

**Board of Directors Regular Meeting  
September 8, 2020 at 9:42 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:** Kerry Bernhardt, Jay Lee, Janice Stroup, Terry Martin, Harry Merrihew, Brock Stromberger, Jason Kunkel, Tyler Turner, Tom Terryberry, Tom Schroder.

**Board Members Absent:** Dean Large.

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

**Others Present:** Andy Keep (NRCS) and Bruce Lefler (Piper Sandler).

**Information mailed to Directors:**

Agenda  
Minutes of August 4th Regular Board Meeting  
Variance Information

Report of District applications,  
contracts, agreements

**Information distributed at Board meeting:**

Agenda  
Minutes of August 4th Regular Board Meeting  
Financial reports  
Budget  
NRCS report  
Well Connection request

Variance request information  
Report of District applications, contracts,  
and agreements  
Bond Resolution information  
URNRD Master Plan  
Nitrate, Arsenic and Uranium water reports


Chairman Martin called the meeting to order at 9:43 am.

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

Introductions of Board, Staff and others present were done.

Dean Large is excused from this month's meeting.

**MINUTES:**

 Terryberry moved to approve the August 4, 2020 Regular Board meeting minutes as presented. Seconded by Stromberger.

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

### **FINANCIAL REPORT:**

The Financial Report was presented to the Board.

- ✚ Merrihew moved to accept the Treasurer's Report and pay the Accounts Payable as amended. Seconded by Kunkel.

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

Jasper reviewed the FY 20-21 Budget and Levy with the Board.

- ✚ Terryberry moved to approve the FY 2020-2021 Budget and Levy as presented. Seconded by Bernhardt.

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

- ✚ Terryberry moved to set the property tax request at 1,877,595.29 and the corresponding Levy be set at \$0.054994 per one-hundred dollars of valuation, and to set the Occupation tax at \$9.00 per acre for FY 2020-2021. Seconded by Bernhardt.

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

**PUBLIC COMMENT:** No comments.

### **NRCS REPORT:**

Andy Keep gave the NRCS report to the Board this month. Andy reported on staffing changes and Emily Heimann will be promoted from Soil Conservationist Technician to Range Management Specialist. NRCS staff is busy developing CRP plans for Chase County-94 plans for over 4300 acres, Dundy county – 18 plans for 3600 acres and Perkins County-178 plans for over 32,000 acres and the have 91 offers for over 29,000 acres of CRP grasslands.

- Stromberger moved to approve the NRCS Report of Planning Activity dated September 8, 2020 to include the Conservations Plans as signed for Chase, Dundy and Perkins County. Seconded by Turner.

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

### **UPPER REPUBLICAN NRD RULES AND REGULATIONS:**

Brandon Kuenning has a well connection request and is requesting to connect the wells in the SE 22-9-39 and the NE 27-9-39 with a pipeline. Both fields have certified acres and are currently irrigated. This connection would help increase the available water to irrigate with. This request is contingent on the Variance request that will be presented later to the Board.

### **VARIANCE COMMITTEE:**

Kerry Bernhardt reviewed the three Variance requests that are on the agenda.


1. George Seward and Brad Loker are requesting a Variance to transfer 116.0 certified acres from SW 21-2-39, 128.0 certified acres from NE 28-2-39, 132.0 certified acres from NW 28-2-39, 130.2 certified acres from SW 28-2-39, 158.6 certified acres from NW 34-2-39, and 130.0 certified acres from NE 33-2-39 to SE 14-4-41, SW 14-4-41, NE 15-4-41, SE 10-4-41, and SW 10-4-41 and drill 5 new irrigation wells to develop new irrigated ground. Each new pivot will receive 150.0 certified acres for a total of 750.00 certified acres. The remaining 44.8 certified acres will be transferred to the corners of SE 31-3-41 (30.8 certified acres) and NE 31-3-41 (14 certified acres) with the stipulation that no new acres will be irrigated. The wells on SW 21-2-39,

NE 28-2-39, NW 28-2-39, SW 28-2-39, NW 34-2-39, and NE 33-2-39 will be decommissioned or converted to livestock wells. This transfer will take place after the certified acres come out of CREP in October 2020.

#2 George Seward is requesting a Variance to transfer 126.2 certified acres from NW 9-1-40 and 87.0 certified acres from NW 23-1-40 to the corners of NW 15-4-41 (21.51 certified acres), NW 24-4-42 (35.35 certified acres), and NE 31-3-41 (16.22 certified acres), NE 14-3-42 (13.8 certified acres), NW 14-3-42 (14.17 certified acres), SW 14-3-42 (6.62 certified acres), SE 2-3-42 (39.75 certified acres), SW 2-3-42 (21.75 certified acres), NW 11-3-42 (20.05 certified acres), and S2 11-3-42 (23.98 certified acres) for a total of 213.2 certified acres transferred with no reduction of certified acres due to historical use and no increase in acres irrigated. The certified acres transferrable off NW 9-1-40 based on historical use are 66.58 certified acres and the certified acres transferrable off NW 23-1-40 based on historical use are 32.38 certified acres. The wells on NW 9-1-40 and NW 23-1-40 will be decommissioned or converted to livestock wells. The transfer will take place after the certified acres come out of CREP in October 2020.

#3 George Seward is requesting a Variance to transfer 128.49 certified acres from NE 11-1-39 to NW 15-4-41 and drill a new irrigation well to develop new irrigated acres. The well on NE 11-1-39 will be decommissioned or converted to a livestock well. The transfer will take place after the certified acres come out of CREP in October 2020.

Burnetta Ahrens, Bernice Fanning and Deb Colbert attended the meeting and expressed their concerns to the Board concerning this Variance request and other neighbors submitted letters to the Board.

 Bernhardt on behalf of the Variance Committee recommends postponing George Seward's three Variance requests until the October Board meeting due to information from neighboring landowners and would like Bruce Curtis to use the groundwater model to see possible impacts on neighboring wells.

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

#4 Dan & Donna Hutchens/Brandon Kuenning is requesting a Variance to transfer 96.7 certified acres from the SW ¼ 22-9-39 to the SW ¼ 11-4-41 to develop new irrigated ground and drill a new irrigation well on the SW ¼ 11-4-41. The well on SW ¼ 22-9-39 will be decommissioned or converted to a livestock well. The field in SW 22-9-39 currently has 130.3 certified acres and a 5-year historical average use of 9.65 inches. The request is to transfer the acres allowed based on historical use and decertify 33.6 certified acres. The change in SDF would be an increase of 3.4% from 1.65% to 5% and based on the low SDF values the request is to have no reduction in certified acres due to an increase in SDF. The Board reviewed this request and it will be an agenda item for the October Regular Board meeting.

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

- Terryberry moved to approve the Report of District Applications, Contracts and Agreements dated September 8, 2020 to include the NSWCP applications and the pooling contract. Seconded by Stromberger.

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

**LEGAL COUNSEL REPORT:** No report.

**REPUBLICAN RIVER BASIN MEETING AND COMPACT MEETING REPORT:**

Jasper requested that this item be moved to the end of agenda due to possible Executive session.

**AUGMENTATION PROJECTS:** No report.

**NCORPE BOND RESOLUTION:**

Bruce Lefler with Piper Sandler is present to discuss the NCORPE refunding bonds and URNRD's proposed refinancing of these bonds. Bruce reviewed the Outstanding Bond Refunding analysis for the bond Series 2015 and 2017 bonds and discussed the savings for URNRD with the refinancing.

- ✚ Terryberry moved to adopt Resolution 20-09-01 authorizing the issuance of a limited obligation occupation tax supported river flow enhancement refunding bonds, Series 2020 and not to exceed \$24,500,000.00 of refunding bonds. Seconded by Merrihew.

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

- ✚ Terryberry moved to adopt Resolution 20-09-02 authorizing redemption of all or a portion of the limited obligation occupation tax supported river flow enhancement refunding bond, Series 2015 and Series 2017. Seconded by Lee.

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

**ASSISTANT MANAGER'S REPORT:**

Nate presented the Master Plan to the Board for approval.

- ✚ Bernhardt moved to approve the URNRD Master Plan dated 2020-2030. Seconded by Stromberger.

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

Bruce reviewed results of the Groundwater Nitrate, Arsenic and Uranium concentration for 2020.

**INFORMATION & EDUCATION:** No report.

**LEGISLATION:** No report.

**STATE ASSOCIATION:**


The NARD Annual Conference has been cancelled but they are still having the Business session. Terry Martin was appointed as the Voting Delegate for conference with Dean Large being the alternate.

**REPUBLICAN RIVER BASIN MEETING AND COMPACT MEETING REPORT:**


- ✚ Bernhardt moved to go into Executive Session for pending litigation and negotiations with Board, Legal Counsel, Manager and staff present. Seconded by Stromberger.

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

The Board went into Executive Session at 11:00 am.

 Stromberger moved to come out of Executive Session at 11:21. Seconded by Turner.  
Roll call vote: 10-yes, 1-absent. Motion carried.

**BOARD OF DIRECTORS:**

 Terryberry moved to direct Terry Martin and Jasper Fanning to redirect funds for the bonding. Seconded by Kunkel.  
Roll call vote: 10-yes, 1-absent. Motion carried.

Chairman Martin adjourned the meeting at 11:31 a.m. The next Regular Board meeting will be Tuesday, October 6, 2020 at 9:00 am.

Respectfully submitted

Tom Terryberry  
Secretary/Treasurer