



Perkins Chase and
Dundy Counties
Headquarters in Imperial

Upper Republican NATURAL RESOURCE DISTRICT

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Board of Directors Regular Meeting March 10, 2015 at 10:00 a.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, Brett Bullock, Tom Gaschler, Jason Kunkel, Dean Large, Terry Martin, Tom Schroder and Tom Terryberry.

Board Members Absent: Loren Jessen and Jeff Wallin.

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

NRD Legal Counsel: Joel Burke.

Others present: Andy Keep (NRCS), Gwen & Mickey Brunkhorst, Page Johnston, Brad Johnson, Tyler Hughes, Ashley Coglazier, Chelsea Erickson, John Arterburn, Brandon Kuenning, Jerry Kuenning, Christopher Downey and Russ Pankonin.

Information mailed to Directors:

Agenda	Variance information
Minutes of February 3, 2015	Report of District contracts, agreements, applications

Information distributed at Board meeting:

Agenda	Draft Rules and Regulations, Order #33-markup
Minutes of February 3, 2015	Proposed Rules and Regulations, Order #33-clean
Financial reports	Variance information
NRCS report	Report of District contracts, agreements, applications

Chairman Martin called the meeting to order at 10:12 am.

Chairman Martin announced that the Open Meetings Act is posted if anyone would like to review them. Loren Jessen and Jeff Wallin are excused from today's meeting.

Chairman Martin opened the Public Hearing for the proposed Rules and Regulations Order #33 at 10:14 am. Chairman Martin appointed Joel Burke as the Hearing Examiner. Mr. Burke explained the testimony process and added Exhibits #1 - #7 into the record. Joel asked for any testimony and there was none at this time. Terry Martin reviewed the rule changes on Rule #13 Chemigation and explained the fee schedule for chemigation inspections. An original application fee of \$30.00 for 2015 and \$40.00 beginning in 2016 and an annual renewal fee is \$20.00 and

\$40.00 beginning in 2016. A special permit fee is \$50.00 and an emergency application fee is \$200.00. There are also some flowmeter definition changes under Rule 1. Definitions and Rule 2. Flowmeters. Joel reminded everyone that the hearing would be open during the Board meeting.

OPEN FORUMS:

Guests, Board members and NRD staff were introduced.

MINUTES:

- Large moved to approve the February 3, 2015 Regular Board minutes as corrected. Second by Bernhardt.

The correction is under Information and Education to strike the word “this” on line 2.

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

FINANCIAL REPORT:

The Manager presented the Financial Reports to the Board.

- Gaschler moved to pay the Accounts Payable and to accept the Treasurer’s report. Second by Bullock.

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

PUBLIC COMMENT: None.

NRCS REPORT:

Andy Keep gave the NRCS report this month and reported on the Ogallala Aquifer Initiative-EQIP and for 2015 NRCS is requesting proposals to refocus its efforts to target geographic areas within the Ogallala Aquifer to support local plans and strategies to address groundwater management. State Conservationists from each of the states will submit proposals for the OAI focus areas by March 27th.

- Large moved to approve the NRCS report of District planning activities dated March 2, 2015 to include the conservation plans as signed in Chase and Dundy County. Second by Terryberry.

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

GROUNDWATER MANAGEMENT/RULES AND REGULATIONS: None

VARIANCE COMMITTEE:

Terry Martin gave the Variance Committee report.

#1. Don and Donna Hutchens are requesting to decommission or convert to range livestock well G-044567 in the NESW ¼ 22-9-39 and drill a new well on the SE ¼ 27-9-39 and to commingle the new well with G-046362 to water the NE ¼ 27-9-39 and the SE ¼ 27-9-39.

- Bullock moved to approve the variance request of Don and Donna Hutchens to decommission or convert to range livestock well G-044568, to drill a new well on the SE ¼ 27-9-39 to allow new well to be commingled with well G-046362 to water the NE ¼ 27-9-39 and the SE ¼ 27-9-39 and the allocations adjusted by a percentage basis and taking into consideration the historical average. Second by Schroder.

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

#2. Kuenning & Son LLC are requesting to transfer 92.6 certified allocated acres and 39 inches of carryforward allocation from the N ½ Section 33-10-3- to the SW ¼ Section 9-9-38 and to waive the 30 day waiting period.

- Schroder moved to waive the 30 day waiting period for Kuenning & Son LLC. Second by Bullock.

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

- Bullock moved to approve the Variance request of Kuenning & Son LLC to transfer 92.6 certified allocated acres and 39 inches of carryforward allocation from the N ½ Section 33-10-39 to the SW ¼ Section 9-9-38. Second by Kunkel.

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

#3. Jim Baney is requesting to transfer 131.4 certified allocated acres and 39 inches of carryforward allocation from the SW ¼ 14-2-38 to the NE ¼ 32-4-36. He would either decommission or convert to range livestock the well that waters the SW ¼ 14-2-38.

- Bernhardt moved to approve the Variance request of Jim Baney to transfer 131.4 certified allocated acres and 39 inches of carryforward allocation from the SW ¼ 14-2-38 to the NE ¼ 32-4-36 and to either decommission or convert to range livestock the well that waters the SW ¼ 14-2-38. Second by Bullock.

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

#4. Hughes Land Co is requesting to transfer 106.3 certified allocated acres and 39 inches of carryforward allocation from the NE ¼ 24-8-41 to the NW ¼ 12-7-41 and drill a well on the NW ¼ 12-7-41 and would either decommission or convert to range livestock the wells G-031219A and G-031219B that waters the NE /14 24-8-41. They are also requesting to waive the 30 day waiting period.

- Schroder moved to waive the 30 day waiting period for Hughes Land Company. Second by Bernhardt.

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

- Kunkel moved to approve the Variance request of Hughes Land Co to transfer 106.3 certified allocated acres and 39 inches of carryforward allocation from the NE ¼ 24-8-41 to the NW ¼ 12-7-41 and drill a well on the NW ¼ 12-7-41 and either decommission or convert to range livestock the wells G-031219A and G-031219B that waters the NE /14 24-8-41. Second by Schroder.

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

#5. John Arterburn is requesting a Variance to transfer 2.0 certified allocated acres from the SW ¼ 11-6-41 to the NE ¼ 11-6-41 and not to decertify 0.2 acres in order to transfer 2.0 based on the difference in the streamflow depletion factor. This will be an agenda item for the April Board meeting.

REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:

- Terryberry moved to approve the Report of District applications, contracts, agreements and applications to include the NSWCP applications, Corners for Wildlife contracts, pooling contracts, transfers and well decommissioning applications. Second by Bernhardt.

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

LEGAL COUNSEL REPORT: No report.

REPUBLICAN RIVER BASIN MEETING/COMPACT REPORT:

Jasper gave an update on Kansas and Nebraska and the accounting for 2015. The states will be meeting every month to work together on items in the agreement.

Jasper discussed the water resources cash fund support for compact call years. The Department plans to commit up to one million dollars to the NRD to support management actions taken to comply with the 2014/2015 compliance period.

AUGMENTATION PROJECT:

1. Land lease. There are about 300 acres of grass that Steve Yost has been leasing from the NRD. Jasper asked the Board for direction for handling this and if they want to continue to lease this to Mr. Yost. The Board directed management to continue to lease this grass to the current lessor.
2. NCORPE land sale. NCORPE has a proposal for purchasing some property from NCORPE and they are currently discussing a section of Kason farms. There was a committee from the NCORPE Board for this and they wanted to pursue selling the property but asked that the individual Boards to approve the transaction. Upper Republican NRD will support NCORPE's decision on the land sale.

Terry Martin reported that Chris Schrader owns an elevator at Parks and water keeps coming up and putting moisture on the floor of that elevator. The Board asked that he come and talk to them about this.

NARD is discussing a one hour television program highlighting what NRD's do, their duties and how Boards are put together and some of their projects with NET television.

- Terryberry moved to approve to support NARD as long as the NRD's have editorial control over production of the project. Second by Gaschler.

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

ASSISTANT MANAGER'S REPORT:

Dirk reported to the Board that he has been working on the new sub district map.

INFORMATION AND EDUCATION REPORT: No report.

LEGISLATION: No report.

STATE ASSOCIATION: Terry gave a short report on the NARD Board of Directors meeting.

BOARD OF DIRECTORS:

The Board set the April Board meeting for April 7th at 10:00 am.

Chairman Martin adjourned the meeting at 12:09 pm.

Respectfully submitted

Tom Terryberry
Secretary/Treasurer