

PUBLIC NOTICE

The South Platte Natural Resources District will hold a regular public meeting on August 12, 2008 at the Chappell Lions Den, East Highway 20, Chappell, 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 (telephone (308) 254-2377) before the meeting.

TENTATIVE AGENDA

1. Call to Order - Keith Rexroth, Chair
 - A. Nebraska Open Meetings Act
 - B. Legal Notices
2. Minutes
 - A. Minutes of the July 8, 2008 meeting of the Board of Directors
 - B. Minutes of the July 8, 2008 meeting of the District Operations Committee
 - C. Minutes of the July 7, 2008 meeting of the Natural Resources/Projects and Programs Committee
3. *Treasurer's Report For July 2008 and Accounts Payable
4. Public Questions, Comments and/or Concerns
5. Preliminary Report on the HEM Survey - Jim Cannia, Hydrologist, USGS
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
 2. NARD Annual Conference - September 28-30, 2008
 - a. *Elect Voting Delegate and Alternate for Conference
 3. NARD Resolutions
 4. Public Relations Task Force - Johnson/Ogle/Horn
 - 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. Committee Reports
 - A. Natural Resources/Projects and Programs Committee - Hutchison
 1. *Discussion and Action as Deemed Appropriate Concerning Violations of the Districtwide Ground Water Management Area and/or Deuel County Ground Water Management Subarea Rules and Regulations
 2. *Discussion and Action as Deemed Appropriate regarding Dispute about the Amount of Ground Water Calculated from Broken Flow Meter for the 2007 Irrigation Season
 3. *Action on Modifications to Certified Irrigated Acres/Tracts
 - B. District Operations Committee - Johnson

1. *Action as Desired on Proposed SPNRD Promotion/Advertising Package
 2. *Action on 2008 Conservation Awards Program Nominations
 3. *Action on 2008 Conservation Awards Banquet Budget
 4. 2009 Fiscal Year Budgets
 - a. Preliminary Budget Review
 - b. Action on Unused Restricted Funds Authority
 - a. *Increase an Additional One Percent
 5. *Request to Approve NSWCP Applications
 6. *Discussion and Action on Proposed Community Assistance Grant Program
9. Platte River Basin Water Issues - Horn
- A. Overappropriated Platte River Basin-wide Plan
 - B. COHYST Report
10. Correspondence
11. Upcoming Dates
- A. County Fairs: Cheyenne County July 26 - August 3
Kimball County August 5-11
Deuel County August 7-9
 - B. High Plains Ag Lab Summer Crops Field Day, Sidney, NE - August 12, 2008
 - C. SPNRD District Tour/Picnic - August 15, 2008
 - D. SPNRD Office Closed, Labor Day - September 1, 2008
 - E. SPNRD Board Meeting - September 9, 2008 at 7:00 p.m.
 - F. NARD Annual Conference, Holiday Inn, Kearney, NE - September 28-30, 2008
 - G. SPNRD/NRCS Conservation Awards Banquet, Buffalo Point, Sidney, NE - October 18, 2008
 - H. NARD Legislative Conference, Lincoln, NE - January 27-28, 2009
12. Adjourn
- *Denotes Action Items

MINUTES

The meeting of the South Platte Natural Resources District Board of Directors was held Tuesday, August 12, 2008, at the Chappell Lions Den, East Highway 30, Chappell, Nebraska, 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	Paul Hutchison
Cheryl Burkhart-Kriesel, Vice Chair	Larry Rutt
Tom Biggs, Secretary	Jim Johnson

Board Members Absent

Deb Crago (Excused)

Others Present

Kristin Miller, NRCS-USDA, Steve Sibray, Hydrogeologist, Panhandle Research and Extension Center, Jared Abraham, Geophysicist, USGS-Denver, Larry Rahe, Robert Paulsen, Larry Frame, Kevin Derry, Mike Pankonin, William C. (Charles) Julius and Cindy Julius (the Julius' refused to sign the attendance roster)

NRD Staff Present

Rod L. Horn, General Manager

Linda L. Suhr, Admin. Sec. /Bookkeeper

Galen Wittrock, Assistant Manager

Don Ogle, Information & Education Coordinator

Kyle Liebig, Water Resources Coordinator

Travis Glanz, Water Resources Technician

Chris Kaiser, Natural Resources Coordinator

Information provided prior to the board meeting or made available at the meeting:

1. Tentative Agenda, SPNRD Board meeting, August 12, 2008
2. Tentative Agenda, Natural Resources/Projects and Programs Committee meeting, August 11, 2008
3. Tentative Agenda, District Operations Committee meeting, August 12, 2008
4. Minutes of the SPNRD Board of Directors meeting, July 8, 2008
5. Minutes of the District Operations Committee meeting, July 8, 2008
6. Minutes of the Natural Resources/Projects and Programs Committee meeting, July 7, 2008
7. July Treasurer's Report
8. July 31, 2009 Manager's Letter
9. August 12, 2008 Manager's Report
10. Staff Reports: Linda Suhr, Administrative Secretary/Bookkeeper and Jodi Livingstone, District Secretary/Bookkeeper
11. District Tour and BBQ flyer and agenda
12. In the matter of the violations by Cindy Julius and Charles Julius of the Rules and Regulations of the SPNRD - dated August 12, 2008
13. In the matter of the violations by Jon Julius and Charles Julius of the Rules and Regulations of the SPNRD - dated August 12, 2008
14. In the matter of the violation by Keith Enderson of the Rules and Regulations of the SPNRD - dated August 12, 2008
15. Draft #1, Proposed SPNRD Budget, July 1, 2008 - June 30, 2009
16. Draft #1, Proposed SPNRD/CHESE Citizens' Monitoring Committee Budget, July 1, 2008 - June 30, 2009
17. July 29, 2008 letter from Thomas Kielian re: disputing amount of water calculated from broken flow meter during 2007 irrigation season with attachment
18. Two NSWCP Applications needing board approval
19. 2008 SPNRD Conservation Award Nominations and Budget proposal
20. Proposed SPNRD Advertising/Promotion Review
21. Announced NE State Conservation Award Winners, Vearn, Martin, Eugene and Bruce Nienhueser and Keep Sidney Beautiful
22. 2008 NARD Conference information and tentative agenda
23. Panhandle RC&D sponsor letter and a list of current projects
24. Minutes of the NE Natural Resources Commission Meeting, July 17, 2008
25. Report from Orval Gigstad Re: 2008 NACD Summer Board Meeting/Legislative Conference
26. Kearney Hub, "Shelton Talking Water Meters" by Betsy Friedrich
27. SPNRD Community Assistance Grant Application Guidelines and the Application
28. July 17, 2008 Baker & Associates letter Re: revisions made to new building from Jim Pelster
29. July 23, 2008 notes from the Bessey Nursery Advisory Committee meeting
30. Minutes of the NARD Risk Pool Board of Directors meeting, June 16, 2008
31. Minutes of the NARD Board of Directors meeting, June 16, 2008
32. Per Diem/Expense sheet

BOARD MEETING

1. Call to Order

Chair Rexroth called the meeting to order at 7:00 p.m. He noted that Deb Crago was absent and excused. He gave

special thanks to the Chappell Lions Club for allowing the meeting to be held in the facility. Introductions were made around the room.

- A. Nebraska Open Meetings Act
Chair Rexroth stated for the record that a copy of the Nebraska Open Meetings Law is posted in the room.
- B. Legal Notices
Chair Rexroth stated for the record that the meeting affidavits of publication are included with these minutes.

2. Minutes

- A. Minutes of the July 8, 2008 meeting of the SPNRD Board of Directors
These minutes were approved as corrected. Kristin Miller's name was omitted from those present at the board meeting.
- B. Minutes of the July 8, 2008 meeting of the District Operations Committee
These minutes were approved as presented.
- C. Minutes of the July 7, 2008 meeting of the Natural Resources/Projects & Programs Committee
These minutes were approved as presented.

3. *Treasurer's Report July 2008 and Accounts Payable

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

<u>Account</u>	<u>7/1/08</u>	<u>7/31/08</u>
SPNRD Checking	\$ 319,605.82	\$ 289,298.65
Citizens' Monitoring – combined	\$ 7,166.00	\$ 7,176.96
NPAIT-LPCSI-EQIP	\$ 289,309.01	\$ 289,775.07
South Platte Group	\$ 1,564.03	\$ 1,564.03

Horn pointed out various items in the Treasurer's Report. Investment accounts were reviewed. Accounts payable was presented in the amount of \$29,375.64. Some discussion followed. Motion by Biggs and a second by Rutt, to approve the July Treasurer's Report and pay the accounts payable. A roll call vote was taken.

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

4. Public Questions, Comments and/or Concerns

None

5. Preliminary Report on the HEM Survey

Jared D. Abraham, Geophysicist with the USGS-Denver, gave a power point presentation regarding the HEM survey taken in the SPNRD and the NPNRD. The data gathered in the project will be used as a data set for the COHYST project.

A short recess was called until 8:00 p.m.
Agenda item 8. A. was addressed next.

This agenda item was addressed after item 7.

6. Director and Staff Reports

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

Liebig reported setting up a water bank data base and mapping the decertified acres. He worked on municipal accounting, assisted Glanz with a letter that went out to producers in the Kimball and Deuel areas regarding installation of

flow meters. He worked with the GIS tool, did surface, monitoring well, pesticide and domestic sampling, helped repair a ground-flush monitoring well that a producer hit with a blade. He is working with Horn to implement the Districtwide GWMA Rules and Regulations. He assisted Mark Burbach with real time recorders and monitoring wells.

Glanz performed flow meter inspections, worked with broken meter issues, temporary deferments, spot-checked flow meters, used the ultrasonic to check a producer's flow meter, assisted with repairing the monitoring well and assisted with surface and domestic sampling.

Kaiser reported doing irrigation, surface, pesticide and domestic sampling. He worked on well abandonment projects and well head protection projects. He performed tree inspections and worked on nitrogen management issues.

Wittrock's work has been focused on the chemigation program, which is winding down for the season. He also participated in the locally led work group meeting, prepared tree plans, attended the Bessey Nursery Advisory meeting and checked producer's trees for disease and insect problems. He reported that the spring tree program plantings look good.

Ogle reported the Pipeline was sent to the printer. He has been working on information programs. All three county fairs had SPNRD displays. He also worked with the Panhandle No-Till Partnership. He also prepared many items that will be discussed during committee reports.

This agenda item was addressed after the Julius matter 8.A.1.

7. Agency Reports

A. USDA/Natural Resources Conservation Service (NRCS)

1. NRCS Report

Kristin Miller distributed an NRCS report and emphasized many of the items on the report.

B. Nebraska Association of Resources Districts (NARD)

1. NARD Report

Johnson reported that he attended a special NARD meeting in York last week. The next board meeting will be held during the fall NARD conference in Kearney.

2. NARD Report

a. *Elect Voting Delegate and Alternate for Conference

Hutchison moved and Burkhart-Kriesel seconded the motion for Johnson to serve as the voting delegate and Rutt to serve as alternate for the NARD conference. A roll call vote was taken.

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

Nay: None

Absent: Crago

Motion Carried.

3. NARD Annual Conference - September 28-30, 2008

Johnson, Rutt and Rexroth plan to attend the annual NARD conference.

4. Public Relations Task Force

Johnson reported that the NARD Public Relations Task Force is working to increase public awareness of NRDs across the state.

C. Panhandle RC& D

1. PRC&D Report

Burkhart-Kriesel said the RC&D information is included in the packet, and in light of time, she wouldn't review any of the data.

D. Nebraska Department of Natural Resources (NDNR)

1. NDNR Report

Rexroth reported that the minutes of the last meeting were included in the handout material. Dick Mercer was appointed to a vacancy on the NDNR committee.

Agenda item 6 was addressed next.

8. Committee Reports
A. Natural Resources/Projects and Programs Committee

This agenda item was addressed after the HEM report, agenda item 5.

1. *Discussion and Action as Deemed Appropriated Concerning Violations of the Districtwide Ground Water Management Area and/or Deuel County Ground Water Management Subarea Rules and Regulations

Cindy Julius, owner of portions of Section 24, T12N, R44W, Deuel County, Nebraska, Jon Julius owner of portions of Section 24, T12N, R44W, Deuel County, Nebraska, and Charles Julius, operator of both properties were cited and notified that they are out of compliance with the SPNRD Districtwide Ground Water Management Area and Deuel County Ground Water Management Subarea Rules and Regulations, by failing to complete the Annual Nitrogen Management Reports for the Phase II area in the Deuel County Ground Water Management Subarea, and failing to complete the certification in the education program required by the Districtwide Ground Water Management Area Rules and Regulations. Charles Julius appeared in person pursuant to written notice sent to Cindy, Charles and Jon Julius, but refused to sign the attendance roster. He stood and stated, then spelled his name for the board, William Charles Julius (Charles). Charles explained that he was appearing for Cindy, Jon and himself, and gave his reasons to the board for non-compliance. A map of the Deuel County Ground Water Management Area was distributed, showing the location of the ground water quality area and the fact that the Julius wells are within that area. After discussion, Charles consented verbally to comply, without a signature, with the requirements of the August 12, 2008 Corrective Action Plan, for Cindy Julius and for Jon Julius. Jon Julius was not present at the meeting, but when asked by Chair Rexroth, about the Jon Julius and Charles Julius farm, Charles said he is the operator and he agreed to comply for the Jon Julius land as well. Hutchison moved and Johnson seconded the motion to accept Charles Julius' proposal that he (as operator) will abide by the August 12, 2008 Corrective Action Plan, items 1, 2 and 3, by the time requirements in each section of the Corrective Action Plan. A copy of the Corrective Action Plan is attached to these minutes and made a part thereof by this reference. A roll call vote was taken.

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

Agenda Item 7 was addressed next.

After agenda item 7, the board discussed the Julius' violation further. Hutchison moved and Biggs seconded the motion that in the event the Julius' don't comply in any way, that staff is authorized to proceed with the next step, Cease and Desist Order, with authority for Keith and Tom to sign the necessary paperwork. A roll call vote was taken.

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

In regard to the Keith Enderson violation (Enderson has not completed education certification training), Hutchison moved and Rutt seconded the motion for staff to proceed with the Order to Cease and Desist, with authority for Keith and Tom to sign the necessary paperwork. A roll call vote was taken.

Aye: Biggs, Rutt, Johnson, Burkhart-Kriesel, Hutchison, Rexroth
Nay: None

Absent: Crago
Motion Carried.

2. *Discussion and Action as Deemed Appropriate regarding Dispute about the Amount of Ground Water Calculated from Broken Flow Meter for the 2007 Irrigation Season

SPNRD staff recalculated the amount of water used by the Kielian's as a result of their broken flow meter during the 2007 irrigation season. Three years of electric readings were used instead of one year, so with the corrections, the new calculations total 8.17 acre-inches. The Kielians were in agreement with the new figures SPNRD staff calculated but wanted the letter they wrote to remain in the records. No further action was deemed necessary.

3. *Action on Modifications to Certified Irrigated Acres/Tracts

Hutchison reported that the committee had reviewed the modifications. Motion by Hutchison and second by Biggs to approve irrigated acre modifications for Paul and Francis Fornander (13.3 acres), B5 Farms (10.05 acres) and Harvey Jung (8.7 acres). All are a result of the Lodgepole Creek Special Initiative EQIP Program. A roll call vote was taken.

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

Liebig discussed other modifications that did not require board approval (no increase or expansion of irrigated acres): Randy Miller's purchase of the Don Miller property where he converted a flood field to a center pivot operation; and Jerry Gregory's irrigation system whose well was drilled just before the moratorium.

B. District Operations Committee

1. *Action as Desired on Proposed SPNRD Promotion/Advertising Package

On behalf of committee, Johnson moved and Burkhart-Kriesel seconded the motion to approve the SPNRD promotion and advertising package in the amount of \$23,329.76. A roll call vote was taken.

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

2. *Action on 2008 Conservation Awards Program Nominations

Johnson reviewed the 2008 Conservation Awards Program nominations: Tree Planter/Caretaker Award, Jim and Charlotta Young (Kimball); Grassland Manager Award, Aaron Berger (Potter); Environmental Educator Award, Pat Welch (Sidney High School); and Conservation Farm Award, Jessen Land Company (Cheyenne County). The nominations were brought forth from a selection process by SPNRD employees, a SPNRD board member, NRCS employees and UNL-County Extension. Rexroth requested that more information be provided earlier in the upcoming year. Motion by Johnson second by Burkhart-Kriesel to approve the 2008 conservation awards nominations. A roll call vote was taken.

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

3. *Action on 2008 Conservation Awards Banquet Budget

Johnson said the committee discussed the 2008 Conservation Awards Banquet budget. The banquet will be held at the Buffalo Point Restaurant this year. It was proposed that the IMP committee members be recognized during the banquet. Motion by Johnson second by Rutt to approve the 2008 Conservation Awards Banquet budget in the amount of \$3,541.20 and to include the IMP committee members as guests. A roll call vote was taken.

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

4. 2009 Fiscal Year Budgets

a. Preliminary Budget Review

Johnson reported that the committee reviewed the preliminary CHESI Citizens' Monitoring Committee budget for fiscal year 2009, in the amount of \$119,463.

Horn reviewed the preliminary SPNRD FY2009 budget, in the amount of \$2,343,316 with a tax request of \$771,879.40. Horn reported that the preliminary tax request dollars are much less than last fiscal year. The county evaluations will be available later in August. The final draft budget will be presented to the board in September.

b. Action on Unused Restricted Funds Authority

1. *Increase an Additional One Percent

Motion by Johnson and second by Burkhart-Kriesel to increase an additional one percent for the unused restricted funds authority. Note: 75% of the board members were present. A roll call vote was taken.

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

5. *Request to Approve NSWCP Applications

Two NSWCP applications (NC-14, Planned Grazing Systems-Maryann Dickinson \$5,703.10 and Thomas Wheat Farms Inc. \$6,644.36) exceed Horn's authority to approve (over \$5,600). Motion by Johnson and second by Burkhart-Kriesel to approve the NSWCP applications. A roll call vote was taken.

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

6. *Discussion and Action on Proposed Community Assistance Grant Program

Johnson reported that the committee discussed the proposed FY2009 budget amount for this program is \$40,000. Motion by Johnson second by Burkhart-Kriesel to approve the SPNRD Community Assistance Grant Program. A roll call vote was taken.

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

9. Platte River Basin Water Issues

A. Overappropriated Platte River Basin-wide Plan

Horn reported that the next meeting will be held on September 12, 2008.

B. COHYST Report

Horn reported that the COHYST program is moving forward with Dick Luckey. There have been phone interviews regarding a new modeler to fill the position vacated by Julie Gogoi.

10. Correspondence

Horn encouraged the board to read correspondence included in the information material.

11. Upcoming Dates

A. SPNRD District Tour/Picnic - August 15, 2008

B. SPNRD Office Closed, Labor Day - September 1, 2008

C. SPNRD Board Meeting - September 9, 2008 at 7:00 p.m.

D. NARD Annual Conference, Holiday Inn, Kearney, NE - September 28-30, 2008

E. SPNRD/NRCS Conservation Awards Banquet, Buffalo Point, Sidney, NE - October 18, 2008

F. NARD Legislative Conference, Lincoln, NE - January 27-28, 2009

12. Adjourn

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

Linda L. Suhr, Recording Secretary

*Denotes Action Taken