



Perkins Chase and  
Dundy Counties  
Headquarters in Imperial

# Upper Republican NATURAL RESOURCE DISTRICT

P.O. Box 1140  
511 East 5<sup>th</sup> St.  
Imperial, NE 69033  
Phone 308-882-5173  
308-882-5584  
FAX 308-882-4521

## **Board of Directors Regular Meeting March 13, 2018 at 1:30 p.m. 511 East 5<sup>th</sup> 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, Jason Kunkel, Dean Large, Terry Martin, Tom Terryberry, Tom Gaschler, Tom Schroder and Jeff Wallin.

**Board Members Absent:** Brett Bullock and Loren Jessen.

**NRD Staff:** Jasper Fanning, Nate Jenkins, Bruce Curtis, Julia Franck and Deb Hayes.

**NRD Legal Counsel:** Joel Burke.

**Others present:** Andy Keep (NRCS), Duane Dinnel, Brad Johnson, Bart Stromberger.

### **Information mailed to Directors:**

Agenda	Report of District applications, contracts, agreements
Minutes of February 13, 2018 Regular meeting	

### **Information distributed at Board meeting:**

Agenda	Variance request information
Minutes of February 13, 2018 Regular meeting	Report of District applications, contracts, agreements
Financial reports	Draft Rules and Regulations Order #34
NRCS report	

Chairman Martin called the meeting to order at 1:36 pm.

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

Brett Bullock and Loren Jessen are excused from today's meeting.

### **MINUTES:**

- Terryberry moved to approve the February 13, 2018 Regular Board meeting minutes as presented. Seconded by Gaschler.

Roll call vote: 7-yes, 1-abstain, 2-absent. Motion carried.

## **FINANCIAL REPORT:**

Jasper presented the Financial Reports to the Board.

- Gaschler moved to pay the Accounts Payable and approve the Treasurer's Report. Seconded by Terryberry.

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

**PUBLIC COMMENT:** None.

## **NRCS REPORT:**

Andy Keep reviewed the Mutual Agreement and the Cooperative Agreement between United States Department of Agriculture, State of Nebraska and Upper Republican NRD and their cooperation in the Conservation of Natural Resources and the civil rights compliance requirements for both parties. In accordance with the NRCS General manual policy, Andy encouraged the Board to contact and utilize the services of local minority mass media for outreach to disseminate information regarding elections/selections of Boards, council and committee members to improve the representation for minorities and females on the Boards.

- Terryberry moved to approve the NRCS Report of Planning Activity dated March 9, 2018 to include the Conservations Plans signed for Chase and Perkins county. Seconded by Gaschler

Roll call vote: 7-yes,1-abstain, 2-absent. Motion carried.

## **GROUNDWATER MANAGEMENT/RULES AND REGULATIONS:**

The Groundwater Committee (Dean Large, Kerry Bernhardt, Tom Terryberry, Tom Schroder and Terry Martin), met with Bart Stromberger today to review his request. Terry Martin explained Bart Stromberger's request for a heifer development feedlot. They are requesting to drill a commercial livestock well and to receive 135-acre feet of allocation and they will provide 95-acre feet of allocation from a pivot that will be temporarily retired. The conditions discussed in the committee meeting were that all water would be metered and a legal description of retired well will be provided and historical use will be calculated off the pivot that is retired and will determine how much offset the pivot will provide and occupation tax will still be filed. Mr. Stromberger reviewed his request with the full Board.

- Wallin moved to approve the request of Bart Stromberger and drill a commercial livestock well, a backup commercial livestock well, receive a 40-acre feet allocation and an additional 95-acre feet allocation with offset being provided with the ability to carryforward the offset water. Seconded by Large.

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

## **VARIANCE COMMITTEE:**

Jeff Wallin presented the Variance Committee report.

Duane Dinnel is requesting to transfer 16.9 certified allocated acres from the SW ¼ of Section 12-5-26 to the NW ¼ of Section 23-3-42 which belongs to George Seward and the acres would be distributed to the corner. The acres are currently in the SW ¼ of Section 12-5-36 are under CREP contract until September 30, 2020 therefore the request for this transfer will take place October 1, 2020. The acres will be moving from a higher streamflow depletion area to a lower streamflow depletion area, no more acres are requested than are allowed by the current historical use and streamflow depletion formulas and there will be a loss of 92.04 inches of carryforward on a total of 16.9 acres and no more acres will be irrigated. This will an agenda item for the April 3<sup>rd</sup> Regular Board meeting.

**REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:**

- Large moved to approve the report of District applications, contracts and agreements to include the NSWCP applications, Corners for Wildlife applications and the pooling contract. Seconded by Bernhardt.

Roll call vote: 6-yes, 2-abstain, 2-absent. Motion carried.

**LEGAL COUNSEL REPORT:**

Nate gave the legal counsel report and reported on Supreme Court case with Dundy County on the TERC decision on property taxes.

**REPUBLICAN RIVER BASIN MEETING/COMPACT REPORT:**

Jasper that a settlement has been reached with Colorado and Nebraska and Kansas and Colorado are still working on a settlement agreement.

**AUGMENTATION PROJECT:**

Jasper reported that HOA is still working on project updates.

**IRRIGATION RETIREMENT:**

Jasper and Nate discussed irrigation retirement with upcoming CREP and reported that there are funds set aside for the program. Upper Republican NRD will get 3.3 million from the Water Resources Fund. Nate is working with the State for a contract to get these funds.

**ASSISTANT MANAGER'S REPORT:** None.

**INFORMATION AND EDUCATION REPORT:** None.

**LEGISLATION:**

Jasper and Nate reviewed LB98, the 3-cent tax levy for fully and over appropriated NRD's, and that it was voted down.

**STATE ASSOCIATION:** No report.

**RULES AND REGULATIONS:**

Dean Large presented the changes to the draft Rules and Regulations, Order Number 34. Jasper and the Board reviewed and discussed these changes. These changes will be reviewed again at the April 3<sup>rd</sup> Regular Board meeting and then a date will be set for a Public Hearing.

Chairman Martin adjourned the meeting at 4:04 p.m. The next Regular Board meeting will be held Tuesday, April 3, 2018 at 1:30 p.m.

Respectfully submitted

Tom Terryberry  
Secretary/Treasurer