

**Upper Republican Natural Resources District
Board of Directors Regular Meeting
June 10, 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, Greg Pelster, Tim Schilke, Mick Strand, Tom Terryberry and Jeff Wallin.

Board Members Absent: Tom Schroder

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

NRD Legal Counsel: Joel Burke.

Others present: Nadine Bishop (NRCS), Traci Witthuhn(RR Basin Coordinator), Jess Bradley (DNR) and several other guests were in attendance. The extended guest list is attached to the minutes and on file at the NRD Office.

Information mailed to Directors:

Agenda

Minutes of the May 4, 2010 Regular Board meeting

Minutes of the June 3, 2010 Special Board meeting

Report of District Applications, Contracts and Agreements

Information distributed at Board meeting:

Agenda

Integrated Management Plan for Public Hearing

Minutes of May 4, 2010 Regular Board meeting

Minutes of June 3, 2010 Special Board meeting

Financial reports

NRCS report

Irrigation Management information

Report of District applications, contracts

Republican River Coalition report

Chairman Pelster called the Regular Board meeting to order at 7:30 pm.

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

Guests, Board members and NRD staff were introduced.

Chairman Pelster opened the Public Hearing for the Integrated Management Plan and appointed Joel Burke as Hearing Examiner for tonight.

Joel reviewed how testimony would be received for tonight's hearing. The order that testimony will be received is Federal Government agencies, State Government agencies, Local/County

Government agencies and individuals. The record will stay open until June 17, 2010 at 5:00 p.m. Joel marked Exhibits 1-4 which were the newspaper affidavits.

The NRD Board received testimony from agencies and individuals. Joel asked for any other testimony and there was none. Joel reminded everyone that the NRD will receive written testimony until June 17, 2010 until 5:00 pm.

Joel closed the Public Hearing for the Integrated Management Plan at 8:25 p.m.

Chairman Pelster called a 5 minute recess at 8:25 p.m.

Chairman Pelster called the NRD Regular Board meeting in session at 8:30 p.m.

MINUTES:

- Terryberry moved to approve the minutes of the May 4, 2010 Regular Board meeting. Seconded by Gaschler.

Roll call vote: 7-yes, 3-abstain, 1-absent. Motion carried.

- Gaschler moved to approve the minutes of the June 3, 2010 Special Board meeting. Seconded by Mosel.

Roll call vote: 9-yes, 1-abstain, 1-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 Strand.

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

PUBLIC COMMENT PERIOD:

Brad Edgerton had questions on why the County Attorney was not contacted to have legal charges brought against the individuals for these violations. Jasper and Joel explained that the investigation is still ongoing and as right now they are alleged violations.

NRCS REPORT:

Nadine gave the NRCS report this month. The NRCS is in the middle of a CSP sign up and the applications deadline has been extended to June 25th. There has been a lot of interest in the program in Perkins County. NRCS staff is doing compliance checks for highly erodible land and this year they have had more erosion complaints than usual.

- Terryberry moved to approve the NRCS report dated June 3, 2010 to include the conservation plans as signed. Seconded by Martin.

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

Roger Stockton asked the Board for a \$7500 contribution to the SW Nebraska Weed Management Area. This amount is the same as last year and they are also asking for \$7500 from Middle Republican NRD.

- Terryberry moved to contribute \$7500 to the SW Weed Management area. Seconded by Bernhardt.

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

Robert Tigner, Southwest Four Extension Agent, discussed the research plot that is being done in Chase County. This plot will look at different treatments of nitrogen rates, watering rates and tillage treatments. Robert is asking for the Board's assistance in purchasing the equipment that is needed for the pivot modification. The cost of the equipment is \$6636.00.

Jasper discussed with the Board a joint educational project with Monsanto and the University on research projects and recommended that the Board to establish a budget for joint educational research projects with UNL and Monsanto.

- Martin moved to establish \$15,000 URNRD research fund and to release \$6,636.60 to Robert Tigner for his research project. Seconded by Strand.

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

GROUNDWATER MANAGEMENT/RULES AND REGULATIONS:

Chairman Pelster reminded everyone that the IMP hearing is closed and written testimony will be received until June 17th at 5:00 p.m.

Jasper reviewed how IPA's are established and how they work.

VIOLATIONS:

Jasper reported that there were 40 cease and desist orders sent today to landowners and operators. The Board will need to determine what penalties or sanctions they might want to impose. Jasper recommended that the Board go into Executive Session at the end of the meeting to discuss the alleged violations.

REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:

- Martin moved to approve the URNRD report of District Applications, contracts and agreements to include the pooling contracts, transfer application and well decommissioning applications. Seconded by Terryberry.

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

LEGAL COUNSEL REPORT:

There was no legal counsel report this evening.

REPUBLICAN RIVER BASIN MEETING/COMPACT REPORT:

No report.

REPUBLICAN RIVER BASIN COALITION REPORT:

Traci gave the Republican River Basin Coalition report. Traci gave the financial report, upcoming NRRMDA and RRBC meeting dates, the Riparian Management Field day and an IWMPPF update.

Jasper reviewed the Interlocal agreement with Papio NRD for tech support with the Board. agreement is for support on an as needed basis.

Chairman Pelster called a recess at 8:23 p.m.

Chairman Pelster called the meeting back in session at 8:29 p.m.

- Terryberry moved to enter into the interlocal agreement for technical support with Papio NRD. Seconded by Bernhardt.

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

Jasper reviewed the augmentation program. There are two primary sites with one in the Middle Republican and one in Lower Republican NRD. The consultant groups asked for a response indicating how to get this approved at the local level and what criteria would need to be met. The groups would like the NRD's to respond with their requirements. Jasper indicated that the process used to evaluate industrial uses would likely be the standard imposed. Jasper reviewed the process used with recent ethanol plant allocation requests and that he would respond with those criteria, unless the board had other criteria to include.

STATE ASSOCIATION:

Terry Martin and Jasper discussed the health insurance policy and its reserves with the Board.

NARD always has awards at the NARD Annual Conference and is looking for nominations for Director of the Year. Jasper hinted that the Board might nominate one of our Board Members that will be retiring from the Board this year.

- Gaschler moved to nominate Mike Mosel for Director of the Year. Seconded by Martin.

Roll call vote: 9-yes, 1-abstain, 1-absent. Motion carried.

Chairman Pelster stated that the alleged violations will now be discussed.

- Martin moved to go into Executive Session with the Board, Manager, Assistant Manager, Legal Counsel and Assistant Attorney General to discuss alleged violations of the Districts Rules and Regulations and the Groundwater Management and Protection Act and potential litigation with respect to the alleged violations and an update on the Republican River litigation and not to exceed one hour. Seconded by Large.

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

The Board went into Executive Session at 9:55 p.m.

- Large moved to come out of Executive Session at 10:59 p.m. Seconded by Schilke.

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

- Martin moved to go back into Executive Session with the Board, Manager, Assistant Manager, Legal Counsel and Assistant Attorney General to discuss alleged violations of the Districts Rules and Regulations and the Groundwater Management and Protection Act and potential litigation with respect to the alleged violations and an update on the Republican River litigation and not to exceed one hour. Seconded by Strand.

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

The Board went into Executive Session at 11:02 p.m.

- Martin moved to come out of Executive Session at 11:42 p.m. Seconded by Bernhardt.

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

Chairman Pelster called a Special Board meeting for Wednesday, June 16, 2010 at 2:00 p.m.

Chairman Pelster adjourned the meeting at 11:44 p.m. The next Regular Board meeting will be Tuesday, July 6, 2010 at the NRD Office in Imperial starting at 7:30 p.m.

Respectfully submitted

Tom Terryberry
Secretary/Treasurer