

MINUTES
Middle Republican Natural Resources District
Board of Directors Meeting
Tuesday, April 14, 2009
Curtis, Nebraska

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

Board Members Absent: Josh Friesen

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

NRCS Staff: None.

Others: Traci Witthuhn, Jason Kepler, Brad Johnson, William M. Barger, Dale Cramer

Information Mailed to Directors

P & O Meeting Agenda & Packet
Mar. 10 Regular Meeting Minutes
Mar. 31 P & O Meeting Minutes
Variance Request 03-2009
Monthly Income & Expense Report
OWH Article by David Hendee
Civil Rights Resources, March 2009
NRC Report dated Mar. 12
2009 Scholarship Applications
Memorandum of Agreement
RC&D Annual Report for FY 2008
Spring Well Readings Reports
Temp Transfers T-9, 20 & 21
FCID ltr to Bruning dated Mar. 19
IMP effective Feb. 8, 2008

Agenda
Mar. 10 Variance Hearing Minutes
Public Hearing Agenda
Financial Report - March
A/R List, March 2009
Associated Press Article dated Mar. 11
E-Notes dated Mar. 31 & Apr. 7
I & E Report
RRBC letter to Dunnigan dated Apr. 2
FCID letter to Witthuhn dated Apr. 9
NARD Updates, Mar. 13, 20, 27 & Apr. 3
Charts on declines & Percent of Develop.
ARP Applicants
R&R effective March 16, 2009

Information Distributed at Meeting:

NRCS Report, Apr. 2009
NARD Update dated Apr. 10
Surface Water Report
Permit to Construct

NRCS Goals & Progress
RRBC Report, April 2009
Cost Share Report

REGULAR MEETING

1. The regular monthly board meeting was called to order by Vice Chairman Fornoff at 7:31 pm.

- a. Verify Quorum.
- b. Excused Absences – Josh Friesen.

◆ A motion was made by Randel and seconded by Loomis to excuse the absence of Josh Friesen.

Ayes- 8

Nays-0

Motion Carried

2. The agenda and roster were circulated to those present.
 - a. **Added Items:** **13.b.3. 370 Crossing Bids**
 14.d. Washington DC Lobbyist
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 March 10th Regular Meeting and Variance Hearing were mailed to Directors.

- ◆ A motion was made by Anderjaska and seconded by Spencer to approve the Minutes of the March 10th Regular Meeting with corrections and Variance Hearing.
 Ayes- 8 Nays- 0 Motion Carried

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

Marty Schurr arrived at 7:40 pm.

6. The meeting was reconvened at 7:44 pm.

7. CONSIDER VARIANCE REQUEST

Discussion was held.

- ◆ A motion was made by Haag and seconded by Uerling to deny Variance Request 03-2009.
 Ayes- 8 Nays- 0 Abstain – Schurr Motion Carried

8. FINANCIAL ACTIONS

- a. The March Financial and Monthly Income & Expense Reports were presented by Smith. The County Treasurer’s Balance was \$65,321.19.

- ◆ A motion was made by Nelsen and seconded by Uerling to approve the March Financial and Monthly Income & Expense Reports as presented.
 Ayes- 9 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
 1. Denial of Appeal.
Smith went over the process that will follow.
 2. District Court Action.
Supreme Court will now kick the appeal back to Lancaster District Court requesting them to reaffirm their decision.

Rick McConville arrived at 7:54 pm.

3. Refund of property Tax – State or Taxpayers.

Smith briefly went over the possibility that DNR will request the bond tax funds. No further information on the process that will take place if the money is to be paid to the taxpayers.

4. Letter to Dunnigan requesting delay.

Smith included a copy of the letter the RRBC sent to Brian Dunnigan at DNR requesting that the State not request repayment of the funds until legal issues are resolved.

b. Occupation Tax Challenge – Lancaster District Court.

Smith reported that a Motion to Dismiss is in front of Judge Otto and a ruling will be expected sometime after June 1st.

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 and the Civil Rights handout.

B. NARD

1. Report – Anderjaska. Nothing new to report at this time.

C. NACD

1. E-notes dated March 31st and April 7th, 2009 were mailed to the Directors.

D. NNRC

1. Report – Nelsen went over activities and projects discussed at the March meeting. Next meeting is May 14th.

E. INFORMATION AND EDUCATION

1. Reports.

Lawson went over his report and answered questions.

2. College Scholarships.

Lawson provided the scholarship applicants and a chart for the ranking system he uses with his recommendations.

◆ A motion was made by Uerling and seconded by Anderjaska to award a scholarship to both Lindsey Ridlen and Dillon Mortensen.

Ayes- 10 Nays-0 Motion Carried

Discussion was held regarding the dollar amount of the current scholarships.

- ◆ A motion was made by Schurr and seconded by Spencer to increase the scholarship from \$200.00 to \$400.00 for this year's winners.
Ayes- 9 Nays- Nelsen Motion Carried

F. REPUBLICAN RIVER BASIN COALITION

Traci Witthuhn handed out her report and answered questions.

G. NE REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOCIATION.

Witthuhn included a copy of the Minutes from the April 3rd Meeting in her report.

H. OTHER AGENCIES OR ASSOCIATIONS.

1. RC&D.

Witthuhn provided a poster advertising the Riparian Invasive Species Tour that will be held at three different locations this month. RC&D will mail each Director a brochure.

Smith pointed out that the RC&D FY2008 Annual Report was included in Board packet.

Smith, on behalf of RC&D, requested advance payment of the Norris Institute project donation approved at the last meeting.

- ◆ A motion was made by Loomis and seconded by Randel to approve the advance payment for the project.
Ayes-4 Nays-Spencer, Uerling, Anderjaska, Haag, McConville, Nelsen
Motion Failed.

I. LEGISLATION.

1. Updates.

Smith went over the updates mailed to Directors and made comments on a couple specific items.

J. ARBITRATION – REPORT.

Smith introduced Jason Kepler from DNR. Kepler gave a brief report on the trial taking place in Denver between Nebraska and Kansas. The recommendation from the Arbitrator will be expected mid-June.

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.

(d) NEW CHARTS ON DECLINES & % DEVELOPMENT

Smith provided two charts to further assist the Board in making decisions regarding transfers and other related items.

2. TRANSFERS REQUESTS.

Merrigan went over the Temporary Transfer Request T9-2009 tabled at the last meeting.

- ◆ A motion was made by Nelsen and seconded by Randel to bring Temporary Transfer Request T9-2009 off the table.

Ayes- 10 Nays- 0 Motion Carried.

Further information was provided and discussion was held.

- ◆ A motion was made by Loomis and seconded by Anderjaska to approve Temporary Transfer T9-2009.

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

3. ACREAGE REDUCTION PROGRAM – CONSIDER APPROVAL OF APS.

Smith discussed the applicants and requested the Board decide on a ranking scheme and payment options.

- ◆ A motion was made by Anderjaska and seconded by Loomis to accept the following ARP applications: Donald Proud (42.5 acres), Richard Wolfe (130 acres), William Bryant (99 acres), Laura Lucille Nutt (48 acres), Ronald Cook (9.8 acres), Leon R. Buker (60 acres), Vern Fasse (27 acres) and Vern Fasse (37 acres) for a total of price of \$344,937.00.

Ayes-5 Nays-Uerling, Haag, McConville, Spencer Abstain-Nelsen
Motion Carried.

4. FCID SUPPLEMENTAL WELLS.

None.

5. WATER LEASE – RIVERSIDE – CONSIDER APPROVAL.

Smith went over the proposed Memorandum of Agreement with Riverside Irrigation Company mailed to Directors. Discussion was held.

- ◆ A motion was made by Haag and seconded by Uerling to deny the proposed agreement.

- ◆ A motion was made by Anderjaska and seconded by Loomis to Amend the Motion to include language that would reaffirm our interest in seeking a long term agreement.

Ayes- 10 Nays- 0 Motion Carried.

Original motion restated.

- ◆ A motion was made by Haag and seconded by Uerling to deny the proposed agreement with Riverside Irrigation Company but to reaffirm our interest in seeking a long term agreement.

Ayes- 8 Nays- Fornoff, Loomis Motion Carried.

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 Nelsen and seconded by Haag to approve the Cost Share Report.

Ayes – 10 Nays – 0 Motion Carried

B. WATERSHEDS

1. 80A Repairs.

Smith reported that we would be receiving approximately \$800,000 to repair 80A.

2. EIS and Cultural Review.

Smith reported that the environmental impact and cultural review have been completed.

3. 370 Crossing Bids.

Two bids were received relating to repairing the 370 Crossing: (1) Frontier Clearing for \$12,650 and (2) Brooks Construction for \$12,715.

- ◆ A motion was made by Anderjaska and seconded by Uerling to approve the bid from Frontier Clearing and complete the job within 90 days, weather permitting.

Ayes – 10 Nays – 0 Motion Carried

C. COMPLAINTS

None.

D. CHEMIGATION

Smith reported that the renewal process is in progress.

E. TREE PLANTING

Merrigan reported that tree planting will begin next Monday, April 20th.

F. BUFFER STRIPS

None.

G. LIVESTOCK WASTE CONTROL APPLICATIONS

None.

14. GENERAL OPERATIONS

A. PERSONNEL.

1. Personnel & Operations Committee Report and Minutes.

Smith went over the recommendations of the committee and minutes.

- ◆ A motion was made by Haag and seconded by Loomis to approve the March 31, 2009 Personnel & Operations Committee Meeting Minutes.
Ayes – 8 Nays – 0 Abstain – Spencer, Anderjaska Motion Carried

B. SALES AND RENTAL EQUIPMENT.

None.

C. VEHICLE – April 27 delivery date.

D. WASHINGTON DC LOBBYIST

Smith discussed the possibility of working with a lobbyist formerly from this area whom is familiar with the issues in the basin and would like the Board to consider utilizing this lobbyist on some issues.

- ◆ A motion was made by Haag and seconded by Spencer to enter into Executive Session to discuss the Personnel & Operations Committee Report and the Republican River Basin Coalition Agreement.
Ayes – 10 Nays – 0 Motion Carried

Entered into Executive Session at 10:58 pm

- ◆ A motion was made by Haag and seconded by Nelsen to exit Executive Session.
Ayes – 10 Nays – 0 Motion Carried

Exited Executive Session at 11:27 pm

- ◆ A motion was made by Haag and seconded by Spencer to direct the coalition representatives to review staffing needs for the RRBC as soon as practical.
Ayes – 10 Nays – 0 Motion Carried

The meeting was adjourned at 11:28 pm.

The next regular meeting will be held Tuesday, May 12, 2009 at 7:30 pm in Curtis, Nebraska at the Community Center at 201 Garlick Avenue.

Stacie M. Owens
Board Secretary