

MINUTES
Middle Republican Natural Resources District
Penalty Hearing
Thursday, March 3, 2022 at 10:00 a.m.
Curtis, Nebraska

Board Members Present: Joe Anderjaska, John Palic, Benjie Loomis, Travis Rousselle, Dan Nelsen, Tracy Zink, Dan Estermann, Jay Schilling, Jolene Messinger, Brad Randel, Rick McConville

Board Members Absent: Shane Rippen

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

Hearing Officer: Don Blankenau

NRD Attorney: Dan Lindstrom, Elizabeth Klingelhoef

Applicant: Scott Weeth

Applicant's Attorney: None

Court Reporter: Tina Mock

Other Witnesses: None

1. CONVENE HEARING. The hearing was called to order by Chairman Zink at 10:00 a.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 meeting is for the MRNRD to review evidence of alleged violations of the Nebraska Groundwater Management and Protection Act and the MRNRD's Rules and Regulations by a landowner.

3. DESIGNATION OF HEARING OFFICER

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

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

Lindstrom introduced himself and Elizabeth Klingelhoef.

Scott Weeth was introduced.

4. NOTE APPEARANCES FOR THE RECORD.

Sign in sheet was distributed.

5. OPENING STATEMENTS.

Klingelhoef waved her opening statement.

Weeth also waved his opening statement

6. PRESENTATION OF EVIDENCE AND TESTIMONY

MRNRD Staff

Defendant(s)

Rebuttal

Klingelhoefers calls Jack Russell. Mock swore him in.

Klingelhoefers offered Exhibit 4

Weeth had no objection

Exhibit received.

Klingelhoefers offered Exhibit 10

Weeth had no objection

Exhibit received.

Klingelhoefers offered Exhibit 11

Weeth had no objection

Exhibit received.

Klingelhoefers offered Exhibit 12

Weeth had no objection

Exhibit received.

Klingelhoefers offered Exhibit 1

Weeth had no objection

Exhibit received.

Klingelhoefers offered Exhibit 2

Weeth had no objection

Exhibit received.

Klingelhoefers offered Exhibit 3

Weeth had no objection

Exhibit received.

Klingelhoefers offered Exhibit 5

Weeth had no objection

Exhibit received.

Klingelhoefers offered Exhibit 6

Weeth had no objection

Exhibit received.

Klingelhoefers offered Exhibit 7

Weeth had no objection

Exhibit received.

Klingelhoefler offered Exhibit 8
Weeth had no objection
Exhibit received.

Klingelhoefler offered Exhibit 9
Weeth had no objection
Exhibit received.

Klingelhoefler offered Exhibit 16
Weeth had no objection
Exhibit received.

Klingelhoefler offered Exhibit 17
Weeth had no objection
Exhibit received.

Klingelhoefler offered Exhibit 18 - 22
Weeth had no objection
Exhibit received.

Klingelhoefler offered Exhibit 15
Weeth had no objection
Exhibit received.

Klingelhoefler offered Exhibit 13 - 14
Weeth had no objection
Exhibit received.

Klingelhoefler calls Scott Weeth. Mock swore him in.

Weeth explained that the bank was unwilling to sign off on moving certified acres to the Widick parcel. He further stated that he did not water those acres after he received the letter from the MRNRD that he was in violation. Weeth provided a drawing of how all the wells are connected.

7. CLOSING STATEMENTS

Klingelhoefler made her statement.
Weeth waved his closing statement

8. EXECUTIVE SESSION

- ◆ Loomis moved to enter into executive session to discuss legal matters with the Board and Hearing Officer. Seconded by Palic.
Ayes – 11 Nays – 0 Motion Carried

Chairman Zink restated, for the record, the limitation of the subject matter of the closed session.

Entered at 10:51 a.m.

- ◆ Palic moved to exit the executive session. Seconded by Loomis.
Ayes - 11 Nays - 0 Motion Carried

Exited at 11:58 a.m.

Chairman Zink reminded everyone that entered into executive session that the discussions held within that timeframe were private and should not be discussed.

The hearing was closed at 11:59 a.m.

Stacie M. Owens
Secretary to the Board