

**Upper Republican Natural Resources District
Board of Directors Regular Meeting
October 22, 2009 at 7:30 p.m.
Chase County Schools, 520 East 9th 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, Mick Strand, Tom Terryberry, and Jeff Wallin.

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

NRD Legal Counsel: Joel Burke.

Others present: Nadine Bishop (NRCS), Traci Witthuhn (RR Basin Coordinator), Brian Dunnigan (DNR), James Williams (DNR), Jim Schneider (DNR) and several other guests. The guest list is attached to the minutes.

Information mailed to Directors:

Agenda

Minutes Regular Board meeting September 1, 2009

City of Imperial request

Report of District applications, contracts and agreements

Information distributed at Board meeting:

Agenda

Minutes Regular Board meeting September 1, 2009

Financial reports

NRCS report

Ernest Martin request

City of Imperial request and correspondence

Report of District applications

Long Range Implementation Plan

NARD resolutions approved

Republican River Basin Coalition

DNR compliance options

Chairman Pelster called the meeting to order at 7:30 p.m.

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

OPEN FORUMS:

Board members, DNR staff and NRD staff were introduced. There were approximately 100 guests attending this meeting.

MINUTES:

- Martin moved to approve the minutes of the September 1, 2009 Regular Board meeting. Seconded by Mosel.

Roll call vote: 11-yes. Motion carried.

FINANCIAL REPORT:

The Manager presented the Financial Reports to the Board.

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

Roll call vote: 11-yes. Motion carried.

PUBLIC COMMENT:

Brad Edgerton, Manager of Frenchman Cambridge Irrigation District, on behalf of the Irrigation Districts in the Republican River Basin presented a resolution to the Board to consider placing on the November Board meeting agenda.

NRCS REPORT:

Nadine Bishop gave the NRCS report. NRCS staff has been working on the Conservation Stewardship Program and have had 88 applications in the District. There was also information on EQIP and a listing of NRCS 2009 accomplishments in Nadine's written report.

- Terryberry moved to approve the NRCS report of planning activity dated October 9, 2009 to include the Conservation Plans as signed for Chase, Dundy and Perkins County. Seconded by Mosel.

Roll call vote: 11-yes. Motion carried.

GROUNDWATER MANAGEMENT/RULES AND REGULATIONS:

Jasper reviewed the Ernest Martin request with the Board. Mr. Martin is asking the Board to reconsider their motion from August 18, 2009 to approve removing the SE ¼ 13-5-41 from pool C-115 at 39" of remaining allocation before it was auctioned. The tract is currently in a purchase agreement with 48" of remaining allocation.

- Martin moved to reconsider the motion made on August 18, 2009 for a tract of ground in the SE ¼ 13-5-41 and in pooling contract C-115. Seconded by Bernhardt.

Roll call vote: 11-yes. Motion carried.

- Terryberry moved to amend the motion to allow 48" of allocation left in the pooling contract C-115 on the SE ¼ 13-5-41. Seconded by Martin.

Roll call vote: 11-yes. Motion carried.

The City of Imperial is requesting the Board to reconsider the transfer application of Melvin Miller and AK Acres (Dennis Kunnemann). Anne Longan, Mayor of City of Imperial, asked the Board to reverse their decision on this request. The City of Imperial had a contract with Melvin Miller and thought they were to receive all the water rights when purchasing this property.

- Wallin moved to reconsider the transfer application with AK Acres and Melvin Miller. Seconded by Terryberry.

Discussion.

Roll call vote: 3-yes, 8-no. Motion failed.

Voting yes: Schilke, Schroder, Wallin. Voting no: Bernhardt, Gaschler, Large, Martin, Mosel, Pelster, Strand and Terryberry.

REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:

- Terryberry moved to approve the Report of District applications, contracts and agreements dated October 22, 2009 to include the NSWCP applications and well plugging. Seconded by Large.

Roll call vote: 11-yes. Motion carried.

LEGAL COUNSEL REPORT:

Joel gave an update of the litigation of LB 701 and the refund of property tax in the Basin.

Pelster switched the Manager's report and the Information and Education on the agenda.

INFORMATION AND EDUCATION REPORT:

The Board reviewed the Long Range Implementation Plan. Mick Strand gave a report on the plan.

- Strand moved to approve the Long Range Implementation Plan as presented. Seconded by Mosel.

Roll call vote: 11-yes. Motion carried.

LEGISLATION:

Jasper updated the Board on the Legislative hearings that were held by the Natural Resources Committee on NRD restructuring, groundwater, surface water management and reviewed a state wide water plan.

STATE ASSOCIATION:

Terry Martin gave an update on the resolutions that were adopted at NARD Conference in September. Also the vacancy on the NARD Board has been filled and Committee positions have been filled.

REPUBLICAN RIVER BASIN COALITION REPORT:

Traci gave the Coalition report to the Board. The report included a financial report, the draft minutes of the NRRMDA meeting from September 17th in Holdrege, and information on the North American Weed Management Association conference. The next NRRMDA meeting will be held on December 3rd in Curtis at 10:00 CT. This meeting will be held jointly with the DNR forecast meeting.

BUILDING REPORT:

Jasper reported that the roof has been shingled and we are waiting on the contractor for the stucco repair and the sign work.

RETIREMENT PLAN:

Jasper reviewed the amendment on the NARD 457 retirement plan up to compliance with federal law.

- Terryberry moved to approve the amendment of the NARD 457 deferred compensation plan. Seconded by Bernhardt.

Roll call vote: 11-yes. Motion carried.

Pelster announced to the Board that the Southwest RC & D annual banquet is November 10th and the Board has been invited. Deb has the information if anyone is interested.

REPUBLICAN RIVER BASIN MEETING/COMPACT REPORT:

Jasper reported to the Board information that has been discussed with DNR since the arbitration decisions have been reported. Jasper reviewed options that NegCom is exploring at this time.

- Mosel moved that the Executive Committee and Manager interview and recommend legal counsel to the Board to assist with the development of a voluntary funded offset program and bring the recommendation back to the Board. Seconded by Gaschler.

Discussion.

Roll call vote: 10-yes, 1-no. Motion carried.

Voting yes: Bernhardt, Gaschler, Large, Martin, Mosel, Pelster, Schilke, Schroder, Strand, Terryberry. Voting no: Wallin.

Chairman Pelster called a 5 minute recess at this time.

Chairman Pelster called the meeting back in session at 8:30 p.m.

Jasper introduced Brian Dunnigan, Director of NDNR. Mr. Dunnigan reviewed the information that has been given to the Board and told the public they could get this information on DNR's website.

Jim Schneider, DNR, reviewed each option with the Board and public and also reviewed some flow charts. DNR must have a decision on the selected option by December 2009 for the State of Nebraska to be able to demonstrate its intent and ability to comply with the compact.

BOARD OF DIRECTORS:

Pelster announced that the November Board meeting will be held on Thursday, November 12, 2009 at the NRD Office starting at 7:30 p.m.

Chairman Pelster and Jasper answered questions concerning stream flows and also CREP acres.

Chairman Pelster adjourned the meeting at 10:10 pm.

Respectfully submitted

Tom Terryberry
Secretary/Treasurer