

MINUTES
Middle Republican Natural Resources District
Adjudicatory Hearing
Tuesday, April 14, 2015 at 4:00 pm
Curtis, Nebraska

Board Members Present: Kevin Fornoff, James Uerling, Buck Haag, Steve Cappel, Jay Schilling, Benjie Loomis, Joe Anderjaska, Brad Randel, John Palic, Shane Rippen, Rick McConville

Board Members Absent: None.

NRD Staff: Jack Russell, Bob Merrigan, Sylvia Johnson, Doris Burke, Mary Tidyman and Stacie Owens

Hearing Officer: Tim Thompson

NRD Attorney: Jon Schroeder

Applicant: Stan Moore

Applicant's Attorney: Stephen Mossman

Court Reporter: Muffy Morris

Other Witnesses: None

ADJUDICATORY HEARING

1. CONVENE HEARING. The hearing was called to order by Chairman Haag at 4:18 p.m. The agenda was circulated to those present.

Chairman Haag named Tim Thompson as the hearing officer and turned the hearing over to him.

The Board Secretary recorded those present. This hearing was recorded by a court reporter. Transcript and Exhibits will be filed at the Middle Republican NRD, Curtis, Nebraska.

2. Notice of the hearing 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.

3. STATEMENT OF PURPOSE

The purpose of this hearing is to receive evidence and testimony concerning the denial of a request for a variance from the District's Ground Water Management Area, Rules and Regulations. Specifically a request from Stan Moore to drill two new wells, denied by the Board of Directors at our December 9, 2014 regular board meeting.

4. OPENING STATEMENTS AND/OR ORAL ARGUMENTS

Thompson stated the reason for the hearing and explained the process.

Mossman offered exhibits 1-9 and 35-37. Schroeder had no objection. Exhibits received.

Schroeder offered exhibits 40-50. Mossman had no objections. Exhibits received.

Mossman called his first witness, Stan Moore. Morris swore the witness in and turned him back over to Mossman for questioning. Witness was asked to verify the authenticity of some of the exhibits, provide a brief history of his farming operation and water conservation practices and describe the reasoning for his variance requests he had filed.

Schroeder cross examined Moore with questions relating to his previous history as a Board Member of the Middle Republican NRD and his reasons for not developing the land the wells resided on when they were initially drilled.

Mossman redirected.

Witness was excused.

Thompson asked for questions from Board Members. Schilling and McConville asked witness questions.

Mossman called his second witness, Robert Merrigan. Morris swore the witness in and turned him back to Mossman for questioning.

Mossman offered exhibit 10. Schroeder had no objection. Exhibit received.

Mossman offered exhibits 11-12. Schroeder had no objection. Exhibits received.

Mossman offered exhibit 13. Schroeder had no objection. Exhibit received.

Mossman offered exhibits 16-18. Schroeder had no objection. Exhibits received.

Mossman offered exhibits 14-15. Schroeder had no objection. Exhibits received.

Mossman offered exhibits 19-34. Schroeder objected to the roll call voting sheets. Mossman explained the reason for using them and reoffered the Exhibits. Schroeder has no objections. Exhibits received.

Schroeder cross examined the Witness with questions relating to the differences between a number of variance requests that has been approved by the Board in the past.

Mossman redirected.

Thompson asked for questions from Board Members. Haag, Uerling and McConville asked witness questions.

Mossman had follow-up questions.

Witness was excused.

Both parties rested. Thompson called for a brief 10 minute break at 6:15 pm.

Closing statements were made by Mossman which included an offer to compromise by amending one of the variance requests and withdraw the other variance request on behalf of Moore.

Closing statements were made by Schroeder.

Mossman had no rebuttal.

5. EXHIBITS

1 – 34 introduced by Mossman

40 – 50 introduced by Schroeder

The hearing was closed at 6:31 p.m. by Hearing Officer Thompson.

Stacie M. Owens
Secretary to the Board