

**Upper Republican Natural Resources District
Board of Directors Regular Meeting
September 7, 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, Greg Pelster, Tim Schilke, Tom Schroder, Mike Mosel, Tom Terryberry and Jeff Wallin.

Board Members Absent: Mick Strand.

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

NRD Legal Counsel: Joel Burke.

Others present: Nadine Bishop (NRCS), Stan Loeffler, Brad Edgerton, Tom Baker, Mike Adams, Gerald Coates, Dan Leinen, and Bart Stromberger.

Information mailed to Directors:

Agenda	Report of District contracts & applications
Minutes August 3, 2010 Regular Board meeting	USGS agreement
Minutes August 25, 2010 Special Board meeting	NARD tree Interlocal agreement

Information distributed at Board meeting:

Agenda	NRCS report
Minutes of August 3, 2010 Regular Board meeting	Report of District contracts & applications
Minutes of August 25, 2010 Special Board meeting	USGS Recorder well funding agreement
Financial reports	NARD Tree Interlocal agreement
Budget	

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

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

Mick Strand is excused from the meeting tonight.

OPEN FORUMS:

Guests, Board members and NRD staff were introduced.

Greg Pelster arrived at 7:37 p.m. and began presiding over the meeting.

Chairman Pelster opened the Budget Hearing for FY 2010-2011 at 7:38 pm. Joel Burke reported that he has marked Exhibits 1-4 which are the budget notices from four local newspapers.

Chairman Pelster asked for any comments on the budget. Jasper made note that the Districts proposed budget has a property tax of zero due to the NRD utilizing the unconstitutional property tax.

Mike Mosel arrived at 7:40 p.m.

Chairman Pelster opened the Levy Hearing for FY 2010-2011 at 7:41 p.m. Chairman Pelster asked for any comments on the levy hearing. The newspapers notices were marked as Exhibits 1-4. There were no comments for the Budget Hearing or Levy Hearing. Chairman Pelster announced that these hearings will remain open until later in the meeting.

MINUTES:

- Large moved to approve the minutes of the August 3, 2010 Regular Board meeting as mailed. Seconded by Gaschler.

Roll call vote: 7-yes, 2-abstain, 2-absent. Motion carried.

- Large moved to approve the minutes of the August 25, 2010 Special Board meeting as mailed. Seconded by Martin.

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 approve the Treasurer's report. Seconded by Gaschler.

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

BUDGET COMMITTEE:

Tom Gaschler reviewed the proposed budget with the Board. Tom reviewed the tax levy and unconstitutional property tax will be used this fiscal year. Jasper reported that the only adjustments made were after final figures were received.

Chairman Pelster closed the Budget and Levy Hearing at 7:50 pm.

Chairman Pelster will come back to approve the Resolutions after the NRCS report.

NRCS REPORT:

Nadine Bishop gave the NRCS report to the Board. Nadine reported that they have been working on finalizing CSP contracts for the District. Nadine reviewed the Local Workgroup meeting that was held. EQIP contracts maps were reviewed by the Board. Gary Lee and Caleb Caton have been working with Tim Smith on CCPI. CRP signup ended on August 27th and the Area 3 Range Judging Contest will be held September 22nd.

- Terryberry moved to approve the NRCS report of planning activity dated September 7, 2010 to include the Conservation Plans as signed for Chase, Dundy and Perkins County. Seconded by Large.

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

GROUNDWATER MANAGEMENT/RULES AND REGULATIONS:

The Groundwater Committee met this evening and reviewed the URNRD Rules and Regulations. The Committee reviewed the District retirement program and possible changes to the rules and regulations with the new IMP.

BUDGET COMMITTEE:

Tom Gaschler read the Property Tax request and Mill Levy Resolution #UR-2010-09-07-02.

- Gaschler moved to adopt the FY 2010-2011 Property Tax request and Mill Levy Resolution # 2010-09-07-02. Seconded by Martin.

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

Tom Gaschler read Budget Resolution #UR-2010-09-07-01

- Gaschler moved to adopt the Budget Resolution #UR 2010-09-07-01 for the FY 2010-2011 Budget. Seconded by Martin.

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

The Board discussed the Occupation tax for this fiscal year.

- Gaschler moved to set the Occupation tax at \$6.00 per irrigated acre. Seconded by Bernhardt.

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

GROUNDWATER MANAGEMENT/RULES AND REGULATIONS:

Mike Adams with Adams Construction was present tonight to discuss a well and allocation request. He is asking for an industrial well permit with a 10 acre foot allocation.

- Martin moved to grant Adams Construction a temporary industrial well and 10 acre feet allocation until December 31, 2011. Seconded by Schilke.

Discussion.

- Martin moved that the Board has determined that no offset will be required. Seconded by Schilke.

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

The main motion now reads: moved to grant Adams Construction a temporary industrial well and 10 acre feet allocation until December 31, 2011 and the Board has determined that no offset will be required.

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

VARIANCE COMMITTEE:

There is no Variance Committee report tonight.

Wallin arrived at 8:40 pm.

REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:

Tom Terryberry reviewed with the Board discussion that was held in the Groundwater Committee meeting on possible future changes to pooling in the Rules and Regulations.

Chairman Pelster called a 10 minute recess at 8:50 p.m.

Chairman Pelster called the meeting back in order at 9:05 p.m.

➤ Martin moved to approve the Report of District Applications, Contracts and Agreements dated September 7, 2010 to include the NSWCP applications and the well decommissioning applications and to exclude the pooling contracts. Seconded by Mosel. Roll call vote: 10-yes, 1-absent. Motion carried.

The Board discussed pooling contracts and being consistent with the rules and decisions.

Tim Schilke requested to withdraw his request to dissolve pooling contract C-141.

➤ Terryberry moved that until the Board adopts any new rule changes concerning pooling, that no new pools larger than a floating township, will be approved. Seconded by Bernhardt.

Roll call vote: 9-yes, 1-no, 1-absent. Motion carried

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

➤ Martin moved to form two separate floating township pools for Tim and Lisa Schilke as divided on the materials provided being C-141 F1 and C-141 F2. Seconded by Terryberry.

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

➤ Martin moved to approve the pooling request of Florence Daniels Revocable Trust/Pleasant View Ranch Inc., %Dan & Sally Leinen and Stromberger Farms %Wilma and Bart Stromberger. Seconded by Bernhardt.

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

LEGAL COUNSEL REPORT:

No report.

REPUBLICAN RIVER BASIN MEETING/COMPACT REPORT:

Jasper reported to the Board on the Compact meeting that was held in Burlington, CO last month.

REPUBLICAN RIVER BASIN COALITION REPORT:

Jasper reported that Traci Witthuhn resigned her position as the Republican River Basin Coordinator. Tri Basin NRD will be joining the Coalition and will help split the costs. Nate Jenkins, URNRD's new employee, will be doing $\frac{3}{4}$ of the NRD's I & E position and $\frac{1}{4}$ of the Coalition Coordinators position.

USGS RECORDER WELL CONTRACT:

The Board reviewed the USGS Joint Funding agreement for the recorder wells.

➤ Terryberry moved to approve the USGS recorder well contract with the Department of Interior (USGS) with the NRD cost being \$8400 and USGS cost being \$7520. Seconded by Schilke.

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

NARD TREE INTERLOCAL AGREEMENT:

- Terryberry moved to approve the Interlocal Agreement for seedling trees and shrubs between NARD and URNRD. Seconded by Mosel.

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

ASSISTANT MANAGER'S REPORT:

Dirk reported that Dundy County Hazard Mitigation plan need to be approved by the Board. Dirk read the resolution to the Board.

- Terryberry moved to adopt the Dundy County Hazard Mitigation plan with resolution # UR 2010-09-07-03. Seconded by Martin.

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

INFORMATION AND EDUCATION REPORT:

Jasper discussed with the Board the possibility of having town meetings to review any new Rule changes.

BOARD OF DIRECTORS:

The Voting delegate for NARD Annual Conference needs to be designated tonight.

- Mosel moved to have Terry Martin as voting delegate and Tom Gaschler as alternate voting delegate for NARD Annual Conference. Seconded by Terryberry.

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

Tom Terryberry reported that the Water Sustainability Task Force meeting will be held September 21st in Alma.

Joel Burke reviewed the adjudatory hearing with the Board. Pete Burger will be the hearing officer. Jasper and Joel meet with the Attorney that is representing four of the individuals that have requested the hearing.

Chairman Pelster adjourned the meeting at 9:50 p.m. The next Regular Board meeting will be Tuesday, October 5, 2010 at the NRD Office in Imperial starting at 7:30 p.m.

Respectfully submitted

Tom Terryberry
Secretary/Treasurer