

**MINUTES**  
**Middle Republican Natural Resources District**  
**Board of Directors Meeting**  
**Tuesday, December 9, 2008**  
**Curtis, Nebraska**

**Board Members Present:** Kevin Fornoff, Josh Friesen, Stan Moore, Dan Nelsen, Marty Schurr, Joe Anderjaska, Brad Randel, Benjie Loomis, Jerry Mustion, Gayle Haag, Rick Spencer

**Board Members Absent:** None

**NRD Staff:** Dan Smith, Bob Merrigan, Roger Lawson and Stacie Owens

**NRCS Staff:** Doug Whisenhunt

**Others:** James Uerling, William Barger, Mark Christianson, Traci Witthuhn, Roger Stockton, Buck Haag, Brad Johnson, Shawn Riley, Ron Thompson, Kathryn Barger, Cassie Spencer, Cindy Moore

**Information Mailed to Directors**

Agenda	Minutes from Nov. 11 Regular Meeting
Minutes from Nov. 11 Public Hearing	Agenda for Public Hearing
Request for Variances 526	Permanent Transfer Request 21
Press Release dated Nov. 30	November Financial Report
Monthly Income & Expense Report	Human Rights Information
NRC Nov. Report	NARD Legislative Conference Agenda
E-Notes for Nov. 18, 25 & Dec. 2	I & E Report
JEO Consulting Memo Dated Dec. 1	Website Activity Charts
Temporary Transfer T19-T21	Transfer Rules & Regulations Draft
Ground Water Level Change Maps	Articles dated Nov. 20th (2) and 25th

**Information Distributed at Meeting:**

Permit to Construct	Surface Water Report
Proposed Depletion Methodology	Cost Share Report
January Reorganization	RRBC December Report
RC&D Annual Report	

**REGULAR MEETING**

The regular monthly board meeting was called to order by Chairman Friesen at 1:43 p.m. The agenda and roster were circulated to those present.

**Added Items:** 14.D. Board Reorganization Procedures.

Notice of the regular monthly meeting was published in the **North Platte Telegraph** and the **McCook Daily Gazette** and was posted at the **MRNRD Office** and on the **District Website** at [www.mrnrd.org](http://www.mrnrd.org). As a courtesy it was also provided to local radio stations. Guests should also note the location of a current copy of the statutes dealing with public meetings and the booklet with the information provided to directors.

The Minutes for the November 11, 2008 Regular Meeting and Variance Hearing were mailed to Directors.

- ◆ A motion was made by Anderjaska and seconded by Schurr to approve the Minutes of the November 11, 2008 Regular Meeting and Variance Hearing as corrected.  
Ayes- 11      Nays-0      Motion Carried

### **Item H.1. RC&D**

RC&D Report. Roger Stockton provided a PowerPoint of the Riparian Project results and explained what the actual targets were. He also announced he will be attending the Water Conference in Hayes, Kansas and handed out the RC&D's annual report.

The meeting was recessed at 2:17 p.m. for the purpose of opening the variance hearing. The meeting was reconvened at 2:27 p.m.

### **CONSIDER VARIANCE REQUEST AND TRANSFER REQUEST**

Discussion was held. Concerns were raised that these acres were comingled not just ground water acres.

- ◆ A motion was made by Loomis and seconded by Schurr to approve MR 526 and PT-21 with the stipulation that there would be no allocation on the 6.6 acres until Donald and Char Myers surrender their surface water rights.  
Ayes- 7      Nays- Haag, Moore, Spencer, Anderjaska      Motion Carried

### **LEGAL MATTERS**

- a. Case Status – LB 701 – Nebraska Supreme Court  
Smith went over the events that took place at the Supreme Court Hearing he attended. Possible decision by middle of January.
- b. Occupation Tax Challenge – Lancaster District Court.  
Smith reported that this case has been stayed pending decision on the LB 701 case at the Supreme Court level.

### **FINANCIAL ACTIONS**

a. The financial report and Monthly Income & Expense Report for November were presented by Smith. The County Treasurer's Balance was \$79,567.98.

- ◆ A motion was made by Anderjaska and seconded by Loomis to approve the November financial report as presented.  
Ayes- 11      Nays- 0      Motion Carried

A copy of this report is on file with the Minutes.

### **OPEN FORUM**

William Barger had questions relating to redistricting for voting purposes.

## **REPORTS**

### **A. NRCS REPORT.**

1. District Cons. Report. Whisenhunt provided a report on the overhead screen which he went over and answered questions.

### **B. NARD**

1. Report – Anderjaska reported that the mileage will go down to .55 per mile on January 1, 2009 from the current IRS standard of .585. He also passed around testimony from Dean Edson with regard to director qualifications. Tree Sales have been on a decline and a graph showing this trend was also passed around. He also announced the agent of record for the retirement fund has moved to UBS from Morgan Stanley. Funds stay with Nationwide. There should be no impact.

2. Legislative Conference Jan. 26 – 28. Smith reported that the tentative agenda was included in the Board packets and that anyone interested in attending should tell Stacie as soon as possible.

### **C. NACD**

1. E-notes dated November 18, 25 and December 2, 2008 were mailed to the Directors.

### **D. NNRC**

1. January Basin Meeting, January 9, 2008. Burkholder will decline nomination.

Smith is waiting on the exact time of the meeting but it will be held at the fairgrounds in McCook. If one of the MRNRD Board members would be interest in running for this position, they should mention it so the MRNRD Board can stand behind them.

### **E. INFORMATION AND EDUCATION**

#### **1. Reports.**

Lawson went over his report and answered questions.

#### **2. Hayes County Multi-Jurisdictional Hazard Mitigation Plan.**

Lawson went over the handouts of the description of this plan.

#### **3. Red Willow Quad County Multi-Jurisdictional Hazard Mitigation Plan.**

Lawson went over the description which includes the counties of Red Willow, Franklin, Furnas and Harlan.

- ◆ A motion was made by Anderjaska and seconded by Spencer to participate in the Red Willow Quad County Multi-Jurisdictional Hazard Mitigation Plan.

Ayes- 11      Nays-0      Motion Carried

### **F. REPUBLICAN RIVER BASIN COALITION**

Traci Witthuhn handed out her reported and answered questions.

## **G. NE REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOCIATION**

1. January 9, 2009, McCook following NNRC basin meeting.
2. Consider Bylaw Changes.

- ◆ A motion was made by Fornoff and seconded by Anderjaska to direct the MRNRD representative to endorse the Bylaw changes at the next meeting.

Ayes- 11      Nays-0      Motion Carried

## **H. OTHER AGENCIES OR ASSOCIATIONS**

1. RC&D

Moved to beginning of the meeting to allow Roger Stockton to leave the meeting.

## **I. LEGISLATION**

Smith advised that Senator Christianson will be taking some issue forward and Edson put together some language change requests.

## **J. ARBITRATION – RECORDS PROVIDED.**

Smith reported that we hired Kris and Lacy Bryant to come in and copy the requested documents for arbitration. He took the two boxes of documents to Lincoln.

## **GROUND WATER MANAGEMENT AREA**

### **A. GROUND WATER MANAGEMENT AREA**

#### **1. REPORTS**

(a) **WELL PERMITS**

Smith briefly went over his reported provided.

(b) **SURFACE WATER**

Bureau's report enclosed.

(c) **METER PROGRAM**

Smith reported that we were hoping to be completed by January. Database is currently being reconstructed for changes that are required to close out this year.

#### **2. TRANSFERS REQUESTS.**

Merrigan went over the Temporary Transfer Requests T-19 through T-21.

- ◆ A motion was made by Schurr and seconded by Loomis to approve transfer requests T-19, 20 and 21.

Ayes- 5      Nays-Moore, Nelsen, Randel, Spencer, Anderjaska, Haag  
Motion Failed

Discussion was held.

- ◆ A motion was made by Anderjaska and seconded by Randel to reconsider motion to approve T-19, 20 and 21.

Ayes- 7      Nays-Nelsen, Spencer, Anderjaska, Haag      Motion Carried

Further discussion on original motion was held.

- ◆ A motion was made by Schurr and seconded by Loomis to approve transfer requests T-19, 20 and 21.  
Ayes- 7      Nays-Nelsen, Spencer, Anderjaska, Haag      Motion Carried

**3. TRANSFERS – DRAFT – CONSIDER FOR HEARING.**

Smith went over the suggested changes. Further discussion was held and possible scheduling of another Ground Water Committee Meeting.

**4. CERTIFICATION CHANGES – DRAFT – CONSIDER FOR HEARING.**

Smith went over the suggested changes. Further discussion will be held and possible scheduling of another Ground Water Committee Meeting.

Rick Spencer left meeting at 5:04 p.m.

**5. ACREAGE REDUCTION PROGRAM**

Smith reported that so far there has been very limited interest in the program which was published in the newsletter.

**6. DNR CONSULTATION ON FORECAST (46-715 (5)) REPORT.**

Smith went over the handout and the proposed uses of the report.

**7. CANCELLATION OF INDUSTRIAL ALLOCATIONS FOR WALLACE, PERRY AND CURTIS ETHANOL PLANTS.**

Smith recommended recognizing for the record that the granted allocation for Wallace, Perry and Curtis ethanol plants were never used and should be rescinded.

- ◆ A motion was made by Anderjaska and seconded by Randall to rescind the allocation for the Wallace, Perry and Curtis Ethanol Plants due to lack of use.  
Ayes- 10      Nays- 0      Motion Carried

**B. GROUND WATER QUALITY MANAGEMENT AREA**

1. Water Quality Samples.  
None.

**C. OTHER GROUND WATER ACTIVITY**

None.

**PROGRAMS**

**A. CONSERVATION MANAGEMENT FUNDS**

Smith went over Cost-Share Report.

- ◆ A motion was made by Anderjaska and seconded by Haag to approve Cost Share Report.  
Ayes –10      Nays –0      Motion Carried

**B. WATERSHEDS**

None.

**C. COMPLAINTS**

1. Beverly Nutter's runoff complaint. Merrigan reported that there is nothing new on this yet. Waiting for the corn to be picked.

**D. CHEMIGATION**

None.

**E. TREE PLANTING**

None.

**F. BUFFER STRIPS**

None.

**G. LIVESTOCK WASTE CONTROL APPLICATIONS**

None.

**GENERAL OPERATIONS**

**A. PERSONNEL.**

None.

**B. SALES AND RENTAL EQUIPMENT.**

None.

**C. VEHICLE QUOTES – REPLACEMENT OF DODGE VAN.**

Discussion was held.

- ◆ A motion was made by Nelsen and seconded by Fornoff to pursue the purchase of the 4 X 4 Ford Explorer.

Ayes-9            Nays- Haag            Motion Carried

**D. BOARD REORGANIZATION PROCEDURES.**

Bylaws and statute references for January Board reorganization were discussed.

The meeting was adjourned at 6:10 PM.

The next regular meeting will be held Tuesday, January 13, 2008 at 1:30 P.M. in Curtis, Nebraska at the Community Center at 201 Garlick Avenue.

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Stacie M. Owens  
Board Secretary