

MINUTES
Middle Republican Natural Resources District
Board of Directors Meeting
Tuesday, April 14, 2015 at 5:00 PM
Curtis, Nebraska

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

Board Members Absent: None

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

NRCS Staff: Jason Kennedy, Kort Kemp

Others: Jon Schroeder, David Ruf, Margaret Ruf, Morgan Farquhar, Heath Ruf, Barry Carl, Dan Carl, Joe Estermann, Danny Berndt, Dan Estermann

Information Mailed to Directors:

Adjudicatory Hearing Agenda	Regular Meeting Agenda
R & R Hearing Minutes	Regular Meeting Minutes
Variance Hearing Minutes	Financial Report
Schroeder Bill Summary	Profit & Loss Budget vs. Actual
Lidar Budget & Contract Questions	Civil Rights Handout
Surface Water Report for February	VAR5-2015
Water Use Summary	Well Permit Application & Maps
Complaint from Berndt packet	

Information Distributed at Meeting:

Public Hearing Packet from Stan Moore	Variance Request from December 2014
Surface Water Report for March	Spring Well Measurements
Cost Share Summary	Additional Packet Received from Berndt

Information E-mailed

Groundwater Committee Meeting	Pumping Standard
Meet & Greet Reminder	Legislative Updated dated 3/13/15

REGULAR MEETING

1. The regular monthly board meeting was called to order by Chairman Haag at 6:32 pm.
 - a. Verify Quorum.
 - b. Excused Absences.

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 March Rules and Regulations Hearing, Regular Board Meeting and Variance Hearing were mailed to Directors.

- ◆ Uerling moved to approve the Minutes from the March R & R Hearing, Regular Board Meeting and Variance Hearing. Seconded by Cappel.
Ayes - 11 Nays – 0 Motion Carried

5. Opened Hearing for Variance Request. None

6. Closed Hearing.

7. RECONSIDER VARIANCE REQUEST

Discussion held.

- ◆ Cappel moved to deny Variance Request 2. Seconded by Uerling.
Ayes - 11 Nays – 0 Motion Carried
- ◆ Cappel moved to deny Variance Request 3. Seconded by Uerling.
Ayes - 11 Nays – 0 Motion Carried

Chairman Haag called for a 20 minute break at 6:52 pm.

Reconvened meeting at 7:15 pm.

8. FINANCIAL ACTIONS

A. The March Financial Report and Profit and Loss Budget vs Actual were presented by Russell. The taxes received were \$60,134.56.

- ◆ Schilling moved to approve the March Financial Report and Profit and Loss Budget vs Actual. Seconded by Uerling.
Ayes - 11 Nays - 0 Motion Carried

A copy of this report is filed with the Minutes.

B. USGS Payment.

Russell went over the Lidar budget and contract questions and requested Board authorize him to sign the contact and make payment. Discuss held.

- ◆ Uerling moved to authorize Russell to sign contact and make payment. Seconded by Palic.
Ayes - 11 Nays - 0 Motion Carried

9. OPEN FORUM

None.

CHAIRMAN HAAG MOVED ITEMS 11.C.1. AND 12.D.1. HERE:

11. GROUND WATER MANAGEMENT AREA

C. OTHER GROUND WATER ACTIVITY

1. Review Information – Barry Carl request.

Merrigan went over the documents provided. Barry Carl went over the request and answered questions.

12. PROGRAMS

D. COMPLAINTS – Reports on previous complaints.

1. Berndt. Merrigan went over a complaint he received against the Westerling Trust relating to certified acres. Documents were all provided to the Board for their review. Danny Berndt went over his complaint that the Westerling Trust had 123.3 certified acres but should have only had around 57 acres. He was the former tenant and both he and the management company that was overseeing the trust both failed to notice the discrepancy. However, the lease was recently giving to another tenant and therefore Berndt would like to see the extra acres taken away. Westerling Trust had already agreed to reduce the acres by 25 acres which both the new tenant and Merrigan agreed that it may have never been irrigated. Morgan Farquhar, attorney for the Westerling Trust, went over the situation and explained that they are putting up an 80 acres pivot right now. Their assumption was that since they agreed to reduce the certified acres down to the 98.3 acres they were alright to go ahead and put the pivot in. Discuss held.

- ◆ Anderjaska moved to offer 98.3 certified acres to the Westerling Trust well. Seconded by Loomis.
- ◆ Uerling moved to amend the motion to 80 certified acres to the Westerling Trust well. Seconded by Palic.
- ◆ McConville moved to amend the motion to 67 certified acres to the Westerling Trust well.
Motion died for lack of a second.

Vote on the Amendment

- ◆ Uerling moved to amend the motion to 80 certified acres to the Westerling Trust well. Seconded by Palic.
Ayes - 6 Nays – Randel, Anderjaska, Fornoff, Loomis, McConville Motion Carried

Vote on the Original Motion as Amended.

- ◆ Anderjaska moved to offer 80 certified acres to the Westerling Trust well. Seconded by Loomis.
Ayes - 8 Nays – Anderjaska, Loomis, McConville Motion Carried

10. REPORTS – AGENCIES, ASSOCIATIONS, OTHERS

A. NRCS

1. District Conservation Report – Kennedy went over his report and stated that the Trenton position has been filled but he was not sure what the exact start date would be. He spoke briefly about Derickson’s recent hiring of 23 program assistants for each NRD and what they would be doing.

B. NARD

1. Report – Uerling reminded everyone about the basin tour which will be around the first part of June. He will provide more details once he receives them.

C. NNRC

1. Report – Fornoff reported that they have voted and approved the rules, and held

informational meetings around the State.

D. INFORMATION AND EDUCATION.

1. Report – Johnson reported on the Meet and Greet they held in McCook, field office secretaries will be doing the tree program this year for the area schools and went over the recommendations for the scholarships. Discuss held.

- ◆ Uerling moved to approve staff recommendation for the two \$500 scholarships to be awarded to Rodger Farr and Dalton Koetter. Seconded by Palic.
Ayes - 11 Nays – 0 Motion Carried

E. NeRRMDA

1. Report – Cappel. None.

F. RRCA.

None.

G. LEGISLATION.

1. 1098 – Basin Planning.

Russell went over the latest meeting. Next coordination meeting will be May 19th in Holdrege and stakeholder meeting will be June 16th in Cambridge.

H. N-CORPE.

1. Status Report.

Randel updated the Board on seeding. Ameritas has approached them about offering some different bonding options at lower rates and are supposed to be getting back with them with the details.

2. Other.
None.

I. OTHERS.

None.

11. GROUND WATER MANAGEMENT AREA

A. GROUND WATER MANAGEMENT AREA

1. REPORTS

(a) WELL PERMITS

None.

(b) SURFACE WATER

Bureau's reports were included in packets and handouts.

(c) METER PROGRAM

Done.

(d) GROUND WATER COMMITTEE

Russell will work on getting another meeting scheduled within the next couple months.

(e) FRENCHMAN VALLEY COMMITTEE.

Russell stated that Tom Hansen would be measuring the wells each week along FVID to see any impacts that occur. He also mentioned the idea of getting a proposal from Brown & Caldwell to do a study on the effects of the water purchased from FVID. Discussion held.

- ◆ Uerling moved to get a proposal from Brown and Caldwell to do a study on the effects of the water purchased from FVID. Seconded by Palic.
Ayes -11 Nays – 0 Motion Carried

(f) MODELING – BROWN & CALDWELL

Russell will forward information out from Brown & Caldwell when he receives it.

2. RULES AND REGULATIONS.

Changes were effective April 6, 2015.

3. IMP

Russell talked about the possibility of changing the IMP's. He plans to talk with Landen and some others first. He'll report more on that later.

4. NOTICES OF NON-COMPLIANCE ISSUED

None.

5. CEASE AND DESIST ORDER

None.

B. GROUND WATER QUALITY MANAGEMENT AREA

None.

D. OTHER GROUND WATER ACTIVITY

1. Review Information – Barry Carl request. *Item moved up agenda following Item #9.*

12. PROGRAMS

A. COST-SHARE FUNDS – LCP/NSWCP.

1. Approve Applications.

- ◆ Cappel moved to accept the Cost Share Report as presented. Seconded by Uerling.
Ayes – 9 Nays – 0 Abstain – McConville, Rippen Motion Carried

B. WATERSHEDS.

None.

C. EROSION AND SEDIMENT CONTROL ACT.

None.

D. COMPLAINTS – Reports on previous complaints.

1. Berndt. *Item moved up agenda following Item #9.*

E. CHEMIGATION.

Technicians doing inspections.

F. TREE PLANTING.

Currently planting.

G. BUFFER STRIPS.

None.

H. LIVESTOCK WASTE CONTROL APPLICATIONS.

None.

13. GENERAL OPERATIONS.

A. PERSONNEL.

Russell will plan to have Personnel and Operations meeting in May.

B. SALES AND RENTAL EQUIPMENT.

None.

14. LEGAL MATTERS

A. Compact Issues.

None.

B. Other.

Merrigan goes in for deposition tomorrow on Medicine Creek case.

15. EXECUTIVE SESSION

None.

The next regular meeting will be held Tuesday, May 12, 2015 at 7:30 p.m. at the Community Center at 201 Garlic Ave., Curtis, Nebraska.

The meeting was adjourned at 9:37 pm.

Stacie M. Owens
Board Secretary