

MINUTES
Middle Republican Natural Resources District
Board of Directors Meeting
Tuesday, May 11, 2010
Curtis, Nebraska

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

Board Members Absent: None

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

NRCS Staff: Kevin Breece, Ben Hardin

Others: Traci Witthuhn, Brad Edgerton, William R. Barger, Brad Johnson, Steve Cappel, Jason Kepler, Doris Burke, Bill Hoyt

Information E-mailed to Directors:

E-notes dated April 13, 20, 27 and May 4	Natural Legacy Public Input Mtg Flyer
AG Bruning Statement on RR Filing dated May 4	News Articles dated April 23 rd
Journal Star article dated May 4 on RR	

Information Mailed to Directors:

Agenda	Minutes from April Regular Meeting
Financial Report – April	Monthly Income & Expense Report
NRCS Report	Civil Rights Handout
I & E Report	Envirothon Scoresheet
Arbor Day Programs	Summer Camp Scholarship Aps
Thank you from Gothenburg FFA	RRBC Projected Budget
April 16 NARD Sine Die Update	Interim Study Resolution
Spring Well Report	Ltr from Dunnigan re: LRNRD
Draft IMP – May 4 th	P and O Committee Meeting Minutes
P and O Committee Mtg Agenda	Agreements & Contract Services

Information Distributed at Meeting:

Permit to Construct Well Report	Surface Water Report
E-mail from Jason Kepler dated May 11	Draft IMP – May 11 th
Draft Public Hearing Notice	Cost-Share Report
RRBC Report	2010 AWEP/EQIP Applications

REGULAR MEETING

1. The regular monthly board meeting was called to order by Chairman Friesen at 7:34 pm.

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

2. The agenda and roster were circulated to those present.
Items added to the Agenda since mailing – 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 April 13th Regular Board Meeting were mailed to Directors.

- ◆ A motion was made by Anderjaska and seconded by Schurr to approve the Minutes of the April 13th Regular Board Meeting.
Ayes- 10 Nays- 0 Motion Carried

5. Open Hearing for Variance Request. None.

6. Close Hearing.

7. CONSIDER VARIANCE REQUEST

None.

8. FINANCIAL ACTIONS

a. The April Financial Report and Monthly Income and Expense Report were presented by Smith. The County Treasurer's Balance was \$51,561.13.

- ◆ A motion was made by Loomis and seconded by Nelsen to approve the April Financial Report and Monthly Income and Expense Report as presented.
Ayes- 10 Nays- 0 Motion Carried

A copy of this report is filed with the Minutes.

Randel arrived at 7:45 pm.

b. Draft budget.

Smith went over the line items in the draft budget reminding them that this was only a starting point and that further numbers would have to be refined. He also answered questions.

9. LEGAL MATTERS

a. LB 701 Property Tax – Co. Attorneys have asked for an AG opinion.

Smith discussed the conference calls that have been held and the request by the county attorneys within the MRNRD to the AG's office for an opinion on how to handle the payment back to landowners. No response has been received from the AG's office at this time.

b. Occupation Tax Challenge – Appeal to NE Supreme Court.

Smith reported that he does not know what kind of timing we will be dealing with but it probably won't be until fall.

c. Kansas vs. Nebraska filing.

Smith e-mailed a link to the 142 pages of the filing to Board members if they are interested in reading the whole document. Everything filed was associated with the

Arbitration and nothing new can be rolled in. Nebraska has 30 days to respond and then the courts will decide whether to hear the case or not.

10. OPEN FORUM

None.

11. REPORTS – AGENCIES, ASSOCIATIONS, OTHERS

A. NRCS REPORT.

1. District Cons. Report.

Breece went over his report which was included in the Board packets and answered questions.

2. NRCS Agreements.

Smith went over the agreements for Ben Hardin and Rob Overton's positions and the changes of those agreements as requested by the USDA. The Personnel and Operations Committee also reviewed those agreements and made a recommendation.

- ◆ A motion was made by Fornoff and seconded by Loomis to approve the Personnel and Operations Committee recommendation for both positions at \$25,000 each.

Ayes – 11 Nays – 0 Motion Carried

B. NARD

1. Report – Anderjaska reported on the budget which will be brought before the NARD Board for approval in June. The NARD Tour will be of the Upper Niobrara White on June 21st and 22nd. Further information on the Tour will be provided.

C. NNRC

1. Report – Nelsen reported that the next meeting would be in June and he had nothing further to report at this time.

D. INFORMATION AND EDUCATION

1. Summer Camp Scholarships. Lawson went over two applications which were included in the Board packets.

- ◆ A motion was made by Anderjaska and seconded by Fornoff to provide the scholarships to Marlys Brenning for the ACE Camp and Calen Weidner for the Nebraska Youth Range Camp.

Ayes – 11 Nays – 0 Motion Carried

2. Arbor Day Reports.

Lawson talked about the success of the Arbor Day program.

3. State Envirothon.

Lawson discussed the State Envirothon scoresheet included in the packet.

E. REPUBLICAN RIVER BASIN COALITION

Witthuhn went over her report which was handed out at the meeting. She went over the draft budget and answered questions.

1. Pioneer Irrigation District Meeting.

Witthuhn reported on the meeting with Pioneer Irrigation District and their joining the NRRMDA.

2. Budget Items – Consultant.

Smith talked about Kris Polly and provided a list of accomplishments and suggested next steps that Polly put together.

F. NE REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOCIATION.

Witthuhn reported the next meeting would be July 26th in Holdrege.

G. OTHER AGENCIES OR ASSOCIATIONS.

1. RC&D. Witthuhn, on behalf of Roger Stockton, reported that the Save Our Swanson group would begin cleanup in late June or early July on Swanson. If time permitted, they would also plan on doing some cleanup on Enders.

H. LEGISLATION.

1. Legislative Reports.

Smith went over Dean Edson’s April 16 NARD Sine Die update and discussed a few of the items.

2. Task Force.

Smith reported that the effective date of the bill was April 15 and the Governor had 30 days to appoint the task force.

3. Interim Studies.

Handout included in Board Packet.

12. GROUND WATER MANAGEMENT AREA

Chairman Friesen moved agenda Items 12.A. 4 and 5 here.

4. GROUNDWATER COMMITTEE REPORT.

Smith went over the committees report, discussed the changes that were suggested and made to DNR.

5. IMP AND GWMA REVISIONS – DISCUSSION.

Jason Kepler answered questions and handed out a copy of a presentation relating to how dry year forecasting works. Discussion was held.

a) JUNE 8 IMP HEARING – TIME.

- ◆ A motion was made by Fornoff and seconded by Loomis to consider for hearing the IMP draft version 11 May 2010 with concerns regarding Section 8.F., Section 10.B.2.d. and Section 10.B.2.c.

Ayes – 7 Nays – Nelsen, Spencer, Uerling, Haag Motion Carried

A. GROUND WATER MANAGEMENT AREA

1. REPORTS

(a) WELL PERMITS

Smith went over the well permit report, talked about the McDermott

settlement and answered questions.

(b) **SURFACE WATER**
Bureau's report mailed to Directors.

(c) **METER PROGRAM**
Nothing new.

(d) **AWEP.**
Ben Hardin handed out a report on the AWEP/EQIP applications and answered questions.

(c) **ARP.**
Nothing new.

2. TRANSFERS REQUESTS.

(a) **INITIAL REVIEW LIST – None.**

(b) **FINAL REVIEW – None.**

3. ACREAGE REDUCTION PROGRAM.

(a) Consider EQIP Applications.

◆ A motion was made by Nelsen and seconded by Fornoff to extend the \$135/acre incentive already approved to the permanent EQIP easement acres.

Ayes – 10 Nays – 0 Abstain-Schurr Motion Carried

4. GROUNDWATER COMMITTEE REPORT.

Moved up to the beginning of Item 12.

5. IMP AND GWMA REVISIONS – DISCUSSION.

Moved up to the beginning of Item 12.

6. RECERTIFICATION OF ACRES - SEWARD.

Smith discussed Seward's recertification of acres. Maps were provided for viewing. He also advised the Board that we would be going out and recertifying acres in Red Willow and Hitchcock counties this summer.

7. CONTINUING ACTIONS WITH REGARD TO LEASES AND AUGMENTATION.

Smith went over a letter received from Dunnigan at DNR. He also presented a draft response to that letter.

◆ A motion was made by Schurr and seconded by Nelsen to send Smith's response to Dunnigan after it has been proofread and corrected.

Ayes – 11 Nays – 0 Motion Carried

B. GROUND WATER QUALITY MANAGEMENT AREA.

None.

C. OTHER GROUND WATER ACTIVITY

Smith went over the revised and corrected Spring 09-10 report. There was one well that had not been read and/or recorded correctly.

13. PROGRAMS

A. COST-SHARE FUNDS – LCP/NSWCP.

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

- ◆ A motion was made by Fornoff and seconded by Nelsen to accept the Cost Share summary.

Ayes – 11 Nays – 0 Motion Carried

B. WATERSHEDS – DNR INSPECTIONS – REHAB OF SITES 80A & 32A.

Smith went over some additional repairs that have been found on 80A. Modification will have to be filed. He advised that we will probably see these same issues on all the dams.

C. COMPLAINTS.

Nelsen reported he had received a complaint about the grass drill from a customer. The customer complained of having to use a whole roll of duct tape to keep the seed in. Smith will have the guys check into it.

D. CHEMIGATION.

None.

E. TREE PLANTING.

Smith reported that the tree planting is all but done and a report will be provided next month.

F. BUFFER STRIPS.

None.

G. LIVESTOCK WASTE CONTROL APPLICATIONS.

None.

14. GENERAL OPERATIONS.

A. PERSONNEL.

None.

B. SALES AND RENTAL EQUIPMENT.

None.

C. PERSONNEL AND OPERATIONS COMMITTEE REPORT.

Smith went over the recommendations of the committee as stated in the minutes of April 19 Personnel and Operations Committee meeting included in the Board packets.

- ◆ A motion was made by Fornoff and seconded by Loomis to accept the Personnel and Operations Committee recommendations as stated in the Minutes.

Ayes – 10 Nays – Haag Motion Carried

Friesen handed out a copy of the contract the Committee put together for Smith.

- ◆ A motion was made by Anderjaska and seconded by Schurr to offer Smith the General Manager Employment Agreement as presented.

Ayes – 11 Nays – 0 Motion Carried

A copy is on file with these minutes.

The meeting was adjourned at 11:56 pm.

The next regular meeting will be held Tuesday, June 8, 2010 at 8:00 pm following the IMP Hearing in Curtis, Nebraska at the Community Center at 201 Garlick Avenue.

Stacie M. Owens
Board Secretary