



## UPPER NIOBRARA WHITE NATURAL RESOURCES DISTRICT

Board of Directors' Meeting  
December 11, 2014

In accordance with LB 325, Eighty-fourth Legislature, First Session (1975), the Upper Niobrara White Natural Resources District held a public meeting at 3:00 p.m. on Thursday, December 11th, 2014, at the Upper Niobrara White NRD Office in Chadron, NE. An agenda for this meeting to be considered at such date, time and place was kept continually current and was available in the NRD office. Seven days prior to the meeting, the agenda was mailed to each member of the Board of Directors and other interested and affected persons. Notice of the meeting was given to the public by publishing a legal notice on the UNWNRD website and The Chadron Record on December 3<sup>rd</sup>, 2014.

### Open Meeting Law Act

Chairman Zochol pointed out the Open Meeting Law Act that was displayed at the entrance of the meeting room.

### Roll Call & Introduction of Guests

Chairman, Richard Zochol, called the meeting to order at 3:00 p.m. and roll call was taken with the following directors present:

Scott Berndt	Curt Roth
Steve Sandberg	David Carlson
Dave Kadlecek	Rich Zochol
John Burke	Tod Dorshorst
Jim Lees	Larry Teahon

Absent: Kevin Oligmueller

### Others Present:

Pat O'Brien, NRD General Manger	Lynn Webster, NRD Assistant Manager
Sheri Daniels, NRD Water Resources Manager	Kylen Weingart, NRD Office Manager
Travis Nitsch, NRD Resources Coordinator	Haley Anders, NRD Resource Technician
Nevin Price, NRD Resources Technician	Fred McCartney, NFS
Doak Nickerson, NFS	Seth Peterson, NFS
Robin Foulk, NRCS Conservationist	Audrey Holland, NRCS Secretary
Thad Kuntz, Adaptive Resources, Inc.	Kristy Dietrich, Dietrich & Sautter CPA
Andy Curd	Laurie Norman
Jim Skavdahl	Joe Dorshorst
Nancy Fisher	Maureen Skavdahl
Don Grein	

### Emergency Agenda Additions

None.

**NRCS  
Robin Foulk**

Robin discussed World Soil Day that was celebrated on December 5<sup>th</sup> this year. She showed a short film on the importance of Soil Health, No-Till Practices, and Cover Crops.

**Nebraska Forest Service  
Doak Nickerson**

Doak gave a presentation on the newest protectors the NFS has been trying to use to keep the deer away from trees. He passed around an example of the device currently being used to protect the tree as well as one that has been destroyed by a deer. The tree protectors as not working as planned. Doak asked for other suggestions on what could be done to protect the trees.

Doak also discussed his recent trip to the University of Idaho Nursery in Moscow, Idaho. The nursery grows about 50 different species of trees and shrubs. He mentioned some alternative species that may do better in our district due to the higher elevation and dry climate.

**Audit Report  
FY 2013-2014  
Kristy Dietrich**

Kristy passed out copies of the 2013-2014 Audit to the Board members and went over her assessment of the budget, tree program, tax asking, and overall accounting practices of the NRD over the last fiscal year. She stated the biggest challenge this year was the turnover of Office Managers but even with all of the personnel changes everything looks good from her view.

John Burke moved to accept the Audit as presented, Scott Berndt seconded the motion. Roll Call: (10) ayes, (0) nays. Absent: Kevin Oligmueller

**UNWNRD Water Modeling  
Thad Kuntz  
Adaptive Resources Incorporated**

Thad began with an introduction of his qualifications and what he does for Adaptive Resources. He is currently working with the groundwater model developed by the Department of Natural Resources for the UNWNRD. He discussed what a water model is and how it was created using district wide data from multiple sources. The model presented to the Board showed stress points, or declining ground water levels observed in certain areas across the district. This model is preliminary and will need more work but it seems to be on track. Thad provided suggestions on how the model can be used in the future as well as some of the recommendations for improvement.

**General Manager  
Pat O'Brien**

Pat added the following to his written report:

- The Senator's Meet and Greet on December 16th in Alliance was cancelled. Senator Schilz was not able to attend as planned. The meeting will be rescheduled in the future
- Pat reminded to Directors to let Kylan know about reservations and registration for Legislative conference in Lincoln on January 26<sup>th</sup>-28<sup>th</sup>.
- The Fabric Litigation and the disbursement of funds to each district were discussed and the UNWNRD received \$16,045. This essentially ends the litigation and we have approximately 90 rolls remaining.
- The OPP Committee decided not to make any changes to the Personnel Policies as there were quite a few changes made last year.
- Pat and Lynn attended the DNR Meeting and after discussion at the meeting it appears the balance of the Niobrara basin will preliminarily be declared fully appropriated. This is the area from the Dunlap diversion to the Sheridan/Cherry County.

**Assistant Manager  
Lynn Webster**

Lynn added the following to his written report:

- Meter reading will be completed by the next week. As soon as all meters have been read water use reports will be completed with the goal of having them all out right after the first of the year.
- Lynn has been busy with water transfer requests that are due on December 31, 2014.

**Water Resources Manager  
Sheri Daniels**

Sheri added the following to her written report:

- Two students from our district who won the NRD's poster contest also won the State Poster Contest and will go on to the national contest in their age groups.

**Office Manager  
Kylan Weingart**

Kylan provided a report to the Board on the following:

- Tree orders for NSWCP have started to come in. There is about \$15,000 in NSWCP NC-12 applications so far. Approvals will begin in late December early January.
- Kylan asked that the Directors fill out their Board Quarterly expense forms so reimbursement and per diem check may be cut before the end of the year.
- Kylan has also started sending out past due invoices for some of the outstanding invoices. There is still \$125,000 in unpaid invoices, but \$65,000 of it is in CRP payments not yet received from FSA.

**Resources Coordinator  
Travis Nitsch**

Travis added the following to his written report:

- The NRD has sold about 20,000 trees to date.
- Travis is leaving the NRD to focus on ranching and developing his fencing and fabrication business with his last day being December 19<sup>th</sup>

**Resources Technician  
Haley Anders**

Haley added the following to her written report:

- Haley finished reading meters in Sub Area 5.

**Resources Technician  
Nevin Price**

Nevin added the following to his written report:

- Nevin has been working on finishing up meters and is continuing to work on is data entry for the Landowner database project Kody Schwager started before he left.

**Directors Forum**

Director Kadlecek mentioned his attendance at the NWRA meeting held November 24-25<sup>th</sup> and noted that there is a lot of surface water representation in the association and not very much groundwater representation. He would like to see more groundwater personnel involved with this group. There was some further discussion amongst the Directors.

### **Presentation of Recognition Awards**

Jim Lees was presented a plaque for his 30 years of service to the NRD.

Curt Roth was presented a plaque for his 20 years of service to the NRD as well as another plaque for his years of service to the NARD Board.

Larry Teahon was presented with a plaque for is 5 years of service to the NRD.

### **Approval of Consent Agenda**

John Burke moved to approve the consent agenda, Tod Dorshorst seconded the motion. Roll call: (10) ayes, (0) nays. Absent: Kevin Oligmueller

### **Agency Reports**

#### **Nebraska Association of Resources Districts Curtis Roth**

Director Roth reported on the following:

- The next board meeting will be in January at the Legislative Conference.
- The board will need to appoint a voting delegate as well as an alternate. Tod Dorshort volunteered to be the voting delegate and Scott Berndt volunteered to be the Alternate.

Curt Roth moved to appoint Tod Dorshorst as the voting delegate for the NARD Business Session at Legislative Conference, Steve Sandberg seconded the motion. Roll Call: (10) ayes, (0) nays. Absent: Kevin Oligmueller.

Curt Roth moved to appoint Scott Berndt as the alternate voting delegate, Jime Lees seconded the motion. Roll Call: (10) ayes, (0) nays. Absent: Kevin Oligmueller.

- Director Roth mentioned that there will be a presentation at Legislative Conference for Director Responsibilities; he suggested that all new Directors attend this session as well as old Directors to brush up on their responsibilities as Directors.
- Director Roth also wondered if there was a way to display some of the work that the NRD does at the new Nebraska Building at the Nebraska State Fair, since the NRD's helped to fund it. There was some discussion on how this could be accomplished.
- The Trip to Washington DC will be March 22<sup>nd</sup>-25<sup>th</sup>. If anyone would like to attend please let Pat or Kylen know right away so they can reserve plane tickets.

#### **Nebraska Natural Resources Commission Dave Kadlecek**

Director Kadlecek reported on the following:

- The last meeting was November 25<sup>th</sup>; they discussed the guidelines for anyone applying for funding through the state. He hopes that there will be a finalized set of guidelines or rule put in place by the next meeting in January.

#### **Niobrara River Basin Alliance Dave Carlson**

Nothing to report.

#### **Water Committee Report Tod Dorshorst**

Director Dorshorst reported on the following:

- Lynn discussed the Unverzagt Farms Transfer Request. Unverzagt Farms is requesting to modify field boundaries to allow a pivot to make a complete revolution. An old home site has been removed allowing the complete revolution and there are 129 certified irrigated acres in the quarter. There will be no increase in the number of acres irrigated, with the pivot irrigating a complete circle at 129 acres.

Tod Dorshorst motioned to approve the Unverzagt Farms transfer request, Scott Berndt seconded the motion. Roll Call: (10) ayes, (0) nays. Absent: Kevin Oligmueller

- Pat discussed the changes to the GWMA Rules and Regulations regarding the Chemigation fees and the Cease and Desist rules. The NRD received some suggestions from NDEQ and made changes as necessary. With this new draft the NRD can go forward with the Public Hearing pending board approval.

Tod Dorshorst motioned to go to Public Hearing with the modifications to the GWMA Rules and Regulations as they have been presented. Roll Call: (10) ayes, (0) nays. Absent: Kevin Oligmueller.

The public information meeting and hearing is scheduled for January 8, 2015 in Hemingford at the American Legion at 9:30 and 10:00 a.m.

### **Operating, Personnel, and Safety Policy Committee Dave Kadlecek**

Director Kadlecek reported on the following:

- The NRD has a delinquent account in which the customer has filed Bankruptcy. This will need to be discussed in closed session for confidentiality purposes.

### **Old or New Business**

The January Board Meeting is scheduled for January 8<sup>th</sup>, but staff is recommending that the meeting be changed to January 22<sup>nd</sup> as to give time for all legislative bills to be introduced by January 21<sup>st</sup> and in time to discuss before Legislative Conference.

John Burke moved that the January meeting be moved to January 22<sup>nd</sup>, 2014 at 2:00pm, Scott Berndt seconded the motion. Roll Call: (10) ayes, (0) nays. Absent: Kevin Oligmueller.

Director Roth mentioned that two years ago Jim Lees stated that the Niobrara River had stopped flowing through his land near Marsland Director Roth believes that the NRD should work with Thad Kuntz of Adaptive Resources and look into an augmentation project for the Niobrara River. The Directors continued to discuss this possibility.

Curt Roth motioned to have the Water Committee, Thad Kuntz, and appropriate staff work on an augmentation project on the Niobrara River. Larry Teahon seconded the motion. Roll Call: (10) ayes, (0) nays. Absent: Kevin Oligmueller.

### **Excused Absences**

Tod Dorshorst motioned to excuse Kevin Oligmueller from the Board Meeting, Dave Kadlecek seconded the motion. Roll Call: (10) ayes, (0) nays. Absent: Kevin Oligmueller.

### **Public Comment**

Andy Curd: Mr. Curd attended the Game & Parks Instream Flows Meeting and found it to be very unorganized and misinformed. He mentioned that some of their statistics on Ag Revenue versus River Floating revenue may be off and wondered if there was anything the NRD could do to attempt to correct this.

Mr. Curd also attended the DNR Meeting and found it to be informative.

He also stated that the Board should make sure that the Ground Water Modeling efforts should be closely monitored and calibrated before any decisions are made from the information.

#### Executive Session


Tod Dorshorst moved to go into executive session at 4:52 p.m., Steve Sandberg seconded the motion. Roll Call: (10) ayes, (0) nays. Absent: Kevin Oligmueller.

Dave Kadlecek moved to exit executive session at 5:03 p.m., Tod Dorshorst seconded the motion. Roll Call: (10) ayes, (0) nays. Absent: Kevin Oligmueller

John Burke moved to file a proof of claim against Dale Chasek with the bankruptcy court for accounts unpaid. Dave Kadlecek seconded the motion. Roll Call: (10) ayes, (0) nays. Absent: Kevin Oligmueller.

#### Adjournment

There being no further business, the meeting was adjourned at 5:07 p.m.

  
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Rich Zochol, Chairman of the Board

  
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Patrick O'Brien, General Manager

Date Signed 1-22-15