

## PUBLIC NOTICE

The South Platte Natural Resources District will hold a regular public meeting on July 8, 2008 at the Kimball Public Library, Cultural Room, 208 S. Walnut, Kimball, 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.

## FINAL AGENDA

1. Call to Order - Keith Rexroth, Chair
  - A. Nebraska Open Meetings Act
  - B. Legal Notices
2. Minutes
  - A. Minutes of the June 10, 2008 meeting of the Board of Directors
  - B. Minutes of the June 10, 2008 meeting of the District Operations Committee
  - C. Minutes of the June 9, 2008 meeting of the Natural Resources/Projects and Programs Committee
3. \*Treasurer's Report For June 2008 and Accounts Payable
4. Public Questions, Comments and/or Concerns
5. Director and Staff Reports
6. 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
7. Final Reports
  - A. Conservation Tree Program Report - Wittrock
  - B. Community Forestry Program Report - Wittrock
  - C. Cash for Grass Program - Ogle
8. Committee Reports
  - A. Natural Resources/Projects and Programs Committee - Hutchison
    1. Review Sioux Meadows Park Water Wells Request, Cheyenne County
    2. \*Discussion and Action as Desired Concerning Property Tax Issue and Certified Irrigated Acres
    3. Review Revised Application for Temporary Deferment of Flow Meter Installation
    4. \*Report on Compliance Issues and Consideration to Impose Penalties
      - a. Jerry Gregory's Case
      - b. Other Cases

- B. District Operations Committee - Johnson
    - 1. NSWCP Fund Report
      - a. \*Discussion and Action as Desired Concerning the Distribution of NSWCP Funds for FY2009
    - 2. SPNRD Promotion/Advertising Package
    - 3. Preliminary FY2009 Budget Review
    - 4. Review Proposed Community Assistance Grant Program
    - 5. \*Discussion and Action Concerning Proposed City of Chappell Equipment Rental Agreement
    - 6. \*Discussion and Action as Desired Concerning Proposed Contract between SPNRD and High Plains Hydrology, LLC
    - 7. Discuss Nebraska Game and Parks Commission's Proposal to Release the Wildlife Management Areas to the District
    - 8. Discuss Oliver Reservoir Lease Arrangement between the District and Nebraska Game and Parks Commission
  
  - 9. Platte River Basin Water Issues - Horn
    - A. Overappropriated Platte River Basin-wide Plan
    - B. COHYST Report
  
  - 10. Correspondence
  
  - 11. Upcoming Dates
    - A. SPNRD Office Closed, Independence Day - July 4, 2008
    - B. County Fairs: Cheyenne County July 26 - August 3  
Kimball County August 5-11  
Deuel County August 7-9
    - C. SPNRD Board Meeting - August 12, 2008 at 7:00 p.m.
    - D. OA Basin Group Meeting, North Platte - August 20, 2008
    - E. SPNRD District Tour/Picnic - August 15, 2008
    - F. NARD Annual Conference, Holiday Inn, Kearney, NE - September 28-30, 2008
    - G. 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, July 8, 2008, at the Kimball Public Library, Cultural Room, 208 S. Walnut, Kimball, 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	Deb Crago
Tom Biggs, Secretary	Jim Johnson
Paul Hutchison	Larry Rutt

Board Members Absent

Cheryl Burkhart-Kriesel, Vice Chair (Excused)

### Others Present

Bill Halligan, Jerry Gregory, Michael Reuter

### 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

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

1. Tentative and Final Agendas, SPNRD Board meeting, July 8, 2008
2. Tentative and Final Agendas, Natural Resources/Projects and Programs Committee meeting, July 7, 2008
3. Tentative and Final Agendas, District Operations Committee meeting, July 8, 2008
4. Minutes of the SPNRD Board of Directors meeting, June 10, 2008
5. Minutes of the District Operations Committee meeting, June 10, 2008
6. Minutes of the Natural Resources/Projects and Programs Committee meeting, June 9, 2008
7. June Treasurer's Report
8. June 27, 2009 Manager's Letter with MapQuest to Kimball Public Library
9. 2008 SPNRD Tree Program Summary
10. 2008 SPNRD Community Forestry Program
11. June 30, 2008 Staff Report, Linda L. Suhr, Administrative Secretary/Bookkeeper; Jodi Livingstone, District Secretary/Bookkeeper; Chris Kaiser, Natural Resources Coordinator; and Jane T. Joyce, Cheyenne Field Office Secretary
12. July 8, 2008 Memo from Rod Horn to the District Operations Committee and the SPNRD Board of Directors Re: Preliminary FY2009 Budget issues and other planning needs
13. June 16, 2008 email to Rod Horn and Keith Rexroth from Gary Person Re: Sioux Meadows wells and maps showing locations of the wells
14. Draft Application for Temporary Deferment of Flow Meter Installation
15. June 12, 2008 letter to Rod Horn from the City of Chappell Re: Completion of Chappell Lake Border Trail Project
16. Draft Application Guidelines and Application for the SPNRD Community Assistance Grant Program
17. Proposed SPNRD Advertising/Promotion Review
18. Draft Equipment Rental Agreement with the City of Chappell
19. Draft Contract between the SPNRD and High Plains Hydrology, LLC
20. 2008 Cash for Grass Program Final Report
21. Minutes of the May 15, 2008 Nebraska Natural Resources Commission Meeting
22. 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 Cheryl Burkhart-Kriesel was absent and excused. He gave special thanks to the Kimball Public Library for allowing the meeting in the facility.

  - A. Nebraska Open Meetings Act

Chair Rexroth stated for the record that a copy of the Nebraska Open Meetings Law is posted in the Library Cultural 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 June 10, 2008 meeting of the SPNRD Board of Directors

These minutes were approved as presented.

B. Minutes of the June 10, 2008 meeting of the District Operations Committee

These minutes were approved as presented.

C. Minutes of the June 9, 2008 meeting of the Natural Resources/Projects & Programs Committee

These minutes were approved as presented.

3. \*Treasurer's Report June 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>6/1/08</u>	<u>6/30/08</u>
SPNRD Checking	\$ 422,302.48	\$ 319,605.82
Citizens' Monitoring – combined	\$ 28,295.48	\$ 7,166.00
NPAIT-LPCSI-EQIP	\$ 133,959.48	\$ 289,309.01
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 \$26,879.67. Some discussion followed. Moved by Rutt second by Crago to approve the June Treasurer's Report and pay the accounts payable. A roll call vote was taken.

Aye: Crago, Johnson, Hutchison, Rexroth, Biggs, Rutt

Nay: None

Absent: Burkhardt-Kriesel

Motion Carried.

4. Public Questions, Comments and/or Concerns

None

5. Director and Staff Reports

Glanz, Liebig, Ogle, Wittrock and Horn gave oral reports. Suhr, Livingstone, Joyce and Kaiser submitted written reports. Rexroth reported testifying in North Platte regarding qualifications for the DNR Director.

Glanz inspected flow meter installations, addressed broken flow meters and worked with M&S regarding replacement of SeaMetric flow meters. He and Liebig met with Ken Quandt in Julesburg regarding a data logger. He trained to use the new ultrasonic flow meter, prepared his goals and helped plant the buffalograss sod on the north side of the SPNRD building. He also did maintenance on SPNRD vehicles.

Liebig helped plant the SPNRD buffalograss sod, worked on the revised temporary deferment application, water banking, cleaned up and mapped variances and pooling arrangements. He drew acres in the South Platte Valley and defined tracts across the District. He set up an industrial flow meter data base, met with producers and trained Glanz and Kaiser to use the ultrasonic flow meter. He did surface water and domestic sampling and worked with Glanz on the SeaMetric flow meter replacement issues. He reported that the Variance Advisory Group through SPNRD board action added 443.29 irrigated acres (12 tracts), transferred 182.4 irrigated acres and established 7 pooling arrangements (1,411 irrigated acres). Through the LPCSI-EQIP program, about 640 irrigated acres were decertified. Sixty-six irrigated acres were decertified through the Venture Development on Fort Sidney Road.

Ogle worked with the Cash for Grass program, the SPNRD newsletter, NARD Information Task Force, Panhandle No-till program, the HEM project, updated the web-site, worked on goals, secured fair booths for the upcoming fairs, and worked on the irrigator certifications.

Wittrock inspected chemigation systems, worked with Game and Parks Commission regarding the *WILD* Nebraska allocation for the new fiscal year, requested funds for purchase of another no-till drill from the local Pheasants Forever Chapters (and he is looking into funding from other sources), sprayed thistle at Oliver Reservoir, worked with Livingstone on a spreadsheet for the Buffer Strip Program and worked with Big Springs regarding a pond in the village.

Horn reported about the remodeling project. He also reported on the teleconference meeting he had with the Kimball Chamber of Commerce and the Lake Economic Assessment regarding the Oliver Reservoir.

6. Agency Reports

A. USDA/Natural Resources Conservation Service (NRCS)

1. NRCS Report

Kristin Miller reported working on the new NSWCP average cost docket with Suhr. She updated the board on the two new field office secretaries in Sidney and Kimball. Susan Lockwood and Joe Larson coordinated a No-till tour at the Nienhueser and Beyer farms.

B. Nebraska Association of Resources Districts (NARD)

1. NARD Report

Johnson gave a brief report on the insurance program and discussed the I & E effort to increase visibility of NRDs across the state.

C. Panhandle RC& D

1. PRC&D Report

Burkhart-Kriesel was absent.

D. Nebraska Department of Natural Resources (NDNR)

1. NDNR Report

The next Natural Resources Commission meeting will be held in Ord. Due to harvest, Rexroth will probably be unable to attend.

7. Final Reports

A. Conservation Tree Program Report

Wittrock briefed the board on the 2008 Tree Program Summary, which included trees sold, cost-share programs, revenue and expense. Total seedlings sold in 2008 were 73,960 of which 65% were hand plants. He reviewed the costs and revenue. He plans to evaluate seedling prices in 2010. A problem with the cottonwood seedlings purchased from Nebraska will result in a credit in 2009.

B. Community Forestry Program Report

Wittrock gave a brief summary of the 2008 SPNRD Community Forestry Program. Five projects were reimbursed for a total amount of \$25,000 which was the amount budgeted for FY2008. He reported the total project cost was \$60,510 with 188 trees planted and 52 trees removed.

C. Cash for Grass Program

Ogle reported that 9 participants ordered 9,650 s.f. of Legacy Buffalograss sod. The shipment this year arrived on June 20 and was cut very thin and brittle, making the project of laying the sod very labor intensive. The SPNRD ordered 3,768 s.f. and planted it on the north side of the office as a demonstration plot. Total expense for the project was \$14,184 while income was about \$6,310. He will request reimbursement from the Source Water Protection fund for about \$7,874. Ogle hopes to continue the program and hopes to use a 319 grant for funding the project in FY2009.

8. Committee Reports

A. Natural Resources/Projects and Programs Committee

1. Review Sioux Meadows Park Water Wells Request, Cheyenne County

Hutchison said the committee discussed the Sioux Meadows Park request to give three SID wells to the City of Sidney with the credit for the consumptive use given to the City of Sidney and the SPNRD (water bank). The committee was concerned that the potential of these Brule wells are unknown at this time and that some irrigation wells near the SID wells are dry. The committee discussed writing a letter to the City of Sidney voicing the SPNRD's interest in the proposal and if at all possible to provide information to the SPNRD regarding the current pumping capacity of the wells or providing a static water measurement. This was not an action item.

2. \*Discussion and Action as Desired Concerning Property Tax Issue and Certified Irrigated Acres

Hutchison discussed a request from a landowner in Cheyenne County who came to the SPNRD for assistance regarding reducing the property tax on his certified irrigated acres (his wells are dry). The committee discussed the item and concluded the SPNRD flow meter readings were a way for the landowner to verify if water was pumped from the well. It would be the landowner's responsibility to prove to the assessor the land wasn't irrigated and no other action on the part of

the SPNRD is necessary at this time. Hutchison moved and Rutt seconded the motion that the SPNRD would take no stand on the property tax issue and would not get involved other than the flow meter readings and certified irrigated acres (as is now the normal procedure) and providing the reading to the assessor's office if requested. A roll call vote was taken.

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

3. Review Revised Application for Temporary Deferment of Flow Meter Installation

Hutchison reported that the committee discussed and reviewed the application for temporary deferment of flow meter installation and found the application satisfactory. Liebig explained that the revisions are due to changes in the Districtwide Ground Water Management Area Rules and Regulations.

4. \*Report on Compliance Issues and Consideration to Impose Penalties

a. Jerry Gregory's Case

A flood to center pivot project was approved by the District but the contractor that put up the pivot for Gregory did not install the flow meter (the flow meter was in the contract). As soon as Reuter and Gregory discovered a flow meter wasn't installed Midwest Irrigation was contacted and a flow meter was installed. Discussion was held that this was not an intentional effort to deceive the District. Discussion was held that the SPNRD rules and regulations allow penalty options over and above the inches pumped. Liebig estimated that 1.3" were pumped before the flow meter was installed. Discussion was held that because there was documentation that the flow meter installation was in the contract with Midwest, this was just an oversight and not an intention to deceive. Also, the operator moved quickly to get the flow meter installed once the omission was discovered. It was also discussed that the SPNRD rules and regulations have been in place for some time and there should be accountability. Hutchison moved and Crago seconded the motion that in this case of noncompliance the SPNRD deduct 1.3" from the remaining allocation for the tract. A roll call vote was taken.

Aye: Hutchison, Rexroth, Crago, Johnson  
Nay: Biggs, Rutt  
Absent: Burkhart-Kriesel  
Motion Carried.

b. Other Cases

Hutchison reviewed the pending non-compliance issues and formal notices mailed regarding the irrigation certification and nitrogen reporting, which are in varying stages of trying to come into compliance.

B. District Operations Committee

1. NSWCP Fund Report

a. \*Discussion and Action as Desired Concerning the Distribution of NSWCP Funds for FY2009

The NSWCP funding dollars amount for FY2009 has not yet been released by the DNR. Johnson reported that the committee reviewed the funding needs for the flow meter program, the tree program and the other miscellaneous practices. Johnson moved on behalf of committee and Crago seconded the motion to allocate the FY2009 funds (when the amount is known) as follows: 66.76% for flow meter applications, 19.01% for tree program applications and 14.23% for the remaining NSWCP applications. A roll call vote was taken.

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

2. SPNRD Promotion/Advertising Package

Johnson, referring to the handout, reported that the committee reviewed the SPNRD promotion and advertising package with a budgeted amount of \$36,500 for FY2009. This package ties to the NARD purpose to bring the NRD programs into the public spotlight. Ogle will refine the breakout between newspaper and radio advertising. This is an information item.

3. Preliminary FY2009 Budget Review

Johnson highlighted the preliminary FY2009 budget requests, referring to the handout which gives the board a heads up on upcoming budget items. This is an information item.

4. Review Proposed Community Assistance Grant Program

Johnson said the committee reviewed the grant program and application. It will give applicants and staff guidelines to manage the program. The committee suggested wording changes so that a small project with merit wouldn't be excluded along with including changes to the amount of pages allowable for attachment to the document. This is an information item.

5. \*Discussion and Action Concerning Proposed City of Chappell Equipment Rental Agreement

Johnson moved and Crago seconded the motion to approve the City of Chappell Equipment Rental Agreement for use of the Aquatic Weed Harvester. Discussion was held that part of the initial agreement was consideration for Buckley funds used to purchase the weed harvester, which was the reason for the 18 machine hours outlined in the agreement. A roll call vote was taken.

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

6. \*Discussion and Action Concerning Proposed Contract between SPNRD and High Plains Hydrology, LLC

Johnson moved and Crago seconded the motion to approve the contract between the SPNRD and High Plains Hydrology, LLC and give Horn authority to execute the contract. Discussion was held that Dick Luckey (High Plains Hydrology, LLC) is the modeler, formerly with USGS, and he will use data from the previous modeler, Julie Gogoi, to provide data useful to the SPNRD. Horn will oversee the SPNRD needs and make sure the dollars stay within the budgeted amount. A roll call vote was taken.

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

7. Discuss Nebraska Game and Parks Commission's Proposal to Release the Wildlife Management Areas to the District

The management areas that are proposed for release to the District are Goldeneye, Goldenrod and Bittersweet. Wittrock will keep the board informed of strides the Game and Parks Commission (Commission) is making to turn the management areas over to the District. Wittrock says the Commission is projecting July 1, 2009 as the date of the transfer. The Nebraska Department of Roads will also be involved in the process.

8. Discuss Oliver Reservoir Lease Arrangement between the District and Nebraska Game and Parks Commission

Oliver Reservoir is owned by the SPNRD but is administered at this time by the Commission. The option for turning the operation of the reservoir over to the SPNRD is the same time frame as was discussed in 7 above.

9. Platte River Basin Water Issues

A. Overappropriated Platte River Basin-wide Plan

Horn said that a draft Overappropriated Platte River Basin-wide Plan has been drafted by the subcommittee. There was not a consensus on the plan, which will be forwarded to the large overappropriated committee for further discussion and action. Horn also noted that the subcommittee reviewed the first draft of the document, "Determining the Overall Differences between Overappropriated and Fully Appropriated in the Platte River Basin," prepared by Jesse Bradley, NDNR, Duane Woodward, CPNRD, Jeff Shafer, NPPD and Mike Drain, CNPP&ID. Horn noted that more work will be required on the report before its final draft.

B. COHYST Report

Horn and the other NRDs involved will meet in North Platte on July 9, 2008 to conduct phone interviews with potential modeler candidates.

10. Correspondence

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

11. Upcoming Dates

- |    |  |                 |                  |
|----|--|-----------------|------------------|
| A. | 2008 County Fair Dates:  | Cheyenne County | July 26-August 3 |
|    |  | Kimball County  | August 5 - 11    |
|    |  | Deuel County    | August 7-9       |
| B. | SPNRD Board Meeting, August 12, 2008 at 7:00 p.m.                    |                 |                  |
| C. | OA Basin Group Meeting, North Platte - August 20, 2008               |                 |                  |
| D. | SPNRD District Tour/Picnic - August 15, 2008                         |                 |                  |
| E. | NARD Annual Conference, Holiday Inn, Kearney - September 28-30, 2008 |                 |                  |
| F. | NARD Legislative Conference, Lincoln - January 27-28, 2009           |                 |                  |

12. Adjourn

With no further action, the meeting was adjourned at 9:00 p.m.

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Linda L. Suhr, Recording Secretary

\*Denotes Action Taken