

MINUTES
Middle Republican Natural Resources District
Board of Directors Meeting
Thursday, August 13, 2009
Curtis, Nebraska

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

Board Members Absent: None

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

NRCS Staff: Marty Gugelman

Others: Brad Edgerton, William M. Barger, Jim Schneider, James Williams, Paul Koester, Raymond Durner, Roger Stockton, Mark Christensen, Brad Johnson

Information E-mailed to Directors

E-Notes dated July 14, 28, Aug. 4, 11

Newsletter dated 7/17/09

Press Updated dated 7/14/09

Email from Smith re: Aug. Mtg, 7/27/09

Minutes from NNRC Mtg, 7/9/09

Ltr from Water Strategies dated 7/16/09

RRCA Mtg Announcement, 7/22/09

Leopold Conservation Award, 8/17/09

Information Mailed to Directors

Special Meeting Agenda

Minutes from July 14 Reg. Mtg & Hearing

Public Hearing Agenda

Financial Report

NRCS News Release

I & E Report

Know Your NRD Handout

Surface Water Report

Temporary Transfer Request T22 & 23

Great Plains Water Conference Agenda

Regular Meeting Agenda

Minutes from Executive Comm. Mtg, July 17

Request for Variance

Draft Budget

NARD Draft Resolutions (3)

Website Activity Chart

NRC Interim Studies Handout

Permit to Construct Report

Permanent Transfer Request PT6

2009 Tree Sales Report

Information Distributed at Meeting:

NRC 2009 Interim Hearing Schedule

Cost Share Report

Farm Show '09 Schedule

Civil Rights Newsletter

REGULAR MEETING

1. The regular monthly board meeting was called to order by Chairman Friesen at 3:47 pm.

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

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

- a. **Added Items:** **9.c. McDermott Location Change**
 9.d. Legal Representation

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 July 14th Regular Meeting and Variance Hearing; and the July 17th Executive Committee Meeting were mailed to Directors.

- ◆ A motion was made by Fornoff and seconded by Loomis to approve the Minutes of the July 14th Regular Meeting, as corrected, and Variance Hearing; and, the July 17th Executive Committee Meeting.
Ayes- 11 Nays- 0 Motion Carried

5. The meeting was recessed at 3:50 pm for the purpose of opening the variance hearing.

6. The meeting was reconvened at 3:54 pm.

7. CONSIDER VARIANCE REQUEST

Discussion was held.

- ◆ A motion was made by Haag and seconded by Nelsen to deny variance request 19-2009.
Ayes- 9 Nays- Spencer, Uerling Motion Carried

8. FINANCIAL ACTIONS

a. The June Financial Report were presented by Smith. The County Treasurer's Balance was \$11,975.31.

- ◆ A motion was made by Fornoff and seconded by Schurr to approve the July Financial Report as presented.
Ayes- 11 Nays- 0 Motion Carried

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

b. Approve Budget for publication and authorize Manager to set levy rate. Smith went over minor changes made since the last meeting and why the changes occurred, and answered questions.

- ◆ A motion was made by Nelsen and seconded by Uerling to approve 2009-2010 Budget for publication with discussed changes and authorize Smith to set levy rate at .058524.
Ayes- 9 Nays- Haag, McConville Motion Carried

9. LEGAL MATTERS

- a. Case Status – LB 701 – Declaratory Judgment progress – Filed.
Nothing new.

- b. Occupation Tax Challenge – Lancaster District Court – Motion to Dismiss, denied. Smith reported that there was nothing new other than the Motion to Dismiss has been denied.
- c. McDermott Location Change. Smith went over the history of McDermott lawsuit and the decision that was made back in 2002 to allow them to drill 3 wells at locations of their choice. They are now requesting to move the location of one of the wells they have permission to drill.
 - ◆ A motion was made by Anderjaska and seconded by Spencer to deny McDermott’s request to drill well in new location.
 Ayes- 10 Nays- Schurr Motion Carried
- d. Legal Representation. Smith asked if the Board would like him to look for another attorney to deal with upcoming issues.
 - ◆ A motion was made by Anderjaska and seconded by Fornoff to authorize Smith to talk to attorney’s regarding water issues and bring back quotes to the Board.
 Ayes- 11 Nays- 0 Motion Carried

10. OPEN FORUM

Bill Barger. Expressed concerns relating to hiring Miller & Associates to do new mapping method for depletions.

Raymond Durner. Expressed opposition regarding allowing water transfers.

11. REPORTS

A. NRCS REPORT.

1. District Cons. Report. Gugelman gave his report on the district activities and provided a Civil Rights handout.

2. Consider AWEP rates for permanent retirement.

Smith and Gugelman addressed the AWEP permanent retirement application numbers and costs. Smith recommended the Board to consider providing an extra payment to NRCS to help fund more of the permanent retirement applications.

- ◆ A motion was made by Fornoff and seconded by Anderjaska to approve a district payment for the AWEP program of \$123 per acre to replace an equal portion of the federal year one payment for the first year for permanent retirement of irrigated acre applicants.

Ayes- 10 Nays- 0 Abstain – Nelsen Motion Carried

B. NARD

1. Report – Anderjaska gave report and reminded the Board members about the upcoming NARD Annual Conference in Kearney. Board members who wish to attend should contact Stacie for registration and room reservations.

2. Approve NARD dues.

- ◆ A motion was made by Anderjaska and seconded by Nelsen to pay the NARD dues.
Ayes- 11 Nays- 0 Motion Carried

3. Consider resolutions – August 14th deadline. Smith went over the three (3) resolutions, two of them ours and one from Twin Platte NRD.

- ◆ A motion was made by Anderjaska and seconded by Fornoff to support all three (3) resolutions.
Ayes-6 Nays-Randel, Spencer, Uerling, Haag, McConville Motion Carried

Friesen appointed Dan Nelsen as the voting delegate and Joe Anderjaska as the alternate.

C. NNRC

1. Report – Nelsen reviewed Minutes from the last board meeting he was unable to attend.

D. INFORMATION AND EDUCATION

1. Reports.

Lawson went over his report and answered questions.

E. REPUBLICAN RIVER BASIN COALITION

Smith reported that Witthuhn was unable to attend our meeting but would have a report at the next meeting.

1. Washington DC Trip.

F. NE REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOCIATION.

Smith reported that DNR would be attending the next meeting to discuss water issues.

G. OTHER AGENCIES OR ASSOCIATIONS.

1. RC&D. Roger Stockton gave his report on activities and projects. He also reminded the Board of the Tire Cleanup which will be held on August 15th and 22nd on the county lot South of Curtis.

H. LEGISLATION.

1. Interim Hearings-Natural Resources Committee. Smith discussed handouts relating to hearings and dates. He also encouraged the Board to go and testify but to advise NARD of the testimony you intend on presenting.

I. ARBITRATION.

1. **Report on RRCA Meeting.** Smith provided a brief report.

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**
Nothing new.

2. TRANSFERS REQUESTS.

(a) INITIAL REVIEW LIST – Temp. from Fielding to Goltl; Perm. From Eichman to Seward

Merrigan answered questions and proposed that the Board consider tabling transfers until DNR had better information to utilize in determining whether or not to approve or deny a transfer to certain locations.

- ◆ A motion was made by Uerling and seconded by McConville to stop transfers for six (6) months.

Uerling rescinded motion, McConville concurred.

- ◆ A motion was made by Uerling and seconded by McConville to stop transfers for six (6) months or until we get better information from NDNR.

Uerling rescinded motion, McConville concurred.

- ◆ A motion was made by Uerling and seconded by McConville to table consideration of transfers for up to six (6) months or until we get better information from NDNR.

Ayes- 8 Nays- Schurr, Fornoff, Loomis Motion Carried

(b) FINAL REVIEW – Swanson to Goltl

- ◆ A motion was made by Loomis and seconded by Nelsen to approve Transfer T22-2009 on 11.4 acres for a total transfer amount to Goltl of 246 acre inches.

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

3. ACREAGE REDUCTION PROGRAM.

(a) **Progress on Easements.** Merrigan reported that they only have one (1) left that they are working on.

(b) Consider second round of applications.

4. Discussion of IMP revisions.

Smith recommended thinking about NDNR's presentation

B. GROUND WATER QUALITY MANAGEMENT AREA

Smith reported that Dennis Peterson was collecting water samples now but having problems catching wells that are running due to the amount of moisture we have received this year.

C. OTHER GROUND WATER ACTIVITY

None.

13. PROGRAMS

A. CONSERVATION MANAGEMENT FUNDS

1. Approve Applications. Smith went over Cost-Share Report with the additional applicant, Applegarth, which was handwritten on the report.

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

Ayes – 9 Nays – Anderjaska Abstain- Nelsen Motion Carried

B. WATERSHEDS

1. 80A. Smith reported that discussions will be held with landowners to decide whether to rent the ground or build a temporary fence. This dam will be paid for with PL566 funds. A permit will be needed but NDNR has agreed to expedite the process so repairs can be completed this fall.

2. 32A. Smith reported that repairs on this dam will be paid for with stimulus funds and completed in the Spring of 2010.

C. COMPLAINTS

None.

D. CHEMIGATION

Smith reported technicians have completed chemigation inspections and are now working on handing out pink slips and catching illegal chemigators.

E. TREE PLANTING – Report.

Merrigan went over his report and was happy to say that we made a profit this year.

F. BUFFER STRIPS

Merrigan reported buffer strips expiring can be renewed.

G. LIVESTOCK WASTE CONTROL APPLICATIONS

None.

14. GENERAL OPERATIONS

A. PERSONNEL.

None.

B. SALES AND RENTAL EQUIPMENT

None.

C. VEHICLE – Replace 2004 Dodge. Merrigan has started requesting quotes from area dealers.

D. BOARD RETREAT – AUGUST 20th - Joint retreat with other districts.
Will be held at Monsanto in Gothenburg.

The meeting was adjourned at 6:47 pm.

The next regular meeting will be held Tuesday, September 8, 2009 with Budget Hearing at 7:00 pm and Regular Board Meeting at 7:30 pm in Curtis, Nebraska at the Community Center at 201 Garlick Avenue.

Stacie M. Owens
Board Secretary