (R-3) to Neighborhood Commercial Zone (C-2)
13. Petition from CNPPID Re: Reversing Order adopting Basin Wide IMP
14. October 23, 2009 letter to EMC from Rod Horn Re: CNPPID lawsuit
15. Request for Proposals Re: All-Hazard Mitigation Plan for SPNRD
16. October 20, 2009 minutes of the SPNRD Variance Advisory Group
17. County Assessor Market Areas for Cheyenne, Kimball, Deuel and Keith Counties with attached soil types for each area
18. October 31, 2009 Status Report from High Plains Hydrology LLC Re: Groundwater Modeling Support for the Nebraska Cooperative Hydrology Study
19. October 26, 2009 letter to the SPNRD from Adrian Smith Re: H.R. 1454
20. News Articles:
  - "Water cases back up on CNPPID" - Kearney Hub, 11/03/09
  - "Ruling pending on Republican Basin tax refunds" - Kearney Hub, 11/05/2009
  - "Oak Creek Trail Closed for Firearm Deer Season" - Lower Platte North press release, 11/06/09
  - "5 NRDs sued over groundwater" - World-Herald News Service, 11/04/09
  - "CNPPID gets optimistic forecast" - KRVN Radio, 11/05/09
  - "Golden Rule: Send water downstream" - Kearney Hub, 11/04/09
  - "If projections hold true, McConaughy could reach three-fourths full" - Kearney Hub, 11/03/09
  - "DNR lays out water-short options to NRD" - The Imperial Republican, 10/29/09
  - "Nine lawsuits at once make a lot of paperwork" - Kearney Hub, 11/03/09
21. MILCO Environmental Services, Inc., Project Status Report - Third Quarter 2009
22. Per Diem/Expense form

## Meeting

### 1. Call to Order

Chair Rexroth called the meeting to order at 7:00 p.m. He welcomed Steven Sibray to the meeting.

#### 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.

#### C. Approval of Expenditures

##### 1. \*Possible December 2009 Committee Meeting Expenditures for Meals

Johnson moved and Burkhart-Kriesel seconded the motion to approve December 2009 committee expenses as discussed. A roll call vote was taken.

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

Nay: None

Absent: None

Motion Carried.

2. Minutes

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

These minutes were approved as presented.

B. Minutes of the October 12, 2009 meeting of the Natural Resources/Projects and Programs Committee

These minutes were approved as presented.

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

These minutes were approved as presented.

3. \*Treasurer's Report for October 2009 and Accounts Payable

Horn reviewed account balances as follows:

<u>Account</u>	<u>October 1, 2009</u>	<u>October 31, 2009</u>
SPNRD Checking/Repurchase	\$ 401,597.28	\$ 380,997.73
Citizens' Monitoring Committee (combined)	\$ 21,647.90	\$ 21,650.41
LPCSI-EQIP NPAIT	\$ 29,682.95	\$ 29,686.56
LPCSI-EQIP Security First Bank CDs	\$ 300,786.51	\$ 301,735.61
SPRCC NPAIT	\$ 49,842.42	\$ 89,850.23

Horn reviewed the accounts payable. Horn urged the board to ask questions or come at any time to the office and review receipts/invoices. With no further discussion Rutt moved and Johnson seconded the motion to approve the Treasurer's Report and pay the accounts payable in the amount of \$37,125.90. A roll call vote was taken.

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

Nay: None

Absent: None

Motion Carried.

4. Public Questions, Comments and/or Concerns

None.

5. Presentation on Uranium Mining in the Nebraska Panhandle - Steve Sibray, Geoscientist

Steven (Steve) Sibray, Geoscientist and Hydrogeologist, University of Nebraska Panhandle Research and Extension Center, Scottsbluff gave a presentation about injection well/production well uranium mining in the northwestern Nebraska panhandle (Crow Butte) and expounded on reasons why, in his opinion, uranium is also present in the SPNRD. Uranium is essential for nuclear power plants. He feels that the demand for uranium far exceeds the supply. Only one company is exploring for uranium in Nebraska.

6. Director and Staff Reports

Kaiser, Suhr and Livingstone submitted written reports. Glanz, Wittrock, Ogle, Liebig, Reisdorff and Horn gave oral reports.

- o Glanz reported on progress reading flow meters, stating that 65% of the flow meters have been read. All flow meters are read in Deuel County, South Platte Valley, Lodgepole Creek Valley and Sidney Draw. About 20 broken Sparling flow meters were found so far. He performed vehicle maintenance, plowed snow, and assisted with the scope of work for GIS Workshop.

- Wittrock gave a brief report on the Mountain Pine Beetle which is spreading through the area. Trees (Scotch Pine, which is no longer on the SPNRD tree program order) in Kimball, Potter and Sidney have been affected. Foresters and specialists examined trees in the panhandle, even cutting down some trees to inspect for damage. Information was disseminated through the Pipeline newsletter. He will continue to monitor the Mountain Pine Beetle. Regarding the Conservation Tree Program, tree order forms are ready and he is working with NRCS employees who are putting together tree plans. He attended several tree tours. He feels he will be able to order enough cedar and juniper small potted stock to cover the inadequate numbers from the Nebraska nursery at Halsey. He assisted with flow meter readings. With the Nebraska budget cuts, the new applications for the Buffer Strip program are on hold.
- Ogle reported most of his time was spent on the Conservation Awards Banquet and finishing the Pipeline newsletter. He worked with Wittrock and others on a new statewide conservation tree brochure. He assisted with the PBHEP brochure and the upcoming Panhandle No-till Conference. Biggs complemented Ogle and SPNRD staff for the nice Conservation Awards Banquet and on the entertainment (Tim and Deb Nolting).
- Liebig assisted with flow meter readings, met with GIS Workshop and reviewed the scope of work. He wrote articles for the Pipeline, met with the Variance Advisory Group, attended a Western water use model expectations meeting with Horn, assisted Reisdorff with a database for the 319 grant, worked on municipal and industrial accounting with Reisdorff, refined the District's subarea boundaries, ordered the new projector, created maps and met with a producer. He discussed the postcards that were sent out informing producers that SPNRD staff would be reading their flow meter(s). Several producers set up appointments to be present when the flow meter is read. Thadd Kuntz and Liebig GPSd the Lodgepole Creek west of Sidney to determine active flow. He did some inventory work, helped Kaiser clean the monitoring well pump and with water level items and surface water sampled.
- Reisdorff spent most of his time on 319 grant work. Sidney is actively moving forward with their WHPA plan. He met three times with Bill Taylor from the City of Sidney, collected the most recent information from the City of Sidney wells which was delivered to NDEQ. NDEQ put the information in their groundwater model to determine the area of the WHPA for Sidney. Some changes were made in Sidney's WHPA (west end and near the UPS station). Reisdorff, with Liebig's assistance, input contaminate sources in the Sidney WHPA. Livingstone assisted Reisdorff in many areas with the Sidney WHPA plan. He worked with NDEQ to receive clarification on some points of the 319 grant funding. He met with Ogle to discuss the Cash for Grass program component of the 319 grant. He also attended and NRCS staff meeting concerning the 319 grant opportunities for producers in the SPNRD. He read flow meters, did some industrial baseline accounting, built some spreadsheets to track uses in the future, and reviewed the IMP Rules and Regulations.
- Horn reported that he, Reisdorff and Suhr are involved with the All-Hazard Mitigation Plan for the SPNRD. Neal Danberg, legal counsel with the Nebraska Accountability and Disclosure Commission, followed up on conflict of interest and abstaining. Regarding the per diem expenses, Danberg felt it was important for the board to approve those expenses upfront. Horn attended the Managers' meeting in Valentine.
- 7. Agency Reports
  - A. USDA-Natural Resources Conservation Service (NRCS)
    - 1. NRCS Report

Kristin Miller, District Conservationist, gave a brief NRCS report. The Conservation Security Program has been their main focus, receiving 79 applications. She is expecting approval of

approximately 60 applications by December 1 and is hoping for signed contracts by January 1, 2010. She attended Range Forum and Society for Range Management meetings. She thanked the board for the Conservation Awards Banquet.

B. Nebraska Association of Resources Districts (NARD)

1. NARD Report

Johnson gave a report on the NARD meeting held in Alma, telling the board the insurance program is very successful, holding cash reserves above amounts required. Land Judging, Range Judging and Envirothon information will be linked together on the same website.

Johnson reported that part of the NARD meeting was held in closed session.

C. Panhandle Resources Conservation and Development (PRC&D)

1. PRC&D Report

Cheryl Burkhart-Kriesel referred to the RC&D handout information in the board packet. She asked the board to review the RC&D work plan.

D. Nebraska Department of Natural Resources (NDNR)

1. NDNR Report

Keith Rexroth will attend the NDNR meeting next week. He will keep the board informed concerning reductions to current programs due to the Nebraska budget shortfall.

8. Information On Public Benefits and Verification of Lawful Presence under Neb. Rev. Stat. §§ 4-108 to 4-114 (LB 403)

Suhr reviewed Neb. Rev. Stat. §§ 4-108 to 4-114 (LB 403). This new law, effective October 1, 2009, prohibits a political subdivision of the State of Nebraska from providing public benefits to a person not lawfully present in the United States. An attestation form will be required for all cost-share applications involving NSWCP and SPNRD cost-share programs. The new law also covers verification of legal status of new employees hired on or after that date and involves new wording added to contracts entered into by the SPNRD on or after October 1, 2009. Suhr also met with NRCS staff and reviewed the new law.

9. Final 2009 SPNRD Chemigation Report

Wittrock presented the 2009 SPNRD Chemigation Report as follows: 37 new applications; 303 renewal applications; 336 approved applications; and 4 suspended applications. Regarding income and expense, income totaled \$4,557.00 and expenses totaled \$16,722.63, leaving a net loss of \$12,165.63. Annually a loss is normal for this program. Nebraska statute sets the permit fees and the requirements on the forms. Hutchison questioned the pounds of nitrogen in relation to the number of acres. Wittrock will follow up to make sure calculations are correct.

10. \*Progress Report and Action as Desired on the GIS Water Accounting Program

Liebig gave a power point presentation, created by Jeff Sprock, NPNRD, with input from Liebig and Marcus Tooze, GIS Workshop, concerning the GIS Water Accounting Program. In June, the SPNRD as primary sponsor was awarded an Interrelated Water Management Project Programs fund grant in the amount of \$96,000 for fiscal year 2009 and an additional \$26,000 for fiscal year 2010 and fiscal year 2011 respectively. The funds are being used to develop water accounting GIS. The presentation also included information for the NPNRD.

Liebig explained the new program will streamline data collection and efficiently process the data collected into a format that is easy to use and understand. The program will assist in finding possible broken flow meters and compliance issues. He also explained how the program will be useful for transfers. He also explained why it was necessary to hire a company to create the software.

11. Report on Adjacent Lots/Land Acquisition

Horn, following October board action, made a purchase offer of \$40,500 with a \$1,000 down payment, concerning six lots surrounding the SPNRD. As per director request, Horn requested a meeting with the City of Sidney Planning Commission on November 16, 2009, to request rezoning from Heavy Density, Multi-Family Zone (R-3) to Neighborhood Commercial Zone (C-2). Information is included in the handout material.

12. Status of the CNPP&ID Litigation Case Regarding the OA Basin-Wide Plan

Information in the handout material was discussed. SPNRD legal counsel, Steven Seglin, is working with Horn and the board on this matter. The EMC insurance company is also involved on behalf of the SPNRD.

13. Report on the Hazard Mitigation Planning Process

Horn, Reisdorff and Suhr met with 8 other representatives across the District on Monday, November 9, 2009 regarding the Hazard Mitigation Planning process. Three requests for proposal (RFPs) were received at the SPNRD office by the deadline, November 6, 2009. December 1, 2009 was set to interview Olsson Associates, JEO and Kirkham Michael. The RFPs were distributed to each representative and mailed or given after the meeting to Harry Gillway, Kimball Emergency Manager, and to Joan Hansen, City of Chappell Administrator.

14. Committee Reports

A. Natural Resources/Project and Programs Committee

1. Variance Advisory Group (VAG) Meeting Report

The October 20, 2009 VAG meeting had no variance requests. Instead, Jasper Fanning Manager of the Upper Republican NRD discussed their pooling and transfer issues. One of the things Fanning remarked on was being stricter in the beginning rather than trying to catch up. In Hutchison's opinion, the URNRD is "chasing water", which is one area the SPNRD has worked to prevent from the very beginning (60% rule). Discussion followed.

2. Discussion on Aspects of the Platte Basin Habitat Enhancement Project (PBHEP)

Horn discussed aspects of the PBHEP. He distributed a copy of the County Assessor Market Areas across Nebraska along with Soil Types for each Market Area. The committee involved with PBHEP hopes to use this type of document to submit to the Nebraska Environmental Trust instead of a full real estate appraisal. In an area such as Deuel County where there is only one Market Area, two full real estate appraisals may be necessary to represent the value of the property. Horn discussed decertification in the South Platte River area of the District and whether those acres would be enough to get the District to the requirements in the IMP.

3. Discussion Regarding Certified Irrigated Acres/Uses Transfers and Lien Holder Requirements under LB 477

The committee discussed LB 477. Hutchison said more information will be provided to the board as it becomes available.

15. Correspondence

Various items were provided to the board either by email or in the handout material.

16. Upcoming Dates

- A. November 11, 2009 - Closed, Veterans Day
- B. November 26-27, 2009 - Closed, Thanksgiving Holiday
- C. December 8, 2009 - SPNRD Board of Directors Meeting
- D. December 11, 2009 - Annual SPNRD/NRCS Christmas Luncheon
- E. December 25, 2009 - Closed, Christmas
- F. January 1, 2010 - Closed, New Years Day
- G. January 6, 2010 - First Day of the Legislative Session
- H. January 25-27, 2010 - NARD Legislative Conference, Embassy Suites, Lincoln, Nebraska
- I. March 6-10, 2010 - Annual NARD Washington, D.C. Trip, Embassy Suites

17. Adjourn

With no further business the meeting adjourned at 9:35 p.m.

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Linda L. Suhr, Recording Secretary

\*Denotes Action Items