

**Upper Republican Natural Resources District
Board of Directors Regular Meeting
May 5, 2009 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, Greg Pelster, Tom Schroder, Mick Strand, Tom Terryberry and Jeff Wallin.

Board Members Absent: Mike Mosel and Tim Schilke.

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

NRD Legal Counsel: Joel Burke.

Others present: Nadine Bishop (NRCS), Traci Witthuhn (RR Basin Coordinator), Stan Loeffler, Gerald Coates and Brad Edgerton.

Information mailed to Directors:

Agenda

Minutes April 7, 2009

Report of District applications, contracts, and agreements

Information distributed at Board meeting:

Rules and Regulations

Report of District applications, contracts, agreements

Agenda

Republican River Basin Coalition report

Minutes of April 7, 2009

Letter from Water Strategies LLC

Financial reports

NRCS report

Chairman Pelster opened the Public Hearing at 7:37 p.m.

Testimony will be received throughout the meeting. Chairman Pelster turned the hearing over to Joel Burke. There are 5 exhibits which are publisher affidavits and the Proposed Rules and Regulations containing the amendment. The purpose of the hearing is to receive public comment on the proposed amendment. Joel explained the order that testimony would be received and asked for any testimony at this time. There was not any testimony at this time. Joel noted that the record will be held open for 10 days, May 15, 2009, for written testimony.

Chairman Pelster called the meeting to order at 7:42 p.m.

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

Tim Schilke 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 April 7, 2009 Regular Board meeting as presented. Seconded by Strand.

Roll call vote: 9-yes, 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 Treasurer's report. Seconded by Terryberry.

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

NRCS REPORT:

Nadine gave the NRCS report. Nadine gave a Conservation Program update to the Board. The NRCS will be having their field office appraisal next week.

- ❖ Terryberry moved to approve the NRCS report dated May 1, 2009 to include the Conservations Plans as signed for Chase, Dundy and Perkins County. Seconded by Strand.

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

REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:

- ❖ Martin moved to approve the URNRD report of District applications, contracts and agreements dated May 5, 2009 to include NSWCP applications, pooling contracts, transfer application and well decommissioning applications. Seconded by Gaschler.

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

LEGAL COUNSEL REPORT:

Joel would like to attend the Water Law Seminar that will be held in Lincoln in June.

- ❖ Martin moved to cover Joel Burke's expenses to attend the Water Law seminar in Lincoln. Seconded by Gaschler.

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

REPUBLICAN RIVER BASIN MEETING/COMPACT REPORT:

The Republican River Basin Compact has sent the post trial briefs out to the other parties and is waiting for the arbitrators decisions which should be made in the middle of June. Jasper discussed the conference call concerning the Colorado augmentation proposal with the Board.

REPUBLICAN RIVER BASIN COALITION REPORT:

Traci gave the Republican River Basin Coalition report. The Coalition report consisted of the financial report, grant proposals, riparian management study, Republican River drought portal, FCID interest rates and I & E projects for this month.

The Board reviewed the letter from Frenchman Cambridge Irrigation District concerning the interest payment.

- ❖ Martin moved to go into executive session not to exceed 20 minutes to discuss potential litigation of payment of fees and interest with the Board, Management and Legal Counsel present. Seconded by Terryberry.

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

The Board went into executive session at 8:12 p.m.

- ❖ Martin moved to come out of executive session at 8:24 pm. Seconded by Terryberry.

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

BUILDING PROJECT:

The new tree cooler unit is installed and the old cooler is installed in the server room. We are currently working on the sign and flag pole for the office and drainage on the east side of the building with a retaining wall and grass being planted.

STREET OPENING:

Jasper has talked to the City of Imperial about opening the street in the back of the office (4th street). There would be no curb or gutter assessment unless it is requested and the city would not pave the street unless it was requested. The City asks for a letter from the NRD requesting the street to be open.

- ❖ Terryberry moved to direct management to work with the City of Imperial and landowners to pursue opening the street in back of the NRD and checking into drainage. Seconded by Strand.

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

WATER STRATEGIES CONTRACT:

Jasper reviewed the letter from Kris Polly with Water Strategies, LLC.

- ❖ Martin moved to have management pursue the agreement with Kris Polly through the Coalition but if it fails direct management to have an agreement with URNRD for 6 months at \$1000.00 per month with Water Strategies, LLC. Seconded by Gaschler.

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

ASSISTANT MANAGER'S REPORT:

Dirk has talked to JEO about the flood control projects and they would like a map of the area.

INFORMATION AND EDUCATION REPORT:

No report, but the Committee needs names for the Conservation Practice award.

Chairman Pelster asked if there was any testimony on the amendment to the rule change. There was no testimony. Chairman Pelster reminded everyone that the hearing will be open until May 15, 2009 at 4:00 pm for any written testimony.

Chairman Pelster closed the hearing at 8:57 pm.

Jasper discussed with the Board that Kris Polly had suggested that the Manager and a Board member travel to Washington to interact with the delegation on some of the issues.

- ❖ Martin moved to authorize out of state travel for the Manager and one Board member. Seconded by Gaschler.

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

Chairman Pelster adjourned the Regular meeting at 9:01 pm. The next Regular Board meeting will be Tuesday, June 2, 2009 at the NRD Office in Imperial starting at 7:30 p.m.

Respectfully submitted

Tom Terryberry
Secretary/Treasurer