

**CENTRAL PLATTE NRD
Board Meeting Agenda
April 23, 2015 – 2:00 p.m.**

CALL TO ORDER

This is an open meeting of the Central Platte Natural Resources District. The NRD abides by the Open Meetings Act in conducting business. A copy of the Open Meetings Act is displayed on the south wall of this room as required by State law. The Board reserves the right to change the order of an item on the agenda and some items on the agenda are subject to closed session.

MEETING NOTICES

MEETING MINUTES

ANNOUNCEMENTS & OTHER BUSINESS FOR FUTURE MEETINGS

PUBLIC FORUM

BUSINESS:

1. Natural Resources Conservation Service (NRCS)
 - a. Mike Pavel, Resource Conservationist, Kearney Field Office
 - b. James Huntwork, Liaison District Conservationist, Grand Island Field Office
2. Excused Absences
3. Cease & Desist – Discuss Testimony Presented at Hearing & Take Action
4. Variance/Appeals Subcommittee – Report & Recommendations
5. Programs Committee – Report & Recommendations
 - a. Kearney Recycling Requests for a Paint Can Crusher & Annual Maintenance Funding
 - b. Any Changes or Additions to the Cost Share Programs
 - c. Advancing Programs & Information/Education Fiscal 2016 Budgets to the Budget Committee

6. Water Resources Committee Report
 - a. Fiscal 2016 Budget
 - b. Orchard Alfalfa - Change Order
 - c. Cozad Ditch - Change Order
7. Snagging/Clearing Subcommittee – Report & Recommendation
8. Dawson County Canal Construction Projects Update
9. Legislation Report – Mark Czaplewski
10. Cost Share Program Applications – Kelly Cole
11. Board Orientation – Kelly Cole & Marcia Lee Will Present their Job Responsibilities
12. Financial Report
13. Executive Session – To Discuss Legal Issues
14. Upcoming Events
 - a. May 12, Nebraska Children’s Groundwater Festival, CCC/College Park, Grand Island
 - b. May 25, Memorial Day Observation, Office Closed
 - c. June 9-11, GMDA Summer Conference, Coeur d’Alene, Idaho
 - d. June 15-16, NARD Summer Basin Tour (CPNRD Canals & NCORPE Project)
15. Next Board Meeting – May 28, 2015? 2:00 p.m.
16. Other Business

CENTRAL PLATTE NRD
Board Meeting Minutes
April 23, 2015

CALL TO ORDER: Chairman Ed Kyes called the meeting to order at 2:00 p.m. He reported that the NRD abides by the Open Meetings Act in conducting business and said that a copy of the Open Meetings Act was displayed on the south wall of the conference room, that the Board reserves the right to change the order of an item on the agenda, and some items on the agenda are subject to closed session.

ATTENDANCE: Board members present were:

LeRoy Arends	Dwayne Margritz	Jay Richeson
Jim Bendfeldt	Charles Maser	Steve Sheen
Charles Bicak	Jerry Milner	Keith Stafford
Alicia Haussler	Barry Obermiller	Ed Stoltenberg
Chris Henry	Ladd Reeves	Deborah VanMatre
Brian Keiser	Marvion Reichert	Jerry Wiese
Ed Kyes	Mick Reynolds	

Excused Absence – Bob Schanou

Staff present: Lyndon Vogt – General Manager, Mark Czaplewski – District Biologist, Dianne Miller – Administrative Director, Kelly Cole – Programs Coordinator, Marcia Lee – Information/Education Specialist, Sandy Noecker – Data & Compliance Officer, Dan Clement – Water Resources Specialist; Jesse Mintken – Projects Director, Luke Zakrzewski – GIS Image Analyst, Angela Warner - GIS Programs Coordinator.

Others present – James Huntwork - NRCS Liaison District Conservationist, Grand Island; Mike Pavel – NRCS Resource Conservationist, Kearney, Lori Potter – Kearney Hub.

MEETING NOTICES: Chairman Kyes reported that the notices of the meeting had been sent to the news media as required by law.

MEETING MINUTES: Dwayne Margritz made the motion to approve the April 2, 2015 (March) board meeting minutes. Marvion Reichert seconded the motion. All board members present, voting by roll call vote, were in favor, except Alicia Haussler, Marvion Reichert and Keith Stafford who abstained. Motion carried.

ANNOUNCEMENTS & OTHER BUSINESS FOR FUTURE MEETINGS:

Chairman Kyes asked if there were any announcements or suggestions for future meetings. There were no suggestions or announcements.

PUBLIC FORUM: Chairman Kyes asked if anyone wanted to address the board on any item not included on the agenda. No one requested time to speak.

NATURAL RESOURCES CONSERVATION (NRCS) REPORT: Mike Pavel,

NRCS Resources Conservation, Buffalo County, reported on the activities in that county during the past several months. James Huntwork, Liaison District Conservationist, reported on the CPNRD Local Working Group Meeting for the Fiscal Year 2016 program year that is scheduled for May 14th (see enclosed).

EXCUSED ABSENCES: Chairman Kyes reported that Bob Schanou had requested to be excused from the board meeting.

Alicia Haussler made the motion to approve the absence as requested. Mick Reynolds seconded the motion. All board members present, voting by roll call vote, were in favor. Motion carried.

CEASE & DESIST HEARING: Chairman Kyes said a cease and desist hearing had been held at 1:00 p.m. that day concerning the noncompliance of the District's rules and regulations for groundwater use in fully and over appropriated areas of Central Platte NRD.

Jim Bendfeldt said "I move that it be determined as follows:

1. Lee D. Spradlin and Terry L. Spradlin, husband and wife are the landowners/operators of the real estate legally described as follows, to-wit: Tracts of land within the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) and the North 30 rods of the East 106 and two-thirds rods of the South Half of the Northwest Quarter (S ½ NW ¼) in Section Thirty (30, Township Eleven (11) North, Range Twenty-two (22) West of the 6th P.M., Dawson County, Nebraska, which real estate is within the area of the stay as imposed by the Nebraska Department of Natural Resources and/or the Central Platte Natural Resources District.
2. The land referred to hereinabove at Paragraph 1 was not properly certified as irrigated by the Central Platte Natural Resources District according to the Rules and Regulations for Groundwater Use in Fully and Over Appropriated Areas.
3. The agricultural real estate listed hereinabove is, or has been in the past, irrigated contrary to the above-referenced Rules and Regulations for Groundwater Use in Fully and Over Appropriated Areas of the District during the years 2011, 2012, 2013 and 2014.
4. The failure of the above-identified landowners/operators to comply with the stay imposed by the Nebraska Department of Natural Resources' and the District's Rules and Regulations represents a substantial and serious threat to the groundwater and/or surface water supplies for the 2011, 2012, 2013 and 2014 irrigation seasons in the area and the public interest demands that such failure to comply immediately cease.
5. Good, adequate and sufficient cause exists for the issuance of a cease and desist order commanding and requiring Lee D. Spradlin and Terry L. Spradlin, husband and wife to comply with the Rules and Regulations for Groundwater Use in Fully and Over

Appropriated Areas adopted by the District and no good cause was shown or given as to why such cease and desist order should not be issued.

6. Lee D. Spradlin and Terry L. Spradlin, husband and wife are also the landowners/operators of the real estate legally described as follows, to-wit: A tract in the Northeast Quarter (NE ¼) of Section Thirty (30), Township Eleven (11) North, Range Twenty-two (22) West of the 6th P.M., Dawson County, Nebraska, which real estate is within the area of the stay as imposed by the Nebraska Department of Natural Resources and/or the Central Platte Natural Resources District.

7. A transfer request dated April 30, 2014, was made by the landowners/operators to transfer the right to irrigate approximately 5.46 acres on said parcel to 5.43 acres on the same parcel, but said transfer paperwork was not properly signed and notarized by the landowners/operators to complete said transfer of certified irrigated acres.

8. Therefore, the approximately 5.43 acres referred to in the transfer request hereinabove was not properly certified as irrigated by the Central Platte Natural Resources District according to the Rules and Regulations for Groundwater Use in Fully and Over Appropriated Areas.

9. The agricultural real estate listed hereinabove is, or has been in the past, irrigated contrary to the above-referenced Rules and Regulations for Groundwater Use in Fully and Over Appropriated Areas of the District during the year 2014.

10. The failure of the above-identified landowners/operators to comply with stay imposed by the District's Rules and Regulations represents a substantial and serious threat to the groundwater and/or surface water supplies for the 2014 irrigation season in the area and the public interest demands that such failure to comply immediately cease.

11. Good, adequate and sufficient cause exists for the issuance of a cease and desist order commanding and requiring Lee D. Spradlin and Terry L. Spradlin, husband and wife to comply with the Rules and Regulations for Groundwater Use in Fully and Over Appropriated Areas adopted by the District and no good cause was shown or given as to why such cease and desist order should not be issued.

12. Lee D. Spradlin and Terry L. Spradlin shall be ordered to cease and desist the irrigation of the above-described agricultural land within the Central Platte Natural Resources District in a manner contrary to or out of compliance with the District's Rules and Regulations and shall, on or before May 25, 2015, file with the District, a signed affidavit that they have either 1) discontinued irrigating the real estate which is not certified as irrigated land pursuant to the Rules and Regulations of the Central Platte Natural Resources District and which is subject to this cease and desist order and show how they will offset all depletions caused by irrigating the acres not certified during the 2011, 2012, 2013 and 2014 irrigation season as follows:

- (a) The landowners/operators shall provide offsets for the 28.67 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the North 30 rods of the East 106 and two-thirds rods of the S $\frac{1}{2}$ NW $\frac{1}{4}$ in Section 30, Township 11 North, Range 22 West of the 6th P.M., Dawson County, Nebraska that were irrigated for each of the years 2011, 2012, 2013 and 2014 for a total of 114.68 acres; and
- (b) The landowner/operator shall provide offsets for the 5.43 acres in the NE $\frac{1}{4}$ of Section 30, Township 11 North, Range 22 West of the 6th P.M., Dawson County, Nebraska that were irrigated.

13. The Board further orders that upon compliance with this Order to Cease and Desist by said Lee D. Spradlin and Terry L. Spradlin, husband and wife, this Order shall automatically dissolve. The Board further finds that in the event that said Lee D. Spradlin and Terry L. Spradlin, husband and wife shall fail to comply by May 25, 2015, with this Cease and Desist Order, the Manager of the Central Platte Natural Resources District shall, upon the failure of such individuals to take the actions necessary to comply with this Cease and Desist Order, take such actions as are allowed by law to obtain such individual's compliance with this Cease and Desist Order, and the District's Rules and Regulations, including the filing of, in the appropriate District Court, such lawsuits and legal proceedings as are necessary. The Manager shall, in such actions, seek such legal and equitable remedies as are necessary and appropriate to obtain the compliance by the above-described landowners/operators with the stay imposed by the Nebraska Department of Natural Resources and/or the Central Platte Natural Resources District's Rules and Regulations for Groundwater Use in Fully or Over Appropriated Areas, including, but not limited to, the obtaining of restraining orders, injunctions and damages, and such money judgments and penalties as allowed by law.

14. That an Order be drafted consistent with these findings and sent to Lee D. Spradlin and Terry L. Spradlin."

Barry Obermiller seconded the motion.

Dwayne Margritz asked about one of the items in the papers that the Spradlin's handed out referring to the fact that Central Platte NRD has no regulations on file with the Office of the Secretary of State and that CPNRD has not complied with the provisions of the Administrative Procedures Act. General Manager Lyndon Vogt said State agencies have to file their rules and regulations with the Secretary of State but NRDs are political subdivisions of the State and not a State agency and therefore are not required to file rules and regulations with the Secretary of State.

Ladd Reeves commented on that fact that if the board does issue the cease and desist order that the Spradlins would have options for getting into compliance. General Manager Vogt said it would be our preference if we can get them into compliance.

Discussion followed on how the Spradlin's could come into compliance. GIS Analyst

Luke Zakrzewski said we can look at getting them into compliance, either by looking at the possibility of certifying those acres or coming up with a plan of compliance. That plan of compliance would go back and look at each year that the violation occurred and would review other properties owned by the Spradlins. They have to offset the acres and provide a permanent offset if they want to irrigate it in the future and the acres were certified.

The motion was then voted on. All board members present, voting by roll call vote, were in favor. Motion carried.

VARIANCE/APPEALS SUBCOMMITTEE-REPORT & RECOMMENDATIONS:

Jim Bendfeldt reported on hearings on two appeals and their subcommittee meeting held earlier that day.

Anderson – Jim reported that they heard an appeal from Britt and Brock Anderson in Custer County for a tract in Section 20, Township 14 North, Range 24 West. They were asking for an appeal to Central Platte NRD's rules and regulations. They requested a water transfer from the Platte to the Loup influence zone, which is not allowed in Central Platte NRD's regulations.

Jim Bendfeldt said it is the Variance/Appeals Subcommittee's recommendation, and he made the motion, to deny the appeal from Britt and Brock Anderson to transfer irrigated acres from the Platte to the Loup influence. Marvion Reichert seconded the motion. All board members present, voting by roll call vote, were in favor. Motion carried.

Osantowski -- Jim reported that they had heard an appeal from the Osantowski Brothers on a tract in Platte County in Section 7, Township 16 North, Range 2 West. They have a half swing pivot on a pasture that was not certified for irrigation but was irrigated in 2012 and 2013. He explained that a well was drilled in 2003 prior to the State's stay but was not used in 2003 or 2004 to qualify for certification under the District's rules and regulations. There is evidence that there was a pivot on the ground in 2004 but was not connected until 2006 and there is no evidence of irrigation until 2012.

Jim Bendfeldt said the Variance/Appeals Subcommittee is recommending, and he made the motion, that the appeal from the Osantowski Brothers for certified irrigated acres on the tract in Platte County be denied. Marvion Reichert seconded the motion. All board members present, voting by roll call vote, were in favor. Motion carried.

PROGRAMS COMMITTEE – REPORTS & RECOMMENDATIONS: Alicia

Haussler reported on the committee's meeting held earlier that day.

Kearney Recycling Requests for Paint Can Crusher & Annual Maintenance

Funding – Alicia reported that the committee had discussed the request presented by representatives from the City of Kearney's sanitation department and household waste facility at the last board meeting.

Programs & Information/Education Fiscal 2016 Budgets – Alicia reported that the committee finalized their recommendations and will submit them to the Budget Committee.

WATER RESOURCES COMMITTEE REPORT: Committee chairman, Jay Richeson, reported on their meeting held earlier that day.

Fiscal 2016 Budget – Jay said they worked on recommendations for next year's budget which will be sent to the Budget Committee.

Orchard/Alfalfa Canal Phase 2 Change Order – Jay reported that the committee reviewed Change Order #1 on the contract with BSB Construction in the amount of \$38,394.80 to add some field drains. He said seeding and cleanup is left on that project.

Jay Richeson made the motion to approve Change Order #1 on the contract with BSB Construction on the Orchard/Alfalfa Canal Phase 2 contract. Marvion Reichert seconded the motion. All board members present, voting by roll call vote, were in favor. Motion carried.

Cozad Ditch Change Order – Jay reported that Change Order #1 was on the contract with Simon Construction in the amount of \$1,459.39 to repair an outlet structure.

Jay Richeson made the motion to approve Change Order #1 in the amount of \$1,459.39 on the Simon Construction contract to repair an outlet structure. Ladd Reeves seconded the motion. All board members present, voting by roll call vote, were in favor. Motion carried.

PROGRAMS COMMITTEE: Kearney Recycling Requests – In answer to a question Alicia said the committee discussed the request presented at the last board meeting for a contribution for a paint can crusher and financial assistance for Kearney's household hazardous waste program. The committee is recommending that \$5,000.00 be included in the I&E budget for Kearney's household hazardous waste program. She also said that \$2,500.00 is being recommended for the Grand Island Clean Community System if they get their program running again.

EASTERN & WESTERN COMMITTEES SNAGGING & CLEARING

PROJECTS SUBCOMMITTEE: – Mick Reynolds reported that at their subcommittee meeting held earlier that day they asked staff to look into several options over the next couple of months. They will get together again to review the options and decide on a possible recommendation for the board's consideration.

DAWSON COUNTY CANAL CONSTRUCTION PROJECTS UPDATE: Projects Director Jesse Mintken reported that the Orchard/Alfalfa canal rehab is basically complete with just seeding and some cleanup to finish. He also reported that there was

some maintenance on the Cozad Canal head gate structure which has also been completed.

LEGISLATION: Mark Czaplewski, District Biologist, briefly reported on the status of legislation dealing with natural resources and NRDs and reviewed the status of the appropriations bill.

COST SHARE PROGRAM: Applications – Programs Coordinator Kelly Cole reported that we have received cost share applications for the following: Center Pivot Incentive, Soil Moisture Sensors, Flow Meters, Tree Planting, and Well Decommissioning (see enclosed). She said the applicants are in compliance with the District's rules and regulations, funds are available, and recommended they be approved.

Marvion Reichert made the motion to approve the cost share applications as reported. Deborah VanMatre seconded the motion. All board members present, voting by roll call vote, were in favor except Jim Bendfeldt who abstained. Motion carried.

BOARD ORIENTATION – JOB RESPONSIBILITIES REPORTS: Programs Coordinator Kelly Cole and Information & Education Specialist Marcia Lee explained their job responsibilities.

FINANCIAL REPORT: Alicia Haussler made the motion to approve the April financial report as presented. Jim Bendfeldt seconded the motion. All board members present, voting by roll call vote, were in favor. Jerry Milner and Barry Obermiller were absent for the motion. Motion carried.

EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS: Chairman Kyes reported that it would be appropriate for the board to go into executive session to discuss legal matters.

Jim Bendfeldt made the motion that the board go into Executive Session at 2:59 p.m. for the purpose of discussing legal matters. Mick Reynolds seconded the motion. All board members present, voting by roll call vote, were in favor. Motion carried.

General Manager Lyndon Vogt, Projects Director Jesse Mintken, and Administrative Director Dianne Miller were requested to set in on the executive session.

Marvion Reichert made the motion that the board come out of Executive Session at 3:33 p.m. Deb VanMatre seconded the motion. All board members present, voting by roll call vote, were in favor. Jerry Milner was absent for the motion. Motion carried.

Note: Jerry Milner had to be excused from the remainder of the meeting due to another commitment.

Jim Bendfeldt made the motion that General Manager be authorized to work with our

attorney to try to negotiate for the land rights on the Schutt property on Prairie/Silver/Moores Creek project on PCUL I. Alicia Haussler seconded the motion. All board member present, voting by roll call vote, were in favor. Motion carried.

UPCOMING EVENTS: As listed on the agenda.

OTHER BUSINESS: Eastern Projects Committee – Mick Reynolds reported that the Eastern Projects recommendations will be forwarded to the Budget Committee.

Next Meeting – Scheduled for May 28th at 2:00 p.m. Details to follow.

ADJOURN: Chairman Kyes adjourned the board meeting at 3:42 p.m.



Natural Resources Conservation Service
Grand Island Field Office
2550 N. Diers Ave., Suite L
Grand Island, NE 68803
Phone (308) 395-8586 (Ext. 3)

<http://www.ne.nrcs.usda.gov>

April 23, 2015

Central Platte NRD
215 North Kaufman Avenue
Grand Island, NE 68803

April Report to CPNRD

Attached is an invitation to the Central Platte NRD Local Working Group Meeting for the FY 2016 program year. The invitation includes the date, time, and location of the meeting, as well as, a meeting agenda. The purpose of this meeting is to provide recommendations to the District Conservationist and State Conservationist on local natural resource priorities and criteria for conservation activities and programs. Local Working Group meetings are open to the public and notice of this meeting will be provided to local newspapers.

Members of the Central Platte NRD Board of Directors are encouraged to attend in order to provide feedback and recommendations for the administration of NRCS programs such as the Environmental Quality Incentives Program (EQIP).

Respectfully Submitted,

/s/ G. James Huntwork

G. JAMES HUNTWORK
District Conservationist

Attachments: CPNRD Local Working Group Meeting Invitation and Meeting Agenda



Central Platte NRD EQIP Local Working Group Meeting
Grand Island, NE
Central Platte NRD Headquarters
215 N. Kaufman Ave.
Thursday, May 14, 2015
9:30 AM

- **LWG Responsibilities** **9:30 AM – 9:45 AM**

- **Public Forum** **9:45 AM – 10:15 AM**

- **EQIP Application Ranking Pools** **10:15 AM – 10:30 AM**
 - **Primary Resource Concerns (NRD Level Ranking Pools)**
 - **Cropland-Soil Erosion**
 - **Cropland-Excess/Insufficient Water**
 - **Cropland-Excess/Insufficient Water-IWM**
 - **Grassland-Degraded Plant Condition**
 - **Grassland-Livestock Production Limitation**
 - **Statewide Ranking Pools**
 - **RCPP Project**
 - **National Initiatives (Ogallala Aquifer Initiative)**

- **EQIP Application H/M/L Priority System** **10:30 AM – 11:00 AM**
 - **Review System for Application designation as High, Medium, or Low Priority**

- **EQIP Application Ranking Systems** **11:00 AM – 11:30 AM**
 - **Review Ranking Factors and Points**

- **Program Practice Payment Schedule** **11:30 AM – 11:45 AM**
 - **Practice Payment Schedule Scenarios**
 - **Practice Payment Schedule Rates**

- **Other** **11:45 AM – 12:00 PM**

United States Department Of Agriculture



Natural Resources Conservation Service
Grand Island Field Office
2550 N Diers Ave, Ste L
Grand Island, NE 68803
Phone (308) 395-8586 (Ext. 3)

<http://www.ne.nrcs.usda.gov>

Subject: Conservation Programs
Local Working Group Meeting

Date: April 23, 2015

To: Members of the Central Platte NRD Local Working Group

File Code: 300

Please let this serve as an invitation to participate in the Central Platte Natural Resources District (CPNRD) Local Working Group Meeting (LWG) for the FY 2016 Program Year. The purpose of this meeting is to provide recommendations to the District Conservationist and State Conservationist on local natural resource priorities and criteria for conservation activities and programs. Local Working Group meetings are open to the public and notice of this meeting will be provided to local newspapers.

The meeting will be held on Thursday, May 14, 2015 in Grand Island, NE at the CPNRD Headquarters, located at 215 Kaufman Avenue. We will begin at 9:30 AM and should conclude by noon. You or your designee is encouraged to attend so that you may provide input related to natural resources concerns and cooperator objectives in your area of responsibility.

Enclosed please find an agenda for the meeting. If you have questions about this or need additional information please contact your local NRCS office or me. Thank you for your attention to this matter.

/s/ G. James Huntwork

G. JAMES HUNTWORK
District Conservationist

Enclosure (Meeting Agenda)

Helping People Help the Land

An Equal Opportunity Provider and Employer



CENTRAL PLATTE NRD

Cost Share

April 23, 2015

CENTER PIVOT INCENTIVE COST SHARE PROGRAM		\$	7,500.00
Herbig Farms Inc - Merrick	\$	7,500.00	
SOIL MOISTURE SENSOR COST SHARE PROGRAM		\$	2,000.00
Jessie Perry - Polk	\$	2,000.00	
FLOW METER COST SHARE PROGRAM.....		\$	1,000.00
Garwood Family Limited Partnership – Merrick	\$	500.00	
Tom Bialas – Nance		500.00	
TREE PLANTING COST SHARE PROGRAM		\$	2,725.75
Belen Benavides – Buffalo	\$	1,318.65	
Ron Kegley – Buffalo		1,407.10	
WELL DECOMMISSIONING COST SHARE PROGRAM		\$	3,750.00
Glenwood H & Jane H Hargens Family Rev. Trust	\$	750.00	
Eldon J Dubas – Merrick		750.00	
David Beck – Merrick		750.00	
Eickhoff Farms – Hall – handdug well		1,500.00	
Total		\$	16,975.75