

**MINUTES**  
**Middle Republican Natural Resources District**  
**Board of Directors Meeting**  
**Tuesday, May 12, 2009**  
**Curtis, Nebraska**

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

**Board Members Absent:** Rick Spencer

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

**NRCS Staff:** None

**Others:** Brad Edgerton, Traci Witthuhn, Roger Stockton, Roger Kolbet, Cermit Brown, William M. Barger, Bart Nichols

**Information E-mailed to Directors**

Kearney Hub Article dated 4/14/2009

NRCS News Release dated 4/17/09

Legislative Update dated 4/24/09

NRC Agenda for 5/14/09

Legislative Update dated 4/17/09

Field Review of 32A & 80A

Legislative Update dated 5/1/09

E-Notes dated 5/5/09

**Information Mailed to Directors**

Agenda

Apr. 14 Variance Hearing Minutes

Variance Request 05-2009

Monthly Income & Expense Report

Thank you from Mortensen

Temp Transfers T20 & 21-2009

USGS Fact Sheet dated Feb. 2009

Apr. 14 Regular Meeting Minutes

Public Hearing Agenda

Financial Report - April

Civil Rights Resources, March 2009

Perm. Transfers PT4 & PT 5-2009

R&R May 2009 draft and Chart

**Information Distributed at Meeting:**

LB 701 Property Tax Repayment

NRCS Report, May 2009

I & E Report

MRNRD Summer Camp Application

RRBC Report, May 2009

Surface Water Report

Variance Hearing for Riverside Irrigation Co.

IC-3 Supporting Schedule

NRCS Goals & Progress

09 NE State Envirothon Agenda

Legislative Update dated 5/8/09

RRRRPC Pamphlet

Cost Share Report

**REGULAR MEETING**

**1. The regular monthly board meeting was called to order by Chairman Friesen at 7:34 pm.**

- a. Verify Quorum.
- b. Excused Absences – None.

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

- a. **Added Items: 9.c. Frontier County Court subpoena**  
**14.d. Central Air Unit Replacement**

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 April 14<sup>th</sup> 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 April 14<sup>th</sup> Regular Meeting and Variance Hearing.  
Ayes- 7      Nays- 0      Abstain-Friesen      Motion Carried

5. The meeting was recessed at 7:37 pm for the purpose of opening the variance hearing.

Nelsen arrived at 7:38 pm.

Loomis arrived at 7:43 pm.

6. The meeting was reconvened at 7:46 pm.

## **7. CONSIDER VARIANCE REQUEST**

Discussion was held.

- ◆ A motion was made by Fornoff and seconded by Anderjaska to approve Variance Request submitted by Riverside Irrigation Company.  
Ayes- 8      Nays- Haag, Uerling      Motion Carried

Discussion was held.

- ◆ A motion was made by Haag and seconded by Anderjaska to deny Variance Request submitted by Delbert Maris.  
Ayes- 8      Nays- Haag, Uerling      Motion Carried

## **8. FINANCIAL ACTIONS**

a. The April Financial and Monthly Income & Expense Reports were presented by Smith. The County Treasurer's Balance was \$59,214.70.

- ◆ A motion was made by Anderjaska and seconded by Nelsen to approve the April 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 – Repayment Questions.  
Smith went over two handouts and provided some background on different options that were being discussed although nothing has been finalized.

- ◆ A motion was made by Anderjaska and seconded by Fornoff to state that the Boards preference would be refund LB701 property tax collected per parcel through a credit process.

Ayes- 10      Nays- 0      Motion Carried

- b. Occupation Tax Challenge – Lancaster District Court.  
Nothing further to report at this time.

- c. Frontier County Court Subpoena.

Smith received a subpoena to testify as a witness on behalf of the Middle Republican NRD on ground water issues relating to a family dispute which will take place May 19<sup>th</sup>.

## **10. OPEN FORUM**

None.

## **11. REPORTS**

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

1. District Cons. Report. Smith briefly went over Doug Whisenhunt's written report provided to the Board, FY 2009 Goals and Progress and the Civil Rights handout.

### **B. NARD**

1. Report – Anderjaska reported that not a lot is happening right now. Basin Tour will be June 22<sup>nd</sup> and 23<sup>rd</sup> at Central Platte NRD.

### **C. NNRC**

1. Report – Nelsen gave his report from the last meeting and will be going to Lincoln tomorrow for more meetings.

### **D. INFORMATION AND EDUCATION**

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

Lawson went over his report and answered questions.

#### **2. Camp Scholarships.**

Lawson provided the scholarship applicant.

- ◆ A motion was made by Anderjaska and seconded by Uerling to award a summer camp scholarship to Calen Weidner in the amount of \$275.00.

Ayes- 10      Nays- 0      Motion Carried

### **E. REPUBLICAN RIVER BASIN COALITION**

Traci Witthuhn handed out her report and answered questions. She also provided a brochure for the Republican River Riparian & Restoration Partners Conference to be held May 27<sup>th</sup>.

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

Witthuhn reported that the next meeting will be in July but no official date has been set.

### **G. OTHER AGENCIES OR ASSOCIATIONS.**

1. RC&D. Roger Stockton gave a report on the current activities and complimented Witthuhn on her assistance in some of their projects.

2. UN-L Water Law Conference Report.  
Smith reported on the outcome of the conference.

#### **H. LEGISLATION.**

1. Smith went over the status of some of the bills.

#### **I. ARBITRATION – REPORT.**

Smith has a copy of the responses to the trial in Denver if anyone is interested in reading them.

#### **J. ELECTRONIC DISTRIBUTION OF MATERIAL – COMMENTS.**

Legislative updates  
E-notes

Board reported that they were satisfied with the electronic distribution of the above documents.

### **12. GROUND WATER MANAGEMENT AREA**

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

##### **1. REPORTS**

- (a) **WELL PERMITS**  
Report enclosed.
- (b) **SURFACE WATER**  
Bureau's report enclosed.
- (c) **METER PROGRAM**  
None.

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

- (a) **INITIAL REVIEW LIST – OPPLIGER/RUPPERT,  
BURKE/HOUSER**
- (b) **FINAL REVIEW – WRIGHT/GOLTL**

Merrigan went over the Temporary Transfer Request T20 & 21-2009.

- ◆ A motion was made by Fornoff and seconded by Loomis to approve Temporary Transfer Request T20 & 21-2009 from Brian Wright to Roger Goltl.

Ayes- 7      Nays- Uerling, Haag, McConville      Motion Carried.

##### **3. ACREAGE REDUCTION PROGRAM.**

Smith reported that the letters were mailed out to those who were chosen and no objections have been received. He is currently working with Jon Schroeder on the legal documents.

#### **B. GROUND WATER QUALITY MANAGEMENT AREA**

1. Smith introduced a rough draft of a chart that further breaks down the area around

Red Willow relating to depletions.

2. Smith introduced a rough draft of possible changes to the Rules and Regulations.

3. Smith included in the Board Packets a USGS report relating to changes in water levels and storage.

### **C. OTHER GROUND WATER ACTIVITY**

None.

## **13. PROGRAMS**

### **A. CONSERVATION MANAGEMENT FUNDS**

1. Approve Applications. Smith went over Cost-Share Report.

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

Ayes – 10      Nays – 0      Motion Carried

### **B. WATERSHEDS**

1. Inspections & Maintenance.

Smith reported that the inspections have been completed on 32A, 80A and the McCook structure.

### **C. COMPLAINTS**

None.

### **D. CHEMIGATION**

Smith reported that the renewal process is in progress.

### **E. TREE PLANTING**

Smith reported that the tree planting should be complete by tomorrow should the weather cooperate.

### **F. BUFFER STRIPS**

None.

### **G. LIVESTOCK WASTE CONTROL APPLICATIONS**

None.

## **14. GENERAL OPERATIONS**

### **A. PERSONNEL.**

None.

### **B. SALES AND RENTAL EQUIPMENT – Skid Steer Lease Consideration.**

Merrigan provided some quotes on leasing a skid steer for 1 year. NMC seemed like the best deal at \$3,750/year with a maximum 250 hours (additional charges for any hours over the 250).

- ◆ A motion was made by Nelsen and seconded by Fornoff to approve lease a skid steer for 1 year from NMC.

Ayes – 10      Nays – 0      Motion Carried

**C. VEHICLE.**

Smith reported that the new vehicle is supposed to arrive May 24<sup>th</sup>.

**D. CENTRAL AIR UNIT REPLACEMENT.**

Smith reported that the central air unit in the South side of the office has quit and he is in the process of getting competitive quotes.

- ◆ A motion was made by Anderjaska and seconded by Loomis to take competitive quotes and contact the executive committee on which quote to accept.

Ayes – 10      Nays – 0      Motion Carried

The meeting was adjourned at 10:33 pm.

The next regular meeting will be held Tuesday, June 9, 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