

NEBRASKA PLATTE-REPUBLICAN  
CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)  
MINUTES OF  
OCTOBER 1, 2009 MEETING

Members Present:

Bob Bettger, Department of Natural Resources  
Mike Delka, Bostwick Irrigation District  
Susan France, Department of Natural Resources  
Keith Koupal, Nebraska Game and Parks Commission  
Bobbie Kriz-Wickham, Department of Agriculture  
Michael Kucera, U.S.D.A. Natural Resources Conservation Service  
Tina Kurtz, North Platte Natural Resources District  
Tim McCoy, Nebraska Game and Parks Commission  
Lavaine Moore, U.S.D.A. Farm Service Agency  
Pat O'Brien, Nebraska Association of Resources Districts  
Greg Reisdorff, U.S.D.A. Farm Service Agency  
Jordan Dux, Farm Bureau  
Cory Steinke, Central Nebraska Public Power and Irrigation District  
Mike Thompson, Department of Natural Resources  
Marsha Trompke, Central Nebraska Public Power and Irrigation District  
Randy Zach, Nebraska Public Power District

Others Present:

Dayle Williamson, Senator Ben Nelson Office  
Phil Erdman, Senator Mike Johanns Office

Bob Bettger chaired the meeting and introductions were made by all present. The Agenda was then approved by those present by consensus.

The minutes of the last meeting were reviewed, and Marsha Trompke made a motion that they be approved, which was seconded by Tina Kurtz. The vote was unanimous to accept the minutes.

A copy of the draft by-laws was then reviewed by the Committee and a discussion was held. Pat O'Brien made one suggestion regarding the discrepancy between voting and amendments to the by-laws. A suggested modification was incorporated into the draft. Mike Kucera made a motion to table adoption of the bylaws until a legal opinion could be obtained regarding whether a quorum was required, whether telephonic participation was allowed, and whether a meeting held completely electronically required videoconferencing. The motion was seconded by Pat O'Brien. The motion passed by a unanimous vote.

Discussions held regarding the proposed by-laws included whether specific agencies having more than one vote was necessary, whether we had to have named representatives, how some people on the steering committee are also on the technical committee, and whether since the committee is just an advisory committee whether a vote mattered. Susan France said that the Department thinks that it important to work with members of the Committee to try to obtain consensus, but that there will be times when the vote may not be unanimous and the vote will be forwarded on to the Governor for his information and decision.

Greg Reisdorff then informed the Committee that as of October 1, 127,000 acres came out of CRP and that 50,000 of those can re-enroll. Because of the number of acres, there may be another general sign up in 2010. As of October 1, the maintenance rate which has been \$2.00 has been eliminated.

The Committee then reviewed the draft Amendment No. 3 to the Memorandum of Agreement between the State of Nebraska and the United States Department of Agriculture Commodity Credit Corporation. Susan France explained the changes to Section VI.C to say this was the Governor's Policy Research Office's request. Mike Delka had questions regarding the need for item Section VI.G.2. Susan France explained that this paragraph will allow existing CREP participants (especially irrigation districts) who want to continue to divert the non-consumptive use portion of the appropriation tied to the CREP contract to file a transfer to allow such diversion. At the request of Pat O'Brien additional wording was added to Section VI.H to allow for possible cleanup of a contaminated area that would affect health or public safety. Item VI.G.1 was reworded slightly at Bobbie Kriz-Wickham's request and the word "rights" was changed to "appropriation" at Tina Kurtz's request.

At the end of the discussion Tim McCoy made a motion that was seconded by Susan France to accept the draft Amendment No. 3. Michael Kucera, Greg Reisdorff and Jordan Dux abstained. Bobbie Kriz-Wickham and Mike Delka voted against approval. The other 11 members present voted in favor of going forward with the amendment.

Next the Committee reviewed the map showing the proposed boundary change that includes the Pumpkin Creek in Banner County, and Lodgepole Creek and the South Platte River. Bobbie Kriz-Wickham made a motion, seconded by Tina Kurtz to accept the map. All members present voted in favor of accepting the map. (Lavaine Moore had left immediately prior to this vote and so there was no quorum and this action is nullified.)

The new proposed Water Use Contract was next reviewed. Susan explained that she had received comments from Dennis Straugh and showed the Committee Dennis's proposed changes. A discussion was then held regarding the information describing when a ground water use is subject to the contract based upon the remaining allocation of the well or wells. Slight changes were suggested to the wording that describes the requirement. It was also requested that the Department substitute the word "appropriation" for the word "right" as related to surface water. With those corrections Marsha Trompke moved that the Committee adopt the new contract. Randy Zach seconded the motion and all present voted in favor of adoption.

The draft "Amendment to the Water Use Contract" was then reviewed and edits were made. With those edits, Tina Kurtz moved, seconded by Mike Thompson, that the Committee accept the Amendment. Bobbie Kriz-Wickham and Michael Kucera abstained and Mike Delka voted no. All others present voted in favor of accepting with the changes made.

In introducing the "Intergovernmental Agreement" Susan France told the Committee that the natural resources districts had not been aware of this document until two weeks prior to the meeting when the agenda information was distributed. As there was only one natural resources district present at the meeting, Keith Koupal made a motion that was seconded by Pat O'Brien, that the Department and the natural resources districts and other interested persons form a subcommittee to review the form. Marsha Trompke and Randy

Zach both stated they would like to be on the subcommittee. Susan France volunteered to contact the natural resources districts and chair the committee and bring the information back to the Committee.

Susan France informed the Committee that she had contacted the Governor's Policy Research office regarding notices of transfers as she was asked to do by the Committee at the July meeting. Susan was informed that the Governor would be happy to review any legislation passed by the legislature but that such proposal should come from the public to their legislative representative.

At the end of the meeting Bobbie Kriz-Wickham asked to explain her voting. She was one of the persons who went out across the CREP area to explain the program at the beginning. Bobbie stated that many people were concerned that it would be a permanent reduction in irrigated acres that would result in less taxes for the local area. Bobbie said that at these meetings they were told that the CREP program is not a permanent program, but that it would only be for 10 to 15 years and that because they would be getting current rental rates, the taxes would remain the same during that time period. She felt that now leveraging the CREP program goes against what the public was originally told. A discussion was then held regarding when we should use our money for public information purposes and that part of that money could be used to inform the public why we have allowed the changes in the water use contracts to allow for permanent retirement at the end of the CREP program. Bobbie understood why permanent buyouts were needed but was uncomfortable with changing the program after we told people it wouldn't be used to permanently retire acres.

Bob Bettger closed the meeting.