



UPPER NIOBRARA WHITE NATURAL RESOURCES DISTRICT

**Board of Directors' Meeting
October 15, 2013**

In accordance with LB 325, Eighty-fourth Legislature, First Session (1975), the Upper Niobrara White Natural Resources District held a public meeting at 9:00 a.m. on Tuesday October 15, 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, October 9, 2013.

Open Meeting Law Act

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

Roll Call & Introduction of Guests

Vice Chairman, Richard Zochol, called the meeting to order at 9:00 a.m. and roll call was taken with the following directors present:

Scott Berndt 9:15 a.m.
John Burke
Larry Teahon
Tod Dorshorst
Dave Kadlecsek

Steve Sandberg
Dave Carlson
Rich Zochol
Absent:
Jim Lees
Curt Roth

Others present:

Pat O'Brien, NRD General Manger
Kody Schwager, NRD Resources Technician
Rachael Downs, NRD Office Manager
Travis Nitch, NRD Resources Coordinator
Haley Anders, NRD Resources Technician

Lynn Webster, NRD Assistant Manager
Sheri Daniels, NRD Water Resources Manager
Jessyca Hovendick, NRD Summer Technician
Philip Kadlecsek

Emergency Agenda Additions

Hearing none, Vice Chairman Zochol continued with the meeting.

**NRCS
Robin Foulk**

Robin was absent from the meeting.

**Nebraska Forest Service
Doak Nickerson**

Doak passed out a handout about the importance of windbreaks for cattle. He plans to make a large effort to promote NRD trees in relationship with cattle protection, and suggested the livestock auction barns would be a good place to advertise.

Doak estimates with the recent snow storm 90%-95% of the trees in Chadron had at least some damage. He pointed out that trees which were pruned in the past had very minimal damage. The Forest Service is proposing a Field Day for tree disposal options in November to avoid burning the material.

**General Manager
Pat O'Brien**

Pat added the following to his written report:

- On Wednesday October 9th Senator Davis met with Pat, Lynn and several board members to discuss the LB517 meetings in Alliance on the 10th and 11th and other NRD water issues.
- The resolution for erosion and sediment control act will most likely be drafted into a bill in order for changes to move forward.

**Assistant Manager
Lynn Webster**

Lynn deferred his additions to discuss during the Water Committee Report.

**Water Resources Manager
Sheri Daniels**

Sheri had nothing to add to her written report.

**Resources Coordinator
Travis Nitsch**

Travis added the following to his written report:

- Travis and Pat attended Bessey's Clients Day on October 2nd.
- Travis plans to secure an initial tree order by the end of October and is planning to order most trees through Bessey's Nursery.

**Resources Technician
Haley Anders**

Haley had nothing to add to her written report.

**Resources Technician
Kody Schwager**

Kody had nothing to add to his written report.

Approval of Consent Agenda

John Burke moved to approve the Consent Agenda; Steve Sandberg seconded the motion. Roll call: (8) ayes, (0) nays and (2) absent – Jim Lees and Curtis Roth.

Agency Reports

**Nebraska Association of Resources District
Curtis Roth**

Director Roth was absent from the meeting, however, Pat reported the following on his behalf:

- Curt attended the NARD board meeting after the annual conference. Here, the board approved the 12-13 audit for both the risk pool and the Association. The board also announced changes in benefits with the replacement of Janus International with Oppenheimer Main Street Funds.
- Pat also reported that the foundation raised about \$21,000.
- The foundation is funding a project to update and expand the Hazel M. Jenkins, “A History of the Nebraska’s Natural Resource Districts”.

**Nebraska Department of Natural Resources
Dave Kadlecsek**

Director Kadlecsek reported the following:

- The commission transferred obligations to the Sand Creek Environmental Project.
- They approved the IMWP funding for around \$325,000 to six different projects that are still going on with the IMWP.
- The next meeting will be held in January in conjunction with the NARD legislative conference.
- Dave congratulated the staff on their presentations during the LB517 meetings in Alliance.
- Dave is still unsure if funding issues for LB517 will be resolved.

**Water Committee Report
Tod Dorshorst**

Director Dorshorst asked Lynn to report on the following:

- Lynn gave further explanation on his handouts:
 - C and M Farms – proposition to issue a replacement well permit with the condition that a Nebraska licensed driller is used and both old wells are decommissioned by the same contractor.
 - Ditsch Farms LLC/George Koester – Ditsch Farms purchased land from Mr. Koester in 2012. Mr. Koester had over-pumped water for that year as per their agreement. To rectify the overuse Mr. Koester is proposing a water transfer back to Ditsch Farms.
 - Jim and Zac Jelinek – Zac would like to transfer 92 certified acres and Jim would like to transfer 26.2 acres to N1/2 17-25-48. The addition of acreage is requested in order to install a 118.2 acre pivot. Jim is proposing to remove 13’ of overhang from his pivot as well as the endgun to reduce his pivot to irrigate 159.8 acres.

John Burke moved to approve C and M Farms request for a variance; Tod Dorshorst seconded the motion. Roll call: (8) ayes, (0) nays and (2) absent – Jim Lees and Curtis Roth.

Tod Dorshorst moved to approve George Koester's water transfer to Ditsch Farms; John Burke seconded the motion. Roll Call: (8) ayes, (0) nays and (2) absent – Jim Lees and Curtis Roth.

Tod Dorshorst moved to approve Jim and Zac Jelinek for a certified acre transfer and shortening of pivot; Dave Carlson seconded the motion. Roll Call: (8) ayes, (0) nays and (2) absent – Jim Lees and Curtis Roth.

Director Dorshorst reported on the committee's recommendations for allocations to be made part of the rules and regulations:

- Instead of a 4 year allocation period they are considering changing to 5 years.
- Sub-Areas 4 and 6 they are considering changing from 13.5 acre-inches to a 13 acre-inches allocation.
- Sub-Areas 1, 2, 3 and 5, they are considering a 15 acre-inches allocation.
- Director Sandberg requested staff re-evaluate the boundary for sub-area 2 (perhaps even splitting in half to create another district).
- Pat recommended presenting the suggested changes to the Water Committee and the entire board at the next board meeting before showing to advisory committee.

Operations/Personnel/Policy

Director Kadlecek reported on the following:

- Due to the change in healthcare benefits Pat would like to change part-time janitorial employee to work under a contract to avoid potential health coverage issues. Rate of pay and hours will remain the same.
- Due to the NRCS federal shut down the NRD has been providing work around the office for the three NRD secretaries. To make up time, secretaries can make up lost hours or use annual leave.
- Pat was approached by NE Forest Service and NE Game & Parks to utilize additional office space in the basement. He noted there are extra Building Maintenance funds to make an office available immediately.
- The Corners for Wildlife acquired additional ground which has lead to an increase in the amount of shrub donations to up to 500 shrubs.

Dave Kadlecek moved to approve the cleaning contract; John Burke seconded the motion. Roll call: (8) ayes, (0) nays and (2) absent – Jim Lees and Curtis Roth.

Larry Teahon moved to approve the use of funds needed to open up additional office space; Tod Dorshorst seconded the motion. Roll call: (8) ayes, (0) nays and (2) absent – Jim Lees and Curtis Roth.

Dave Kadlecek moved to approve the Corners for Wildlife donation; Scott Berndt seconded the motion. Roll call: (8) ayes, (0) nays and (2) absent – Jim Lees and Curtis Roth.

Old or New Business

Pat addressed the November and December board meetings:

- Vice Chairman Zochol will be absent for the November 14th board meeting. No action was taken to reschedule the meeting; John Burke will be chairing the November meeting.
- Staff recommended the December meeting to be in conjunction with the Christmas party on December 19th with the board meeting starting at 3:00p.m. The Eagle Club in Crawford as been reserved for the party.

John Burke moved to reschedule the December board meeting to December 19th at 3:00p.m. in Crawford at The Eagles Club; Tod Dorshorst seconded the motion. Roll call: (8) ayes, (0) nays and (2) absent – Jim Lees and Curtis Roth.

Executive Session

Rich Zochol moved to open an Executive Session at 10:26 a.m.; Dave Kadlecek seconded the motion. Roll call: (8) ayes, (0) nays and (2) absent – Jim Lees and Curtis Roth.

John Burke moved to close the Executive Session at 10:42 a.m.; Scott Berndt seconded the motion. Roll call: (8) ayes, (0) nays and (2) absent – Jim Lees and Curtis Roth.

John Burke moved to allow Blankenau Wilmoth Jarecke LLP to serve as the representative for the Upper Niobrara White Basin NRD for Niobrara River Basin issues; Tod Dorshorst seconded the motion. Roll call: (8) ayes, (0) nays and (2) absent – Jim Lees and Curtis Roth.

Vice Chairman Zochol requested applications for the Sub-district 1 board vacancy be extended to November 5th.

Excused Absences

Dave Carlson moved to excuse Jim Lees and Curtis Roth; John Burke seconded the motion. Roll call: (8) ayes, (0) nays and (2) absent – Jim Lees and Curtis Roth.

Public Comment

No public comment.

Adjournment

There being no further business, the meeting was adjourned at 10:45 a.m.

Jim Lees, Chairman of the Board

Patrick O'Brien, General Manager

Date Signed _____