

**MINUTES**  
**Middle Republican Natural Resources District**  
**Board of Directors Meeting**  
**Tuesday, February 10, 2009**  
**Curtis, Nebraska**

**Board Members Present: Kevin Fornoff, Josh Friesen, Dan Nelsen, Marty Schurr, Joe Anderjaska, Brad Randel, James Uerling, Rick McConville, Buck Haag, Rick Spencer**

**Board Members Absent:** Benjie Loomis

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

**NRCS Staff:** Marty Gugelman

**Others:** Brad Edgerton, Raymond Durner, Traci Witthuhn, Dave Ruppert, Dylan Ruppert, William M. Barger, Lorri Sughroue, Dick Neel, Stephen Gasteyer, Miriam Cope, David Holt, Claude Cappel

**Information E-mail to Directors**

Supreme Court Decision Garey vs NDNR

**Information Mailed to Directors**

Agenda

Jan. 13<sup>th</sup> Regular Meeting Minutes

Public Hearing Agenda

Request for Variance # 529

January 2009 Financial Report

NARD Memo Dated Jan. 30, 2008

I & E Report

23<sup>rd</sup> Annual SW NE Water Conf. Invite

Letter from Don Felker dated Feb. 10

Jan. 13 R & R Hearing Minutes

Jan. 13<sup>th</sup> Variance Hearing Minutes

Application for Well Permit MR 529

Request for Perm. Transfer PT1 & PT2-2009

Monthly Income & Expense Report

E-Notes for Jan. 21 and 27, 2008

2008 Master Conservationist Award Pamphlet

Request for Temp. Transfer T2-2009

**Information Distributed at Meeting:**

NARD Memo dated Feb. 6<sup>th</sup>

Surface Water Report

Rules & Regulations Revisions

RRBC Report dated Feb. 2009

RRBC letter to FCID dated Feb. 6<sup>th</sup>

Water Usage Report dated Feb. 10<sup>th</sup>

Cost-Share Report

**REGULAR MEETING**

**1. The regular monthly board meeting was called to order by Chairman Friesen at 7:33 pm.**

- a. Verify Quorum.
- b. Excused Absences – Loomis.

◆ A motion was made by Fornoff and seconded by Spencer to excuse the absence of Benjie Loomis.

Ayes- 10      Nays- 0      Motion Carried

2. The agenda and roster were circulated to those present.

- a. **Added Items: 11.a.2. Consider Sponsorship for AWEP**

3. 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.

4. The Minutes for the January 13<sup>th</sup> Public Hearing, Regular Meeting and Variance Hearing were mailed to Directors.

- ◆ A motion was made by Anderjaska and seconded by Fornoff to approve the Minutes of the January 13<sup>th</sup> Public Hearing, Regular Meeting and Variance Hearing.

Ayes- 10      Nays- 0      Motion Carried

5. The meeting was recessed at 7:36 pm for the purpose of opening the variance hearing.

6. The meeting was reconvened at 7:48 pm.

## **7. CONSIDER VARIANCE REQUEST AND TRANSFER REQUEST**

Discussion was held.

- ◆ A motion was made by Fornoff and seconded by Nelsen to approve MR529, PT 1 and 2- 2009.

Ayes- 9      Nays- Uerling      Motion Carried

## **8. FINANCIAL ACTIONS**

a. The January Financial and Monthly Income & Expense Reports were presented by Smith. The County Treasurer's Balance was \$195,602.29.

- ◆ A motion was made by Anderjaska and seconded by Haag to approve the January Financial and Monthly Income & Expense Reports as presented.

Ayes-10      Nays- 0      Motion Carried

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

## **9. LEGAL MATTERS**

a. Case Status – LB 701 – Nebraska Supreme Court  
Smith went over the decision by the Supreme Court which was also e-mailed to all Directors.

- b. Occupation Tax Challenge – Lancaster District Court.  
Smith reported that nothing further has been decided at this time.

## **10. OPEN FORUM**

Stephen Gasteyer, Michigan State University. Gasteyer introduced himself and his colleagues, Miriam Cope of the University of Illinois and David Holt of Michigan State University, explaining that his team would be visiting with Directors and Staff of the NRD's in our basin and around the State to learn more about the water issues we face.

William Barger, Culbertson. Requested a copy of the Depletion Map. Requested the Board wait until the Kansas/Nebraska situation is resolved before implementing the new rules on transfers.

## **11. REPORTS**

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

1. District Cons. Report. Gugelman went over his report and answered questions.

Smith requested Friesen to move 13.B. Watersheds up on the agenda so Gugelman could also report. Gugelman reported that an Environmental Assessment will be done on 80A and 32A as well as a Cultural Resource Assessment around March or April. Smith stated that there is 1 million dollars available to repair 80A and may be more available through the stimulus package to fix 32A.

2. AWEP Sponsorship. NRCS needs a local sponsor for their AWEP. Smith suggested the Board consider being the local sponsor which would allow NRCS to run the program but with the Board's input on programs to pursue.

- ◆ A motion was made by Anderjaska and seconded by Spencer to act as a local sponsor for AWEP with emphasis on incentive programs.

Ayes- 10      Nays- 0      Motion Carried.

### **B. NARD**

1. Report – Anderjaska reported that Legislative Conference had a very good turnout and suggested to the other Board members to send an e-mail to any Senator they met thanking them. He also suggested putting the Senators on the Sprinkles and Splashes mailing list. Risk pool is putting together a wellness program and is encouraging the NRD's to participate in any way they can. Basin Tour is scheduled for June 22<sup>nd</sup>. Location has not been decided on and Anderjaska suggested doing one out of McCook.

### **C. NACD**

1. E-notes dated January 21 and 27, 2008 were mailed to the Directors.

### **D. NNRC**

1. Report – Nelsen provided a report on the activities discussed at the NNRC meeting.

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

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

Lawson went over his report and answered questions.

#### **2. Water Conference.**

Lawson provided the Board with personal invitations to the conference. Friesen asked for a volunteer to be Master of Ceremonies and requested anyone interested call either himself or Lawson.

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

Traci Witthuhn handed out her report and answered questions.

1. FCID Request for Interest. Witthuhn provided the letters exchanged between the RRBC and the FCID.

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

None.

**H. OTHER AGENCIES OR ASSOCIATIONS.**

1. RC&D. None.

**I. LEGISLATION – UPDATES.**

Smith provided handouts from NARD.

1. LB 651. Uerling had some questions regarding this bill and Smith addressed those questions.

**J. ARBITRATION – REPORT.**

Smith reported that answers to questions were still being put together.

**12. GROUND WATER MANAGEMENT AREA**

**A. GROUND WATER MANAGEMENT AREA**

**1. REPORTS**

**(a) WELL PERMITS**

None.

**(b) SURFACE WATER**

Bureau's report enclosed.

**(c) METER PROGRAM**

Water reports are going out.

**2. TRANSFERS REQUESTS.**

Smith went over the Temporary Transfer Requests.

- ◆ A motion was made by Fornoff and seconded by Schurr to approve transfer request T2-2009 from Darren Huxoll to Bruce Kramer.

Ayes- 6      Nays- McConville, Spencer, Uerling, Haag      Motion Carried.

**3. ACREAGE REDUCTION PROGRAM.**

Guidelines are being mailed out with the water reports.

**4. TRANSFER RULES.**

Smith went over the language changes that were made based on the attorney's review.

- ◆ A motion was made by Fornoff and seconded by Anderjaska to accept the non-substantial changes to the Rules and Regulations adopted at the January 13, 2009 Meeting.

Ayes- 8      Nays- Uerling, Haag      Motion Carried.

**5. FRENCHMAN VALLEY ID SUPPLEMENTAL ACRES AGREEMENT.**

Smith suggested changes to the language of the agreement and provided a letter he sent to Don Felker regarding a request that they report to us the surface water acre inches delivered to their customers. Discussion was held and it was decided to table the language agreement issue and handle it next month through a Variance Hearing.

**B. GROUND WATER QUALITY MANAGEMENT AREA**

None.

**C. OTHER GROUND WATER ACTIVITY**

None.

**13. PROGRAMS**

**A. CONSERVATION MANAGEMENT FUNDS**

Smith went over Cost-Share Report.

- ◆ A motion was made by Nelsen and seconded by Uerling to approve the Cost Share Report.

Ayes – 10      Nays – 0      Motion Carried

**B. WATERSHEDS**

- 1. 80A Repairs.  
Discussed under 11.A.

**C. COMPLAINTS**

1. Beverly Nutter’s runoff complaint. Smith reported that a review of the damages has been done. A schedule of compliance will need to be completed. Woods’ have been served with a Notice of Non-Compliance.

**D. CHEMIGATION**

Smith reported that notices of renewal have been sent out.

**E. TREE PLANTING**

Smith reported that sales have been reasonably well.

**F. BUFFER STRIPS**

None.

**G. LIVESTOCK WASTE CONTROL APPLICATIONS**

None.

**14. GENERAL OPERATIONS**

**A. PERSONNEL.**

None.

**B. SALES AND RENTAL EQUIPMENT.**

None.

The meeting was adjourned at 10:26 pm.

The next regular meeting will be held Tuesday, March 10, 2009 at 7:30 pm in Curtis, Nebraska at the Community Center at 201 Garlick Avenue.

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Stacie M. Owens  
Board Secretary