

**Upper Republican Natural Resources District
Board of Directors Special Meeting
June 3, 2010 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, Tim Schilke, Tom Schroder, Mick Strand, Tom Terryberry and Jeff Wallin.

Board Members Absent: Greg Pelster.

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

NRD Legal Counsel: Joel Burke.

Others present: Gerald Coates, Mark Ferguson, Shannon O'Neil, Norman Fanning and Craig Fanning.

Information mailed to Directors:

Agenda

Information distributed at Board meeting:

Agenda

Vice Chairman Martin called the meeting to order at 7:32 pm.

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

Greg Pelster is excused from tonight's meeting.

OPEN FORUMS:

Guests, Board members and NRD staff were introduced.

PUBLIC COMMENT:

Norman Fanning asked for a copy of the Rules and Regulations to see how violations are handled.

GROUNDWATER MANAGEMENT/RULES AND REGULATIONS:

Vice Chairman Martin asked for a motion for executive session to discuss the violations that the NRD staff has found.

Norman Fanning also asked that the Board to remember the importance of this type of violation.

Vice Chairman Martin reminded everyone that the purpose of executive session is to protect the integrity of all individuals involved and due to potential litigation.

Shannon O'Neil asked why the violation could not be discussed with the public. Vice Chairman Martin stated that as of now it is an alleged violation and the Board needs to review all the facts and to protect the individuals involved.

- Gaschler moved to go into executive session not to exceed two hours to include the Board, Legal Counsel, Justin Lavene, Manager and staff present to discuss potential violation of the Rules and Regulations. Seconded by Terryberry.
Roll call vote: 9-yes, 2-absent. Motion carried.

The Board went in to executive session at 7:40 p.m.

Jeff Wallin arrived at 7:41 p.m.

- Terryberry moved to come out of executive session. Seconded by Mosel.
Roll call vote: 10-yes, 1-absent. Motion carried.

The Board came out of executive session at 9:40 p.m.

Vice Chairman Martin stated that the Board reviewed the information presented by the staff and reviewed the options to move forward on this violation.

- Terryberry moved to direct management to proceed with issuing cease and desist orders on all wells that have been inspected and current violations found of the Rules and Regulations to allow the Board to proceed with the necessary hearings. Seconded by Strand.

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

Jasper stated that the next step would be the issuing of the specific cease and desist orders for specific violations to all landowners. There will then be an opportunity for the landowners to agree to the remedies or request a formal adjudicatory hearing. Landowners will have 10 days to comply or provide the NRD with their plan for coming into compliance.

Vice Chairman Martin adjourned the meeting at 9:54 pm.

Respectfully submitted

Tom Terryberry
Secretary/Treasurer