



## UPPER NIOBRARA WHITE NATURAL RESOURCES DISTRICT

**Board of Directors' Meeting  
January 22, 2015**

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, January 22<sup>nd</sup>, 2015, 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 January 14<sup>th</sup>, 2015.

### **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 2:00 p.m. and roll call was taken with the following directors present:

Scott Berndt	Mike Strasburger
Steve Sandberg	David Carlson
Dave Kadlecek	Rich Zochol
John Burke	Tod Dorshorst
Nancy Fisher	Allen Rasmussen
Kevin Oligmueller	

### **Others Present:**

Pat O'Brien, NRD General Manger	Lynn Webster, NRD Assistant Manager
Sheri Daniels, Conservation Programs Coordinator	Nevin Price, NRD Resources Technician
Fred McCartney, NFS	Robin Foulk, NRCS Conservationist
Doak Nickerson, NFS	Shelley Steffl, NGPC
Matt Steffl, NGPC	Scott Japp
Don Grein	Shar Sapp, NDEQ
Andy Curd	Laurie Norman
Maureen Skavdahl	

### **Emergency Agenda Additions**

None.

### **Oath of Office**

The elected Directors, Kevin Oligmueller, Tod Dorshorst, Dave Kadlecek, Nancy Fisher, Mike Strasburger, Allen Rasmussen, and Steve Sandberg, were administered their Oath of Office.

### **Election of Officers**

Todd Dorshorst moved to re-elect Rich Zochol as Chairman, Dave Kadlecek seconded the motion. Roll Call: (11) ayes, (0) nays.

Steve Sandberg moved to elect John Burke as Vice Chairman, Dave Kadlecek seconded the motion. Roll Call: (11) ayes, (0) nays.

Dave Kadlecek moved to elect Steve Sandberg as Secretary/Treasurer, John Burke seconded the motion. Roll Call: (10) ayes, (0) nays, Abstain: Steve Sandberg.

Steve Sandberg moved to elect Tod Dorshorst as the NARD Representative and Scott Berndt and the NARD Alternate, Dave Carlson seconded the motion. Roll Call: (11) ayes, (0) nays.

John Burke moved to elect Dave Carlson and the NRBA Representative and Steve Sandberg as the NRBA Alternate, Scott Berndt seconded the motion. Roll Call: (11) ayes, (0) nays.

### **NRCS Robin Foulk**

Robin discussed a new client/customer information database, called the Client Gateway, which the NRCS is working to get up and running. This program will allow the NRD as well as clients to access information and apply for government programs online.

Robin also discussed the EQIP program. The NRCS is currently working on about 60 applications this year for EPIQ. Applications will be ranked in two different pools, one for range land and one for crop land. They hope to have the districts' allocation submitted to the state by January 30<sup>th</sup>. There may be a second signup if there are unused funds.

Robin entertained questions from others present at the meeting regarding the security of the new Client Gateway system.

### **Nebraska Forest Service Doak Nickerson**

Doak discussed the recent snow fall and how the Forest Service manages the snow damaged trees in the area. The snow storm in the area in October of 2013 created a lot of problems for people in the area, from cattle owners to local residents of Chadron. The snow downed a lot of branches in the area and the Forest Service along with the employees of SWANN have worked to clean up the branches and find something to do with them. SWANN received a grant from the NDEQ and plans to chip all of the branches eventually and turn them into something the community of Chadron and Crawford can use.

Doak also discussed an out of date publication about the plains in the US that is being used in schools to teach kindergarten through 3<sup>rd</sup> graders. The publication claims that agriculture practices are "hurting the plains". Doak believes the NRD as well as many other agricultural industries need to be working to correct this mentality.

### **General Manager Pat O'Brien**

Pat added the following to his written report:

- The Nebraska Water Leaders Academy sent each NRD the results of one of the projects - a beverage holder that has Nebraska water facts on it using a 12 ounce can as reference.
- Governor Ricketts is having a press conference in Chadron on January 23<sup>rd</sup> about his State of the State Address, at the Bean Broker at 1045 a.m.

- There will be a Basin Wide Planning Meeting on February 11<sup>th</sup> to determine where the stake holders would like to go with the planning process.
- Water Issues meeting will be at the Hay Springs Community Building. Haley has put together an agenda for the meeting.
- Kylan needs the Directors to fill out the information sent out in the board packets in order to complete Director files as to follow pay roll laws in order to pay the Directors per diem.
- NSWCP NC-12 applications will be approved soon. Many of the requests were for fencing as well as trees and trees take priority for cost share funds so there is a note out to NRCS technicians to get in any applications they have as soon as possible.

**Assistant Manager  
Lynn Webster**

Lynn added the following to his written report:

- Preliminary water use reports are completed. We are waiting on a few failed meters to get a finalized report.
- There is a water bottling company being established south of Gordon, NE. Lynn has been in contact with the business manager about the NRD rules and regulations and also doing a site visit to better answer questions in the future.

**Water Resources Manager  
Sheri Daniels**

Sheri added the following to her written report:

- Sheri discussed the No Till Conference. The deadline for early registration at the \$75 fee is February 2<sup>nd</sup>. After that the fee will go up to \$100 per person.
- The NRD has been helping with the Chadron after school programs and Sheri is in the process of getting involved with other afterschool programs in the area including providing in-kind match for grants that are being applied for.

**Office Manager  
Kylan Weingart**

Kylan was not present at the meeting but provided a written report to the Directors.

**Resources Technician  
Haley Anders**

Haley was not present at the meeting but provided a written report to the Directors.

**Resources Technician  
Nevin Price**

Nevin added the following to his written report:

- Nevin discussed the PRIDE meeting he attended in early January. Box Butte County is looking to get rid of their weed superintendent and contract out the weed management in that area.
- PRIDE is planning to send letters in to state representatives in opposition to a budget cut for invasive species control through the Animal and Plant Health Inspection Service (APHIS). Nevin would like to send letters on behalf of the NRD in opposition to these budget cuts as well. The board agrees this would be appropriate.

## **Approval of Consent Agenda**

John Burke moved to approve the consent agenda, Tod Dorshorst seconded the motion. Roll call: (11) ayes, (0) nays.

## **Agency Reports**

### **Nebraska Association of Resources Districts**

**Pat O'Brien**

Pat reported on the following:

- Pat discussed the proposed legislative bills effecting NRD operations and Natural Resources Management that the NARD Delegate will vote on, on behalf of the District. The Directors discussed their thoughts on the proposed bills.

### **Nebraska Natural Resources Commission**

**Dave Kadlecek**

Director Kadlecek reported on the following:

- The next Commission meeting will be on January 28<sup>th</sup> in Lincoln. The Commission will be discussing the rules and regulations that are being developed to accept applications and distribute funds from the Water Sustainability Fund.

### **Niobrara River Basin Alliance**

**Dave Carlson**

Nothing to report.

### **Water Committee Report**

**Tod Dorshorst**

Director Dorshorst reported on the following:

- The Public Hearing held January 8<sup>th</sup> in Hemingford regarding chemigation fees only had one person from the public in attendance and no opposition.
- Lynn discussed the proposed changes to the rules for further clarification.

Tod Dorshorst motioned to adopt the proposed changes to the Rules and Regulations, Steve Sandberg seconded the motion. Roll Call: (11) ayes, (0) nays.

- Benda Land & Cattle Company requested a modification to decertify some of their gravity irrigated acres and increase the pivot area for irrigation.

Tod Dorshorst motioned to approve the Benda Land & Cattle Co. modification, Scott Berndt seconded the motion. Roll Call: (11) ayes, (0) nays.

- Lynn discussed some of the history involved with water transfers and modifications.
- Lynn discussed the modification request for Irwin's. Their recent transfer request was for the wrong amount of acres and needed to be corrected.

Tod Dorshorst motioned to approve the Irwin modification, Mike Strasburger seconded the motion. Roll Call: (11) ayes, (0) nays.

- After reviewing applications, staff compiled a list of 98 allocation transfer requests that meet the District's rules and presented the list to the water committee and the Board.

Tod Dorshorst motioned to approve all 98 transfer requests submitted to the NRD as a group, John Burke seconded the motion. Roll Call: (11) ayes, (0) nays.

- In June, the portion of the basin that was declared fully appropriated was reversed by the Nebraska Supreme Court will no longer be subject to LB 483. In this case, while the area is subject to NRD restrictions due to groundwater declines, DNR can issue surface water diversion and storage permit. Pat suggested sending a letter to DNR regarding the issuance of surface water permits.

Tod Dorshorst motioned to request a letter to DNR be sent by the NRBA regarding the issuance of surface water permits until the basin planning process has been completed, Scott Berndt seconded the motion. Roll Call: (11) ayes, (0) nays.

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

Director Kadlecek reported on the following:

- The UNWNRD has been asked to participate in the Interlocal Agreement to form the Nebraska Appropriated Basin's Coalition. The Coalition's main function would be to educate state senators and others on the specific challenges the appropriated basins face.

Scott Berndt motioned to approve the Interlocal Agreement, John Burke seconded the motion. Roll Call: (11) ayes, (0) nays.

John Burke moved to appoint Pat O'Brien as the Voting Delegate for the Appropriated Basin Coalition, Dave Kadlecek seconded the motion. (11) ayes, (0) nays.

- In February, the Alliance Housing Authority requested and received a waiver from the NRD for the payment in lieu of taxes. Since that time the Alliance City Attorney has determined only the city can grant these waivers. The NRD received the payment of \$99.86 in January. The District, having initially waived the payment can retain or return the funds.

John Burke motioned to return the payment to the Alliance Housing Authority, Tod Dorshorst seconded the motion. (11) ayes, (0) nays.

- Employee duties and changes in the NRD recently were discussed. Sheri has moved to part-time, and Haley is taking over her Water Resources Manager position. Interviews have been held for the Natural Resources Manager position and Pat hopes to have that position filled by the end of the week. The NRD will also be hiring one more Resources Technician to replace Haley.

**Old or New Business**

Pat was asked to speak at a UNL Water Conference panel on Western Water Use and would like to go to Washington, DC in March if it works out with schedules and Board approval.

**Excused Absences**

None.

**Public Comment**

Scott Japp presented information and his interpretation of a of a law suit in the Central Platte NRD. Mr. Japp explained he believed the NRD issued a cease and desist order to obtain NRCS and FSA information and the gentleman who was issued the cease and desist had countersued. Mr. Japp also explained the FSA and NRCS office were combined in the Papiio-Missouri River NRD.

Mr. Japp also explained that landowners in the Republican Basin have filed suit and are seeking a 20-28 million dollar annual payment for water from the Department of Natural Resources. Mr. Japp believed this would lead to a statewide tax on irrigated acres.

Andy Curd asked if there were any questions regarding the letter he had sent to Pat to forward to the Directors. Mr. Curd explained that he had been reviewing the DNR's INSIGHT website, his interpretation of the information and was concerned that changes had recently been made. Mr. Curd was concerned on how the water is allocated to the hydroelectric generating facility and suggested the NRD follow up with DNR on this. Pat explained to Mr. Curd that it appears there was some confusion with the basin information and the sub-basin information. Mr. Curd concurred.

#### Executive Session


Tod Dorshorst moved to go into executive session at 4:15 p.m., Steve Sandberg seconded the motion. Roll Call: (11) ayes, (0) nays.

John Burke moved to exit executive session at 4:35 p.m., Scott Berndt seconded the motion. Roll Call: (11) ayes, (0) nays.

#### Adjournment

There being no further business, the meeting was adjourned at 4:40p.m.

  
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Rich Zochol, Chairman of the Board

  
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Patrick O'Brien, General Manager

Date Signed 2-12-15