



## UPPER NIOBRARA WHITE NATURAL RESOURCES DISTRICT

**Board of Directors' Meeting  
March 13, 2014**

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 13, 2014, at the Natural Resources District office, 430 East Second Street, 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 Web site and on KCSR Radio Station on March 3 & 4, 2014.

### **Open Meeting Law Act**

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

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

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

Scott Berndt – arrived 2:05  
Dave Carlson  
Tod Dorshorst  
Rich Zochol  
Kevin Oligmueller

Jim Lees  
Larry Teahon  
Curtis Roth  
Dave Kadlecsek  
Steve Sandberg

Others present:

Pat O'Brien, NRD General Manger  
Kody Schwager, NRD Resources Technician  
Travis Nitsch, NRD Resources Coordinator  
Robin Foulk, NRCS  
Kerri Remp, Chadron Record  
Andy Curd  
James Skavdahl  
Bill Skavdahl  
Scott Schaefer  
Laura Gray  
Fred Hagman  
Melvin Brozek  
Michael Machata  
Scott Japp

Lynn Webster, NRD Assistant Manager  
Sheri Daniels, NRD Water Resources Manager  
Haley Anders, NRD Resources Technician  
Dixie Lees  
Charlie Hamilton  
Don Grein  
Maureen Skavdahl  
Dan Skavdahl  
Caitlin Schaefer  
Tom Marcy  
Shar Sapp  
Charles Skavdahl  
Mike Colson  
Joey Morava

### **Emergency Agenda Additions**

None.

Regular Board of Directors' Meeting  
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**Travis Nitsch**

Travis added the following to his written report:

- The NRD has sold over 100,000 trees with receipt of the trees beginning the first week of April.
- Currently the NRD has sold approximately 400,000 linear feet of fabric.

**Resources Technician  
Haley Anders**

Haley was collecting static water level data and therefore absent from the meeting.

**Resources Technician  
Kody Schwager**

Kody had nothing to add to his written report.

**Resources Technician  
Jessyca Hovendick**

Jessyca added the following to her written report:

- Chemigation permits are being received and entered into the data base
- Jessyca attended the NRD Water Programs and GIS meeting in Kearney on March 4-5 with Haley and Kody

**Approval of Consent Agenda**

Tod Dorshorst moved to approve the Consent Agenda with one amendment – page 12 of the February 13, 2014 minutes, change the reference to the rules that have been set to rules that have been proposed. Dave Carlson seconded the motion. Roll call: (10) ayes, (0) nays (1) absent: Burke.

**Agency Reports**

**Nebraska Association of Resources District  
Curtis Roth**

Director Roth reported the following:

- Met on March 9-10 in Lincoln
- Provided a summary of the Legislative Conference, NARD may have to look for new location due to size of Embassy
- Washington DC conference March 23-26, 2014 agenda is set
- State Environthon will be held in Alda, NE on May 3. There will be no national competition
- June Board meeting will be held on June 9 in association with the Basin Tour. Basin tour will focus on augmentation projects in the Upper Republican and Twin Platte NRDs.
- NACD Northern Plains Region meeting will be held June 11-13 in Denver, CO
- Husker Harvest Days will be held September 9-11 and NARD will be asking for volunteers to assist
- NARD Annual Conference will be held on September 21-23, 2014 in Kearney
- Discussed LB 1074 and LB 686 and NARD response to amendments.
- NARD Annual Budget is being increased to adjust staff salaries.
- NACD 2015 national meeting will be held in New Orleans
- NARD officers for 2014-2015 are; Chairman – Terry Martin, URNRD; Vice Chairman – Jim Bendfeldt CPNRD; Secretary/Treasurer – Larry Reynolds, TBNRD. Managers Committee Chairman – Mike Clements, LRNRD and Vice-Chairman – Pat O'Brien.
- NRD Risk Pool will be changing life insurance carriers.

**Nebraska Department of Natural Resources**

Regular Board of Directors' Meeting  
March 13, 2014

### Excused Absences

Dave Carlson moved to excuse John Burke. Dave Kadlecsek seconded the motion. Roll call: (10) ayes, (0) nays, (1) absent: Burke

### Public Comment

Charlie Skavdahl thanked the board for their service and explained the priority status of Niobrara River water rights and how water would be used in the future. Mr. Skavdahl expressed concerns over the management of the Niobrara River management through Agate Fossil Beds and the groundwater use in the Wyoming portion of the basin. Mr. Skavdahl suggested the board look at the Niobrara River Compact.

Jim Skavdahl explained that water levels in monitoring wells in Wyoming have dropped 25 feet. Mr. Skavdahl discussed the lawsuit that was filed against the state of Nebraska on the Wyoming compact.

Dan Skavdahl questioned the 15 inch allocation and the logic behind the decision. Mr. Skavdahl and Director Dorshorst had a conversation regarding this. Mr. Skavdahl suggested collecting more data and information. Specifically having NRD staff collect static water levels from every well when reading flow meters. Mr. Skavdahl wanted more information than is provided by the current monitoring wells prior to making decisions. Mr. Skavdahl wanted more information collected to verify the hydrologic connection between the Niobrara River and groundwater and explained that Pumpkin Creek was an anomaly.

Mike Machata explained the hydrology was diverse and complex and recognized the problems in some areas. Mr. Machata suggested instituting allocations in the district is pre-mature and the board should not lump all areas in the district with Box Butte County. Mr. Machata expressed a willingness to participate in future discussions.

Charlie Hamilton thanked the board for listening and for the willingness to serve and was appreciative of the education process.

Mike Colson questioned why the board has chosen to include a carryover restriction in the rules. Mr. Colson would like to work with NRD to address this issue.

Don Grein expressed concerns over the use of water for fracking and suggested the board pay attention to the issue.

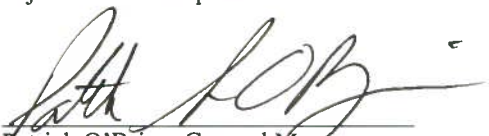
Tom Marcy questioned why Sub-area III was being allocated.

Fred Hagman expressed concern over raising alfalfa under the proposed allocation scheme. Explained the river was not good last year. Suggested the board look at soil types and crops for establishing allocations.

### Adjournment

There being no further business, the meeting was adjourned at 3:55 p.m.

  
Richard Zochol, Chairman of the Board

  
Patrick O'Brien, General Manager

Date Signed 4-8-14

## **Dave Kadlecek**

Director Kadlecek reported on the following:

- Dave testified at the public hearing on LB 1098 on February 26. Pat testified in opposition to LB 1005
- LB 1098 may be modified by the Natural Resources Committee

## **Niobrara River Basin Alliance**

Director Carlson reported on the following:

- The Alliance met in Valentine on February 19.
- Bylaws were reviewed and approved
- Next meeting will be held on March 19 in Valentine and DNR will be presenting information on the INSIGHT data management system.

## **Water Committee Report Tod Dorshorst**

Director Dorshorst reported on the following:

- There was a request for a transfer of allocation. John Burke has applied to transfer a portion of the remaining allocation from one tract of land to another, there is allocation remaining for the transfer and the request meets the District's rules pertaining to transfers.

The Water Committee recommended approval.

Tod Dorshorst moved to approve the John Burke transfer request; Steve Sandberg seconded the motion. Roll call: (10) ayes, (0) nays, (1) absent: Burke

- There was a request for a variance to the well drilling moratorium. Nebraska Beef Packers – Rudy Stanko has requested to transfer use from certified irrigated acres in order to install a high capacity – 200 gpm well for use in a confined animal feeding operation. An offset will be provided through decertification and non-irrigation of acres.

The Water Committee recommended approval.

Tod Dorshorst moved to approved the Nebraska Beef Packers transfer and variance request. Dave Carlson seconded the motion. Roll call: (10) ayes, (0) nays, (1) absent: Burke.

The Water Committee recommended entering into a contract with Adaptive Resources, Inc. (ARI) a hydrogeologic consulting firm. The contract would be based upon work completed. Prior to each task ARI would provide an estimate of the cost for each work.

Tod Dorshorst motioned to enter into a contract with Adaptive Resources, Inc. Scott Berndt seconded the motion. Roll call: (10) ayes, (0) nays, (1) absent: Burke.

Information from the public hearing for the groundwater rules and regulation will be summarized and distributed to board.

## **Operating/Personnel/Policy**

Nothing to report

## **Old or New Business**

Steve Sandberg moved to reschedule the April meeting to April 8, 2014 at 2 pm.. Larry Teahon seconded the motion. Roll call: (10) ayes, (0) nays, (1) absent: Burke

**NRCS  
Robin Foulk**

Robin handed out and discussed her written report.

**Nebraska Forest Service**

No Report.

**Mirage Flats Irrigation District  
Mel Brozek**

Mr. Brozek submitted a letter to the board on behalf of the Irrigation District supporting the board's efforts to manage groundwater in the district to maintain Niobrara River flows.

Mr. Brozek also explained the MFID's potential project and requested the NRD's assistance with the district's pumping plant and groundwater recharge feasibility study.

**Andy Curd**

Mr. Curd thanked the board for considering options to the proposed groundwater rules and regulations and offered assistance in developing alternatives to the proposal. Mr. expressed concern over the allocations, and the science being used to make the decisions. Director Dorshorst explained some of the logic associated with the proposed changes.

**General Manager  
Pat O'Brien**

Pat added the following to his written report:

- Announced Kylen Weingart would be starting as Office Manager on March 31.
- NDEQ has possession of a State of Nebraska emergency response radio
- A map of the NRD water management throughout the state was handed out. The map was developed by Scott Snell, Upper Big Blue NRD.
- Discussed LB 686 – certify non-irrigation status by a specified date. NARD has no changed position on the bill
- Discussed LB 1074, and AM 2360 introduced by Senator Lathrop for the purpose of getting basin wide plans and integrated management plans for the entire district. The impact of AM 2360 would require a basin wide water management plan for the Niobrara Basin. A legislative hearing will be held on March 18, 2014 on AM 2360.
- Niobrara Model presentation will be on March 20, 2014 at 0930.

**Assistant Manager  
Lynn Webster**

Lynn added the following to his report:

- Approved a majority of the NSWCP NC-12 requests/contracts and most of the available funds have been allocated.
- Staff are currently collecting static groundwater level data. Results should be available for the April 1 meeting.

**Water Resources Manager  
Sheri Daniels**

Sheri added the following to her written report:

- Circulated an article on the Crow Butte Uranium mine that featured Director Teahon.
- Announced Water Issues Meeting will be at the Gordon Legion Hall on April 1 starting at 0930.

**Tree Program**