

MINUTES
Middle Republican Natural Resources District
Public Hearing
Thursday, July 29, 2021 at 1:00 pm
Curtis, Nebraska

Board Members Present: Joe Anderjaska, John Palic, Shane Rippen, Benjie Loomis, Travis Rousselle, Dan Nelsen, Tracy Zink, Dan Estermann, Jay Schilling, Jolene Messinger

Board Members Absent: Rick McConville, Brad Randel

NRD Staff: Jack Russell, Sylvia Johnson, Alex Boyce and Stacie Owens

Hearing Officer: Don Blankenau

NRD Attorney: Dan Lindstrom, Elizabeth Klingelhoef

Applicant: Bryan & Ami Hauxwell

Applicant's Attorney: George Vinton

Court Reporter: Sara Becker

Other Witnesses: Al Dunworth, Merlin Brown

ADJUDICATORY HEARING

1. CONVENE HEARING. The hearing was called to order by Vice Chairman Zink at 1:05 p.m. The agenda was circulated to those present.

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

2. STATEMENT OF PURPOSE

The purpose of this hearing is to receive evidence and testimony concerning a potential violation to the Nebraska Groundwater Management and Protection Act and the District's Rules and Regulations by Bryan Hauxwell, Ami Hauxwell, and Ruggles Farm Inc.

3. DESIGNATION OF HEARING OFFICER

Vice Chairman Zink named Don Blankenau as the hearing examiner and turned the hearing over to him.

Blankenau introduced himself, went over his background and credentials.

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

Lindstrom introduced himself and Elizabeth Klingelhoef.

Vinton introduced himself and his clients.

Vinton objected to the meeting stating he believed it is an illegal meeting based on it's publication notices. Blankenau overruled his objection but noted it for the record.

4. NOTE APPEARANCES FOR THE RECORD.

Sign in sheet was distributed.

5. OPENING STATEMENTS.

Lindstrom.

Vinton.

6. PRESENTATION OF EVIDENCE AND TESTIMONY

MRNRD Staff

Defendant(s)

Rebuttal

Lindstrom calls Jack Russell. Becker swore him in.

Lindstrom offered Exhibit 10

Vinton objected

Blankenau overruled but noted for the record.

Exhibit received.

Lindstrom offered Exhibit 11

Vinton no objection.

Exhibit received.

Lindstrom offered Exhibit 12

Vinton objected

Blankenau overruled but noted for the record.

Exhibit received.

Lindstrom offered Exhibit 13 and 14

Vinton no objection.

Exhibit received.

Lindstrom offered Exhibit 15

Vinton objected

Blankenau overruled but noted for the record.

Exhibit received.

Lindstrom offered Exhibit 16

Vinton objected

Blankenau overruled but noted for the record.

Exhibit received.

Lindstrom offered Exhibit 17

Vinton objected

Blankenau overruled but noted for the record.

Exhibit received.

Lindstrom offered Exhibit 18

Vinton objected

Blankenau overruled but noted for the record.

Exhibit received.

Lindstrom offered Exhibit 19
Vinton objected
Blankenau overruled but noted for the record.
Exhibit received.

Lindstrom offered Exhibit 20
Vinton objected
Blankenau overruled but noted for the record.
Exhibit received.

Lindstrom offered Exhibit 21
Vinton objected
Blankenau overruled but noted for the record.
Exhibit received.

*Blankenau called for a break at 2:27 pm.
Blankenau resumed the hearing at 2:37 pm.*

Lindstrom offered Exhibit 22 - 30
Vinton no objection.
Blankenau overruled but noted for the record.
Exhibit received.

Lindstrom offered Exhibit 38
Vinton objected
Blankenau overruled but noted for the record.
Exhibit received.

Lindstrom offered Exhibit 31
Vinton objected
Blankenau overruled but noted for the record.
Exhibit received.

Lindstrom offered Exhibit 39
Vinton objected
Blankenau overruled but noted for the record.
Exhibit received.

Lindstrom offered Exhibit 35
Vinton objected
Blankenau overruled but noted for the record.
Exhibit received.

Lindstrom offered Exhibit 36
Vinton objected
Blankenau overruled but noted for the record.
Exhibit received.

Lindstrom offered Exhibit 37
Vinton objected
Blankenau overruled but noted for the record.
Exhibit received.

Vinton requested to call a witness out of order so the witness could testify and leave. Request was granted.

Vinton called Al Dunworth from Quality Irrigation. Becker swore him in.

Dunworth introduced himself and gave a narrative of his background.

Vinton questioned Dunworth on the process of repairing irrigation pipe and handling of meters they must remove in order to complete those repairs. Dunworth stated they do not inform the NRD's when they break the seals on the meters but that they will start making that a practice.

Lindstrom objected to the relevancy to these proceedings.
Blankenau overruled.

Lindstrom cross examined the witness.

Witness was excused.

Cross examination of Russell continues.

*Blankenau called for a break at 3:53 pm.
Blankenau resumed the hearing at 4:09 pm.*

Vinton offered Exhibit 50
Lindstrom no objection
Exhibit received.

Vinton offered Exhibit 62
Lindstrom no objection
Exhibit received.

Vinton offered Exhibit 63
Lindstrom no objection
Exhibit received.

Vinton calls Merlin Brown. Becker swears him in.

Vinton questioned Brown.

Witness was excused

Resumed questioning of Russell.

Vinton offered Exhibit 45
Lindstrom no objection
Exhibit received.

Vinton offered Exhibit 46
Lindstrom no objection
Exhibit received.

Vinton offered Exhibit 49
Lindstrom no objection
Exhibit received.

Vinton offered Exhibit 47
Lindstrom objected
Exhibit received.

Vinton offered Exhibit 48
Lindstrom objected
Exhibit received.

Vinton offered Exhibit 49
Lindstrom no objection
Exhibit received.

Vinton offered Exhibit 51
Lindstrom objected
Exhibit received.

Vinton offered Exhibit 52
Lindstrom no objection
Exhibit received.

Vinton offered Exhibit 53
Lindstrom objected
Exhibit received.

Vinton offered Exhibit 54
Lindstrom objected
Exhibit received.

Vinton offered Exhibit 55-61
Lindstrom objected
Exhibit received.

Vinton offered Exhibit 64
Lindstrom objected
Exhibit received.

Vinton offered Exhibit 65
Lindstrom objected
Exhibit received.

Vinton offered Exhibit 67
Lindstrom objected
Exhibit received.

*Blankenau called for a break at 5:54 pm.
Blankenau resumed the hearing at 6:03 pm.*

Vinton offered Exhibit 43
Lindstrom objected
Exhibit received.

Vinton offered Exhibit 69
Lindstrom objected
Exhibit received.

Redirect of Russell by Lindstrom.

Recross by Vinton

Lindstrom offered Exhibit 70
Vinton no objection
Exhibit received.

Vinton offered Exhibit 71
Lindstrom no objection
Exhibit received.

Witness was excused.

Vinton calls Ami Hauxwell. Becker swears her in.

*Blankenau called for a break at 6:58 pm.
Blankenau resumed the hearing at 7:09 pm.*

Vinton offered Exhibit 72-74
Lindstrom no objection
Exhibit received.

Vinton offered Exhibit 75
Lindstrom no objection
Exhibit received.

Vinton offered Exhibit 76
Lindstrom no objection
Exhibit received.

Vinton offered Exhibit 84
Lindstrom no objection
Exhibit received.

Vinton offered Exhibit 77
Lindstrom no objection
Exhibit received.

Vinton offered Exhibit 78-83
Lindstrom no objection
Exhibit received.

Witness was excused.

Vinton calls Bryan Hauxwell. Becker swears him in.

Witness was excused.

7. CLOSING STATEMENTS

Lindstrom.

Vinton.

The hearing was closed at 8:53 p.m. by Hearing Officer Blankenau.

Stacie M. Owens
Secretary to the Board