

MINUTES
Middle Republican Natural Resources District
Board of Directors Meeting
Tuesday, March 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, Benjie Loomis

Board Members Absent: None.

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

NRCS Staff: Doug Whisenhunt

Others: Lorri Sughroue, Traci Witthuhn, Brad Johnson, William M. Barger, Scott Moore, Stan Moore, Don Felker, Brad Edgerton

Information Mailed to Directors

Agenda	Feb. 10 Regular Meeting Minutes
Feb. 10 th Variance Hearing Minutes	Public Hearing Agenda
Request for Variance # 02-2009	February 2009 Financial Report
Monthly Income & Expense Report	EEOC handout dated Feb. 18 th
E-Notes for Feb. 17 and 24, 2009	I & E Report
2009 NE Envirothon Scoresheet	Petition to Reevaluate the RRB
NARD Memos dated Feb. 13, 27 & Mar 6	Arbitration Schedule
Kearney Hub article dated Mar. 6	

Information Distributed at Meeting:

Kearney Hub article dated Mar. 6	Surface Water Report
Permanent Transfer P3-2009	Temporary Transfers T3-T15
Cost-Share Report	NRCS Goals and Progress
RRBC Report for March 2009	Norris Institute Map
Master Conservationist Award Applications & Guidelines	

REGULAR MEETING

1. The regular monthly board meeting was called to order by Chairman Friesen at 7:30 pm.

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

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

- a. **Added Items:** **11.i.3. LB 681**
 14.a. Operations and Personnel Committee

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**. 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 February 10th 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 February 10th Regular Meeting and Variance Hearing.
Ayes- 11 Nays- 0 Motion Carried

5. The meeting was recessed at 7:32 pm for the purpose of opening the variance hearing.

6. The meeting was reconvened at 7:41 pm.

7. CONSIDER VARIANCE REQUEST

Discussion was held.

- ◆ A motion was made by Fornoff and seconded by Spencer to approve Variance Request 02-2009.
Ayes- 9 Nays- Haag, Uerling Motion Carried

Moved Item 12.A.5. up to this location.

12. GROUND WATER MANAGEMENT

a. GROUND WATER MANAGEMENT AREA

5. WATER LEASES FRENCHMAN VALLEY AND RIVERSIDE.

Smith went over past issues and how they were handled with regard to Surface Water purchases. Smith has had preliminary discussions with Roger Koblet of Riverside Irrigation Company and Don Felker of Frenchman Valley Irrigation District with regard to possible purchase of surface water. Smith requested direction from the Board as to whether or not to continue discussions with both Frenchman Valley and Riverside.

- ◆ A motion was made by Anderjaska and seconded by Schurr to direct Smith to continue talks and negotiations with both Frenchman Valley Irrigation District and Riverside Irrigation Company.
Ayes- 9 Nays- Haag, Uerling Motion Carried

8. FINANCIAL ACTIONS

a. The February Financial and Monthly Income & Expense Reports were presented by Smith. The County Treasurer's Balance was \$96,169.87.

- ◆ A motion was made by Anderjaska and seconded by Uerling to approve the February Financial and Monthly Income & Expense Reports as presented.
Ayes- 11 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 reported that a Motion to Reconsider has been filed.
- b. Occupation Tax Challenge – Lancaster District Court.
Nothing new to report.

10. OPEN FORUM

William Barger – Expressed concerns regarding the accuracy of the Jenkins Method and reported that the Upper Republican NRD has decided not to use it.

Scott Moore – Suggested the Board consider a 5-year contract with the Irrigation District instead of a 1-year.

11. REPORTS

A. NRCS REPORT.

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

2. AWEF Application. Proposal has been sent in to Washington DC.

B. NARD

1. Report – Anderjaska provided a report of NARD activities. June meeting and Basin Tour will take place at Central Platte NRD for anyone interested. Fall Conference dates have been set for Sept. 27-29 in Kearney.

C. NACD

1. E-notes dated February 17th and 24th, 2009 were mailed to the Directors.

D. NNRC

1. Report – Nelsen will be attending meeting in Lincoln tomorrow, March 11th.

E. INFORMATION AND EDUCATION

1. Reports.

Lawson went over his report and answered questions.

2. Water Conference.

Lawson reported that the conference went well but was not well attended which may have been due to the nice weather.

3. Master Conservationist Nominee.

Lawson provided the two applications submitted last year that were not chosen. He did not receive any applications this year.

- ◆ A motion was made by Loomis and seconded by Uerling to send in the Dennis and Marla Reiners application for the Master Conservationist Award.

Ayes- 11 Nays- 0 Motion Carried.

F. REPUBLICAN RIVER BASIN COALITION

Traci Witthuhn handed out her report and answered questions.

G. NE REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOCIATION.

Next meeting will be April 3rd in Imperial.

H. OTHER AGENCIES OR ASSOCIATIONS.

1. RC&D. Roger Stockton went over the Norris Institute project that he is helping with and a map and discussed details of the building of Norris Institute Prairie

Arboretum.

- ◆ A motion was made by Fornoff and seconded by Nelsen to approve up to \$3,000 for the Norris Institute Prairie Arboretum project.
Ayes- 10 Nays- Anderjaska Motion Carried.

I. LEGISLATION.

1. Updates.

Smith discussed the Petition to Reevaluate the Republican River Basin filed with DNR. Full document was sent to Directors.

2. LB 651.

Smith testified in support of LB 651 last week in Lincoln on behalf of the MRNRD Board. Haag and Uerling supported in opposition of the bill from a personal standpoint.

3. LB 681.

Smith went over the bill which was introduced last week and requested direction from the Board. Testimony will take place Wednesday, March 11 in Lincoln.

- ◆ A motion was made by Anderjaska and seconded by Schurr to testify on a neutral capacity on LB 681.
Ayes- 10 Nays- Uerling Motion Carried.

J. ARBITRATION – REPORT.

Smith went over the arbitration schedule which will be held in Denver, Colorado beginning March 9th and ending March 19th. Three days will be given to all three issues relating to Damages, Future Compliance and Accounting Changes by Nebraska.

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

None.

2. TRANSFERS REQUESTS.

Merrigan went over the Temporary and Permanent Transfer Requests.

- ◆ A motion was made by Schurr and seconded by Fornoff to approve P3-2009 from Olson to Seward with no allocation until it is serviceable by a well.
Ayes- 8 Nays- Uerling, Haag, McConville Motion Carried.

- ◆ A motion was made by Fornoff and seconded by Schurr to approve T7-2009 from McClatchey to Goltl.
Ayes- 8 Nays-Uerling, Haag, McConville Motion Carried.
- ◆ A motion was made by Fornoff and seconded by Loomis to approve T3 & 4-2009 from Jimmie Howard to Oppliger.
Ayes- 7 Nays- Uerling, Haag, McConville, Spencer Motion Carried.
- ◆ A motion was made by Schurr and seconded by Loomis to approve T5 & 6-2009 from James Howard to Oppliger.
Ayes- 8 Nays- Haag, McConville, Uerling Motion Carried.
- ◆ A motion was made by Anderjaska and seconded by Nelsen to approve T8-2009 from William R. Barger to Oppliger.
Ayes- 7 Nays- Haag, McConville, Uerling, Spencer Motion Carried.
- ◆ A motion was made by McConville and seconded by Haag to table T9 from Michael Slattery to Oppliger until a map is provided showing certified acres and confirm history of use. It will be reviewed under the old rules at next month's meeting.
Ayes- 9 Nays- Fornoff, Randel Motion Carried.
- ◆ A motion was made by Haag and seconded by Uerling to deny T13 and 14 due to lack of history of use.
Ayes- 11 Nays- 0 Motion Carried.
- ◆ A motion was made by Fornoff and seconded by Loomis to approve T10-12 and 15 from Donald Barger to Oppliger.
Ayes- 8 Nays- Haag, McConville, Uerling Motion Carried.

3. ACREAGE REDUCTION PROGRAM.

Smith reported that we may have some good applications to view at next month's meeting.

4. TRANSFER RULES – MARCH 16, 2009 effective date of Order. Adopt Stream Depletion Factor Map.

- ◆ A motion was made by Nelsen and seconded by Loomis to approve the use of the Middle Republican NRD, 2009, Percentage Depletions To Stream map for transfers.
Ayes- 11 Nays- 0 Motion Carried.

5. WATER LEASES FRENCHMAN VALLEY AND RIVERSIDE.

[MOVED UP FOLLOWING THE CONSIDERATION OF THE VARIANCE REQUEST, ITEM 7.]

B. GROUND WATER QUALITY MANAGEMENT AREA

None.

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 Fornoff and seconded by Anderjaska to approve the Cost Share Report.

Ayes – 11 Nays – 0 Motion Carried

2. Moisture Probe Cost-Share

Smith reported that NSWCP now includes the moisture probes so they will now rollover into the State program.

B. WATERSHEDS

1. 80A Repairs.

Smith reported that the Technicians have been out removing debris with plans of burning the piles, planting new grass seed and mulching very soon.

C. COMPLAINTS

1. Beverly Nutter’s runoff complaint.

Merrigan reported that the property will be under new ownership and he has discussed what will need to be done with this new owner.

D. CHEMIGATION

None.

E. TREE PLANTING

Merrigan reported that sales were down but we were still receiving plans.

F. BUFFER STRIPS

None.

G. LIVESTOCK WASTE CONTROL APPLICATIONS

None.

14. GENERAL OPERATIONS

A. PERSONNEL.

1. Operations and Personnel Committee. Loomis, Haag and Friesen will be the Committee Members with meeting to be held Tuesday, March 31st.

B. SALES AND RENTAL EQUIPMENT.

None.

The meeting was adjourned at 11:36 pm.

The next regular meeting will be held Tuesday, April 14, 2009 at 7:30 pm in Curtis, Nebraska at the Community Center at 201 Garlick Avenue.

Stacie M. Owens
Board Secretary