

**Upper Republican Natural Resources District
Board of Directors Regular Meeting
January 4, 2011 at 7:30 p.m.
511 East 5th Street, Imperial, NE**

Agendas were sent to all Board Members and all others requesting agendas. Agendas were posted in the NRD Office in Imperial, the NRCS Offices in Grant and Imperial, and the FSA Office in Benkelman. The meeting was announced over KADL-Imperial, KRVN-Lexington and KOGA-Ogallala and published in area newspapers.

Board Members Present: Kerry Bernhardt, Tom Gaschler, Dean Large, Terry Martin, Mike Mosel, Greg Pelster, Tim Schilke, Tom Schroder, Tom Terryberry and Jeff Wallin.

Board Members Absent: Mick Strand

NRD Staff: Jasper Fanning, Nate Jenkins, Dirk Dinnel and Deb Hayes.

NRD Legal Counsel: Joel Burke.

Others present: Nadine Bishop (NRCS), Roger Stockton, Gerald Coates, Josh Wendell, Jason Kunkel, Stan Loeffler and Brett Bullock.

Information mailed to Directors:

Agenda	Report of District applications, contracts and agreements
Minutes of December 7 th meeting	Transfer information

Information distributed at Board meeting:

Agenda	Report of District applications, contracts and agreements
Minutes of December 7 th meeting	Expedited Transfer application
Financial reports	Letter from Rembolt Ludtke
NRCS report	Longe Range Implementation Plan
SW RC & D annual report	Legislative Bills

Chairman Pelster called the meeting to order at 7:35 p.m.

Chairman Pelster announced that the Open Meetings Act is posted if anyone would like to review it.

Mick Strand is excused from tonight's meeting.

OPEN FORUMS:

Guests, Board members and NRD staff were introduced.

MINUTES:

- ✓ Terryberry moved to approve the minutes of the December 4, 2010 Regular Board meeting as mailed. Seconded by Martin.

Roll call vote: 8-yes, 1-abstain, 2-absent. Motion carried.

FINANCIAL REPORT:

The Manager presented the Financial Reports to the Board.

- ✓ Martin moved to pay the Accounts Payable and to accept the Treasurers report. Seconded by Gaschler.

Roll call vote: 9-yes, 2-absent. Motion carried.

Deb reported that the auditors are reviewing the audit before the send it to us. Jasper reported that an extension may need to be filed and there is not any problems doing this.

NRCS REPORT:

Nadine Bishop gave the NRCS report this evening. Nadine reported on the EQIP, CSP and Wetland Reserve programs. Joe Anderson has retired from NRCS and they are having an open house for Joe on January 14th.

- ✓ Terryberry moved to approve the NRCS report dated January 3, 2011 to include the Conservation Plans as signed for Chase, Dundy and Perkins County. Seconded by Mosel.

Roll call vote: 9-yes, 2-absent. Motion carried.

Roger Stockton gave the annual report for Southwest Nebraska Resource Conservation and Development (SW RC & D). Roger reported that the RC & D Board has changed their bylaws to have each NRD in their area to appoint a Board Member for their Board. They are asking each Board to consider appointing a Board Member for this position.

VARIANCE COMMITTEE:

There are no variances tonight.

REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:

- ✓ Martin moved to approve the Report of District applications, contracts and agreements to include the pooling contracts and expedited transfer application. Seconded by Bernhardt.

Roll call vote: 9-yes, 1-no, 1-absent. Voting yes: Bernhardt, Gaschler, Martin, Mosel, Pelster, Schilke, Schroder, Terryberry and Wallin. Voting no: Large. Absent: Strand.

The Board reviewed the request of New Way, Inc (Robert Schilke) and Raymond Greeley to remove the SW 28-8-37 with 70.78 remaining allocation.

- ✓ Martin moved to approve the request of New Way, Inc (Robert Schilke) and Raymond Greeley to remove the SW 28-8-37 from pool C-65 with 70.78 remaining allocation. Seconded by Schilke.

Roll call vote: 10-yes, 1-absent. Motion carried.

LEGAL COUNSEL REPORT:

Joel gave a background for the adjudicatory hearing to the Board. The NRD was to receive a settlement proposal and no proposal has been received yet. Under the Rules and Regulations a formal adjudicatory hearing can be scheduled by the District or by the Hearing Officer.

- ✓ Martin moved pursuant to the Rules and Regulations the Board may set the order for a formal adjudicatory hearing and sets February 8th, February 9th and February 10th in the Kramer, J. Bond, Stromberger, and R Bond hearings. The previous schedule set by the hearing examiner is rescinded. Seconded by Gaschler.

Roll call vote: 10-yes, 1-absent. Motion carried.

Jasper discussed the letter from Rembolt Ludtke to represent the URNRD in the matter regarding the petition filed with DNR that is challenging the IMP's of Middle and Upper Republican NRD.

- ✓ Gaschler moved to approve the letter of engagement from Rembolt Ludtke. Seconded by Large.

Roll call vote: 10-yes, 1-absent. Motion carried.

REPUBLICAN RIVER BASIN MEETING/COMPACT REPORT:

There was a Republican River Basin Sustainability Task Force meeting today and they began defining sustainability.

Jasper is anticipating there will be a special meeting this spring between the states.

There has been work on the augmentation project. The consultants are working on putting things together to present for public input.

REPUBLICAN RIVER BASIN COALITION REPORT:

Nate gave the Coalition report. Tri Basin NRD has voted not to join the Coalition.

Chairman Pelster called a 10 minute recess at 8:24 p.m.

Chairman Pelster called the meeting back in session at 8:34 p.m.

Tom Terryberry and Dean Large presented plaques to Tim Schilke, Greg Pelster and Mike Mosel for the time they have served on the URNRD Board.

DISTRICT RETIREMENT PROGRAM:

Jasper and the Groundwater Committee reviewed the District Retirement program. Discussion was held on \$2000 per acre and possibly adjusting that figure, getting acres into the program, using 11.4 inches per year and what to do for those using less than 11.4 inches.

- ✓ Large moved to go into Executive session with the Board, Management, Legal Counsel for negotiations for approximately one hour. Seconded by Martin

Roll call vote: 10-yes, 1-absent. Motion carried.

The Board went in to Executive Session at 9:15 p.m.

- ✓ Large moved to come out of Executive Session at 10:08 p.m. Seconded by Martin.

Roll call vote: 10-yes, 1-absent. Motion carried.

- ✓ Terryberry moved to direct management to continue on the District Retirement program acres at a rate per acre foot of reduction at \$2500 per acre foot with using a maximum water usage of 11.4 inches per year which is our 425,000 acre feet limit and also using the stream flow depletion factor and for those that have used less than 11.4 be reduced by half of the percentage that is less than 11.4 inches and the water usage be based off the highest 3 of the last 5 years that have been pumped. Seconded by Bernhardt.

Discussion.

Motion was withdrawn with approval of second.

AUGMENTATION PROJECT:

Jasper reviewed the augmentation project with the Board

- ✓ Large moved to allow Management to continue with the research for augmentation projects in the District. Seconded by Gaschler.

Roll call vote: 10-yes, 1-absent. Motion carried.

ASSISTANT MANAGER’S REPORT:

Nate reported that he is working on a new AWEP grant application that is due January 28, 2011.

Dirk reported on the meter measurements that are out of regulation.

- ✓ Terryberry moved that the Board go into Executive Session for 30 minutes with the Board, Management, staff and Legal Counsel for rule violations. Seconded by Martin.

Roll call vote: 10-yes, 1-absent. Motion carried.

The Board went into Executive Session at 10:55 p.m.

- ✓ Terryberry moved to come out of Executive session at 11:20 p.m. Seconded by Gaschler.

Roll call vote: 10-yes, 1-absent. Motion carried.

INFORMATION AND EDUCATION REPORT:

Nate presented the URNRD Long Range Implementation Plan. The Information & Education Committee reviewed this earlier this evening with Nate.

- ✓ Mosel moved to accept the URNRD Long Range Implementation Plan as presented. Seconded by Gaschler.

Roll call vote: 10-yes, 1-absent. Motion carried.

BOARD OF DIRECTORS:

A voting delegate and alternate are needed for Legislative Conference.

- ✓ Martin moved to nominate Tom Gaschler as voting delegate by unanimous ballot. Seconded by Bernhardt.

Roll call vote: 10-yes, 1-absent. Motion carried.

- ✓ Terryberry moved to nominate Terry Martin as voting delegate alternate. Seconded by Mosel.

Roll call vote: 10-yes, 1-absent. Motion carried.

Chairman Pelster adjourned the meeting at 11:29 pm. The next Regular Board meeting will be Tuesday, February 1, 2011 at the NRD Office in Imperial starting at 7:30 p.m.

Respectfully submitted

Tom Terryberry
Secretary/Treasurer