

**Board of Directors Regular Meeting
May 4, 2021 at 9:00 am
511 East 5th 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: Dave Brown, Terry Martin, CJ Swanson, Jason Kunkel, Janice Stroup, Harry Merrihew, Tyler Turner.

Board Members Absent: Dean Large, Jay Lee, Tom Schroder, and Brock Stromberger,
NRD Staff: Jasper Fanning, Nate Jenkins, Bruce Curtis, Julia Strand, and Deb Hayes.

Others Present: Chance Thayer, Andy Keep

Information emailed to Directors:

Agenda Allocation requests
Minutes of April 6th Regular Board Meeting

Information distributed at Board meeting:

Agenda Variance request information
Minutes of April 6th Regular Board Meeting Report of District application/contract/agreement
Financial reports Rock Creek mineral rights/lease
NRCS report Integrated Management Plan revisions
Allocation requests

Chairman Martin called the meeting to order at 9:10 am.

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

Dean Large, Jay Lee, Tom Schroder and Brock Stromberger are excused from this month's meeting.

MINUTES:

Merrihew moved to approve the April 6, 2021 Regular Board meeting minutes as presented. Seconded by Brown.

Roll call vote: 5-yes, 5-absent, 1-abstain. Motion carried.

Jason Kunkel arrived at 9:15 a.m.

FINANCIAL REPORT:

The Financial Report was presented to the Board.

- ✚ Brown moved to accept the Treasurer's report and pay the Accounts Payable. Seconded by Stroup.

Roll call vote: 7-yes, 4-absent. Motion carried.

PUBLIC COMMENTS: None.

NRCS REPORT:

Andy Keep gave the NRCS report and reviewed the annual Highly Erodible and Wetland Conservation compliance reviews. Andy also reviewed the Conservation Practice Adoption and Motivation pilot survey that they will start collection information for.

- ✚ Kunkel moved to approve the NRCS report dated May 4, 2021 to include the Conservations Plans as signed for Chase and Perkins Counties. Seconded by Merrihew.

Roll call vote: 7-yes, 4-absent. Motion carried.

GROUNDWATER MANGEMENT/RULES AND REGULATIONS:

Jasper reviewed the request from the Frank B Svoboda Irrevocable Grantor Trust and Imperial Beef. Imperial Beef is increasing their operations and has added a flaker machine, increasing their water use and would like to add to their allocation. They are requesting 94.2 acre-feet per year. The offset for 94.2 acre-feet or 86.9 certified acres will be coming from the SW ¼ 19-10-37. The SW ¼ of 19-10-37 has 129.7 certified acres and 86.9 certified acres are transferable bade on the historical use and SDF increase, the remaining 42.8 certified acres will be decertified.

- ✚ Kunkel moved to approve the request of Frank B Svoboda Irrevocable Grantor Trust and Imperial Beef to add 94.2 acre-feet per year to their allocation. The offset for 94.2 acre-feet or 86.9 certified acres will be coming from the SW ¼ 19-10-37 and the remaining 42.8 certified acres will be decertified. Seconded by Swanson.

Roll call vote: 7-yes, 4-absent. Motion carried.

Jasper reviewed the request from Imperial Beef for 20 certified acres. Imperial Beef requested 21.7 acre-feet of allocation for the feedlot using 20 certified acres from the NE 8-7-38 as offset for the allocation increase. This request was approved at the April Board meeting and Imperial Beef would like to convert the 21.7 acre-feet of feedlot allocation to 20 certified acres to use on the NE 8-7-38.

- ✚ Brown moved to approve the request from Imperial Beef and to rescind the motion from the April Board Meeting. Seconded by Turner.

Roll call vote: 7-yes, 4-absent. Motion carried.

VARIANCE COMMITTEE:

Dave Hogsett is requesting a Variance to irrigate about 120 acres of unallocated ground with 5 inches (50-acre feet) of allocation from his pool C-81 F1 for the 2021 irrigation season. Mr. Hogsett also requests to waive the 30-day waiting period.

- ✚ Brown moved to amend the Variance request and add the stipulation that no cover crop be harvested for financial benefit. Seconded by Merrihew.

Roll call vote: 7-yes, 4-absent. Motion carried.

- ✚ Swanson moved to waive the 30-day waiting period and to approve the amended request of Dave Hogsett to irrigate 120 acres of unallocated ground with 5 inches (50-acre feet) of allocation from his pool C-81 F1 for the 2021 irrigation season with the condition that no cover crop be harvested for financial benefit. Seconded by Kunkel.

Roll call vote: 7-yes, 4-absent. Motion carried.

REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:

Kunkel moved to approve the URNRD Report of District applications, contracts and agreements dated May 4, 2021 and to include the NSWCP applications, Corners for Wildlife applications and pooling contracts. Seconded by Turner.

Roll call vote: 7-yes, 4-absent. Motion carried.

LEGAL COUNSEL REPORT: No report.

MANAGER'S REPORT:

Jasper reported that there was nothing to report on Republican River Compact.

Jasper reported under Augmentation the NRD can acquire some mineral rights that have been abandoned on Rock Creek property and have an interest and possibly drilling oil wells. Jasper recommended this discussion be held in Executive Session. This item will be moved to the end of the meeting.

ASSISTANT MANAGER'S REPORT:

Nate discussed the IMP and taking it to hearing. There were no changes or recommendations for the IMP.

- ✚ Brown moved to have the Public Hearing for the Integrated Management Plan for July 6, 2021 at 9:00 am at the NRD Office. Seconded by Turner.

Roll call vote: 7-yes, 4-absent. Motion carried.

INFORMATION & EDUCATION: No report.

LEGISLATION: No report.

STATE ASSOCIATION: No report.

BOARD OF DIRECTORS: No report.

AUGMENTATION:

Turner moved to go into Executive session for litigation and filing a case for mineral rights with the Board, Legal Counsel and Staff present. Seconded by Stroup.

Roll call vote: 7-yes, 4-absent. Motion carried.

The Board went into Executive Session at 9:45 a.m.

- ✚ Stroup moved to come out of Executive session at 10:05 a.m. Seconded by Brown.
- Roll call vote: 7-yes, 4-absent. Motion carried.

✚ Stroup moved to authorize the Executive Committee to negotiate and enter into the mineral lease and to proceed with the litigation to attempt to acquire the mineral lease on the FEM property. Seconded by Turner.

Roll call vote: 7-yes, 4-absent. Motion carried.

Chairman Martin adjourned the meeting at 10:15 a.m. The next Regular Board meeting will be Tuesday, June 1, 2021 at 9:00 am.

Respectfully submitted.

CJ Swanson
Secretary/Treasurer