

MINUTES
Middle Republican Natural Resources District
Board of Directors Meeting
Tuesday, September 14, 2010 at 7:30 PM
Curtis, Nebraska

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

Board Members Absent: None

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

NRCS Staff: Jason Kennedy, Kort Kemp

Others: Raymond Durner, Brad Edgerton, Tom Baker, Bill Hoyt, Brad Johnson, Roger Stockton, Craig Nelson, Lorn Dizmang, Scott Moore, Steve Cappel, Mike Sullivan, John Sullivan

Information E-mailed to Directors:

E-notes dated Aug. 10, 17, 24, 31 & Sept. 8

Ltr from DNR dated 8/4/2010

Ltr from Smith dated 8/5/2010

Water Conference Email Invite

K-Hub article dated 8/13/10

E-mail from Kennedy re: Staff

Email from Bradley dated 8/4/10

IMP dated 8/3/2010 (Final)

Ltr from Dept of the Army to DNR

Ltr from Smith re: Traci dated 8/17/10

E-mail from Smith re: Basin Tour

E-mail from Smith re: Tour, 8/20/10

Information Mailed to Directors on August 26th:

Fiscal Year 2010-2011 Budget Notes

Budget dated August 26, 2010

Property Tax Recap spreadsheet

Information Mailed to Directors:

Board Meeting Notes

Minutes from Regular Meeting

Variance Request 3-2010

Resolution No. 257-10

NARD Resolution 2010-1 & 2 & Tri-Basin NRD

5th Grade Conservation CrAzE brochure

Surface Water Report

IMP effective November 1, 2010

E-mail from Mark Christiansen, 8/24/10

Agenda

Public Hearing Agenda

Financial Report

Civil Rights Resource

I & E Report

Ltr from Alex Wach

Rules & Regulation Draft 8/26/10

RRCA Accounting Procedures WS

Water Matters, July 2010, No. 5

Information Distributed at Meeting:

Budget & Special Hearing Agenda

Well Permit Report

IMP Order

September 2010 Pickup Bids

Map of Craig Nelson ground

Surface Water Report

Cost-Share Summary

REGULAR MEETING

1. The regular monthly board meeting was called to order by Chairman Friesen at 7:47 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 August 2nd Regular Board Meeting were mailed to Directors.

- ◆ A motion was made by Anderjaska and seconded by Schurr to approve the Minutes of the August 2nd Regular Board Meeting.
Ayes - 10 Nays – 0 Abstain - McConville Motion Carried

5. Open Hearing for Variance Request. The meeting was recessed at 7:48 pm for the purpose of opening the variance hearing.

6. Close Hearing. The meeting was reconvened at 8:25 pm.

7. CONSIDER VARIANCE REQUEST

Discussion was held and many Board members expressed their personal thoughts on situation.

- ◆ A motion was made by Haag and seconded by Uerling to deny Variance Request 3-2010.
Ayes - 7 Nays – Schurr, Nelsen, McConville, Loomis Motion Carried

Regrets were expressed and possible ideas were given to the landowner to correct situation.

8. FINANCIAL ACTIONS

a. The August Financial Report was presented by Smith. The County Treasurer's Balance was \$14,298.94.

Uerling exited meeting at 8:37 pm.

- ◆ A motion was made by Anderjaska and seconded by Spencer to approve the August Financial Report as presented.
Ayes- 10 Nays- 0 Motion Carried

A copy of this report is filed with the Minutes.

Uerling reentered meeting at 8:39 pm.

- b. Adopt budget and approve budget resolution.

◆ A motion was made by Nelsen and seconded by Fornoff to adopt budget as presented in the hearing dated August 26, 2010 and approve budget resolution 257-10.

Ayes - 10 Nays- Haag Motion Carried

9. LEGAL MATTERS

- a. LB 701 Property Tax – return included in budget.
Discussed during Budget Hearing.
- b. Occupation Tax Challenge – NE Supreme Court November Schedule.
Smith reported anticipated schedule.
- c. Kansas vs. Nebraska filing.
Smith reported that the AG’s Office will be coming to the office to copy files.

Exact date is unknown at this time.

10. OPEN FORUM

John Sullivan had questions regarding a well he owns and some certified acres coming out of CRP. Had questions about the possibility of moving the current well to another location as well as the certified acres. Process was explained to him.

Bill Barger wanted to know when the Board planned to un-table transfers as he has some clients who would like to develop some new land.

11. REPORTS – AGENCIES, ASSOCIATIONS, OTHERS

A. NRCS REPORT.

1. District Cons. Report. Jason Kennedy introduced Kort Kemp as the new Conservationist for Frontier County and reported on NRCS events and programs. Kennedy also announced that it looks like the cut-off date for all programs will be November 1, 2010 so if anyone knows of anyone interested, please let them know to go see their NRCS Office as soon as possible.

B. NARD

- 1. Report – Anderjaska reported NARD activities
- 2. Fall Conference Sept. 27 & 28. Anderjaska reported that Wendell Brott will be the auctioneer this year since Schurr is unable to attend. He went over the resolutions and announced that we had 5 votes. It was agreed to support resolution 2010-1, 2010-2 and, after further discussion, to also support the Tri-Basin resolution.

C. NNRC

- 1. Report – Nelsen had nothing new to report. Smith passed around the next meeting agenda.

D. INFORMATION AND EDUCATION – LAWSON.

1. Lawson went over his report and answered questions. He also talked about a grant that he and Merrigan wrote for ground water testing equipment.

E. REPUBLICAN RIVER BASIN COALITION

Smith talked about the grants, the cancelled Basin Tour for August 26-27, Witthuhn's resignation and the new employee at the Upper Republican, Nate Jenkins, who will be handling daily administrative duties for the RRBC. Next meeting will be in Curtis on November 17th.

F. NE REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOCIATION.

Smith discussed the NET Grant which looks at surface water component and how the grant would be funded. This would supply another management tool for the Board on making decisions for the District. DNR turned the grant into the Nebraska Environmental Trust and a decision should come back from them around April of 2011. Next meeting will be in Curtis November 17th.

G. OTHER AGENCIES OR ASSOCIATIONS.

1. RC&D – Roger Stockton reported on weed management activities of spraying and further removal of phragmites which started around the first part of August and will continue until deer season begins.

H. LEGISLATION.

1. Sustainability Task Force Report – Anderjaska/Fornoff. Next Meeting September 21 in Alma from 10 am to 3 pm. The new facilitator is the Public Policy Center at UNL.

12. GROUND WATER MANAGEMENT AREA

A. GROUND WATER MANAGEMENT AREA

1. REPORTS

(a) WELL PERMITS

Smith went over report and answered questions.

(b) SURFACE WATER

Reports included in packet and handed out for August and September.

(c) METER PROGRAM

Nothing new.

(d) AWEP.

Smith reported that things were still moving along.

(e) ARP.

Smith reported that he did share our ARP program information with the North Platte office as they are looking at doing a similar program.

(f) VIOLATIONS IN URNRD.

Smith announced that more alleged violations were investigated. The

violators from the previous investigations had requested an adjudicatory hearing on the penalties that they received. Could be further legal action involved.

2. TRANSFERS REQUESTS.

(a) **INITIAL REVIEW LIST – None.**

(b) **FINAL REVIEW – None.**

3. GROUNDWATER COMMITTEE REPORT.

The ground water committee has met and come up with some changes to the rules and regulations.

4. DRAFT REVISIONS TO RULES AND REGULATIONS – DISCUSSION.

Smith provided the new draft of the rules and regulations. Haag expressed concerns about continuing transfers. Uerling felt that everyone should be treated fairly in transfers if they were going to stay in the R&R. Committee had discussed this and make stricter rules on transfers but did not remove them. Spencer liked the new restrictive language the Committee came up with. Haag questioned why certain language relating to the Rapid Response Region was not in the Rules and Regulations. Smith explained that it didn't need to be included and that the reference for certain areas all relate back to the same appendix which keeps them all adjusted at the same allocation.

Haag asked Friesen what changes had been made to the ground water committee and why. Friesen explained that Uerling had been removed and Randel replaced him. He also explained why this occurred. Some discussion was held and no other concerns over the changes were expressed.

5. REPORT ON RRCA MEETING.

Smith reported on his attendance to the meeting in Burlington, CO.

6. NOTICES OF NON-COMPLIANCE ISSUED – KOETTER.

Merrigan explained the sending of a Non-Compliance notice to Dave Koetter for irrigating too many acres and how the process works. Koetter did not respond to that Notice within the appropriate timeframe.

7. CEASE AND DESIST ORDERS – AFFIRM STAFF ACTION – KOETTER.

Merrigan went on to explain the Cease and Desist Order and that Koetter did respond but did not have paperwork in to our offices in time for the mailing of the Board packets. Koetter's case will be on the October agenda and he will be in attendance to explain his situation. Merrigan requested the Board to affirm the issuance of the Cease and Desist Order.

- ◆ A motion was made by Nelsen and seconded by Loomis to affirm the Cease and Desist Order.

Ayes – 11 Nays – 0 Motion Carried

B. GROUND WATER QUALITY MANAGEMENT AREA – WATER SAMPLES.

Smith reported that USGS made it out with their equipment and we sampled the nested wells.

C. OTHER GROUND WATER ACTIVITY

None.

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 McConville to accept the Cost Share summary.

Ayes – 10 Nays – Anderjaska Motion Carried

B. WATERSHEDS – REHAB – PROGRESS ON 23A AND 80A.

Smith announced that 80A is complete and the ground was being prepared for grass seeding. 32A has been mostly torn down now.

C. COMPLAINTS – EROSION AND SEDIMENT COMPLAINT & RUN-OFF COMPLAINT.

Merrigan reported that we had received a complaint filed by Bill Baker in Hitchcock County and explained the situation (pictures were passed around). Merrigan met with NRCS to discuss a solution to the problem. Terraces would fix the issue. Letters were sent out to the landowners.

Merrigan also reported on filing a complaint against George Seward for Run-Off problem. Seward is aware of the problem and is in the process of filing a plan on how he will fix it with our office.

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.

B. CONSIDER PICK-UP BIDS.

- ◆ A motion was made by Fornoff and seconded by Uerling to accept bid from Lee Janssen Motor Company for \$26,995.00 for 2010 ½ Ton Chevy Pickup.

Ayes – 11 Nays – 0 Motion Carried

The meeting was adjourned at 11:12 a.m.

The next regular meeting will be held Tuesday, October 12th, 2010 at 7:30 p.m., at the Community Center at 201 Garlick Avenue in Curtis, Nebraska.

Stacie M. Owens
Board Secretary