

MINUTES
Middle Republican Natural Resources District
Board of Directors Meeting
Tuesday, July 14, 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

Board Members Absent: Rick McConville

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

NRCS Staff: Doug Whisenhunt

Others: Traci Witthuhn, Brad Edgerton, William M. Barger, Jim Schneider, James Williams, Dennis Chancellor, Joel Chancellor, Darlene Chancellor, Norene Hamilton, Brad Johnson, Jennifer ten Bensel, Rick Hedke, Leroy Trevers, Martin Sis, Rick Wilcox

Information E-mailed to Directors

E-notes dated June 10, 16, 23, 30 & July 7	Legislative Updates dated May 15, 22 and 29
New Article dated June 17, 25	Final Arbitration Decision, June 30
Ag Press Release dated June 30	July 10 th E-mail from Steve Chick
Client News Report dated June 30	E-mailed dated July 10 re: DNR

Information Mailed to Directors

Reg. Meeting Agenda	Minutes from June Meeting and Hearing
Public Hearing Agenda	Variance Request #10 thru #18
Financial Report	Monthly Income & Expense Rpt
Draft Budget & Associated WS	Civil Rights Resource, March 2009
I & E Report	Know Your NRD for MRNRD, Summer 09
Thank you letter from C. Weidner	South West Weed Mgmt Area Letter, June 29
Jon Bruning News Release, June 30	Temp Transfer #T22-2009

Information Distributed at Meeting:

Dates to Remember list	Draft Complaint for Declaratory Judgment
Draft Resolution	Website Activity Chart
Senator McCoy News Release	Permit to Construct
Surface Water Report	Cost-Share Report
RRBC Report	Riparian Vegetation Mgmt Tour Brochure

REGULAR MEETING

- 1. The regular monthly board meeting was called to order by Chairman Friesen at 7:36 pm.**
 - a. Verify Quorum.
 - b. Excused Absences – NONE.

Haag arrived at 7:37 pm.

Randel arrived at 7:38 pm.

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

- a. **Added Items:** **11.A.2. AWEP**
 12.A.1.d. DNR Report by Jim Williams
 12.A.5. Chris Miller, Miller & Associates

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 June 9th Regular Meeting and Variance Hearing were mailed to Directors.

- ◆ A motion was made by Uerling and seconded by Fornoff to approve the Minutes of the June 9th Regular Meeting and Variance Hearing.
Ayes- 9 Nays- 0 Motion Carried

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

Loomis arrived at 7:44 pm.

6. The meeting was reconvened at 8:33 pm.

7. CONSIDER VARIANCE REQUEST

Discussion was held on variance requests 10-18.

- ◆ A motion was made by Uerling and seconded by Spencer to approve variance requests 10-18.

Further discussion was held.

- ◆ Uerling to withdraw his motion with the concurrence of the second from Spencer.
- ◆ A motion was made by Nelsen and seconded by Schurr to deny variance requests 10-18.
Ayes-9 Nays-Uerling Motion Carried

Discussion was held.

- ◆ A motion was made by Uerling and seconded by Haag to interpret surface “water available” in the rules and regulations as that which is called for and delivered at the turnout based on Brad Edgerton, Manager of the Frenchman-Cambridge Irrigation Districts agreement to provide such information to our office.
Ayes-5 Nays-Friesen, Haag, Loomis, Nelsen, Schurr No Action Taken

Discussion was held on Chancellor Variance Request.

- ◆ A motion was made by Uerling and seconded by Spencer to reconsider Variance Request No. 9-2009 submitted by Chancellor.
Ayes- 5 Nays- Haag, Randel, Schurr, Anderjaska, Fornoff No Action Taken

8. FINANCIAL ACTIONS

a. The June Financial and Monthly Income & Expense Reports were presented by Smith. The County Treasurer's Balance was \$92,625.24.

- ◆ A motion was made by Anderjaska and seconded by Nelsen to approve the June 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.

b. Draft 2009-2010 Budget. Smith went over changes and effects of projects that will be considered later in the meeting.

c. Insurance Premiums for FY 09-10 were prepaid in June. Premium due date was July 1, 2009.

- d. Audit dates – July 15, 16 and 17
Smith reported on the dates the Auditor's will be here.

9. LEGAL MATTERS

a. Case Status – LB 701 – Declaratory Judgment progress.
Smith went over certain items in the draft declaratory judgment and explained them in further detail.

- ◆ A motion was made by Anderjaska and seconded by Fornoff to file the Motion for Declaratory Judgment.
Ayes- 10 Nays- 0 Motion Carried

- b. Occupation Tax Challenge – Lancaster District Court.
Nothing new to report.

10. OPEN FORUM

None.

11. REPORTS

A. NRCS REPORT.

1. District Cons. Report. Whisenhunt gave his report on the district activities.
2. AWEP. Whisenhunt went over the approval process which they were still waiting to hear official notice of whether they were approved or not. If funding is approved, they will be able to fund all projects they have applicants for now. They will need to obligate the remaining amount of money before August 15th so they will be pushing to get more producers to sign up once the official funding has been announced.

- ◆ A motion was made by Anderjaska and seconded by Fornoff to approve the executive committee to review and consider the memorandum of the AWEPA agreement.

Ayes- 9

Nays- Uerling

Motion Carried

MOVED ITEMS 12.A.5., E, F & G HERE.

12.A.5. CHRIS MILLER, ENGINEERING FIRM

Smith introduced Chris Miller from Miller & Associates in Kearney. Miller talked about what their firm could do to help the Board identify areas of depletion at a more detailed level than the Jenkins Method and to also use the compact accounting model cells. This would provide the Board with a better resource to utilize when making decisions on transfers.

- ◆ A motion was made by Nelsen and seconded by Fornoff to direct Smith to continue to work with Miller & Associates and to come up with a proposal to bring before the Board.

Ayes- 9

Nays- Uerling

Motion Carried

E. REPUBLICAN RIVER BASIN COALITION

Traci Witthuhn handed out her report and answered questions.

1. Budget Consideration. Witthuhn went over a couple changes to her proposed budget and answered questions.

2. Water Strategies, LLC Contract. The Lower Republican NRD has chosen not to participate in the contract with Water Strategies which was voted in by the coalition.

- ◆ A motion was made by Haag and seconded by Uerling to strike our support for the federal lobbyist from the coalition budget.

Ayes – 5 Nays – Fornoff, Friesen, Nelsen, Randel, Schurr No Action Taken.

3. Riparian Tour.

Witthuhn went over the results of the Riparian Tour which was held July 6th and 7th. She reported that was a very good turnout and the tour went very well.

F. NE REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOCIATION.

Witthuhn reported on the last meeting which mostly consisted of reports from the Attorney General's Office and DNR on the arbitrator's decision.

G. OTHER AGENCIES OR ASSOCIATIONS.

1. RC&D. No report.

2. Support for SWWMA \$7,500.

Witthuhn made the request on behalf of the RC&D requesting support for the South West Weed Management Area (official letter filed with these minutes).

- ◆ A motion was made by Uerling and seconded by Spencer to donate \$7,500 to the

South West Weed Management Area in accordance with their request by letter.

Ayes – 9

Nays – Haag

Motion Carried

B. NARD

1. Report – Anderjaska gave report.
2. PR Meeting Report. Smith reported on the PR meeting held in North Platte.
3. Tour Report. Anderjaska reported on the outcome of the tour.
4. Resolutions – August 14th Deadline.
Smith provided a draft resolution which he still has changes he intends on making before requesting action from the Board.

C. NNRC

1. Report – Nelsen reported he was unable to attend the last meeting due to family emergency and has not received the minutes from the meeting yet. Nothing further to report at this time.

D. INFORMATION AND EDUCATION

1. Reports.

Lawson went over his report and provided a slideshow from the Range Youth Camp held in Halsey on June 11th.

E. REPUBLICAN RIVER BASIN COALITION

MOVED UP TO SECTION 11.

F. NE REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOCIATION.

MOVED UP TO SECTION 11.

G. OTHER AGENCIES OR ASSOCIATIONS.

MOVED UP TO SECTION 11.

H. LEGISLATION.

1. Interim Hearings. Smith discussed some of the legislative issues which are outlined in the legislative reports that were e-mailed to board members. He also pointed out the letter from Senator McCoy's office and mentioned that he will need a Board response as soon as we have a date.

I. ARBITRATION.

1. **Report on Meeting with AG Bruning.** Smith provided a brief report.
2. **Arbitrators Final Decision.** 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**

Smith reported that the Technicians are also repairing some meters that have called in by the farmers for repair.

(d) **DNR REPORT.**

James Williams and Jim Schneider reported on the results of the arbitrator's decisions which they described as a "mixed bag" with some good results and some bad results for Nebraska.

2. TRANSFERS REQUESTS.

(a) **INITIAL REVIEW LIST – Swanson to Goldl**

Merrigan answered questions.

(b) **FINAL REVIEW – None.**

3. ACREAGE REDUCTION PROGRAM – progress on easements.

Merrigan reported that we have only two (2) applicants we are waiting on lean releases from. Once received, Jon Schroeder will proceed with filing all the easements.

4. RRCA Meeting August 11th and 12th, Lincoln.

Smith reported this meeting will be held at the Cornhusker and encourage Board members to attend.

5. CHRIS MILLER & ASSOCIATES

MOVED UP TO SECTION 11.

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.

Uerling exited meeting at 11:32 pm.

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

Ayes –9

Nays –0

Motion Carried

Uerling reentered meeting at 11:34 pm.

B. WATERSHEDS

1. **80A.** Smith reported that we will be looking for a contractor to start working on 80A this fall.

2. **32A.** Smith reported that 32A would be fixed next spring.

C. COMPLAINTS

None.

D. CHEMIGATION

Smith reported the technicians are doing inspections.

E. TREE PLANTING – Report.

Merrigan is working on the final numbers and will have a report at the next meeting.

F. BUFFER STRIPS

None.

G. LIVESTOCK WASTE CONTROL APPLICATIONS

None.

14. GENERAL OPERATIONS

A. PERSONNEL.

None.

B. SALES AND RENTAL EQUIPMENT

None.

C. VEHICLE.

Smith reported the Explorer has finally been delivered. Merrigan opened the four (4) bids we received on the van and read them aloud.

- ◆ A motion was made by Uerling and seconded by Fornoff to accept the bid for \$2,050.00 and to return the personal check that was enclosed in one of the unaccepted bids back to the owner.

Ayes –10 Nays –0 Motion Carried

D. BOARD RETREAT – AUGUST? Joint retreat with other districts?

Smith announced the Board Retreat date for the four (4) NRD’s as being August 20th at Monsanto in Gothenburg.

E. CONSIDER AUGUST 10, 2009 MEETING DATE.

Discussion was held. Meeting will be Thursday, August 13th at 7:30 pm.

Smith went over the list of last year’s GW Committee and requested a volunteer to fill in the empty seat formerly held by Stan Moore. Uerling volunteered. Friesen appointed Uerling to vacancy of GW Committee. Members will be Loomis, Schurr, Friesen, Fornoff and Uerling.

- ◆ A motion was made by Anderjaska and seconded by Schurr to enter into executive session for the purpose of discussing depletions and compliance with James Williams and Jim Schneider of DNR.

Ayes – 10 Nays – 0 Motion Carried

Chairman Friesen restated the purpose of the Executive Session.

Entered into Executive Session at 11:48 pm.

- ◆ A motion was made by Loomis and seconded by Fornoff to exit executive session.

Ayes – 10 Nays – 0 Motion Carried

Exited Executive Session at 12:43 pm

The meeting was adjourned at 12:44 pm.

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

Stacie M. Owens
Board Secretary