

MINUTES
Middle Republican Natural Resources District
Board of Directors Meeting
Tuesday, September 15, 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: None.

Others: William M. Barger, Raymond Durner, Traci Witthuhn, Jerry Mustion, Brad Edgerton, Earl D. Johnston, Brad Johnson, Con Fielding.

Information E-mailed to Directors

Aug. 20th Special Meeting Agenda, 8-17-09 E-Notes for Aug. 18, 25 & Sept. 1
Resolutions Packet, 8-19-09 DNR News, 9-7-09

Information Mailed to Directors

Budget & Special Hearing Agenda	Resolution No. 258-09
Budget	Property Tax Recap
Agenda	Minutes from Aug. 13 th Special Meeting
Minutes from Aug. 13 th Regular Meeting	Minutes from Aug. 13 th Public Hearing
Minutes from Aug. 20 th Board Retreat	Public Hearing Agenda
Request for Variance #20	Transfer Request PT6-2009
Well Permit Application MR-534	Request for Variance #21 & 22
Financial Report, August 2009	NRCS September Report
NRCS AWEF & EQIP Worksheet	NRCS FY 2009 Goals & Progress
Civil Rights Resources, July 2009	I & E Report
Website Activity	Surface Water Report
Temporary Transfer Request #23	Pickup Bids

Information Distributed at Meeting:

NRRMDA Sept. 17 th Meeting Agenda	NNRC Sept. 28 th & 29 th Mtg Agenda
MRNRD Ground Water Pumping Info.	Terrace Effect on Streamflow/GW in Basin
Cost Share Report	RRBC Report

REGULAR MEETING

1. The regular monthly board meeting was called to order by Chairman Friesen at 7:35 pm.
 - a. Verify Quorum.
 - b. Excused Absences – None.

2. The agenda and roster were circulated to those present.
 - a. **Added Items:** None.

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 August 13th Special and Regular Meetings; and Variance Hearing; and the August 20th Board Retreat were mailed to Directors.

- ◆ A motion was made by Schurr and seconded by Anderjaska to approve the Minutes of the August 13 Special and Regular Meetings, as corrected, the August 13 Variance Hearing; and, the August 20th Board Retreat.
Ayes- 11 Nays- 0 Motion Carried

5. The meeting was recessed at 7:40 pm for the purpose of opening the variance hearing.

6. The meeting was reconvened at 7:52 pm.

7. CONSIDER VARIANCE REQUEST

Discussion was held.

- ◆ A motion was made by Haag and seconded by Loomis to deny the Broomfield variance requests 21-2009 and 22-2009.
Ayes- 9 Nays- Spencer, Uerling Motion Carried

Discussion was held.

- ◆ A motion was made by Fornoff and seconded by Loomis to approve the Seward variance request 20-2009, PT6-2009 and MR 534 only allowing a permanent transfer of 36 acres based on irrigated taxes paid.
- ◆ A motion was made by Anderjaska and seconded by Spencer to amend the original motion to state that variance request 20-2009, PT6-2009 and MR 534 be tabled.
Ayes- 10 Nays- Randel Motion Carried
- ◆ An amended motion was made to table variance request 20-2009, PT6-2009 and MR 534.
Ayes- 8 Nays- Haag, Randel, Uerling Motion Carried

8. FINANCIAL ACTIONS

a. The August Financial Report was presented by Smith. The County Treasurer's Balance was \$22,751.05.

- ◆ A motion was made by Anderjaska and seconded by Uerling to approve the August Financial Report as presented.
Ayes- 11 Nays- 0 Motion Carried

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

- b. Adopt Budget and Approve Budget Resolution.
There was some discussion over items included in ground water management.

◆ A motion was made by Nelsen and seconded by Fornoff to adopt 2009-2010 Budget with a levy rate of .057847 and approve Budget Resolution 258-09.

Ayes- 10 Nays- Haag Motion Carried

9. LEGAL MATTERS

- a. Case Status – LB 701 – Declaratory Judgment progress – Filed.
Nothing new.
- b. Occupation Tax Challenge – Lancaster District Court – December?
Smith reported that no further action would probably be taken until December.

10. OPEN FORUM

Bill Barger, Culbertson. Requested that the Board consider taking all transfers off the table so they can continue to be considered.

Earl Dean Johnston, Curtis. Had concerns as to why Variance Requests parties were not showing up to the meetings.

11. REPORTS – AGENCIES, ASSOCIATIONS, OTHERS

A. NRCS REPORT.

- 1. District Cons. Report.
Smith briefly went over the written report received from Doug Whisenhunt.
- 2. AWEPP permanent retirement.
Merrigan reported that there were three (3) contracts, two (2) of which have been paid and the third still had an easement to be filed.
- 3. Approve Project Agreement for Dam Repairs and Authorize Solicitation of Bids for Dam Repairs.
Smith went over the proposed contract and answered questions.

◆ A motion was made by Anderjaska and seconded by Spencer to approve the project agreement between the Middle Republican NRD and the United States Department of Agriculture Natural Resources Conservation Service; and authorize the Manager to solicit bids for dam repairs on 80-A and 32-A.

Ayes- 11 Nays- 0 Motion Carried

B. NARD

- 1. Report – Anderjaska gave report.
- 2. Resolutions.
Smith briefly went over the resolutions that will be heard at the NARD Conference in Kearney.

C. NNRC

1. Report – Nelsen advised that the next meeting will be September 28th and 29th; and, provided a copy of the agenda.

D. INFORMATION AND EDUCATION

1. Reports.

Lawson went over his report and answered questions.

E. REPUBLICAN RIVER BASIN COALITION

Witthuhn gave her report and handed out her packet for the Board Members.

1. Report on Washington DC Trip.

Smith reported that only he and Jasper Fanning went and that Mike Clements didn't end up going due to a back injury. He discussed the outcome of the trip and the great job Kris Polly did on scheduling events for them.

F. NE REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOCIATION.

1. September 17 Meeting, Holdrege.

Witthuhn provided the most recent agenda for the meeting. There was discussion about the extent of DNR's presentation.

G. OTHER AGENCIES OR ASSOCIATIONS.

1. RC&D. None.

H. LEGISLATION.

1. Interim Hearings-Natural Resources Committee.

Smith went over the hearing dates, locations and times. He recommended that the Middle Republican have a presence at all of the locations. He will be able to be at all of them with exception to the October 5th hearing in Valentine. He encouraged someone from the Board to be at that meeting.

I. REPUBLICAN RIVER COMPACT.

1. Ongoing Compliance Issues.

Smith reported that DNR will probably be having informational meetings as soon as they finalize some of their numbers.

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

Smith reported that the technicians were currently measuring wells and would be starting to read meters within the next couple of weeks.

2. TRANSFERS REQUESTS.

(a) **INITIAL REVIEW LIST – None.**

(b) **FINAL REVIEW – Kathy Eichman to George Seward (Perm) and Fielding to Goltl (Temp)**

Eichman to Seward was voted on following the Variance Hearing, Item 7.

◆ A motion was made by Fornoff and seconded by Loomis to approve Transfer T23-2009 for a total transfer amount of up to 21 acres (504 are inches) based on proof of taxed irrigated acres.

Ayes- 8 Nays- Spencer, Uerling, Haag Motion Carried

3. ACREAGE REDUCTION PROGRAM.

(a) **Report.**

Smith reported to the Board that there is still interest from the public in a program like this but advised that we see what the outcome of the second AWEP application process is before we look at opening up another acreage reduction program.

4. RIVERSIDE IRRIGATION DISTRICT – Consider Water Lease.

Smith asked if the Board was still interested in considering a water lease with Riverside. If so, Riverside will come up with an offer for the Board to consider.

B. GROUND WATER QUALITY MANAGEMENT AREA – Samples.

Smith reported that we have collected the samples but a report is not yet available.

C. OTHER GROUND WATER ACTIVITY

Smith went over a couple handouts on terrace effects on streamflow and groundwater in the basin.

13. PROGRAMS

A. CONSERVATION MANAGEMENT FUNDS

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

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

Ayes – 10 Nays – 0 Motion Carried

B. WATERSHEDS – District Inspections and Maintenance.

1. 80A.

2. 32A.

Smith reported that the technicians were working on tidying up the dam areas

C. COMPLAINTS

Merrigan reported on a runoff complaint received from Dennis McConville regarding Stan Moore. Gugelman drew up a terrace plan which stops the problem.

D. CHEMIGATION

None.

E. TREE PLANTING.

None.

F. BUFFER STRIPS

None.

G. LIVESTOCK WASTE CONTROL APPLICATIONS

None.

14. GENERAL OPERATIONS

A. PERSONNEL.

None.

B. SALES AND RENTAL EQUIPMENT

None.

C. VEHICLE – Consider Bids.

Merrigan went over the two bids received and provided a recommendation. Bids were solicited from 8 businesses.

◆ A motion was made by Fornoff and seconded by Uerling to approve the staff recommendation for the 2010 Ford F-150 for \$17,300 with trade-in.

Ayes – 11 Nays – 0 Motion Carried

The meeting was adjourned at 9:57 pm.

The next regular meeting will be held Tuesday, October 13, 2009 at 7:30 pm in Curtis, Nebraska at the Community Center at 201 Garlick Avenue.

Stacie M. Owens
Board Secretary