



## UPPER NIOBRARA WHITE NATURAL RESOURCES DISTRICT

**Board of Directors' Meeting  
March 14, 2013**

In accordance with LB 325, Eighty-fourth Legislature, First Session (1975), the Upper Niobrara White Natural Resources District held a public meeting at 2:00 p.m. on Thursday, March 14, 2013, at the UNWNRD 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 in the Chadron Record and Alliance Times Herald on Wednesday, March 6, 2013.

### **Open Meeting Law Act**

Chairman Lees pointed out the Open Meeting Law Act that is displayed on the wall.

### **Roll Call & Introduction of Guests**

Chairman, Jim Lees, called the meeting to order at 2:00 p.m. and roll call was taken with the following directors present:

Scott Berndt	Jim Lees
John Burke	Curt Roth
Dave Carlson	Steve Sandberg, 2:50 p.m.
Tod Dorshorst	Larry Teahon
Jim Irwin	Absent:
Dave Kadlecek	Rich Zochol

Others present:

Lyndon Vogt, NRD General Manager	Lynn Webster, NRD Assistant Manager
Katie Harris, NRD Administrative Assistant	Travis Nitsch, NRD Resources Coordinator
Kody Schwager, NRD Resources Technician	Haley Anders, NRD Resources Technician
Fred McCartney, NFS	Robin Foulk, NRCS DC
Shar Sapp, NDEQ	Don Grein
Greg France, Panhandle Coop	

### **Emergency Agenda Additions**

Chairman Lees added the Recharge Committee Report under the Other Old or New Business. Director Kadlecek requested that there be an Executive Session added at the end of the meeting to discuss personnel and legal issues.

### **NRCS Robin Foulk**

Robin handed out and discussed her written report. All activities or programs authorized, funded or carried out in whole or in part, by NRCS in the United States, need to protect cultural resources. Robin reviewed the steps that NRCS must take in order to protect cultural resources. Robin also gave a summary of what Craig Derickson and Jason Weller, NRCS State Conservationist and Acting NRCS Chief respectively, discussed at the NARD Washington, D.C. Conference.

Regular Board of Directors' Meeting  
March 14, 2013

**Nebraska Forest Service  
Doak Nickerson**

Doak was absent from the meeting. Fred handed out and discussed the Community Wildfire Protection Plan (CWPP) for the Pine Ridge with its 2013 update. The CWPP Update 2013 will expand the boundary of the original plan to include all the area within the Upper Niobrara White NRD.

**General Manager's Report  
Lyndon Vogt**

Lyndon added the following to his written report:

- Lyndon met Don Blankenau to discuss the next step to take about our bad fabric from 2011. Don Blankenau is going to send the supplier a letter to see if he can get any additional information and to see where to go from here. Luckily we only received about 200 rolls that were bad. After this springs plantings, we will be out about \$15,000. Travis has been in contact with various landscaping companies to see if any of them would be interested in buying the bad fabric since they will be covering it up and the sun won't decompose it.
- Lyndon passed around a sample seed block that the NG&PC has put together. These seed blocks are available to landowners in the 2012 burn areas at \$3/block. They are available through UNWNRD.
- NC&PC received a \$500,000 tall wheat stubble grant. This grant will cover the Panhandle and the Upper Republican NRD. This grant will pay anyone up to \$10/acre if they leave their wheat stubble at least 14 inches tall from harvest until April 1. Talk to Shelley for more details.
- For the past three years, we have offered cost-share on boundary fence on land coming out of CRP as long as landowners sign a 10-year contract to leave it as grass. We have just received word that this cost-share will be available for one more year. Lyndon and Katie have a meeting on March 27 with NPNRD, SPNRD and partners to discuss the cost-share program.
- The League Association of Risk Management has contacted NARD and the NRD's about possibly being their liability insurance carrier. Lyndon and Lynn will meet with them in Scottsbluff on March 27.
- The Water for Food Conference will be in Lincoln on May 5-8. Please let us know if you would like to attend.

**Assistant Manager  
Lynn Webster**

Lynn had nothing to add to his written report.

**Water Resources Manager  
Sheri Daniels**

Sheri was attending the NARD Washington, D.C. Conference.

**Resources Coordinator  
Travis Nitsch**

Travis added the following to his written report:

- We have sold about 95,000 trees to date.
- Halsey had grow bag trees available for sale this year. We are going to try about 70 of these trees this year.
- Kody and Travis finished the cage in the breezeway to hold the flags and tree spades.

**Resources Technician  
Haley Anders**

Haley added the following to her written report:

- Haley has been out taking water levels in Box Butte County. She will be done with water levels next week.

**Resources Technician  
Kody Schwager**

Kody added the following to his written report:

- Kody went out in the field with Haley for training on water levels.
- Kody attended the Groundwater Technician Training in Kearney.

**Approval of Consent Agenda**

John Burke moved to approve the Consent Agenda; Jim Irwin seconded the motion. Roll call: (9) ayes, (0) nays and (2) absent – Steve Sandberg and Rich Zochol.

**Agency Reports**

**Nebraska Association of Resources District  
Curtis Roth**

The NARD Board met March 4 in Gothenburg. Director Roth reported the following:

- The officers will remain the same for the next year.
- There will be a 4% increase on dues. The DNR-NARD Liaison position will be filled soon and part of the dues increase will go towards their salary.
- The spring I&E meeting will be in the Lower Republican NRD. During this meeting, NARD will want a local assessment on which direction each NRD would like to take with public relations.
- There were 53 registered for the NARD Washington, D.C. Conference and 62 registered for the tour.
- The next meeting will be June 10 in Valentine followed by a Basin Tour of the Niobrara River.
- The NACD meeting will be here June 12-14 and will include a tour at Dave Kadlecěk's.
- Husker Harvest Days is September 10-12.
- Fall Conference is September 22-24. The golf tournament will be at the new course south of Kearney.
- The Risk Pool voted to join the Nebraska Safety Council. The Risk Pool will pay the membership for all the NRD's. The Risk Pool is also paying \$500 to sponsor the Nebraska Safety Council Conference and Trade Show in Lincoln on April 16-17. The Risk Pool has shown a profit for the last month.

**Nebraska Department of Natural Resources  
Dave Kadlecěk**

Director Kadlecěk reported the following:

- Dave Kadlecěk moved that they add pumping systems as an eligible practice on the NC-14 docket; John Burke seconded the motion. Roll call: (10) ayes, (0) nays and (1) absent – Rich Zochol.
- Dave traveled to Lincoln to testify for LB634.
- Dave and Lyndon traveled to Lincoln and were able to speak to Senator Carlson about LB517. LB517 sets up a task force to review water projects across the state that was put together by LR314. The committee was originally going to include 22 people from around the state separated into 6 districts. Overnight, LB517 was changed and it now includes all members of the Commission plus 10 more members that would be appointed by the Governor.

## **Water Committee Report Tod Dorshorst**

The Water Committee met prior to the board meeting.

- **Ron Roffers Modification:** Ron Roffers proposes to transfer 15 acres of certified irrigated land from the SE1/4SE1/4 3-31-33 to the SW1/4SE1/4 3-31-44. The transferred acres will be irrigated by sideroll from the same well as originally irrigated. Tod Dorshorst moved to approve Ron Roffers' modification as long as there is a stop to keep pivot irrigating acceptable acres; John Burke seconded the motion. Roll call: (10) ayes, (0) nays and (1) absent – Rich Zochol.
- **Burrell Hughes Modification:** Burrell Hughes would like to modify the field boundaries in 31-29-46 to allow installation of a center pivot. No additional acres will be allowed. Acres currently not irrigated will be offset by irrigated acres that are being permanently dried up. Tod Dorshorst moved to approve Burrell Hughes' modification as long as there is a stop to keep pivot irrigating acceptable acres; John Burke seconded the motion. Roll call: (10) ayes, (0) nays and (1) absent – Rich Zochol.
- **Ross Alcorn Modification:** Ross Alcorn would like to modify his field boundaries to allow the center pivot to move farther around. No change in irrigated acres will occur and the acres currently irrigated will be dried up to allow currently non-irrigated acres to be irrigated by center pivot. There is surface water appropriation through the Mirage Flats Irrigation District on part of the acres. Surface water acres will be modified as well to match the pivot. Tod Dorshorst moved to approve Ross Alcorn's modification as long as there are stops installed to keep pivot irrigating acceptable acres; Dave Carlson seconded the motion. Roll call: (10) ayes, (0) nays and (1) absent – Rich Zochol.
- **Rick Horstman Modification:** Rick Horstman would like to modify field boundaries to allow installation of center pivots on historically sideroll and dragline irrigated ground. No new acres will be added and the acres that are certified will be maintained. John Burke moved to approve Risk Horstman's modification as long as there are stops installed to keep pivot irrigating acceptable acres; Scott Berndt seconded the motion. Roll call: (10) ayes, (0) nays and (1) absent – Rich Zochol.
- **Brian Jelinek Transfer:** Brian Jelinek would like to remove endguns from existing center pivots and transfer irrigated acres to allow installation of a 101.2 acre pivot. Endguns will be permanently removed and never reinstalled. Acres dried up will be permanently decertified to allow transfer. Total certified acres will be irrigated, eliminating any "floating" acres that were certified but not currently being irrigated. Transfer will be filed with Box Butte County Clerk. There will not be a change in certified acres. Curt Roth moved to approve Brian Jelinek's transfer with a title search and permanent end stops; Tod Dorshorst seconded the motion. Roll call: (0) ayes; (8) nays – Scott Berndt, John Burke, Dave Carlson, Tod Dorshorst, Jim Irwin, Dave Kadlecek, Steve Sandberg and Larry Teahon; (2) abstain – Curt Roth and Jim Lees; and (1) absent – Rich Zochol. Brian Jelinek has 1,578.46 certified acres and he irrigates 1,514.28 acres. The original proposal that Brian Jelinek requested was to transfer the difference of these acres, 64.18, and voluntarily remove endguns on existing pivots to install a half circle pivot and still maintain certified acres. John Burke moved to approve Brian Jelinek's transfer for 64.18 acres, requiring the removal of endguns and decertifying 37.02 acres, must have title search and end stops; Steve Sandberg seconded the motion. Roll call: (10) ayes, (0) nays and (1) absent – Rich Zochol.
- **Cullan Farms Transfer:** Cullan Farms would like to transfer acres from 207.1 acre pivot in W1/2 32-27-48 to facilitate moving a partial pivot to N1/2 31-27-48 to allow complete revolution and increase efficiencies of pivots and irrigation applications. No increases in irrigated acres will occur. Tod Dorshorst moved to approve the Cullan Farms transfer; John Burke seconded the motion. Roll call: (10) ayes, (0) nays and (1) absent – Rich Zochol.
- **33 Ranch Transfer:** 33 Ranch would like to transfer ground water certified acres to match transfer of surface water rights. The 404.5 certified acres are irrigated with both groundwater and surface water. A new pivot will irrigate where the acres of both groundwater and surface water are transferred to. NO new acres will result from this transfer. Tod Dorshorst moved to approve the 33 Ranch transfer on the condition they get the surface water transfer approved; Jim Irwin seconded the motion. Roll call: (10) ayes, (0) nays and (1) absent – Rich Zochol.

- Panhandle Coop Well Permit: Panhandle Coop is looking to build a new facility near West Plains Grain on the north end of Alliance. Panhandle Coop would like to install a 200-300 gpm well for industrial use. This well would be metered and tracked for a single industrial use with less than 25 million gallons of annual consumption. The permit would be on the condition that UNWNRD monitors their use on an annual basis to establish the baseline consumptive use and if it is determined that they are annually consuming more water than their baseline, the UNWNRD and DNR will work with Panhandle Coop to determine what offset is needed. John Burke moved to approve the well permit for Panhandle Coop; Steve Sandberg seconded the motion. Roll call: (10) ayes, (0) nays and (1) absent – Rich Zochol.

### **Old or New Business**

The Recharge Committee met in Alliance on March 12. Steve Sibray and Robin attended along with the Committee and staff. The Committee would like to get more information on the Box Butte County clay layer, stream flows and well log data. They are considering inviting DNR to the next meeting to get their thoughts.

### **Excused Absences**

Tod Dorshorst moved to excuse Rich Zochol; Dave Carlson seconded the motion. Roll call: (9) ayes, (0) nays, (1) abstain – Steve Sandberg and (1) absent – Rich Zochol.

### **Public Comment**

No comments were made.

### **Executive Session**

Dave Kadlecsek moved to go into Executive Session at 3:58 p.m. to discuss personnel and legal issues; Larry Teahon seconded the motion. Roll call: (10) ayes, (0) nays and (1) absent – Rich Zochol.

Scott Berndt moved to come out of Executive Session at 4:37 p.m.; Tod Dorshorst seconded the motion. Roll call: (10) ayes, (0) nays and (1) absent – Rich Zochol.

Steve Sandberg moved to give Lyndon Vogt a \$10,000 bonus for a job well done; Dave Carlson seconded the motion. Roll call: (10) ayes, (0) nays and (1) absent – Rich Zochol.

Larry Teahon moved to advertise for the General Manager position for three weeks; Scott Berndt seconded the motion. Roll call: (10) ayes, (0) nays and (1) absent – Rich Zochol.

### **Adjournment**

There being no further business, the meeting was adjourned at 4:42 p.m.

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Jim Lees, Chairman of the Board

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Lyndon Vogt, General Manager

Date Signed \_\_\_\_\_