

**MINUTES**  
**Middle Republican Natural Resources District**  
**Board of Directors Meeting**  
**Tuesday, June 14, 2011 at 7:30 PM**  
**Curtis, Nebraska**

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

**Board Members Absent:** Blaine Stinson, Rick Spencer

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

**NRCS Staff:** Jason Kennedy

**Others:** Matt Lindburg, Frank Kwapniowski, Ron Friehe, Martin Sis, Ralph Scott, Jack Wergin, Duane Dodson, Ken Necs, Con Fielding, Josh Friesen, Brad Johnson, Dale Wolf, Nate Jenkins

**Information E-mailed to Directors:**

E-Notes dated May 10, 24, June 1, 7  
Developed Acres Map  
E-mail from Smith re: LRNRD Hearing  
Schroeder Letters

NARD Tour E-mail dated May, 11th & 23rd  
Water Funding Work Group Sign Up  
Legislative Updates dated May 20, 27  
Weekly Construction Updates June 7 & 13

**Information Mailed to Directors:**

Agenda  
Public Hearing Agenda  
Financial Report  
Civil Rights Handout  
Conservation Nomination Form  
Four States Irrigation Council Tour  
Legislative Resolution 218 & 304  
Surface Water Report

Minutes from Regular Meeting & Public Hearing  
Variance Request Forms 1, 4 & 5  
Profit & Loss Budget vs Actual  
I & E Report  
7<sup>th</sup> Annual West Central Water/Crop Field Day  
2011 Interim Study Resolutions from NARD  
Permit to Construct  
Developed Acres Map

**Information Distributed at Meeting:**

Insurance Premium Summary  
Cost Share Summary  
General Policy, May 2011  
Bylaws, May 2011  
Uerling Testimony

Surface Water Report  
Erosion & Sediment Damages  
Personnel Policy, May 2011  
Water Balance Study  
Erosion Photos

**REGULAR MEETING**

1. The regular monthly board meeting was called to order by Chairman Haag at 7:33 pm.
  - a. Verify Quorum.
  - b. Excused Absences – Blaine Stinson.

◆ A motion was made by Anderjaska and seconded by McConville to excuse the absence of Stinson due to illness.

Ayes - 7      Nays – 0      Motion Carried

2. The agenda and roster were circulated to those present.
  - a. Items added since mailing: 8.d. Approval of 2 checks: Leiss & Jaeger.

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](http://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 May Regular Board Meeting and Variance Hearing were mailed to Directors.

◆ A motion was made by Anderjaska and seconded by Fornoff to approve the May Regular Board Meeting and Variance Hearing.

Ayes - 7      Nays – 0      Motion Carried

5. Open Hearing for Variance Request at 7:36 pm

**Uerling and Cappel arrived at 7:36 pm.**

6. Close Hearing at 7:52 pm.

## **7. CONSIDER VARIANCE REQUESTS**

Discussion held relating to Geraldine Clark variance request.

◆ A motion was made by Anderjaska and seconded by Fornoff to deny variance request number VAR1-2011, Geraldine Clark.

Ayes- 8      Nays- Hoyt      Motion Carried

Discussion held relating to Friehe Farms variance request.

◆ A motion was made by Hoyt and seconded by Uerling to accept variance request number VAR4-2011, Friehe Farms, Inc. with stipulation that a year-end surface water usage report be provided to the MRNRD by the owner by January 1<sup>st</sup> of each year. Surface water use will only be deducted from fields where it is applied.

Ayes- 9      Nays- 0      Motion Carried

Discussion held relating to Tom Kiplinger variance request.

◆ A motion was made by Hoyt and seconded by Uerling to accept variance request number VAR5-2011, Tom Kiplinger with stipulation that a year-end surface water usage report be provided to the MRNRD by the owner by January 1<sup>st</sup> of each year.

Surface water use will only be deducted from fields where it is applied.

Ayes- 9                      Nays- 0                      Motion Carried

**11. e. 1. Water Balance Study Moved here.**

Matt Lindburg and Frank Kwapnioski of Brown and Caldwell provided a presentation of the Water Balance Study and answered questions.

**8. FINANCIAL ACTIONS**

a.        The May Financial Report and Monthly Income and Expense Report were presented by Smith. The County Treasurers' Balance was \$368,470.84.

◆ A motion was made by Uerling and seconded by Cappel to approve the May Financial Report as presented.

Ayes- 9                      Nays- 0                      Motion Carried

A copy of this report is filed with the Minutes.

b.        Draft 2011-2012 Budget.

Smith reported he is still waiting for more numbers to come in.

c.        Insurance renewal, new policy provision.

Smith went over the liability changes and the proposal for AD&D additional coverage for directors and employees. Discussion was held.

◆ A motion was made by Anderjaska and seconded by Palic to renew the basic insurance package.

Ayes- 9                      Nays- 0                      Motion Carried

◆ A motion was made by Hoyt and seconded by Cappel to add the additional AD&D coverage.

Ayes- 6                      Nays- Haag, McConville, Palic                      Motion Carried

d.        Approval of 2 checks: Leiss & Jaeger.

Smith went over the 2 checks that need to be signed and Spencer is not available to do so.

◆ A motion was made by Anderjaska and seconded by McConville to direct Smith and Owens to sign checks to Doug Leiss, number 3374 in the amount of \$25,850.00 and to John Jaeger, number 3371 in the amount of \$29,229.38.

Ayes- 9                      Nays- 0                      Motion Carried

**9. LEGAL MATTERS**

a.        Occupation Tax Challenge – NE Supreme Court – Awaiting Decision.  
Nothing New.

- b. Kansas vs. Nebraska – July 19 Kansas City, MO.  
Smith stated he will be attending.
- c. Schroeder Review of issues.  
Discussed Schroeder’s letters relating to Clark variance hearing and removal of McCook Gazette article from the records.
- d. Legal Representation – Exec Committee phone interviews.  
Smith went over the results of the phone interviews with both Jarecke and Linstrom. Discussion held.

◆ A motion was made by Fornoff and seconded by Hoyt to hire Jarecke.  
Ayes- 7                      Nays- Palic, Randel                      Motion Carried

**10. OPEN FORUM**

William Barger, Culbertson, NE. Barger had questions as to how the surface water usage is recorded and whether or not people needed to ask for a variance hearing. Smith stated that they would need to ask for a variance to have only the surface water they actually took be accounted for against their allocation otherwise whatever the irrigation district offered will be deducted from their allocation whether they took it or not.

**11. REPORTS – AGENCIES, ASSOCIATIONS, OTHERS**

**A. NRCS REPORT.**

1. District Cons. Report. Kennedy and Smith discussed the leveraging of funds for the Riverside Irrigation project. They have not received an answer yet. Kennedy went over the NRCS work load and discussed the process of sod buster program and how they related to the authority the NRCS has when there are complaints and issues relating to runoff complaints.

2. Watershed Planning. Smith went over the dam repair schedules and stated that the two major concerns were P2 and 12A. Kennedy stated that DNR would be making a trip out to physically go out and look at both dams probably next week.

**B. NARD**

1. Report – Anderjaska went over the events of the last meeting and the approval of a 1% increase across board on insurance costs. Basin tour is going on right now.

**C. NNRC**

1. Report – Nelsen went over the events of the meeting in Sidney last week.

**D. INFORMATION AND EDUCATION – LAWSON.**

- 1. Reports. Lawson went over his report.
- 2. Honor Conservation Award. Lawson provided a copy of the new application of the Land a Life Farms Inc.

**E. REPUBLICAN RIVER BASIN COALITION**

1. Water Balance Study.

**Item presented following Item 7.**

Jenkins discussed the presentation and stated once again that they would be doing additional presentations around the basin. He also talked a little bit about a proposal that would be coming out from the Upper Republican relating to participation in their augmentation project. An offer has been made to the Lower Republican and we would be receiving an official offer soon.

**F. NE REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOCIATION.**

1. Reports. Jenkins reported on the activities of the NeRRMDA.

**G. OTHER AGENCIES OR ASSOCIATIONS.**

1. NONE.

**H. LEGISLATION.**

1. Sustainability Task Force Report – Anderjaska/Fornoff. Next meeting will be July 19<sup>th</sup> in McCook.
2. Legislature adjourned.  
Smith went over Dean Edson’s report.
3. LR 304, LR 128, LB 400.  
Smith discussed these specific bills.

**12. GROUND WATER MANAGEMENT AREA**

**A. GROUND WATER MANAGEMENT AREA**

**1. REPORTS.**

- (a) **WELL PERMITS**  
Reported was mailed in Board Packet.
- (b) **SURFACE WATER.**  
Bureau reports were included in handouts.
- (c) **METER PROGRAM**  
None.
- (d) **AWEP.**  
Nothing new.
- (e) **ARP.**  
Merrigan went over additional applications. Discussion was held.

◆ A motion was made by Uerling and seconded by Cappel to retire 15.6 acres of Con Fielding’s certified acres and 19 acres of Dale Wolf’s certified acres for a total payout

of \$58,800 on 34.6 acres.

Ayes- 9

Nays- 0

Motion Carried

**2. TRANSFERS REQUESTS.**

- (a) **INITIAL REVIEW LIST – None.**
- (b) **FINAL REVIEW – None.**

**3. IMP DISCUSSION.**

- (a) **Future Revisions.**  
Nothing new.

- (b) **LRNRD Hearing Testimony?**

Cappel stated he would like to see us offer testimony at the hearing but not in support of option 3. Uerling handed out some testimony he wrote up. Discussion was held and the district will not provide testimony at the hearing.

**4. RULES AND REGULATIONS- 2001<WELLS.**

Smith stated that there were some questions about treating the 2001 and later wells differently than the other wells in the Rules and Regulations. Discussion was held. Smith will e-mail out the current draft of the Rules and Regulations and has requested input from the Board Members.

**5. NOTICES OF NON-COMPLIANCE ISSUED.**

None.

**6. CEASE AND DESIST ORDER – AWAITING REPLY FROM KOETTER, KENT MEYERS.**

Merrigan reported that Koetter has completed is recertification.

♦ A motion was made by Uerling and seconded by Palic to lift the Cease and Desist Order on Koetter.

Ayes- 9

Nays- 0

Motion Carried

Smith reported that they have had phone conversations with Kent Meyers and that Merrigan would be going out to Meyers to take a look tomorrow.

**7. RIVERSIDE BUYOUT PROGRESS AND REPORT.**

Smith stated that he has had many conversations with landowners who were interested. There are still some questions relating to CREP ground and new have not received any answers yet.

**B. GROUND WATER QUALITY MANAGEMENT AREA –**

None.

**C. OTHER GROUND WATER ACTIVITY – TEXACO TRUST APPLICATION – BOB ADAMS.**

Smith went over the history of the Texaco account and a request received from Bob

Adams.

♦ A motion was made by Anderjaska and seconded by Palic to approve \$6,100 worth of Texaco Trust Funds to go to Bob Adams.

Ayes- 9

Nays- 0

Motion Carried

### **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 Randel to approve the Cost Share Summary as presented.

Ayes- 8

Nays- 0

Abstain - McConville

Motion Carried

#### **2. Consider \$6,500 maximum cost-share with \$5,000 manger approval.**

Smith went over the current rate and reason for the request.

♦ A motion was made by Anderjaska and seconded by Fornoff to approve the rate change to \$6,500 maximum cost-share with a \$5,000 manager approval.

Ayes- 9

Nays- 0

Motion Carried

#### **B. WATERSHEDS – REHAB.**

1. Progress on 32A and 80A. Weekly updates have been e-mailed to Directors.

#### **C. EROSION AND SEDIMENT CONTRACT ACT – DISCUSSION.**

Discussed during the NRCS report. Smith stated he did drive out and look at the ground in question.

#### **D. COMPLAINTS – REPORTS ON PREVIOUS COMPLAINTS.**

None.

#### **E. CHEMIGATION.**

Smith reported that inspections have started.

#### **F. TREE PLANTING.**

Smith reported that tree planting and mulching has all been completed.

#### **G. BUFFER STRIPS.**

None.

#### **H. LIVESTOCK WASTE CONTROL APPLICATIONS.**

None.

### **14. GENERAL OPERATIONS.**

#### **A. PERSONNEL.**

None.

**B. OPERATIONAL POLICY, PERSONNEL POLICY AND BYLAW REVISIONS – FINAL COPIES.**

Smith included final copies for Board Members in the handouts.

**C. SALES AND RENTAL EQUIPMENT.**

None.

The meeting was adjourned at 11:25 pm.

The next regular meeting will be held Tuesday, July 12, 2011 at 7:30 p.m., at the Community Center at 201 Garlick Avenue in Curtis, Nebraska.

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Stacie M. Owens  
Board Secretary