



Perkins Chase and
Dundy Counties
Headquarters in Imperial

Upper Republican NATURAL RESOURCE DISTRICT

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Board of Directors Regular Meeting May 8, 2018 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, Loren Jessen, Jason Kunkel, Dean Large, Terry Martin, Tom Terryberry, Tom Schroder and Jeff Wallin.

Board Members Absent: Brett Bullock.

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, Brent Bussell, Scott Bussell and Stacy Cochran.

Information mailed to Directors:

Agenda	Report of District applications, contracts, agreements
Minutes of April 3, 2018 Regular meeting	

Information distributed at Board meeting:

Agenda	Proposed Order #34-Rules and Regulations
Minutes of April 3, 2018 Regular meeting	Variance request information
Financial reports	Report of District applications, contracts, agreements
NRCS report	Information on NARD annual Basin Tour

Chairman Martin called the meeting to order at 8:05 pm.

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

Brett Bullock is excused from tonight's meeting. Introductions of Board Members, NRD Staff and guests were done.

Jason Kunkel arrived at 8:08 p.m.

Chairman Martin opened the public hearing on the proposed Rules and Regulations Order #34. The minutes were published in the Imperial Republican, Wauneta Breeze, Grant Tribune and the Benkelman Post. Copies of the proposed rule changes were available at the NRD office and the NRCS office in Grant.

MINUTES:

- Terryberry moved to approve the April 3, 2018 Regular Board meeting minutes as presented. Seconded by Wallin.

Roll call vote: 8-yes,1-abstain, 1-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 Wallin.

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

PUBLIC COMMENT: None.

NRCS REPORT:

Andy Keep with NRCS discussed the upcoming State Range Judging contest that will be held in Chase County in September. NRCS has a summer intern for the Imperial office for this summer. The Imperial and Grant field offices have been selected for a Time Cycle Workload Study. Each employee will record their daily activities and the information will be used to improve their operations.

- Terryberry moved to approve the NRCS Report of Planning Activity dated May 1, 2018 to include the Conservations Plans signed for Chase and Perkins Counties. Seconded by Gaschler.

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

- Terryberry moved to contribute \$500 to the State Range Judging contest in September. Seconded by Bernhardt.

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

GROUNDWATER MANAGEMENT/RULES AND REGULATIONS:

Terry Martin asked for any testimony on Rules and Regulations, Proposed Order 34. Joel Burke reported that the public hearing notice was published in the Wauneta Breeze, Benkelman Post, Imperial Republican and Grant Tribune. The publishers affidavits for these papers are Hearing Exhibits Number 1 through 4 and Exhibit #5 is a copy of the Amended Rules and Regulations Order #34. Chairman Martin asked for any oral or written testimony and there was none. Chairman Martin asked for any testimony from the public that was in attendance and there was none. Chairman Martin closed the public hearing at 8:20 p.m.

- Terryberry moved to approve the proposed Rules and Regulations, Order #34 and the changes as presented. Seconded by Large.

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

VARIANCE COMMITTEE:

Jeff Wallin presented the Variance Committee report. Bussell Farms is asking to decommission or convert to a livestock well the well on the NW ¼ of Section 13-8-41 and drill a new well on the NE ¼ of Section 27-8-41. The Variance Committee met with Scott and Brent Bussell earlier this evening to discuss their request. The Committee discussed the request and felt that the well on the NW ¼ of

Section 13-8-41 should be removed from the request. They are also requesting to waive the 30-day waiting period.

- Wallin on behalf of the Variance Committee made the recommendation to waive the 30-day waiting period.

Roll call vote: 7-yes, 2-no, 1-absnet. Motion carried. Voting yes: Kerry Bernhardt, Tom Gaschler, Loren Jessen, Terry Martin, Tom Schroder, Tom Terryberry and Jeff Wallin. Voting no: Jason Kunkel and Dean Large. Absent: Brett Bullock.

- Wallin on behalf of the Variance Committee made the recommendation to modify the variance request so as to negate the decommissioning or conversion to a livestock well and instead allow continued use of the well on the NW ¼ of Section 13-8-41, and to allow for the drilling of a new well to irrigate the NE ¼ of Section 27-8-41 with the following stipulations: a 13” allocation, no carryforward, no pooling with any other tracts and only these 2 tracts can be pooled together.

Discussion.

- Kunkel moved to amend the main motion to add that the well needs to be drilled on the NE ¼ of Section 27-8-41. Seconded by Large.

Discussion.

Roll call vote: 5-yes, 4-no, 1-absent. Amended motion carried.

- Jessen moved to amend the amendment and to state that the well can be drilled on either the NW ¼ of Section 26-8-41 or the NE ¼ of Section 27-8-41. Seconded by Bernhardt.

Discussion.

Roll call vote: 8-yes, 1-no, 1-absent. Motion carried.

Voting yes: Bernhardt, Gaschler, Jessen, Large, Martin, Schroder, Terryberry and Wallin. Voting no: Kunkel. Absent: Bullock. Amended amendment carried.

The main motion now reads:

- Wallin on behalf of the Variance Committee made the recommendation to modify the variance request so as to negate the decommissioning or conversion to a livestock well and instead allow continued use of the well on the on the NW ¼ of Section 13-8-41, and to allow for the drilling of a new well to irrigate the NE ¼ of Section 27-8-41. The new well can be drilled on either the NW ¼ of Section 26-8-41 or the NE ¼ of Section 27-8-41 with the following stipulations; a 13” allocation, no carryforward, no pooling with any other tracts and only these 2 tracts can be pooled together.

Roll call vote: 8-yes, 1-no, 1-absent. Motion carried.

Voting yes: Bernhardt, Gaschler, Jessen, Large, Martin, Schroder, Terryberry and Wallin. Voting no: Kunkel. Absent: Bullock.

REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:

- Large moved to approve the report of District applications, contracts and agreements dated May 8, 2018 to include the NSWCP applications, Corners for Wildlife, pooling contracts and the well decommissioning. Seconded by Gaschler.

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

LEGAL COUNSEL REPORT: Joel reported we are still waiting for a decision from the Supreme Court and in the meantime the Dundy County Assessor has classified much of the Rock Creek augmentation project property that is nontaxable as taxable. We have filed a protest again to take it back to TERC until we get a Supreme Court decision, or we could move forward with a writ of mandamus which forces the Public Official to follow the law.

- Gaschler moved to have legal counsel move forward on the writ of mandamus. Seconded by Jessen.

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

REPUBLICAN RIVER BASIN MEETING/COMPACT REPORT:

Jasper reported that they are getting closer at the Stakeholder group with having a Basin Wide plan. Next week there will be a Compact meeting for the 3 States in Colorado to start working closely with Nebraska Bostwick and Kansas Bostwick and Bureau of Reclamation to start working on MOA's for water storage.

AUGMENTATION PROJECT:

Jasper discussed with the Board grass establishment on the Rock Creek property. Some of the cool season grass has died off and the warm season isn't doing the best. Jasper would like to get a decent sized drill to reseed the property.

- Bernhardt moved to have management consider purchasing a grain drill/grass drill. Seconded by Wallin.

Discussion.

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

ASSISTANT MANAGER'S REPORT:

Nate Jenkins presented Resolution No. 2018-2018-05 to the Board which will allow us to pursue a grant to help pay for the installation of telemetry units on some flow meters.

- Gaschler moved to approve Resolution No. UR-2018-05 for the WaterSmart Grant Funds. Seconded by Bernhardt.

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

INFORMATION AND EDUCATION REPORT: No report.

LEGISLATION: No report.

STATE ASSOCIATION:

The Board was given information for the Southeast Nebraska NRD Basin Tour that is taking June 11th and June 12th. Registrations need to be turned in by May 25th.

BOARD OF DIRECTORS:

Chairman Martin reviewed the Notice of Public Hearing from the Village of Elsie Planning Commission for their redevelopment plan. Chairman Martin also read the letter from Mark and Peggi Davidson concerning a survey from University of Nebraska-Lincoln regarding the use of irrigation water.

Chairman Martin adjourned the meeting at 9:55p.m. The next Regular Board meeting will be held Tuesday, June 12, 2018 at 7:30 p.m.

Respectfully submitted

Tom Terryberry
Secretary/Treasurer