

Upper Republican  
NATURAL RESOURCES DISTRICT

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

**Board of Directors Regular Meeting**  
**March 14, 2023 at 9:08 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:** Jason Kunkel, Harry Merrihew, Terry Martin, Brock Stromberger, Janice Stroup, Tom Schroder, CJ Swanson, Dean Large, Jay Lee, Dave Brown and Tyler Turner.

**Board Member Absent:** None

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

**Others Present:** Joel Burke (Legal Counsel) Andy Keep (NRCS), Kort Kemp, James Mandeville, Brad Williams, Kameron Krutsinger, Keegan Krutsinger, Lynda Hoffman, Jim Cooper, Charlie Haarberg, Wayne Haarberg, Sam Haarberg, Jeremy Hagan, Lance Kuenning.

**Information emailed to Directors:**

Agenda

Regular Board Meeting minutes February 7, 2023

Draft Rules/Regulations Order 36

Variance information

**Information distributed at Board meeting:**

Agenda

Regular Board Meeting minutes February 7, 2023

Financial reports

NRCS report

Report of District Applications, Contracts  
and Agreements

Draft Rules/Regulations Order 36

URNRD Committees list

Chairman Martin called the regular meeting to order at 9:01 a.m.

Introductions of Board Members, Staff and Public.

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

The Upper Republican NRD Board of Directors held a Public Hearing for URNRD Rules and Regulations Order #36. Joel Burke presented publisher affidavits and asked if there was any testimony from the public. No testimony was provided. After a request by a member of the public to submit written testimony, Joel reported that the public hearing would be open until March 15, 2023, at 4:00 pm. Chairman Martin closed the public hearing at 9:07 am.

Chairman Martin started Board meeting at 9:08 am.

## **MINUTES:**

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

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

## **FINANCIAL REPORT:**

The financial report was presented to the Board. Jasper reported to the Board that SFIT interest rates are increasing and working with Pinnacle Bank we moved funds into three, six, nine and 12-month CD's.

- Stromberger moved to accept the Treasurer's report and pay the Accounts Payable. Seconded by Turner.

Roll call vote: 11-yes. Motion carried.

## **NRCS REPORT:**

Andy Keep gave the NRCS report and reviewed the NRCS Conservation Programs and the Inflation Reduction Act. The IRA directs NRCS to use these additional funds specifically for climate change mitigation, activities that reduce greenhouse gas emissions and improve carbon storage which include cover crops, reduced till and no-till, nutrient management, prescribed grazing, tree/shrub establishment and wetland restoration.

- Large moved to approve the NRCS Report of Planning Activity dated March 14, 2023, to include the Conservation Plans as signed for Chase, Dundy and Perkins County. Seconded by Brown.

Roll call vote: 11-yes. Motion carried.

## **PUBLIC COMMENTS: None.**

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

### **A. Approve NRD Rules and Regulations Order #36.**

Jasper discussed with the Board that since the hearing will be open for written testimony until tomorrow at 4:00 that this agenda item will be moved to the April board meeting for approval. Jasper also reported that after reviewing DNR testimony he had met with the Groundwater Control Committee this morning and there are a couple clean up items within the rules that were taken care of. Among them was under the definition of wells and livestock wells, a definition for commercial livestock wells was added. Additionally, the definition of a replacement well was changed to comply with state statute. The definition in the Rules was replaced as defined in State Statute 46-602. Lettering was also corrected.

### **B. Blackshirt Feeders, offset designation.**

Blackshirt Feeders submitted a letter to identify the 126.9 certified acres located in SW ¼ 31-3-39 to be utilized as offset this year. These acres will be prepared for a grass seeding that will occur in the fall of 2023 and they request the option to utilize any unused allocation during the current and subsequent growing seasons to ensure successful revegetation of these acres.

- Lee moved to approve the request of Blackshirt Feeders to identify the 126.9 certified acres located in SW ¼ 31-3-39 to be utilized as offset this year and to prepare these acres for grass



seeding that will occur in the fall of 2023 and they request the option to utilize any unused allocation during the current and subsequent growing seasons to ensure successful revegetation of these acres. Seconded by Stroup.

Roll call vote: 11-yes. Motion carried.

#### **VARIANCE COMMITTEE:**

Stromberger presented the Variance application from Allen Reuter to the Board. Mr. Reuter is requesting to drill a new irrigation well on NW 28-8-41 and instead of decommissioning or converting the current irrigation well he would like to connect the two wells. He plans to limit the current irrigation well to 300 gpm and use it to supplement the new irrigation well as need to keep up with pumping demands. They have drilled a test well and have found better water availability to drill the new well in the SW part of the NW ¼ which will move the main pumping location away from the other wells in the section. The NW 28-8-41 has 128.8 certified acres, a 5-year average use of 10.32 inches and a carryforward balance of 101.18 inches. The number of acres will not change.

- Stromberger on behalf of the Variance Committees recommendation to deny Allen Reuter's Variance request as presented.

Roll call vote: 11-yes. Motion carried.

Stromberger presented the Variance request application from Steve Wallin to the Board. Mr. Wallin is purchasing the SE ¼ 34-5-37 which is a ¾ turn wiper pivot in the SW ¼, SE ¼ and the NE ¼ of the section with 354.6 certified acres and the property in the NW ¼ of 34-5-37 which is not currently irrigated. He is requesting to shorten the existing pivot and transfer certified acres from the S ½ 27-5-36 to irrigate a full circle of 394.1 acres with no endguns on section 34-5-37. He will remove the end guns from the fields in S ½ 27-5-36 to transfer 29 certified acres from SE 27-5-36 and 10.5 certified acres from the SW 27-5-36. He is also requesting to transfer 167.5 inches of carryforward with the 39.5 certified acres from S ½ 27-5-36. Mr. Wallin would like to be able to better manage the water on section 34-5-37 and use water more efficiently with a full pivot and no end guns and this will allow him to be more efficient with water use on the fields in the S ½ 27-5-36. The SW 27-5-36 is 5.8 miles from the SE 34-5-37 and SE 27-5-36 is 6.05 miles from SE 34-5-37. SDF of the wells in S ½ 27-5-36 is 35.9% and SDF of the well in 34-5-37 is 25.9%. The SE ¼ and SW ¼ 27-5-36 are pooled together and have a 5-year average of 15.9 inches, they also have a pending penalty of 6.87 inches and the 2 for 2 penalty was taken off to get the requested carryforward transfer. S & L Farms will continue to own the NW ¼ 34-5-37 for a few years per our purchase agreement. This will be an agenda item for the April 4<sup>th</sup> Regular Board meeting.

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

- Large moved to approve the URNRD Report of District applications, contracts and agreements dated March 14, 2023, to include the NSWCP applications, pooling contracts and transfer application. Seconded by Swanson.

Roll call vote: 11-yes. Motion carried.

**LEGAL COUNSEL REPORT:** None.

#### **MANAGER'S REPORT:**

Jasper gave an update on the gWorks which created our online GIS database. They have changed ownership a couple of times and their business model has changed and we are about the last NRD that still does business with them. They no longer have the programming staff there to make changes that

sometimes are required. They will continue to host the site but will not be involved in making the changes or improvements that we might want to see. Jasper has looked into other options and found Longitude 103 in Scottsbluff. They have developed an online database program starting with the North Platte NRD and about eleven other NRDs are using their platform. It looks like their portal will be able to replace what we have done with gWorks and it will be cheaper to use them. The setup fee is about \$4,000 and annual fee is \$14,000. We are in the process of making this transition. They are going to try and have the chemigation database up by the end of April and the rest of the water use up and operational by May or June.

**ASSISTANT MANAGER'S REPORT:**

Nate reported on the retirement acres discussed last month. Nate has been visiting with landowner and realtor and have an agreement. There is an issue with the CREP contract which had the incorrect date for the number of years of enrollment, so they are working with that. Hopefully will be able to retire acres within the next month.

Nate also reported on a contract with the State to receive \$1.1 million for our telemetry project. This is in conjunction with the Federal WaterSmart grant for which we applied.

**INFORMATION & EDUCATION:** None

**LEGISLATION:**

Jasper reported on the Hearing for LB 396. There were several people there to testify in opposition of the bill and there was no support for the bill at the Hearing.

**STATE ASSOCIATION:**

**BOARD OF DIRECTORS/ELECTION OF OFFICER:**

Chairman Martin adjourned the meeting at 9:42 am.

Respectfully submitted.

CJ Swanson  
Secretary/Treasurer



~~4-4-23~~

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