

Upper Republican  
NATURAL RESOURCES DISTRICT

P.O. Box 1140  
511 East 5<sup>th</sup> St.  
Imperial, NE 69033  
Phone 888-883-9066

The Upper Republican Natural Resources District will hold a Regular Board of Directors Meeting, Tuesday, January 9, 2024 at the NRD Office, 511 East 5<sup>th</sup> St, Imperial NE at 9:00 am MT. The monthly meeting will be held by means of virtual conferencing. The electronic link to the meeting is [www.urnrd.org/virtualmeeting](http://www.urnrd.org/virtualmeeting), the link to the agenda and all documents associated with the meeting is [www.urnrd.org/about/meeting-information](http://www.urnrd.org/about/meeting-information)

Agenda for such meeting kept continuously current and is available at the NRD Office.

AGENDA

Regular Board Meeting, Chairman Terry Martin  
Public Meeting Law Notice

INTRODUCTIONS:

- A. Introductions of Board Members, NRD Staff, and Guests.

DIRECTORS ABSENCES:

MINUTES:

- A. Approve minutes of the December 5, 2023 Regular Board meeting.

FINANCIAL REPORT:

- A. Accounts Payable.
- B. Accounts Receivable.

NRCS REPORT/COOPERATING AGENCY REPORTS:

- A. NRCS report.
- B. NSWCP cost share rates.

PUBLIC COMMENT:

UPPER REPUBLICAN NRD RULES AND REGULATIONS:

- A. Groundwater Management/Rules and Regulations.
- B. Variance Committee.
- C. Report of District Applications, Contracts, Agreements.
- D. Legal Counsel Report.
- E. Notice policies regarding variance applications and sale of property.

MANAGER'S REPORT:

- A. Replacement well application.

ASSISTANT MANAGER'S REPORT:

- A. Irrigation retirement.

INFORMATION AND EDUCATION:

- A. Information and Education Committee Report.
- B. Legislation.
- C. State Association.
  - 1. Voting Delegate-NARD Legislative Conference.

BOARD OF DIRECTORS:

- A. Village of Elsie request to rescind the approval of the Board of Educational Lands and Funds Variance.
- B. Election of Officers.
- C. URNRD Committees.

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January 1, 2024 – New Years Day, office closed.

January 9, 2024 - NRD Regular Board meeting, 9:00 am, NRD Office, 511 East 5<sup>th</sup> St, Imperial, NE

January 15, 2024 – Martin Luther King day, office closed

January 23-24, 2024 – NARD Legislative Conference, Lincoln

February 6, 2024 - Regular Board Meeting, 9:00 am, NRD Office, 511 East 5<sup>th</sup> St, Imperial, NE

Upper Republican NRD will provide accommodations at Board of Directors meetings, public information meetings and public hearings for disabled persons. Persons needing accommodations contact Deb Hayes at the NRD Office in Imperial.  
308-888-1936 during regular office hours. (7:00 am - 4:00 pm) [dhaves@urnrd.org](mailto:dhaves@urnrd.org)

Upper Republican  
NATURAL RESOURCES DISTRICT

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511 East 5<sup>th</sup> St.  
Imperial, NE 69033  
Phone 888-883-9066

**Board of Directors Regular Meeting  
December 5, 2023 at 9:00 am  
511 East 5<sup>th</sup> Street, Imperial, NE**

Agendas were sent to all Board Members and 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, and posted on the District website. The meeting was announced over KADL-Imperial, KRVN-Lexington and KOGA-Ogallala and published in area newspapers.

**Board Members Present:** Harry Merrihew, Terry Martin, Dave Brown, Tom Schroder, CJ Swanson, Brock Stromberger, Jay Lee, Jason Kunkel and Tyler Turner.

**Board Member Absent:** Dean Large and Janice Stroup.

**NRD Staff:** Jasper Fanning, Nate Jenkins, Julia Strand and Deb Hayes.

**Others Present:** Joel Burke (Attorney) and Andy Keep (NRCS), Blake Moreland, Steve Hanson, Doug Curtis, Chris Flaming and Ben Pelster.

**Information emailed to Directors:**

Agenda  
Regular Board meeting minutes November 7, 2023  
Variance Information

Report of District applications, contracts,  
and agreements  
Letter from Landowners by Elsie  
Board of Educational Lands & Funds

**Information distributed at Board meeting:**

Agenda  
Regular Board meeting minutes November 7, 2023  
Financial reports  
NRCS Report

Variance information  
Report of District applications, contracts,  
and agreements  
Letter from Landowners by Elsie  
Board of Educational Lands & Funds

Chairman Martin called the regular meeting to order at 9:10 a.m.

Chairman Martin announced that the Open Meetings Act was posted in the NRD Office.

Introductions of Board Members, NRD Staff and guests.

**DIRECTORS ABSENCES:**

Jason Kunkel discussed Dean Large being absent today and asked if we could set up the meeting virtually or by phone for Dean Large. Chairman Martin asked Attorney Burke the legalities of virtual meetings. Attorney Burke reported that due to the Public Meetings Act, the virtual meeting would have need to be included in our public meeting notice. In that notice a link to the virtual meeting and/or a dial in number would need to be included in the notice. Joel stated that he did not think there was anything in the open meetings act that covers a Board member just calling in to the meeting. During Covid the regulations were different but now there are statutes to cover holding virtual meetings with



the requirements that need to be met to hold the meeting. The NRD would only be allowed to hold half of the meetings virtually.

- Jason moved to direct management to advertise that the NRD will be holding a virtual meeting in January. Seconded by Lee.

Roll call vote: 5, yes, 4, no, 2-absent. Motion carried.

Voting yes, Kunkel, Lee, Merrihew, Schroder, Turner. Voting no: Dave Brown, Terry Martin, Brock Stromberger and CJ Swanson. Absent: Dean Large and Janice Stroup.

Joel discussed with the Board that Directors' absences should be excused and approved by the Board.

- Brown moved to excuse Dean Large and Janice Stroup from today's meeting. Seconded by Stromberger.

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

- Lee moved to excuse all previous absences of Dean Large, Janice Stroup and Jason Kunkel. Seconded by Turner.

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

#### **MINUTES:**

- Merrihew moved to approve the November 7, 2023, Regular Board meeting minutes as presented. Seconded by Brown.

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

#### **FINANCIAL REPORT:**

The Financial report was presented to the Board.

- Stromberger moved to accept the Treasurer's report and pay the accounts payable. Seconded by Brown.

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

#### **NRCS REPORT:**

Andy Keep with NRCS reported that the Nebraska State Range Judging Committee has selected Chase County to host the 2024 State Range Judging Contest.

- Stromberger moved to approve the NRCS Report of Planning Activity dated December 5 2023, to include the Conservations Plans as signed for Chase County. Seconded by Swanson

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

**PUBLIC COMMENTS:** None.

**GROUNDWATER MANGEMENT/RULES AND REGULATIONS:** None

#### **VARIANCE COMMITTEE:**

Brock Stromberger presented the Variance Committee report and reported that George Seward has asked that his Variance request be held in the January Regular Board meeting.

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

➤ Brown moved to approve the URNRD Report of District applications, contracts and agreements dated December 5, 2023, to include the NSWCP applications, pooling contract, dissolve pooling contract, transfer application and well decommissioning. Seconded by Lee.  
Roll call vote: 9-yes, 2-absent. Motion carried.

**LEGAL COUNSEL REPORT:** None.

**MANAGER'S REPORT:** None.

**ASSISTANT MANAGER'S REPORT:**

Nate reported that the irrigation retirement contract in Dundy County has been finalized and the contract has been signed. The agreement was for \$1,358,100.00 and the NRD will be reimbursed \$814,000.00 from the State.

➤ Kunkel moved to approve the acre retirement contract for 453 acres for the amount of \$1,358,100.00. Seconded by Swanson  
Roll call vote: 9-yes, 2-absent. Motion carried.

Nate was contacted by landowner in Dundy County for retirement of 125 acres, these acres were previously in CREP. The Board moved this item to the end of the agenda for executive session.

**INFORMATION & EDUCATION:** None

**LEGISLATION:** None

**STATE ASSOCIATION:**

**BOARD OF DIRECTORS:**

- A. Village of Elsie requesting to rescind motion to approve Board of Educational Lands and Funds Variance.

Jasper and Nate and Julia had met with members from the Village of Elsie concerning the BELF Variance request.

Chris Flaming read the letter on behalf of the Village of Elsie and their concerns about the BELF transfer. The Board discussed these concerns with Mr. Flaming.

Steve Hanson and Ben Pelster discussed their concerns with the transfer with the Board.

A letter was received from landowners in Elsie and this letter is in the Board members packets.

An email was received from Kelly Sudbeck with the Board of Educational Lands and Funds asking that the request to rescind be removed from the agenda or tabled until the January Board meeting to allow them to attend the Board meeting.

Harry Merrihew left the meeting at 11:02 am.

Chairman Martin called a 10-minute recess at 11:07 am.

Chairman Martin called the meeting back to order at 11:17 am.

- Kunkel moved to rescind the Board's November approval of the Board of Educational Lands and Funds Variance request to transfer 124.8 certified acres from the SW ¼ 36-4-41 to the NE 1/4 16-10-36 and drill a new irrigation well on this quarter. The request had been approved

with no carryforward which is a reduction of 169 inches of carryforward. The current irrigation well on the SW ¼ 36-9-41 would be decommissioned or converted to a livestock well. Seconded by Lee.

Discussion.

- Brown made a motion to postpone voting on Kunkel's motion until the January 9, 2024, Regular Board Meeting. Seconded by Swanson.

Discussion.

Roll call vote: 8-yes, 3-absent. Motion carried.

Jay Lee asked about occupation tax and surface water. Julia explained that the Dundy County assessor went through items this year and had made some changes to assessments. Some items that were overlooked in the past and were not taxed are being taxed this year.

- Brown moved to go into Executive Session for discussion on acre retirement purchase with the Board, Legal Counsel and Staff present. Seconded by Swanson

Roll call vote: 8-yes, 3-absent.

The Board went into Executive Session at 11:37 am.

- Brown moved to come out of Executive Session at 11:41 am. Seconded by Stromberger.

Roll call vote: 8-yes, 3-absent. Motion carried.

Chairman Martin adjourned the meeting at 11:42 am.

Respectfully submitted.

CJ Swanson  
Secretary/Treasurer

UPPER REPUBLICAN NRD  
**Balance Sheet**  
As of December 31, 2023

Dec 31, 23

**ASSETS**

**Current Assets**

**Checking/Savings**

1010 · Pinnacle Bank

2,183,077.85

1012 · Money Market Acct

138,370.28

**Total Checking/Savings**

2,321,448.13

**1015 · CD - CDARS ACCOUNT**

1015-5 · CDARS 12-MONTH 3-23

2,025,325.66

1015-7 · CDARS 6 MONTH 3-23

2,025,325.61

1015-8 · CD 3 MONTH 3-23 CDARS 6-23

2,028,863.60

**Total 1015 · CD - CDARS ACCOUNT**

6,079,514.87

**1016.00 · UNION BANK**

1016.02 · STFIT ACCOUNT

9,368.76

**Total 1016.00 · UNION BANK**

9,368.76

**Total Checking/Savings**

**8,410,331.76**

**Accounts Receivable**

1100 · Accounts receivable

60,599.43

**Total Accounts Receivable**

60,599.43

12:40 PM  
01/07/24  
Accrual Basis

UPPER REPUBLICAN NRD  
Expenses by Vendor Detail  
January 1 - 9, 2024

| Type                                   | Date     | Num    | Account                                 | Balance  |
|--|----------|--------|---|----------|
| ADAMS LUMBER-IMPERIAL<br>Check         | 01/05/24 | 997023 | 5055-02 · FLOWMETER SERVICING           | 23.04    |
| Total ADAMS LUMBER-IMPERIAL            |          |        |   | 23.04    |
| AFLAC<br>Check                         | 01/05/24 | 997024 | 5500-07 · Group insurance EXPENSE       | 436.82   |
| Total AFLAC                            |          |        |   | 436.82   |
| B. T.'S QUALITY MACHINE<br>Check       | 01/05/24 | 997025 | 5055-01 · FLOWMETER PARTS               | 330.00   |
| Total B. T.'S QUALITY MACHINE          |          |        |   | 330.00   |
| BLANKENAU WILMOTH JARECKE LLP<br>Check | 01/05/24 | 997026 | 5600-08 · Professional Services EXPENSE | 115.00   |
| Total BLANKENAU WILMOTH JARECKE LLP    |          |        |   | 115.00   |
| BOMGAARS<br>Check                      | 01/05/24 | 997027 | 5055-01 · FLOWMETER PARTS               | 85.13    |
| Check                                  | 01/05/24 | 997027 | 5601-01 · AUTO EXPENSES                 | 102.71   |
| Check                                  | 01/05/24 | 997027 | 5775-03 · DUNDY CO- SUPPLIES/OTHE...    | 263.83   |
| Check                                  | 01/05/24 | 997027 | 5990-05 · TELEMETRY - A                 | 338.31   |
| Total BOMGAARS                         |          |        |   | 338.31   |
| BURKE LAW OFFICE<br>Check              | 01/05/24 | 997028 | 5600-08 · Professional Services EXPENSE | 1,500.00 |
| Total BURKE LAW OFFICE                 |          |        |   | 1,500.00 |
| BW TELCOM<br>Check                     | 01/05/24 | 997029 | 5600-09 · TELEPHONE EXPENSE             | 125.86   |
| Total BW TELCOM                        |          |        |   | 125.86   |
| DEB HAYES<br>Check                     | 01/09/24 | 25424  | 5601-01 · AUTO EXPENSES                 | 14.10    |
| Total DEB HAYES                        |          |        |   | 14.10    |
| ESTHELA MIRELES<br>Check               | 01/09/24 | 25421  | 5750-01 · Building Maintenance EXPENSE  | 500.00   |
| Total ESTHELA MIRELES                  |          |        |   | 500.00   |
| FAIRFIELD INN & SUITES<br>Check        | 01/05/24 | 997030 | 5600-02 · Training/Meeting EXPENSE      | 239.90   |
| Total FAIRFIELD INN & SUITES           |          |        |   | 239.90   |
| FRENCHMAN VALLEY COOP<br>Check         | 01/05/24 | 997031 | 5601 · AUTO EXPENSE                     | 1,007.66 |
| Total FRENCHMAN VALLEY COOP            |          |        |   | 1,007.66 |
| GB AUTO SERVICE LLC<br>Check           | 01/05/24 | 997046 | 5601-01 · AUTO EXPENSES                 | 24.88    |
| Total GB AUTO SERVICE LLC              |          |        |   | 24.88    |



12:40 PM  
01/07/24  
Accrual Basis

UPPER REPUBLICAN NRD  
Expenses by Vendor Detail  
January 1 - 9, 2024

| Type  | Date     | Num    | Account                                    | Balance   |
|---|----------|--------|--|-----------|
| HILLS FAMILY FOODS                              |          |        |  |           |
| Check   | 01/05/24 | 997032 | 5600-06 · Office Supplies EXPENSE          | 17.42     |
| Total HILLS FAMILY FOODS                        |          |        |  | 17.42     |
| HYDRO OPTIMIZATION & AUTOMATION SOLUTIONS       |          |        |  |           |
| Check   | 01/05/24 | 997033 | 5775-07 · AUGMENTATION EQUIPMENT...        | 975.00    |
| Total HYDRO OPTIMIZATION & AUTOMATION SOLUTIONS |          |        |  | 975.00    |
| IDEAL LINEN                                     |          |        |  |           |
| Check   | 01/05/24 | 997034 | 5750-02 · Shop expense                     | 39.16     |
| Total IDEAL LINEN                               |          |        |  | 39.16     |
| IMPERIAL COUNTRY FORD                           |          |        |  |           |
| Check   | 01/05/24 | 997035 | 5601-05 · 2020 FORD F-150 PICKUP EX...     | 670.27    |
| Total IMPERIAL COUNTRY FORD                     |          |        |  | 670.27    |
| IMPERIAL NAPA                                   |          |        |  |           |
| Check   | 01/05/24 | 997036 | 5750-01 · Building Maintenance EXPENSE     | 26.47     |
| Check   | 01/05/24 | 997036 | 5750-02 · Shop expense                     | 66.38     |
| Total IMPERIAL NAPA                             |          |        |  | 66.38     |
| JIM'S CUSTOM CABINETS                           |          |        |  |           |
| Check   | 01/09/24 | 25422  | 5775-02 · DUNDY CO PROP-REPAIRS            | 7,718.95  |
| Total JIM'S CUSTOM CABINETS                     |          |        |  | 7,718.95  |
| LARRY WINGER                                    |          |        |  |           |
| Check   | 01/09/24 | 25425  | 5775-03 · DUNDY CO- SUPPLIES/OTHE...       | 40,000.00 |
| Total LARRY WINGER                              |          |        |  | 40,000.00 |
| LINCOLN NATIONAL INSURANCE CO                   |          |        |  |           |
| Check   | 01/05/24 | 997037 | 5500-07 · Group insurance EXPENSE          | 96.00     |
| Total LINCOLN NATIONAL INSURANCE CO             |          |        |  | 96.00     |
| McCROMETER INC                                  |          |        |  |           |
| Check   | 01/05/24 | 997038 | 5055-01 · FLOWMETER PARTS                  | 10,779.85 |
| Total McCROMETER INC                            |          |        |  | 10,779.85 |
| MIPS  |          |        |  |           |
| Check   | 01/05/24 | 997039 | 5600-03 · Fees & License EXPENSE           | 412.00    |
| Total MIPS                                      |          |        |  | 412.00    |
| NARD  |          |        |  |           |
| Check   | 01/05/24 | 997040 | 5600-02 · Training/Meeting EXPENSE         | 2,280.00  |
| Check   | 01/05/24 | 997040 | 5500-04 · Director's Expense               | 3,135.00  |
| Check   | 01/05/24 | 997040 | 5600-04 · Information & Education EXPEN... | 3,629.00  |
| Check   | 01/05/24 | 997040 | 5600-02 · Training/Meeting EXPENSE         | 3,821.00  |
| Check   | 01/05/24 | 997040 | 5030-04 · Other tree expense               | 4,941.00  |
| Total NARD                                      |          |        |  | 4,941.00  |
| NARD RISK POOL ASSOCIATION                      |          |        |  |           |
| Check   | 01/05/24 | 997041 | 5500-07 · Group insurance EXPENSE          | 41,585.34 |
| Total NARD RISK POOL ASSOCIATION                |          |        |  | 41,585.34 |

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UPPER REPUBLICAN NRD  
Expenses by Vendor Detail  
January 1 - 9, 2024

| Type                                     | Date     | Num    | Account                                 | Balance    |
|--|----------|--------|---|------------|
| OWENS TRUE VALUE                         |          |        |   |            |
| Check                                    | 01/05/24 | 997042 | 5775-03 · DUNDY CO- SUPPLIES/OTHE...    | 31.47      |
| Check                                    | 01/05/24 | 997042 | 5750-02 · Shop expense                  | 54.75      |
| Check                                    | 01/05/24 | 997042 | 5990-05 · TELEMETRY - A                 | 68.72      |
| Check                                    | 01/05/24 | 997042 | 5750-01 · Building Maintenance EXPENSE  | 91.71      |
| Total OWENS TRUE VALUE                   |          |        |   | 91.71      |
| PRAIRIE STATES COMM. INC                 |          |        |   |            |
| Check                                    | 01/05/24 | 997043 | 5775-03 · DUNDY CO- SUPPLIES/OTHE...    | 810.00     |
| Total PRAIRIE STATES COMM. INC           |          |        |   | 810.00     |
| SOUTHWEST PUBLIC POWER DISTRICT          |          |        |   |            |
| Check                                    | 01/05/24 | 997044 | 5775-04 · Dundy County-utilities        | 1,701.26   |
| Total SOUTHWEST PUBLIC POWER DISTRICT    |          |        |   | 1,701.26   |
| TITAN MACHINERY                          |          |        |   |            |
| Check                                    | 01/05/24 | 997045 | 5700-05 · TRACTOR EXPENSES              | 2,477.73   |
| Check                                    | 01/05/24 | 997045 | 5700-05 · TRACTOR EXPENSES              | 2,666.23   |
| Total TITAN MACHINERY                    |          |        |   | 2,666.23   |
| TROXELL HEATING AND APPLIANCE, LLC       |          |        |   |            |
| Check                                    | 01/09/24 | 25423  | 5750-01 · Building Maintenance EXPENSE  | 338.35     |
| Total TROXELL HEATING AND APPLIANCE, LLC |          |        |   | 338.35     |
| UNION BANK                               |          |        |   |            |
| Check                                    | 01/09/24 | 25426  | 5800-01 · Bond EXPENSE                  | 1,274.00   |
| Total UNION BANK                         |          |        |   | 1,274.00   |
| VERIZON WIRELESS                         |          |        |   |            |
| Check                                    | 01/05/24 | 997047 | 5600-09 · TELEPHONE EXPENSE             | 488.55     |
| Total VERIZON WIRELESS                   |          |        |   | 488.55     |
| WATER STRATEGIES LLC                     |          |        |   |            |
| Check                                    | 01/05/24 | 997048 | 5600-08 · Professional Services EXPENSE | 2,500.00   |
| Total WATER STRATEGIES LLC               |          |        |   | 2,500.00   |
| WOLF AUTO                                |          |        |   |            |
| Check                                    | 01/05/24 | 997049 | 5601-08 · 2016 CHEVY SILVERADO PU-...   | 89.85      |
| Total WOLF AUTO                          |          |        |   | 89.85      |
| TOTAL                                    |          |        |   | 121,916.89 |

11:58 AM  
01/04/24  
Accrual Basis

UPPER REPUBLICAN NRD  
Expenses by Vendor Detail  
December 6 - 31, 2023

| Type                                 | Date     | Num    | Account                            | Balance    |
|--------------------------------------|----------|--------|------------------------------------|------------|
| AMERICAN AGRICULTURAL LAB<br>Check   | 12/18/23 | 997008 | 5100-02 · Water Quality            | 277.40     |
| Total AMERICAN AGRICULTURAL LAB      |          |        |                                    | 277.40     |
| ARROW SEED COMPANY<br>Check          | 12/18/23 | 997009 | 5025-01 · CRP/CREP seed expe...    | 8,706.92   |
| Total ARROW SEED COMPANY             |          |        |                                    | 8,706.92   |
| B. T.'S QUALITY MACHINE<br>Check     | 12/18/23 | 997010 | 5990-05 · TELEMETRY - A            | 57.61      |
| Total B. T.'S QUALITY MACHINE        |          |        |                                    | 57.61      |
| BLACK HILLS ENERGY<br>Check          | 12/15/23 | 997011 | 5600-10 · Utilities EXPENSE        | 325.95     |
| Total BLACK HILLS ENERGY             |          |        |                                    | 325.95     |
| CITY OF IMPERIAL<br>Check            | 12/18/23 | 25409  | 5600-10 · Utilities EXPENSE        | 45.00      |
| Total CITY OF IMPERIAL               |          |        |                                    | 45.00      |
| COOPER FARMS LTD<br>Check            | 12/18/23 | 25411  | 5998 · URNRD CONSERVATIO...        | 1,462.50   |
| Total COOPER FARMS LTD               |          |        |                                    | 1,462.50   |
| DUNDY COUNTY CLERK<br>Check          | 12/18/23 | 25412  | 5990-06 · IRRIGATION RETIRE...     | 128.00     |
| Total DUNDY COUNTY CLERK             |          |        |                                    | 128.00     |
| ESTHELA MIRELES<br>Check             | 12/18/23 | 25410  | 5750-01 · Building Maintenance ... | 1,000.00   |
| Total ESTHELA MIRELES                |          |        |                                    | 1,000.00   |
| FRENCHMAN VALLEY COOP<br>Check       | 12/18/23 | 997012 | 5601-01 · AUTO EXPENSES            | 1,199.77   |
| Total FRENCHMAN VALLEY COOP          |          |        |                                    | 1,199.77   |
| GB AUTO SERVICE LLC<br>Check         | 12/18/23 | 997019 | 5700-07 · EQUIPMENT REPAIR...      | 24.88      |
| Total GB AUTO SERVICE LLC            |          |        |                                    | 24.88      |
| GREAT PLAINS COMMUNICATIONS<br>Check | 12/20/23 | EW1378 | 5600-09 · TELEPHONE EXPEN...       | 289.95     |
| Total GREAT PLAINS COMMUNICATIONS    |          |        |                                    | 289.95     |
| JOAN P PETERSON<br>Check             | 12/11/23 | ET     | 5990-06 · IRRIGATION RETIRE...     | 679,050.00 |
| Total JOAN P PETERSON                |          |        |                                    | 679,050.00 |

11:58 AM  
01/04/24  
Accrual Basis

UPPER REPUBLICAN NRD  
Expenses by Vendor Detail  
December 6 - 31, 2023

| Type   | Date     | Num    | Account                             | Balance    |
|--|----------|--------|-------------------------------------|------------|
| JOAN P PETERSON TTEE<br>Check                | 12/11/23 | ET     | 5990-06 · IRRIGATION RETIRE...      | 679,050.00 |
| Total JOAN P PETERSON TTEE                   |          |        |                                     | 679,050.00 |
| JOHN DEERE FINANCIAL<br>Check                | 12/18/23 | 997013 | 5700-06 · 4 WHEELER EXPENS...       | 240.09     |
| Total JOHN DEERE FINANCIAL                   |          |        |                                     | 240.09     |
| MID AMERICAN BENEFITS<br>Check               | 12/18/23 | 997014 | 5500-09 · Med Care Flex Spend       | 1,143.40   |
| Total MID AMERICAN BENEFITS                  |          |        |                                     | 1,143.40   |
| MIPS<br>Check                                | 12/18/23 | 997015 | 5600-03 · Fees & License EXPE...    | 112.00     |
| Check  | 12/18/23 | 997015 | 5600-03 · Fees & License EXPE...    | 224.00     |
| Total MIPS                                   |          |        |                                     | 224.00     |
| NATE JENKINS<br>Check                        | 12/20/23 | 25413  | 5600-11 · Miscellaneous EXPEN...    | 313.85     |
| Total NATE JENKINS                           |          |        |                                     | 313.85     |
| NCORPE<br>Check                              | 12/18/23 | 997016 | 6000-05 · NCORPE-AUG UTILIT...      | 3,833.37   |
| Total NCORPE                                 |          |        |                                     | 3,833.37   |
| PINNACLE BANK<br>Deposit                     | 12/08/23 | ED     | 5600-08 · Professional Services ... | -41,299.24 |
| Check  | 12/29/23 | EW     | 5600-08 · Professional Services ... | -41,270.24 |
| Total PINNACLE BANK                          |          |        |                                     | -41,270.24 |
| PROFESSIONAL COMPUTER SOLUTIONS LLC<br>Check | 12/18/23 | 997017 | 5600-08 · Professional Services ... | 3,816.00   |
| Total PROFESSIONAL COMPUTER SOLUTIONS LLC    |          |        |                                     | 3,816.00   |
| SCOOP MEDIA LLC<br>Check                     | 12/18/23 | 997020 | 5600-05 · Legal Notice EXPENSE      | 66.19      |
| Total SCOOP MEDIA LLC                        |          |        |                                     | 66.19      |
| TROXELL HEATING AND APPLIANCE, LLC<br>Check  | 12/21/23 | 997022 | 5750-01 · Building Maintenance ...  | 335.00     |
| Total TROXELL HEATING AND APPLIANCE, LLC     |          |        |                                     | 335.00     |

11:58 AM  
01/04/24  
Accrual Basis

UPPER REPUBLICAN NRD  
Expenses by Vendor Detail  
December 6 - 31, 2023

| Type                       | Date     | Num    | Account                             | Balance             |
|----------------------------|----------|--------|-------------------------------------|---------------------|
| US BANK                    |          |        |                                     |                     |
| Check                      | 12/15/23 | EW1377 | 5600-02 · Training/Meeting EXP...   | 2,433.43            |
| Check                      | 12/15/23 | EW1377 | 5600-06 · Office Supplies EXPE...   | 4,507.29            |
| Check                      | 12/15/23 | EW1377 | 5600-07 · Postage EXPENSE           | 4,593.28            |
| Check                      | 12/15/23 | EW1377 | 5990-05 · TELEMETRY - A             | 4,616.62            |
| Check                      | 12/15/23 | EW1377 | 5600-03 · Fees & License EXPE...    | 4,642.24            |
| Check                      | 12/15/23 | EW1377 | 5600-09 · TELEPHONE EXPEN...        | 4,647.94            |
| Check                      | 12/15/23 | EW1377 | 5600-04 · Information & Educatio... | 4,669.93            |
| Check                      | 12/15/23 | EW1377 | 5055-01 · FLOWMETER PARTS           | 4,680.57            |
| Check                      | 12/15/23 | EW1377 | 6000-03 · NCORPE-EQUIPMEN...        | 9,011.18            |
| Total US BANK              |          |        |                                     | 9,011.18            |
| VIAERO WIRELESS            |          |        |                                     |                     |
| Check                      | 12/18/23 | 997018 | 5600-09 · TELEPHONE EXPEN...        | 412.42              |
| Total VIAERO WIRELESS      |          |        |                                     | 412.42              |
| WATER STRATEGIES LLC       |          |        |                                     |                     |
| Check                      | 12/21/23 | 997021 | 5600-08 · Professional Services ... | 2,500.00            |
| Total WATER STRATEGIES LLC |          |        |                                     | 2,500.00            |
| TOTAL                      |          |        |                                     | <u>1,352,243.24</u> |



# UPPER REPUBLICAN NRD

## A/R Aging Summary

As of December 29, 2023

|                                | Current   | 1 - 30   | 31 - 60 | 61 - 90 | > 90      | TOTAL     |
|--------------------------------|-----------|----------|---------|---------|-----------|-----------|
| A017 LES AMBROSEK              | 1,346.00  | 0.00     | 0.00    | 0.00    | 0.00      | 1,346.00  |
| A019 MARK AMBROSEK             | 420.00    | 0.00     | 0.00    | 0.00    | 0.00      | 420.00    |
| B033 STEVE BARENBERG           | 158.57    | 164.04   | 174.98  | 0.00    | 11,798.68 | 12,296.27 |
| B059 TED BEHLKE                | 0.00      | 247.93   | 0.00    | 0.00    | 0.00      | 247.93    |
| D054 DX COWBELL PROPERTIES LLC | 0.00      | 2,215.37 | 0.00    | 0.00    | 0.00      | 2,215.37  |
| F060 MIKE FRANCIS              | 0.00      | 0.00     | 0.00    | 0.00    | -427.87   | -427.87   |
| F066 JOHN FLOOD                | 0.00      | 262.84   | 0.00    | 0.00    | 0.00      | 262.84    |
| H080 ROGER HARMON              | 0.00      | 247.93   | 0.00    | 0.00    | 0.00      | 247.93    |
| H103 RON HAGAN                 | 0.00      | 161.72   | 0.00    | 0.00    | 0.00      | 161.72    |
| H151 GENE HEATHERS             | 0.00      | 5.33     | 0.00    | 0.00    | 0.00      | 5.33      |
| J045 TREGG JOBMAN              | 0.00      | 247.93   | 0.00    | 0.00    | 0.00      | 247.93    |
| K025 KRUG INC/SLK INC          | 0.00      | 247.93   | 0.00    | 0.00    | 0.00      | 247.93    |
| K096 ERON KITT                 | 0.00      | 36.93    | 0.00    | 0.00    | 0.00      | 36.93     |
| L047 DEAN LARGE                | 212.94    | 0.00     | 0.00    | 0.00    | 0.00      | 212.94    |
| L069 LINCOLN COUNTY FEEDYARD   | 0.00      | 442.00   | 0.00    | 0.00    | 0.00      | 442.00    |
| L086 LARRABEE FARM             | 0.00      | 247.93   | 0.00    | 0.00    | 0.00      | 247.93    |
| M035 T. J. MARTIN              | 0.00      | 247.93   | 0.00    | 0.00    | 0.00      | 247.93    |
| M047 ROBERT MILNER             | 2,100.00  | 0.00     | 0.00    | 0.00    | 0.00      | 2,100.00  |
| N004 NCORPE                    | 33,840.14 | 0.00     | 0.00    | 0.00    | 0.00      | 33,840.14 |
| N031 NeDNR                     | 0.00      | 58.61    | 0.00    | 0.00    | 0.00      | 58.61     |
| P033 BRIAN PROSSER             | 0.00      | 247.93   | 0.00    | 0.00    | 0.00      | 247.93    |
| P035 PIVOT ELECTRIC            | 0.00      | 135.47   | 0.00    | 0.00    | 0.00      | 135.47    |
| P038 DEAN PURSLEY & SONS       | 0.00      | 630.00   | 0.00    | 0.00    | 0.00      | 630.00    |
| S022 STEVE STROUP              | 2.29      | 250.30   | 2.52    | 0.00    | 166.24    | 421.35    |
| S056 DAVE SPICER               | 0.00      | 247.93   | 0.00    | 0.00    | 0.00      | 247.93    |
| S064 BOB STAMM                 | 0.00      | 239.15   | 0.00    | 0.00    | 0.00      | 239.15    |
| S101 GEORGE SEWARD             | 36.25     | 37.50    | 40.00   | 0.00    | 2,657.08  | 2,770.83  |
| S107 GARY KNEHANS              | 0.00      | 772.93   | 0.00    | 0.00    | 0.00      | 772.93    |
| S112 DAVE SCHILKE              | 0.00      | 210.00   | 0.00    | 0.00    | 0.00      | 210.00    |
| S114 JASON SCHACK              | 4.72      | 4.88     | 5.21    | 0.00    | 354.21    | 369.02    |
| S146 TRACI SPACE               | 0.00      | 0.00     | 0.00    | 0.00    | -238.49   | -238.49   |
| W058 NICK WITTE                | 1.14      | 1.18     | 1.26    | 0.00    | 83.94     | 87.52     |
| W079 JEFF WALLIN               | 0.00      | 247.93   | 0.00    | 0.00    | 0.00      | 247.93    |
| TOTAL                          | 38,122.05 | 7,859.62 | 223.97  | 0.00    | 14,393.79 | 60,599.43 |

## NRCS Report to the Upper Republican NRD

January 9<sup>th</sup>, 2024 Board Meeting

- Pheasants Forever Prescribed Fire Workshops
  - A series of workshops will be held around the state in 2024 to provide guidance and instruction for completing safe and effective prescribed fires. These workshops are for landowners, resource professionals, volunteer fire departments and others interested in burning. No prior burn experience is necessary to participate.
  - January 31<sup>st</sup> Imperial - Making Prescribed Fire Work For You — Join us as we talk about how using prescribed fire on your land can be used to achieve your land management goals.
    - Imperial Fire Department
    - 315 Broadway—Imperial
    - 5:30 PM - 8:30 PM MST



# Prescribed Fire Training Workshops

A series of workshops will be held around the state in 2024 to provide guidance and instruction for completing safe and effective prescribed fires. These workshops are for landowners, resource professionals, volunteer fire departments and others interested in burning. No prior burn experience is necessary to participate.



| DATE          | TOWN        | LOCATION  | TIME                     |
|---------------|-------------|---|--------------------------|
| January 10th  | Ericson     | Ericson Fire Hall<br>525 Central Ave. • Ericson                         | 9:00 AM - 3:00 PM<br>CST |
| January 16th  | Norfolk     | Lifelong Learning Center—Northeast CC<br>601 E. Benjamin Ave. • Norfolk | 9:00 AM - 3:00 PM<br>CST |
| January 17th  | Thedford    | Upper Loup NRD<br>39252 NE-2 • Thedford                                 | 9:00 AM - 3:00 PM<br>CST |
| January 18th  | Lincoln     | Lancaster County UNL Extension<br>444 Cherrycreek Rd Suite A • Lincoln  | 9:00 AM - 3:00 PM<br>CST |
| January 24th  | Scottsbluff | North Platte NRD<br>100547 Airport Road. • Scottsbluff                  | 9:00 AM - 3:00 PM<br>MST |
| February 15th | Online      | Online—Sign up at <a href="http://Nebraskapf.com">Nebraskapf.com</a>    | 9:00 AM - 3:00 PM<br>CST |

## Introduction to Prescribed Fire



### Topics include:

Equipment Preparation Techniques  
Weather Forecasting  
Fire Behavior  
Fireline Positions  
Safety

| DATE                     | ADVANCED WORKSHOPS   | LOCATION  | TIME                     |
|--------------------------|--|---|--------------------------|
| January 24th<br>Ord      | <b>Afterburn</b> —Exploring the actions and management hours and months after your prescribed fire that will lead to maximum benefits.   | Jubilee Events and Catering<br>1528 L Street—Ord                          | 6:00 PM - 8:30 PM<br>CST |
| January 31st<br>Imperial | <b>Making Prescribed Fire Work For You</b> — Join us as we talk about how using prescribed fire on your land can be used to achieve your land management goals.  | Imperial Fire Department<br>315 Broadway—Imperial                         | 5:30 PM - 8:30 PM<br>MST |
| February 27th<br>Online  | <b>2024 Prescribed Fire Refresher</b> — Join us as we talk about the upcoming Spring prescribed fire season and go over a quick refresher. Topics will include: weather forecasting, equipment maintenance, lessons learned, dealing with spot fires, accomplishing objectives, safety, burn techniques, and more.   | Online—<br>Register at <a href="http://Nebraskapf.com">Nebraskapf.com</a> | 6:00 PM - 8:00 PM<br>CST |
| Summer 2024              | <b>Summer Prescribed Fire Workshops</b> — Join us in the summer of 2024 for live burn workshops. Dates and locations will be released mid summer. To receive the latest prescribed fire information on trainings, conferences, and news, subscribe to the Nebraska Prescribed Fire email list by emailing <a href="mailto:bteeter@pheasantsforever.org">bteeter@pheasantsforever.org</a> | Online—<br>Register at <a href="http://Nebraskapf.com">Nebraskapf.com</a> | TBD                      |

Registration fee of \$10 for basic workshops includes meal and training materials.  
Visit [www.NebraskaPF.com](http://www.NebraskaPF.com) to register.

## Join a Prescribed Burn Association

Prescribed burn associations are a collection of landowners, land managers, and volunteers who pool time, equipment, and knowledge to help each other get prescribed fire on the ground within their communities. There are many existing burn associations across the state to volunteer with and an opportunity for new ones to be formed. Contact Brian Teeter at 402-219-2572 or [bteeter@pheasantsforever.org](mailto:bteeter@pheasantsforever.org) to find one nearest you or to start your own.







|                              |  |
|------------------------------|--|
| Parker Farms                 | All 16-2-37  |
| Cole Lutz                    | All 16-1-38  |
| Brad Dixon                   | All 36-4-38  |
| Brent Evans                  | All 16-2-40  |
| Jim Reinick                  | All except 4 acres of county rd 16-3-40            |
| Roundtree Family Partnership | All 36-3-40  |
| Olson Livestock & Seed       | All except SW 4SW4 and 2.42 acres of Co Rd 36-2-41 |
| Josh Anderson                | All 16-4-41  |
| Darrell Webster              | All 36-2-42  |



# UPPER REPUBLICAN NATURAL RESOURCES DISTRICT

## POOLING FORM

I hereby agree to pool the following tracts of certified irrigated allocated acres. This pooling agreement must meet all the requirements of the Upper Republican Natural Resources District's adopted groundwater control rules and regulations.

POOL ID: C-16 741

### LEGAL DESCRIPTION OF POOLED TRACTS

**QTR SEC TWN RNG**

SE 8 7 41

SE 11 7 41

SW 11 7 41

SW 27 7 41

SE 20 8 41

SW 4 7 40

NE 30 8 41

\_\_\_\_\_

\_\_\_\_\_

**QTR SEC TWN RNG**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

OWNER SIGNATURE: Patrick Trainor

OWNER SIGNATURE: \_\_\_\_\_

OWNER SIGNATURE: \_\_\_\_\_

OWNER SIGNATURE: \_\_\_\_\_

APPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

## NEW POOLING CONTRACT INFORMATION FORM

DATE OF REQUEST: 10/3/2023

POOL ID: C-16 741

LANDOWNERS: BLACK LAMAR III, LLC

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- ☒ YES NO All Landowners have signed pooling contract
- ☒ YES NO Proof of ownership of all tracts is attached to the original pooling contract
- YES ☒ NO Landowners request to average tracts allocation and carryforward  
(3 years of annualized allocation before averaged if new tract(s) brought in)

Further explanation if needed: Adding tract 4-7-40 to  
current pool

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Technician Signature: Cooper Bell

Date: 12/13/23

## APPLICATION

**THIS PAGE IS TO BE COMPLETED BY THE LANDOWNER.**

I, the undersigned, do hereby request cost-share assistance to help defray the cost of decommissioning an unused well. It is understood and agreed that:

1. Before receiving any funds, I will have the work completed according to specifications developed by the Upper Republican Natural Resources District.
2. I will provide the Upper Republican Natural Resources District with a report of the quantities used and the Contractor's billing.
3. This application will not be effective until signed by the Upper Republican Natural Resources District.
4. This application will be valid for a period of 9 (nine) months and claims after the expiration date will need to be resubmitted to the Board for approval.
5. Reimbursement will be 75% of actual cost not to exceed a maximum in cost-share of \$500 for all wells except \$1400 for a hand dug domestic well.

Jan Hughes HUGHESLAND CO 47-0554176  
Signature - Landowner Date Social Security or Tax ID No.

Please Print Name and Address:

12-13-2023  
HUGHESLAND CO  
74268 318AVE  
VENANGO NE 69168

Note: Complete Part 1.

## PART 1

TYPE OF WELL: Irrigation ☒ Domestic \_\_\_\_\_ Livestock \_\_\_\_\_  
(Check one) Industrial \_\_\_\_\_ Municipal \_\_\_\_\_ Other \_\_\_\_\_

Well Diameter: \_\_\_\_\_ inches Well Depth: \_\_\_\_\_ feet

LEGAL DESCRIPTION : \_\_\_\_\_ County  
\_\_\_\_\_ 1/4 SW 1/4 Section 12 Twnshp 8 Range 41

\*\*\*\*\*

## APPROVAL

Approved by \_\_\_\_\_ Date  
Upper Republican NRD

Application No. \_\_\_\_\_ Expiration Date \_\_\_\_\_  
Amount of Cost-share approved \$ \_\_\_\_\_

Note: Well Driller Please Complete Part 2 of this form

# BOARD OF EDUCATIONAL LANDS AND FUNDS

KELLY L. SUDBECK  
CEO / Executive Secretary

CINDY S.H. KEHLING  
Executive Assistant



CORT DEWING  
Director of  
Field Operations

LAURA B. BAHR-FREW  
Minerals Administrator  
[belf.nebraska.gov](mailto:belf.nebraska.gov)

January 3, 2023

SENT VIA EMAIL AT: [burkelawoffice1200@gmail.com](mailto:burkelawoffice1200@gmail.com)  
[jasperfanning@urnrd.org](mailto:jasperfanning@urnrd.org)

Board of Directors  
Upper Republican Natural Resources District  
P.O. Box 1140  
511 East 5<sup>th</sup> Street  
Imperial, Nebraska 69033

Re: Variance for the Board of Educational Lands and Funds

Dear Board Members,

It has come to our attention that the Board of the Upper Republican Natural Resources District ("NRD") will be voting in January on a pending motion to rescind a variance previously granted to the Board of Educational Lands and Funds ("BELF") to transfer 124.8 certified acres from the SW ¼ 36-4-41 to the NE ¼ 16-10-36 and drill a new irrigation well on that quarter. Because we believe such a rescission would be unlawful and contrary to the NRD Board's duties and rules, we request that the motion be rejected and the variance allowed to stand.

The NRD Board already properly considered and approved BELF's application for a variance. The application was reviewed by a committee that recommended approval and was carefully considered by the Board, including substantial discussion, before voting to approve the variance. When a governmental organization, like an NRD, votes to grant a benefit in accordance with its lawful procedures, such a benefit cannot be revoked without due process. In most cases, the proper process would be a revocation hearing, where evidence would be presented regarding why a previously-granted benefit should be revoked – most often because of malfeasance on the part of the holder of the benefit. Rule 13 of your Rules and Regulations makes clear that the NRD may conduct investigations, issue cease and desist letters, hold hearings, and penalize individuals found to be in violation of the NRD's rules. To our understanding, there is no contention here that BELF has violated a single rule of the NRD, nor have such Rule 13 proceedings been initiated. Rather, one or more board members who were absent from the November meeting simply disagreed with the determination of the Board and want to try again.

Simple disagreement is not grounds for revoking a benefit and would clearly be arbitrary, capricious, and not in accordance with law.

In order to avoid the proper Rule 13 process for revoking a benefit, the Board apparently seeks to "rescind" the vote instead. In addition to being an illegal deprivation without due process, this motion is procedurally flawed. As an initial matter, there is nothing in your Rules and Regulations about rescission or reconsideration of a vote – and certainly not to revoke a previously-granted benefit. It is our understanding that the NRD uses Robert's Rules of Order ("Robert's Rules") to determine procedural questions. To be clear, Robert's Rules do not supplant due process requirements. But even to the extent Robert's Rules govern, they preclude a rescission vote "[w]hen something has been done, as a result of the vote on the main motion, that is impossible to undo." Robert's Rules of Order, 11<sup>th</sup> Ed. (p. 308). Here, BELF has already acted in detrimental reliance on the NRD's previous, proper vote. BELF has taken steps to adjust its leases and arranged to have its new well dug, none of which can be undone by the NRD.

The concept of detrimental reliance is important not just for BELF, but for the regulated public in the district generally. If the NRD starts reconsidering votes on a whim, especially without rules governing the process, how will the public know when it can rely on an NRD Board vote and when it cannot? Are other members of the public in danger of having their votes reconsidered? What span of time must elapse before the public can be confident that the previous vote is safe from rescission or reconsideration? When a duly elected board votes to extend a benefit, there must be finality attached to that decision.

To the extent the Village of Elsie, or anyone else, now objects to the variance, that objection comes too late. There is no special, personal notification requirement in the NRD's Rules and Regulations. Rather, the variance was noticed in accordance with normal NRD Board meetings. Allowing a third party to attack a previously adopted vote again raises the threat that there is no finality to NRD Board votes and previously-granted benefits can be revoked at any point if members of the NRD Board – or a third party – disagree with that vote. Such a threat does not comport with the law nor with the duty of a governmental board.

For the foregoing reasons, the NRD Board must reject the motion to rescind the previously- and properly - adopted vote, and allow BELF's variance to stand.

Respectfully,

A handwritten signature in black ink, appearing to read "Kelly L. Sudbeck", with a large, sweeping flourish extending to the left.

Kelly L. Sudbeck  
CEO/Executive Secretary

C: John Jelkin, Assistant Attorney General





Natural Resources Conservation Service  
Imperial Field Office  
PO BOX 1079  
Imperial, NE 69033  
308-882-4263 ext. 3

<http://www.ne.nrcs.usda.gov>

January 2, 2024

To: Jasper Fanning, General Manager, Upper Republican NRD

Re: Land Evaluation NE4 Sec. 16-10-36W

I was asked by you to provide an evaluation of the suitability of the Northeast quarter Section of Section 16-10-36W in Perkins Co. for sprinkler irrigation suitability. Enclosed is our evaluation.

The NE1/4 of Section 16-10-36W is currently farmed dryland. The area evaluated is slightly larger than a standard quarter section. I evaluated all the land to the north of the windbreak that runs along the southeast part of the BELF property, approximately 240 acres. There are existing terraces on this quarter. There is an intermittent stream channel that flows from the north to the south through this quarter. The watershed area of this intermittent stream is approximately 600 acres with an average slope of 4.1%. There are 3 soil series mapped as the predominate soils in this quarter. Keith silt loam, 1 to 3 percent slopes, is mapped on 70.8 acres, 29.3% of the area. This soil is Non-Highly Erodible and has a land capability classification of 2. Woodyly fine sandy loam, 0 to 3 percent slopes are mapped on 64.7 acres, 26.8% of the area. This soil is Highly Erodible and has a land capability classification of 2. Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices. Satanta very fine sandy loam, 3 to 6 percent slopes are mapped on 104.8 acres, 43.3% of the area. This soil is Highly Erodible and has a land capability classification of 3. Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both. There is a minor area mapped as Valent loamy sand, 3 to 9 percent slopes on less than 2 acres.

The NE1/4 of Sec. 16-10-36 contain predominantly class 2 and 3 soils. All the soils in the NE1/4 of Sec. 16-10-36 have the same land capability subclass of "e". The letter "e" shows that the main hazard is the risk of erosion unless close-growing plant cover is maintained. I looked at the Irrigation, Sprinkler (General) soil interpretation. This interpretation evaluates a soil's limitation(s) for installation and use of sprinkler irrigation systems. The predominate soils in the NE1/4 of Sec. 16-10-36 are rated as "Not Limited" for sprinkler irrigation. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected.

The NE1/4 of Sec. 16-10-36 contains an intermittent stream and has terraces on slopes. The terrace channels appear to be silted in and do not have adequate storage to contain irrigation runoff and natural runoff from a rain event. The terraces would only have been designed to handle the natural runoff from a 10-year storm when they were new. The terraces were installed to control ephemeral gully erosion. Ephemeral gully erosion must be controlled on all HEL fields. The terraces will likely need to be

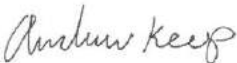


removed under the sprinkler system because the constant watering of them by the irrigation system will create problems with the pivot tracks eroding through the terrace rendering them ineffective and creating ephemeral gullies. Additional conservation treatments may be required to control ephemeral gullies after the terraces are removed such as, Conservation Crop Rotations that contain high residue crops, Residue management (No-till), Grassed Waterways, and cover crops. Practices like filter strips and/or field borders may reduce suspended solids and associated contaminants in runoff and excessive sediment in surface waters that leave the field.

The NE1/4 of Sec. 16-10-36 is suitable for the development of irrigation. There are however issues that will need to be addressed. Wind and water erosion, including ephemeral gully erosion, must be controlled on all Highly Erodible land to participate in USDA Farm Bill Programs. Conservation practices will need to be implemented to ensure offsite impacts are mitigated. Proper Irrigation Water Management, Nutrient Management, and Integrated Pest Management should be adopted to reduce excess nutrients, and pesticides in surface and ground water.

If you have any questions concerning the enclosed information, please contact the Imperial NRCS office at (308) 882-4263 Ext. 3 or you may reach me by e-mail at [andrew.keep@usda.gov](mailto:andrew.keep@usda.gov)

Sincerely,

A handwritten signature in cursive script that reads "Andrew Keep".

ANDREW KEEP  
District Conservationist

# Upper Republican Natural Resources District VARIANCE APPLICATION

**Date of Request: September 1, 2023**

Applicant: Board of Educational Land and Funds – Kort Kemp  
Address: 33765 S. Blackwood Rd  
City: Wallace State: NE Zip Code: 69169  
Phone: 308-340-7143  
E-Mail: kort.kemp@nebraska.gov

County: Perkins/Chase  
Legal Description of Property: SW ¼ 36-9-41 and NW ¼ 36-8-41  
To: NE ¼ 16-10-36

**Specific Request, be as detailed as you can in stating exactly what you are asking to do:**

Transfer 124.8 certified acres from SW ¼ 36-9-41 to NE ¼ 16-10-36 and drill a new irrigation well on the quarter. The current irrigation well on SW ¼ 36-9-41 will be decommissioned or converted to a livestock well.

**Reason for this request:**

The well on SW 36-9-41 is pumping sand and the location the acres would move to has better water availability and soil.

**Applicable URNRD Rules:**

10.1 Pursuant to Neb. Rev. Stat. §46-739(1), to achieve the purposes for which the Management Area was designated, there shall be no additional permits to construct a new water well issued nor shall there be an increase of irrigated acres on existing wells within the entirety of the District, unless existing uses are retired to offset new uses pursuant to Rule 7.

**Other information:**

The SDF at SW ¼ 36-9-41 is 0.9% and at NE ¼ 16-10-36 is 0.68% for a decrease of 0.22%  
The 10 year average historical use of SW ¼ 36-9-41 is 14.87 inches  
The transfer distance is 29 miles from SW ¼ 36-9-41 to NE ¼ 16-10-36

Applicant



CEO/Exec. Sec.

Date 10-27-23

Applicant

Date

**SW 36-9-41**

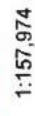
124.8 certified acres

| Year | Use   |
|------|-------|
| 2013 | 17.12 |
| 2014 | 12.07 |
| 2015 | 16.57 |
| 2016 | 13.12 |
| 2017 | 16.4  |
| 2018 | 16.24 |
| 2019 | 15.3  |
| 2020 | 13.01 |
| 2021 | 12.35 |
| 2022 | 16.53 |

Avg use 14.87

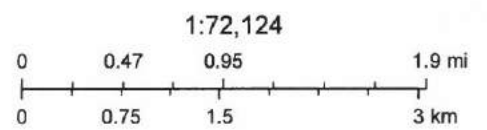
**Transferrable 124.8**





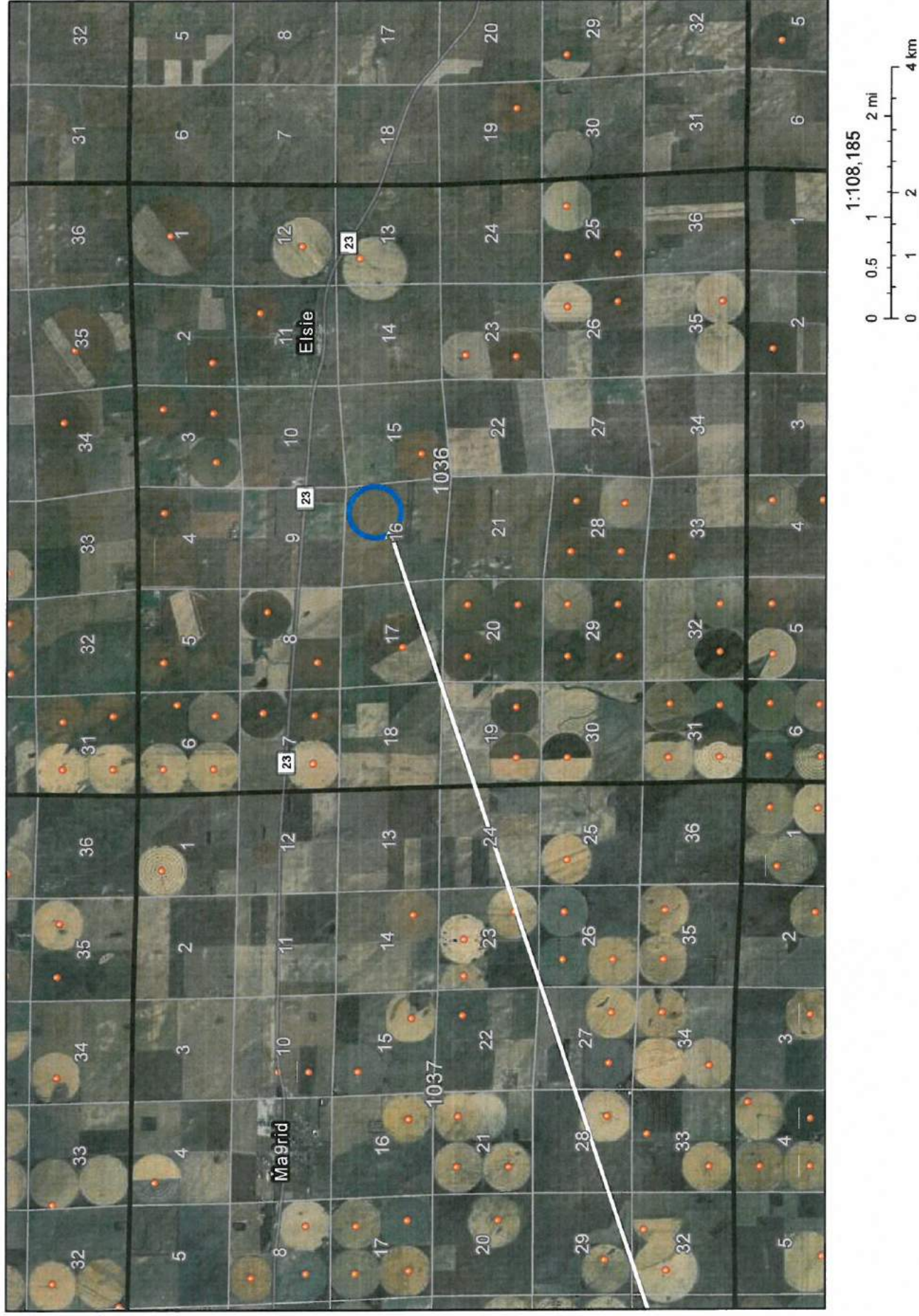


# BELF Oct 2023 Variance From Location





# BELF Oct 2023 Variance To Map



## Deb Hayes

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**From:** Sudbeck, Kelly <Kelly.Sudbeck@nebraska.gov>  
**Sent:** Monday, December 4, 2023 4:08 PM  
**To:** Deb Hayes  
**Cc:** burkelawoffice1200@gmail.com; Kemp, Kort; Jelkin, John  
**Subject:** Upper Republican NRD meeting tomorrow

Jasper:

Thank you for taking my call. As we discussed, it is my understanding that the our application for variance that was fully adjudicated and granted last month, has been placed on the agenda for the meeting tomorrow morning, for consideration of rescission. As I stated, neither I nor my Field Representative can attend the meeting due to the lack of notice, and prior commitments.

You should know that this Agency and our tenants have already relied upon the approved variance. This Board has approved the transfer, and the changes to both leases. We have contracted with a well driller to drill a well. The tenant of the property from which the acres are being transferred has already been told, and agreed, that he will convert to dryland, and his rent will be lowered commensurately. The new pivot has already been designed with a pivot company, and the tenant of the new pivot has already been told, and agreed, to farm that property as irrigated, and agreed to his rent being increased.

Since this Agency has not been provided adequate notice to allow us to attend this meeting, I ask that either the matter be removed from the agenda, or, at the very least, be tabled until next month, when this Agency can appear and adequately defend the variance that has already been granted.

I appreciate your consideration of this request.

Kelly L. Sudbeck  
CEO/Executive Secretary  
Board of Educational Lands and Funds  
of the State of Nebraska  
555 N. Cotner Blvd  
Lincoln NE 68505  
402.471.2014

C: John Jelkin, NE Assistant Attorney General  
Joel Burke, Attorney at Law  
Kort Kemp

December 4, 2023

Upper Republican Natural  
Resources District Board  
P.O. Box 1140  
511 East 5<sup>th</sup> Street  
Imperial NE 69033

Dear Board Members:

As local landowners, we are writing this letter in opposition to your decision to approve the Variance Request submitted to the Upper Republican NRD to develop a new pivot by transferring 124.8 certified acres from SW1/4 36-9-41 to NE ¼ 16-10-36 with the plan to drill a new irrigation well.

As Stewards of the land, we are responsible for the planning and management of our resources. Our objections to the approval of this Variance Request are:

- Reduction of water levels for existing wells
- Changes in the economy in Perkins County (increase in land rent)
- Groundwater Allocations
- Precedent set for future requests

We respectfully request that you reconsider your decision and deny the Variance Request. We appreciate your time and attention to this matter.

Nick Hanson  
Kenneth Potts  
Steve Hanson  
Doug Johnson  
Luke Johnson  
Bill Robertson  
De Lynn Dahl  
Michael J. Ry  
C. Ry  
Tim & Lisa  
Meg & Lisa  
John Hunt  
Michael Hunter  
Ken Cappel  
Jane Potts  
John D. Faughet



To whom it may concern,

This letter is in response to the variance request submitted to the Upper Republican NRD to develop a new pivot by transferring 124.8 certified acres from SW1/436-9-41 to NE1/416-10-36 with a plan to drill a new irrigation well. The Village of Elsie is in opposition to this request and would like to ask the board to reconsider their vote.

- The Village of Elsie did not receive a notification letter with the opportunity to oppose the variance. Protecting the water of a municipality has always been a priority of the NRD and of the State of Nebraska.
- The Village of Elsie has historically had pumping issues on high irrigation years. Recent tests from Sargent Irrigation show that the two public water supply wells are set to the top of the screen which does not allow for any deeper pump settings. Any reduction in pumping levels would require the village to drill new wells and cause a financial burden on a community with limited financial resources.
- The Village of Elsie does have a well head protection from 2000. A study from TC Engineering, Inc shows the property is directly in the line of ground water movement to the Village of Elsie. Locating a large well directly upgradient to the Village wells is not recommended and has a large probability of negatively impacting the water supply for the village.
- The Village of Elsie questions if it is reasonable to move a perfectly functioning well such a large distance. Will this set a new precedent allowing others to move wells? Is this move driven by money to place rented ground in a more favorable rental market? Will other well owners be offered the same opportunity or only wells owned by the State of Nebraska?

These are some of the concerns that the Village of Elsie has on the variance recently approved by the Upper Republican NRD. We respectfully request that the board reconsider their vote and deny the request by the State of Nebraska to move this well across Perkins County to within such a close distance to a municipality.

Sincerely,

The Village of Elsie Board

Nov 19, 2023

Doug Curtis

Tami Cook

Vic Perez

Chris Flaming

Lynn Cook

*Douglas J. Curtis Chairman*  
*Tami Cook*  
*Vic Perez*  
*Chris Flaming*  
*Lynn Cook*

INDUSTRIAL ENGINEERING  
COMPLETE MUNICIPAL AND INDUSTRIAL  
PUMPS AND WELL SERVICE

Box 627  
263 South 23<sup>rd</sup> Street

Broken Bow, Nebraska  
68822

Phone  
(308) 872-5125  
FAX (308) 872-3050

November 16, 2023

Village of Elsie

ATTN: Wade

The two public water supply wells at the village are set to the top of the screen which does not allow for any deeper pump settings.

Regards,



Shad Yarrington





740 Court Street P.O. Box 637, Imperial, NE 69033  
(308) 882-4368 www.imperial-ne.com

*"Where hometown values and modern technology combine to make the good life even better"*

December 18, 2023

Board of Directors  
Upper Republican Natural Resources District  
PO Box 1140  
Imperial, NE 69033

RE: Board of Educational Lands and Funds October 2023 water transfer variance request

Dear Upper Republican NRD Board Members:

I am writing on behalf of the City of Imperial regarding above variance request and the approval for the drilling of a new irrigation well near the Village of Elsie. The City of Imperial supports the Village of Elsie position that the NRD board should refuse approval to transfer irrigated acres to a location impacting a public water supply. The City of Imperial further requests the NRD board to be mindful of Nebraska law providing protections to domestic groundwater users.

The transfer being deliberated will have an adverse effect on the groundwater availability to our neighboring municipality. The primary purpose for the URNRD is to protect and govern the water resources for our region and future generations. Our groundwater resources are an important element to the economic development and sustainability of all our communities in southwest Nebraska, regardless of size. We ask that you take into consideration the protection and availability of groundwater resources for the Village of Elsie in your deliberations.

Nebraska statutory and case law provide a clear priority to all domestic users. This is provided in Neb. Rev. Stat. §46-613. In consideration of the statute in the case *Prather v. Eisenmann*, 261 N.W.2d 766 (1978) the Supreme Court found that any injury to a domestic user which is traced to an agricultural use violates the statute and opens the door to injunctive relief and damages.

I would also ask the URNRD Board to consider a policy of "directly" notifying any municipality in its district of any future water variance requests that could potentially have a direct impact to the water availability and resources for a community. This would allow municipalities to be proactive in the process rather than reactive.

This matter is of extreme importance to all of us living here and our future generations. Thank you for your service on the NRD board and the consideration of our requests.



On behalf of the Imperial City Council and the City of Imperial,

A handwritten signature in black ink, appearing to read "Craig Loeffler". The signature is fluid and cursive, with the first name "Craig" being more prominent than the last name "Loeffler".

Craig Loeffler, Mayor

Cc: Board of Educational Lands & Funds

Cc: Senator Teresa Ibach

Cc: Nebraska Department of Natural Resources

Cc: Governor Jim Pillen

Cc: Nebraska League of Municipalities

Cc: Village of Elsie





## CITY OF GRANT

TELEPHONE: 308-352-2100  
FAX #: 308-352-2358

346 CENTRAL AVENUE  
PO Box 614  
GRANT, NEBRASKA 69140-0614

December 22, 2023

Board of Directors  
Upper Republican Natural Resource District (URNRD)  
HQ in Imperial, NE 69033

Board Members and To Whom it May Concern:

It was brought to our attention that a variance on an active existing irrigation well in southwest Perkins County had been approved to be relocated and reallocated to an area just on the outskirts of Elsie, NE some 29 miles. While this did not have an impact on our wellhead protection area it did have an impact on the wellhead protection area of Elsie, who we understand was not contacted in time to make a response to the NRD Board before the vote on this reallocation.

While we understand that this vote has already happened we urge the board to take into consideration the precedent that this approval is setting. We simply ask that for future events such as this, a more thorough search be done to notify all parties within the 3-mile buffer. Municipal wells are not searchable on the database for a good reason but understand that they exist.

Furthermore, we would question as to whether or not this approval was warranted if the well was indeed a productive well and what effect this will have on the village of Elsie going forward.

We appreciate each and every one of you as public servants and thank you for serving on the NRD Board of Directors.

*Ed-7:2-*

City of Grant – Administration

# CITY OF BENKELMAN

126 7<sup>TH</sup> AVE EAST

P.O. BOX 347

BENKELMAN, NE 69021

PHONE (308)423-2540 FAX (308)423-2539 E-MAIL: [cityben@bwtelcom.net](mailto:cityben@bwtelcom.net)

WEBSITE: [www.benkelmanusa.com](http://www.benkelmanusa.com)

Tammy Buffington  
Mayor

Diane L. Rosenfelt  
City Clerk/Treasurer

December 28, 2023

Board of Directors  
Upper Republican Natural Resources District  
PO Box 1140  
Imperial NE 69033

RE: Board of Educational Lands and Funds September 1, 2023 Variance Application

Dear Upper Republican NRD Board Members:

I am writing on behalf of the City of Benkelman regarding the above variance request for a new irrigation well near the Village of Elsie. The City of Benkelman supports the Village of Elsie position that the NRD Board should refuse approval to transfer irrigated acres to a location impacting a public water supply.

While we understand that this has already happened, we urge the board to consider the precedent that this approval is setting. We also understand that the Village of Elsie did not receive a notification letter with the opportunity to oppose the variance. Municipal wells are not searchable on the database for a good reason but please understand that they exist.

Protecting the water of a municipality has always been a priority of the NRD and of the State of Nebraska, so we would hope you would reconsider your vote.

Thanks for your service to the NRD Board.

Sincerely,



Tammy Buffington  
Mayor, City of Benkelman





## **Perkins County**

PO Box 156  
352-352-7368  
Grant, NE 69140

December 18, 2023

To: The Upper Republican Natural Resource District

It has come to our attention that a variance on an irrigation well in SW Perkins County has been approved to be reallocated to a location outside of Elsie, NE. We have also come to know that the irrigation well in SW Perkins County is still a functioning well, quite capable of raising irrigated crops. It is rather old but is still able to operate.

The approval of moving the allocation 29 miles away also appears to be quite excessive. The location of the new irrigation well also seems to place village water supplies in jeopardy. We realize that this is a re-allocation of water, but this is a new well in a completely different location that will have an impact on the availability of water.

We feel that this board approved variance operates against the intent of the moratorium. We also question the precedence that will be set if this is allowed. What does the future hold for others to make such requests?

Please take the time to reconsider this action. The current well is still a viable operating well and we suggest that no action should be taken at this time.

Respectfully submitted,

Sid Colson  
District I

Mark Bottom  
District II



Steve Tucker  
District III

# Village of Madrid

P.O. Box 171 Madrid, NE. 69150

Phone: (308)326-4263

Cell: (308) 353-0797

Website: [www.madridnebraska.us](http://www.madridnebraska.us)

Email: [villageofmadrid2012@yahoo.com](mailto:villageofmadrid2012@yahoo.com)

December 11, 2023

## BOARD OF DIRECTORS

UPPER REPUBLICAN NATURAL RESOURCE DISTRICT

IMPERIAL, NE

### Board Members:

The Madrid Village Board was recently contacted by the Elsie Village Board about the relocation of a functioning well into their well-head protection area. The Elsie Board thought Madrid should be aware of the NRD's activities, as the VOE Board was not provided any forward notice of this action.

Initially, the Madrid Village Board is not in favor of this move. While we realize we have no standing in this case, it seems irresponsible for the NRD to approve a well in a municipal well-head protection district. Municipalities have first user rights and anyone who infringes on these rights may be held accountable.

Secondly, why is a productive well being decommissioned? One with knowledge of the water landscape in Perkins County might conclude that it is done out of greed. Irrigated quarters in Venango are not as valuable as irrigated quarters in or near Elsie.

Finally, the Village of Madrid Board requests that they be notified in advance of any potential wells approved in or near their well-head protection area. This will allow our board to properly prepare a response prior to any vote by the NRD Board.

Sincerely,

Tony Ross



Village of Madrid Board Chair



## Deb Hayes

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**From:** johnv@gpcom.net  
**Sent:** Wednesday, December 20, 2023 2:06 PM  
**To:** Deb Hayes  
**Subject:** Spuds & Suds  
**Attachments:** sargentgrant69140\_20231220\_135341.pdf

Deb,

Spuds and Suds would like to move well # G-043582 From the NW ¼ Sec. 26 T2N R42W Dundy Co. to a location on the West ½ S13 T2N R42W Dundy Co.

The water would be piped back to the south

Thank you,

Johnny Vian

[johnv@gpcom.net](mailto:johnv@gpcom.net)

***Sargent Irrigation***

Grant, NE

308-352-4379

Write a description for your map.

§ 5

N 40 6  
G-043582 W102 Z 4.25  
59.41  
NW 26-2-42

Existing  
Wells

SW 13-12-20

31.35  
50.50  
Trans. B. L. E.  
Poss. 1. B. L. E.  
R. 4. 3

### Legend



1 mi

Z &gt;

# Untitled Map

Write a description for your map.

Legend

Google Earth

N

1 mi

COLORADO