

MINUTES
Middle Republican Natural Resources District
Board of Directors Meeting
Tuesday, December 13, 2011 at 1:30 PM
Curtis, Nebraska

Board Members Present: Kevin Fornoff, Joe Anderjaska, Buck Haag, James Uerling, Rick McConville, Steve Cappel, Bill Hoyt, Blaine Stinson, Rick Spencer, Brad Randel, John Palic

Board Members Absent: None.

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

NRCS Staff: Jason Kennedy

Others: Brad Johnson, Vern Friesen, Clint Sheets, William M. Barger, Cassie Spencer, Jon Schroeder

Information E-mailed to Directors:

Dunnigan Ltr dated 11/1/11	E-Notes dated 11/8, 11/15, 11/22, 11/29
RR Basin Drought Portal Website Update	Nov NARD Special Session Update

Information Mailed to Directors:

Agenda	Minutes from Regular Meeting
Minutes from Public Hearing	Financial Report
Profit & Loss Budget vs. Actual	Civil Rights Handout
I & E Report	Twin Platte NRD Ltr dated 11/23/11
DNR Preliminary RRB Forecast	Surface Water Report
Permit Transfer #TR01-2011	Letter from James Uerling
Alternate Version December 2011	

Information Distributed at Meeting:

Summary of Delinquent Occupation Taxes	Neb.Rev.St. 2-3226.05
Revised Uerling Letter	Legislative Conference Agenda
Surface Water Report	Cost-Share Summary
William M. Barger Letter	

REGULAR MEETING

1. The regular monthly board meeting was called to order by Chairman Haag at 1:34 pm.
 - a. Verify Quorum.
 - b. Excused Absence – None.

2. The agenda and roster were circulated to those present.
 - a. 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 November Regular Board Meeting and Public Hearing were mailed to Directors.

◆ A motion was made by Hoyt and seconded by Fornoff to approve the Minutes of the November Regular Board Meeting and Public Hearing.

Ayes - 11 Nays – 0 Motion Carried

5. Open Hearing for Variance Request. None.

6. Close Hearing.

7. CONSIDER VARIANCE REQUESTS

None.

8. FINANCIAL ACTIONS

a. The November Financial Report and Profit & Loss Budget vs. Actual report were presented by Smith. The County Treasurers' Balance was \$28,466.57.

◆ A motion was made by Spencer and seconded by Fornoff to approve the November Financial Report and Profit & Loss Budget vs. Actual report as presented.

Ayes- 11 Nays- 0 Motion Carried

A copy of this report is filed with the Minutes.

9. LEGAL MATTERS

a. Occupation Tax Foreclosure Action – Jon Schroeder.

Schroeder went over the process of foreclosing on the 2007 Occupation Tax, issues that may arise and requested the Board to accept a resolution for him to proceed on the foreclosures.

◆ A motion was made by Fornoff and seconded by Anderjaska to accept Resolution Number 347-11-2 pursuing the foreclosure on the 2007 Occupation Tax.

Ayes- 11 Nays- 0 Motion Carried

b. Kansas vs. Nebraska.

Smith reported that they were still taking depositions and will probably move forward after the first of the year.

10. OPEN FORUM

Bill Barger, Culbertson. Barger provided the Board with a written request for the water bank numbers. He also expressed his opinion on foreclosure on the 2007 occupation tax.

11. REPORTS – AGENCIES, ASSOCIATIONS, OTHERS

A. NRCS REPORT.

1. District Cons. Report. Kennedy reported on progress on EQIP rankings, deadlines on programs and staffing changes. He also asked the Board what they wanted to dollar wise on permanent AWEF applicants. Discussion held.

◆ A motion was made by Uerling and seconded by Cappel to continue matching funds for permanent retirements at \$250 per acre on all applications and \$750 per acre for those in 48% or higher depletion areas.

Ayes- 11 Nays- 0 Motion Carried

B. NARD

1. Report – Anderjaska talked about legislative conference, the new NARD website and new legislation.

C. NNRC

1. Report – Nelsen.
None.

D. INFORMATION AND EDUCATION – LAWSON.

1. Water Conference.
Lawson reported that they were currently planning the conference and any ideas on topics or speakers the Board feel would be interesting.

2. ACE Camp Support.
Lawson requested that the Board consider a donation to the NRD operated ACE Camp if our scholarship requests fall short of what is allowed by our policy. This will help ensure the successful operation of the camp at cost.

3. TPNRD Hazard Mitigation Plan approval.
Lawson requested that the Board direct the Chairman to sign a resolution adopting the Twin Platte Multi-Jurisdictional Hazard Mitigation Plan.

◆ A motion was made by Anderjaska and seconded by Hoyt to direct the Chairman to sign Resolution 347-11-1 adopting the Twin Platte Multi-Jurisdictional Hazard Mitigation Plan.

Ayes- 11 Nays- 0 Motion Carried

E. NE REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOCIATION.

1. Report on Forecast.
Smith went over the preliminary numbers. The final numbers will be available around the end of the year. Hoyt went over what was discussed at the meeting.

F. OTHER AGENCIES OR ASSOCIATIONS.

None.

G. LEGISLATION.

1. Sustainability Task Force Report – Anderjaska/Fornoff.
Anderjaska and Fornoff both discussed what happened at their meeting yesterday. Dunnigan and Carlson exchanged ideas on much of the items being discussed. Next meeting will be around end of January or first part of February.
2. LR 314 Report - Smith.
Nothing new.

12. GROUND WATER MANAGEMENT AREA

A. GROUND WATER MANAGEMENT AREA

1. REPORTS.

- (a) **WELL PERMITS.**
Nothing new.
- (b) **SURFACE WATER.**
Bureau report included in Board Packets.
- (c) **METER PROGRAM**
Smith reported that the technicians were done reading and were now working on stragglers and repairs.
- (d) **AWEP.**
None.
- (e) **ARP applications.**
None.

2. TRANSFERS REQUESTS.

- (a) **INITIAL REVIEW LIST – Merle Pfeiffer.**
Merrigan went over the permanent transfer request submitted by Merle Pfeiffer. Discussion was held.

◆ A motion was made by Hoyt and seconded by Uerling to table the transfer request until the Rules and Regulations have been finalized.

Ayes- 11 Nays- 0 Motion Carried

- (b) **FINAL REVIEW – None.**

3. IMP DISCUSSION.

- (a) **Depletion Revision.**
Uerling went over the numbers he came up with on the depletion percentages.

(b) Letters to DNR – Uerling.

Uerling went over his request to have the attorney write DNR a letter changing the percentage of depletions and requesting them to put in writing what our credit is going to be for the acres we have purchased through AWEP and ARP. Discussion was held and Smith reminded the Board that the Upper and Lower Republican would have to rewrite their IMP's in order to make the change.

- ◆ A motion was made by Uerling and seconded by Hoyt to direct our lawyer to write a letter to DNR telling them we want the percentages for the Middle Republican NRD to be changed to 30.87%.

Ayes- 11 Nays- 0 Motion Carried

4. RULES AND REGULATIONS – Approve for Hearing and Schedule Hearing.

Smith asked the Board if they were ready to set up a hearing for the Rules and Regulations. Extensive discussion was held and many concerns were brought up by the Board members.

- ◆ A motion was made by McConville and seconded by Palic to change the last sentence in Section 4.7.3.2. to 3 years.

Ayes- 7 Nays- Fornoff, Stinson, Spencer, Randel Motion Carried

Further discussion held.

- ◆ A motion was made by Hoyt and seconded by Uerling to take amended Rules and Regulations to hearing on January 10, 2012 at 10:00 AM, including changes to page 30-32.

Ayes- 8 Nays- Fornoff, Stinson, Spencer Motion Carried

5. NOTICES OF NON-COMPLIANCE ISSUED.

None.

6. CEASE AND DESIST ORDER.

None.

7. RIVERSIDE BUYOUT PROGRESS AND REPORT.

Smith updated the Board on contracts and issues that are being worked on.

8. ACCEPT ADMINISTRATIVE CONTROL OF RIVERSIDE IRRIGATION COMPANY.

- ◆ A motion was made by Hoyt and seconded by Uerling to authorize Smith to take administrative control over the Riverside Irrigation Company.

Ayes- 11 Nays- 0 Motion Carried

B. GROUND WATER QUALITY MANAGEMENT AREA.

None.

C. OTHER GROUND WATER.

None.

13. PROGRAMS

A. COST-SHARE FUNDS – LCP/NSWCP.

1. Approve Applications. Smith went over the cost share report and answered questions.

◆ A motion was made by Anderjaska and seconded by Fornoff to accept the Cost Share Summary as presented.

Ayes - 11 Nays - 0 Motion Carried

B. WATERSHEDS.

1. Final Inspection on 32A.
Smith reported that the only thing left to do is turn in final pay estimate.

2. Emergency Action Plan McCook.
Smith received a report from Miller & Associates that everything is moving along. There are some contacts that will need to be made in McCook.

C. EROSION AND SEDIMENT CONTRACT ACT - Seward.

None.

D. COMPLAINTS – REPORTS ON PREVIOUS COMPLAINTS-Baker.

Smith went over a complaint received from Baker's who are on the downhill side of property being put into production. He stated that there are other issues that may also come into play.

E. CHEMIGATION.

None.

F. TREE PLANTING.

None.

G. BUFFER STRIPS.

None.

H. LIVESTOCK WASTE CONTROL APPLICATIONS.

None.

14. GENERAL OPERATIONS.

A. PERSONNEL.

None.

B. SALES & RENTAL EQUIPMENT.

None.

The meeting was adjourned at 5:06 pm.

The next regular meeting will be held Tuesday, January 10, 2011 at 2:00 p.m. at the Community Center at 201 Garlick Avenue in Curtis, Nebraska.

Stacie M. Owens
Board Secretary