

MINUTES
Middle Republican Natural Resources District
Board of Directors Meeting
Tuesday, January 14, 2014 at 1:30 PM
Curtis, Nebraska

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

Board Members Absent: Blaine Stinson, Rick McConville

NRD Staff: Jack Russell, Bob Merrigan, Roger Lawson, Stacie Owens, Sylvia Johnson

NRCS Staff: Jason Kennedy

Others: Curtis Kayton, Jeannie Kressin, Clint Schafer, Brian Schafer, Sean Lacey, Ted Rippen, Share Rippen, Doug Hallum, Milo Cheshire, Amanda Johnson, Dan Hughes, Tim McKillip, Diane Hidg, William M. Barger, Doug Klein, Paula Klein, Marlene Estermann, Dan Estermann, Dustin Wilcox, Erik Anderjaska, Ted Campbell, Bruce Fulk, Ryan Kuhlman, Courtney Schrotherger, Randy Robinson, Chelsea Erickson, Brad Johnson, Luke Bortner, Mike Langan, Brian Holm, Dick Hasenauer, Josh Friesen, Kort Kemp, Hank Knisley

Information E-mailed to Directors:

Tax Modernization Committee Report
eResource dated Dec. 30, Jan. 7

Executive Committee Meeting w/DNR
Water Short Year 2014

Open Letter to the NRD Mangers

News Article dated Dec. 20

DNR Letter dated Dec. 31

Bill drafts for 2014 Session

Groundwater Committee re: Mtg results

Information Mailed to Directors:

Agenda

Special Meeting Minutes

Request for Variance#7 & 8

Maps corresponding to Variance Request

Depletions, Development/Static Level Info

Profit & Loss Budget vs Actual

Legislative Conference Agenda

I & E Report

Minutes

Public Hearing Agenda

Application for Permit to Construct Well (2)

Occupation Tax Information

Financial Report

Civil Rights Program

NARD Funding Request for State Fair Bldg

Amendment to Mgr Contract

Information Distributed at Meeting:

Surface Water Report

Draft N-CORPE Wellfield Op Policy

Cost-Share Summary

Water Usage Numbers for 2013

DNR Feb 26 Ltr from Uerling

Pickup Bids

REGULAR MEETING

1. The regular monthly board meeting was called to order by Chairman Haag at 1:32 pm.
 - a. Verify Quorum.
 - b. Excused Absences – 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 December Regular Board Meeting were mailed to Directors.

- ◆ Uerling moved to approve the Minutes from the December Regular Board Meeting with corrections. Seconded by Palic.

Ayes - 9 Nays – 0 Motion Carried

5. Open Hearing for Variance Request at 1:36 p.m.

6. Close Hearing at 1:42 p.m.

7. CONSIDER VARIANCE REQUEST

- ◆ Fornoff moved to approve Variance Request #7 and #8 of Amanda Johnson's. Seconded by Loomis.

Ayes - 7 Nays – Cappel, Uerling Motion Carried

8. FINANCIAL ACTIONS

A. The December Financial Report and Profit and Loss Budget vs Actual were presented by Russell. The taxes received were \$47,267.52.

- ◆ Uerling moved to approve the December Financial Report and Profit and Loss Budget vs Actual as presented. Seconded by Hoyt.

Ayes - 9 Nays - 0 Motion Carried

A copy of this report is filed with the Minutes.

9. LEGAL MATTERS

A. Kansas vs. Nebraska – Report.
Russell updated the Board on the status.

B. Barger and Others vs. MRNRD.
Russell stated that he met with Schroeder to get caught up to speed on the lawsuit and where it was currently sitting.

10. OPEN FORUM

Tim McKillip, Hayes Center. Question relating to allocation.

Dan Estermann, Wellfleet. Concerns relating to N-CORPE .

William M. Barger, Culbertson. Requested Manager introduce himself and asked about credits.

Randy Robinson, North Platte. Comments relating to allocation.

Josh Friesen, Wallace. Comments relating to allocation and economic viability.

Doug Klein, Moorefield. Questioned what had changed in the last 30 days.

Dan Hughes, Venango. Introduced himself as candidate for District 44 Senate seat

Dick Hasenauer, Dickens. Expressed gratitude for updating website

Amanda Johnson, Hayes Center. Stated that she would like to see the Board consider a 5% volunteer reduction.

Sylvia Johnson on behalf of Blaine Stinson, Palisade. Johnson read Stinson's letter relating to water allocation. (copy of which is filed in the Minute Book)

11. REPORTS – AGENCIES, ASSOCIATIONS, OTHERS

A. NRCS

1. Dist. Cons. Report.

Kennedy went over his report and answered questions of the Board. He also stated that he has received the information on the amount of the federal payment for EQIP which will be \$435.09 per acre and asked whether or not the Board wished to contribute an additional amount as they have in the past. Discussion held.

- ◆ Uerling moved to add \$1,564.91 to the federal payment of \$435.09 for a total of \$2,000 per acre for permanent EQIP applicants in the 60% and above depletion area and spread payments out over three (3) years. Seconded by Palic.

Ayes - 9 Nays – 0 Motion Carried

B. NARD

1. Report – Anderjaska stated they were working on Legislative Conference.

2. Registrations for Legislative Conference.

Owens stated that she has everyone attending registered and will be sending out the individual hotel confirmations in the next couple of weeks.

3. Funding for State Fair Facility \$1,000.

Anderjaska stated that they were trying to see who is interested in helping fund this project. It has yet to be determined whether it will happen or not but requested the Board provide him with some guidance as to their interest in the project. Discussion held.

- ◆ Fornoff moved to approve a payment of \$1,000 to the State Fair Facility at the discretion of Anderjaska. Seconded by Loomis.

Ayes - 8 Nays – Uerling Motion Carried

C. NNRC

1. Report – Fornoff.

Next meeting will be Wednesday, January 29 in Lincoln.

D. INFORMATION AND EDUCATION – LAWSON.

Lawson went over his report and answered questions of the Board. He is currently planning the Water Conference and requested ideas for speakers from the Board.

E. NE REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOCIATION.

1. Report.

Hoyt gave a report on their last meeting and the direction they are working towards.

2. Resolutions for Feb. 19, 2014 Meeting in McCook at 1 p.m.

Hoyt went over the resolutions they were looking at and ideas that were being discussed.

Items 12.A.3 and 4 moved up by Chairman to this location:

12.A.3. IMP – FINAL FORECAST FOR 2014

(a) Consider options

1. Agree to share output and costs from Rock Creek & N-CORPE.
2. Rapid Responses area shut down.
3. Restrict allocation across entire district.
4. Other options.

- ◆ Uerling moved to offer Frenchman Valley \$100 an acre foot for 4,386 acre feet of water. Seconded by Cappel.

Discussion held.

- ◆ Anderjaska moved to amend the offer to \$100 per credited acre feet of water. Seconded by Loomis.

Further Discussion held.

- ◆ Fornoff moved to amend the motion to offer \$75 per acre foot of physical water released from Enders. Seconded by Loomis.
Ayes – 7 Nays – 0 Abstain – Palic, Cappel Motion Carried

Owens restated the original amended motion.

- ◆ Uerling moved to offer Frenchman Valley and H & RW \$75 per acre feet of physical water released from Enders. Seconded by Cappel.
Ayes – 6 Nays – 0 Abstain – Uerling, Cappel, Palic Motion Carried

12.A.4. RULES AND REGULATIONS - Discuss Allocations for 2014.

Russell went over ideas discussed during the groundwater committee meeting. Their recommendation of limiting pumping during Compact Call Years to 15 inches with the penalty for overuse of two inches for the first three inches and three inches for the fourth inch and more. Discussion held.

- ◆ Hoyt moved to take to hearing that during a Compact Call Year there will be a maximum pumping limit of 15” with a penalty for exceeding that limit of a 2:1 for the first 3 inches and a 3:1 for the fourth inch and over. Seconded by Palic.
Ayes – 8 Nays – Haag Motion Carried

- ◆ Anderjaska moved to hold a Rules and Regulations Hearing on Tuesday, February 11, 2014 at 1:00 p.m. at the Community Center in Curtis. Seconded by Uerling.
Ayes – 9 Nays – 0 Motion Carried

Discussion held regarding sending a letter to DNR to address some concerns and credits.

- ◆ Hoyt moved to have Jack Russell write a letter to DNR with our plan for compact compliance identifying specific points that have been discussed. Seconded by Uerling.
Ayes – 9 Nays – 0 Motion Carried

Russell stated he will draft a letter and email it out to the Board for suggestions prior to sending.

F. RRCA.

1. Arbitrator’s Finding on Rock Creek and WSY Plan.
Colorado has been given approval to pump their project for one year.

G. LEGISLATION.

1. NE Water Policy Task Force Report – Fornoff.
Nothing new.

H. N-CORPE.

1. Status Report.
Haag and Hoyt both requested to be replaced on the N-CORPE Board.

Discussion held.

- ◆ Hoyt moved to appoint Randel as N-CORPE representative and Loomis as alternate. Seconded by Anderjaska.
Ayes – 7 Nays – 0 Abstain – Loomis, Randel Motion Carried

2. Construction Progress.

Haag reported that they were still working on easements and getting the culverts in place. They are experiencing problems boring under the gas line which has put them a couple weeks behind schedule.

3. Schedule Tour.

Russell questioned whether the Board wishes to tour N-CORPE. They stated that they would be interested in a tour once it was up and running.

I. OTHERS.

None.

12. GROUND WATER MANAGEMENT AREA

A. GROUND WATER MANAGEMENT AREA

1. REPORTS

- (a) **WELL PERMITS**

None.

(b) **SURFACE WATER**
Bureau report handed out.

(c) **METER PROGRAM**
Johnson put together 2013 pumping numbers with and without N-CORPE usages.

(d) **AWEP/ARP.**
Merrigan stated that Beebe has accepted our ARP offer of \$55,475 for his groundwater and surface water rights. He was also contracted by the DNR to see if the two dry year lease applicants from last year would be interested in applying again for 2014. One applicant has accepted and he is waiting to hear from the second one. Our cost for both would be \$23,184.

◆ Anderjaska moved to renew both dry year leases for 2014. Seconded by Fornoff.
Ayes – 9 Nays – 0 Motion Carried

2. TRANSFERS REQUESTS.

(a) **INITIAL REVIEW LIST – None.**

(b) **FINAL REVIEW – None.**

Items 12.A.3 and 4 were moved up in the agenda by the Chairman following 11.E.2.

3. IMP – FINAL FORECAST FOR 2014

(a) Consider options

1. Agree to share output and costs from Rock Creek & N-CORPE.
2. Rapid Responses area shut down.
3. Restrict allocation across entire district.
4. Other options.

4. RULES AND REGULATIONS - Discuss Allocations for 2014.

5. NOTICES OF NON-COMPLIANCE ISSUED.

None.

6. CEASE AND DESIST ORDER.

None.

B. GROUND WATER QUALITY MANAGEMENT AREA.

None.

C. OTHER GROUND WATER ACTIVITY

None.

13. PROGRAMS

A. COST-SHARE FUNDS – LCP/NSWCP.

1. **Approve Applications.** Johnson went over the cost share report.

- ◆ Fornoff moved to approve the January Cost Share Report as presented. Seconded by Loomis.
Ayes – 9 Nays – 0 Motion Carried

B. WATERSHEDS.
None.

C. EROSION AND SEDIMENT CONTROL ACT.
None.

D. COMPLAINTS – Reports on previous complaints.
None.

E. CHEMIGATION.
None.

F. TREE PLANTING.
None.

G. BUFFER STRIPS.
None.

H. LIVESTOCK WASTE CONTROL APPLICATIONS.
None.

14. GENERAL OPERATIONS.

A. PERSONNEL – Consider Amendment to Manager’s Contract.

- ◆ Uerling moved to approve the amendment to the Manager’s Contract as presented. Seconded by Hoyt.
Ayes – 9 Nays – 0 Motion Carried

B. SALES AND RENTAL EQUIPMENT.
None.

C. ELECTIONS: Stinson, Randel, Palic, Hoyt, Fornoff, Cappel.
Filing deadlines – Feb. 18 Incumbents/Mar. 3 Non-Incumbents.

D. PICKUP BIDS.
Merrigan went over the list of bids he received.

- ◆ Anderjaska moved to accept the bid from Janssen & Sons Ford for \$11,885.00 for the 2014 Ford F-150. Seconded by Fornoff.
Ayes - 9 Nays - 0 Motion Carried

The next regular meeting will be held Tuesday, February 11, 2013 at 1:00 p.m. following the Public Hearing for the Rules and Regulations, at the Community Center, at 201 Garlick Avenue, Curtis, Nebraska.

The meeting was adjourned at 4:39 pm.

Stacie M. Owens
Board Secretary