

# MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

July 7, 2005  
Holdrege, Nebraska

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Those in attendance were:

Jim Van Marter, Chair  
Wayne Madsen, Member  
John Burkholder, Member  
Keith Rexroth, Member  
Myron Lembke, Member  
Wayne Davis, Member  
Garry Anderson, Member  
Richard Hadenfeldt, Member  
Arlond Garratt, Member  
Joseph Hergott, Member  
Richard Jiskra, Member  
Dan Watermeier, Member

Clinton Johannes, Member  
Beverly Donaldson, Member  
Vince Kramper, Member  
Dave Clabaugh  
Scott Sobotka  
John Miyoshi  
John Thorburn  
Nelson Trambly  
Roger Patterson, Director  
Tom Pesek, Staff  
Gayle Starr, Staff

## CALL TO ORDER

The meeting was called to order by Commission Chair Jim Van Marter in the conference room of the Super 8 Motel in Holdrege, Nebraska at approximately 8:30 a.m.

## NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL & STAR and the HOLDREGE CITIZEN on June 29, 2005.

## INFORMATIONAL MATERIAL

The following items of informational material were distributed during the course of the meeting and a copy of each is attached to the file copy of the minutes:

1. Water Well Decommissioning Cash Fund Summary.
2. Nebraska Resources Development Fund Present Financial Status.
3. Status of Small Watersheds Flood Control Fund.
4. Soil & Water Conservation Fund – Expenditures by Month, 1997-2005.
5. Republican River Basin Water Meter Program Status Report and Summary.
6. Natural Resources Water Quality Fund Status.
7. DNR Fund Expenditures for May & June, 2005.
8. Republican Basin EQIP (Contracts approved).
9. Policy Statement VI – Operations
10. Small Watersheds Flood Control Fund – Projected Funding Requests
11. Soil and Water Conservation Fund Report – Republican Basin Water Meter Program.
12. Nebraska Soil and Water Conservation Fund – Eligible Practices.

## MINUTES

Motion was made by Kramper and seconded by Jiskra to approve the minutes of the May 19, 2005, Commission meeting as distributed. Motion carried.

Aye: Johannes, Hadenfeldt, Anderson, Hergott, Jiskra, Rexroth, Watermeier, Donaldson, Madsen, Kramper, Burkholder, Lembke, Davis, Garratt, Van Marter

Nay: None

Not Present: Korell

## EXPENDITURES

Gayle Starr noted that the expenditure report for May and June, 2005, which concluded the current biennium period had been mailed to Commission members for their review.

## DIRECTOR'S REPORT

Roger Patterson reviewed the recent Nebraska Supreme Court decision regarding the lawsuit brought by the Central Nebraska Public Power & Irrigation District alleging that the department should have regulated ground water development above Lake McConaughy because that development had decreased flows into Lake McConaughy. He explained that the State Supreme Court held that the department had no authority to regulate groundwater and therefore concluded that the department was not negligent. He added that the lawsuit brought by the owners of the Spear T ranch contending that lack of regulation of groundwater development in the Pumpkin Creek Basin had negatively impacted their surface water right in Pumpkin Creek had not yet been decided.

Patterson also commented on the Conservation Reserve Enhancement Program in the Platte and Republican Basins indicating that sign-up had been good in the Platte Basin above Lake McConaughy and in most of the Republican Basin but that very limited sign-up had occurred in the Platte Basin below Lake McConaughy. He explained that this is a continuous sign-up program with the USDA Farm Services Agency with a goal of 100,000 acres and about 44 thousand acres has been applied for at this time.

## ENVIRONMENTAL TRUST

Vince Kramper noted that the Environmental Trust Board had not met since the last Commission meeting and the next meeting would be July 28 in Nebraska City.

## PLATTE & REPUBLICAN ACTIVITIES

Patterson explained that the department had organized a tour of portions of the Republican River Basin for the Water Policy Task Force and additional local, state, and federal officials for August 2 & 3. He added that Governor Heineman would be joining the tour in McCook on August 2 for a period of time. He added that the Republican River Compact administration would be meeting in Burlington, Colorado in late July to discuss compact compliance and related activities. He added that the accounting process for the Republican River Basin had indicated that Nebraska's utilization of water had resulted in a deficit of approximately 65,000 acre-feet through 2004. He further explained the accounting process and how this deficit might be made up over the next several years.

With regard to the Platte River, he noted that the 13 districts in the North Platte Basin would be receiving about 85 percent of their normal allocation which is better than was anticipated earlier in the year.

He explained that the Governance Committee of the Platte River Cooperative Agreement process would be meeting next week in Cheyenne and that process is moving forward as the three Governors and the Department of Interior will hopefully be able to sign off on a program early next year so that the needed federal legislation can be initiated.

## WATER POLICY TASK FORCE

Patterson explained that the Executive Committee of the Water Policy Task Force would be meeting in Holdrege prior to the Republican Basin tour and that their primary subjects of discussion will be how to deal with some issues relating to how municipalities are treated under LB 962 and some funding alternatives for the LB 962 process. He explained that the Legislature had asked the department to recommend means of raising the funds necessary for LB 962 implementation and the task force funding committee has been discussing alternatives. He noted that it was likely that the Task Force would be suggesting several alternatives for legislative consideration.

Patterson commented on the process for making fully appropriated determinations as required by LB 962 and the rules and regulations required for that determination. There were a number of questions about how that process might work and the various factors to be considered in making that determination.

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PROGRAM COMMITTEE

Clint Johannes called on Tom Pesek who reviewed the Financial Status report for the Resources Development Fund and commented briefly on the status of several projects.

Johannes called on Dave Clabaugh, Manager of the Lower Big Blue NRD, who briefed the Commission on the Lower Turkey Creek Watershed Project application that has been submitted to the department. It was noted that the Director's recommendation might be available for the September Commission meeting which would mean that Commission action would be at the November Commission meeting. Tom Pesek briefly explained that the limitation on Resources Development Fund project approvals are limited to 13.5 million dollars in excess of the funds obligated. He noted that approval of the Lower Turkey Creek application might exceed that limitation depending upon the level of approval by the Commission and some developments regarding previously approved projects.

Tom Pesek reviewed the status report for the Small Watersheds Flood Control fund. Pesek also distributed information needed to establish a revolving fund base for FY 2005-2006 for the Small Watersheds Flood Control Fund. Pesek recommended that the base be established at \$700,000. Motion was made by Kramper and seconded by Jiskra to establish a revolving fund base for the Small Watersheds Flood Control Fund at \$700,000 for the next fiscal year. Motion carried.

Aye: Hadenfeldt, Anderson, Hergott, Jiskra, Rexroth, Watermeier, Donaldson, Madsen, Kramper, Burkholder, Lembke, Davis, Garratt, Johannes, Van Marter

Nay: None

Not Present: Korell

Gayle Starr distributed the Status Reports for the Soil & Water Conservation Fund, Natural Resources Water Quality Fund, Water Well Decommissioning Fund, Republican Basin Water Meter Fund, and the South Platte NRD Water Meter Fund and briefly reviewed each of them. He also distributed a summary report on the Environmental Quality Incentive Program and the Conservation Reserve Enhancement Program that the department is participating in.

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COMPREHENSIVE PLANNING COMMITTEE

Wayne Madsen indicated that Commission members had received a draft copy of the annual Plan of Work for the department's Planning and Review Process and asked if there were any questions or comments from Commission members. Several questions were asked and it was noted that if the Commission members had any additional comments or questions they should contact Steve Gaul of the department staff as this report is prepared annually by the department for submittal to the Governor and Legislature.

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NEXT MEETING

The next meeting of the Commission will be September 28 in Kearney in connection with the NARD annual conference.

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ADJOURNMENT

The meeting was adjourned at 10:35 a.m.

Chair

Director of Natural Resources

