

MINUTES
LOWER REPUBLICAN NATURAL RESOURCES DISTRICT
Lower Republican NRD Meeting Room, 30 North John Street, Alma, NE
April 17th, 2008 following the 7:00 Public Hearing

Board of Directors Meeting

A notice of the meeting was announced over radio station KRVN and published in the newspapers within the District.

INFORMATIONAL MATERIAL MAILED OUT PRIOR TO MEETING:

1. Agenda, Monthly Board Meeting, 4/17/08
2. Agenda, Variance Hearing, 4/17/08
3. LRNRD Board Meeting Minutes and Index of Decisions, 3/13/08
4. LRNRD Variance Minutes, 3/13/08
5. LRNRD Treasurers Report, 3/31/08
6. Managers Report, 4/11/08
7. Assistant Managers Report, 4/11/08
8. Rule 7-2.4 Over allocation Penalty
9. Rule 7-2.3 Surface Water
10. Exceeded Allocation - Leon Simonsen
11. Variance Request
 - a. Variance Request - Nelson Trambly #54
 - b. Variance Request - I.M. Banks #55
 - c. Variance Request - Anna Mohlman #56
 - d. Variance Request - Anna Mohlman #57
 - e. Variance Request - Steve Sindt #58
12. Change in Location of Certified Acres on Contiguous Property
 - a. Change in Location of Certified Acres on Contiguous Property Nelson Trambly
 - b. Change in Location of Certified Acres on Contiguous Property Carl Lemmerman
 - c. Change in Location of Certified Acres on Contiguous Property KLDM, LTD Partnership
 - d. Change in Location of Certified Acres on Contiguous Property Andrew Mohlman
 - e. Change in Location of Certified Acres on Contiguous Property Donna Miller
 - f. Change in Location of Certified Acres on Contiguous Property Walter Rankin
 - g. Change in Location of Certified Acres on Contiguous Property Jerry Quadhammer
 - h. Change in Location of Certified Acres on Contiguous Property Mina Kottmeyer
13. Rural Water Treasurer Report, 3/31/08
14. NARD Bill Summary 4/11/08
15. Application for a Permit to Construct a Well in the LRNRD
16. LRNRD NSWCP Cost Share Report

MATERIALS HANDED OUT AT THE MEETING:

1. Agenda, Monthly Board Meeting, 4/17/08
2. NRCS Report, 4/08
3. Republican River Basin Coalition Report, 4/08

Chairperson Nelson Trambly called the regular monthly meeting of the Lower Republican NRD Board of Directors to order at 7:30 p.m.

Directors present: Clark Andrews, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler.

Absent: None.

Nelson Trambly informed the audience of the Open Meetings Laws posters posted in the meeting room.

Others present: Ginger Jensen, Kearney Hub, Traci Witthuhn, RRB, Steve Sindt, Inavale, Leon Simonsen, Superior, Andrew Mohlman, Red Cloud, Mark Billinger, Stockton, KS, Brad Edgerton, Cambridge Staff present: Mike Clements, Bryan Lubeck, Shirlee Poyser, Kristi Coe.

Motion #1 by Bill Bose seconded by Brad Wulf to accept the minutes from the March board meeting. Motion carried. Roll Call. Ayes 11 Clark Andrews, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler. Absent 0.

Motion #2 by Brad Wulf seconded by Brian Holtze to accept the minutes from the March Special Meeting. Motion carried. Roll Call. Ayes 11 Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler, Clark Andrews. Absent 0.

Motion #3 by Toby tenBensel seconded by Jim Moore to accept the March Variance Requests minutes. Motion carried. Roll Call. Ayes 11 Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler, Clark Andrews, Bill Bose. Absent 0.

Motion #4 by Brad Wulf seconded by Bill Bose to accept the March treasurers report as distributed. Motion carried. Roll Call. Ayes 11 Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler, Clark Andrews, Bill Bose, Matt Harrison. Absent 0.

Motion #5 by Brad Wulf seconded by Brian Holtze to reimburse Mike Clements \$40 per month for internet access on his personnel cell phone bill. Motion carried. Roll Call. Ayes 11 Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler, Clark Andrews, Bill Bose, Matt Harrison, Terry Hoit. Absent 0.

Mike Clements reported on the Riparian Vegetation Management Task Force formed in July of 2007 a part of LB701. Mike is the Chairperson of the Education and Awareness subgroup. A report is due back to the Governor by July 1 on how a statewide vegetation management program can be put into place. Mike also passed around a thank you note from Grace Faw and from Ann Bleed.

Bryan Lubeck explained the static water level measurement taken this spring. A copy of this report is in the minute book. Bryan announced the scholarship winners for this year Justin Trout from Franklin and Kelsey Bonifas from Blue Hill. Also, work has begun on the outdoor classroom.

A copy of the NRCS report is in the minute book.

Traci Witthuhn, Republican River Coalition Coordinator handed out her report. A copy of this is in the minute book.

There were no comments from the public.

Bill Bose discussed the IMP Rule 7-2.4, over allocation penalty with the board. Bill Bose would like to take action on changing this rule at the next board meeting.

Matt Harrison discussed IMP Rule 7-2.3 and LB1094 Supplemental Wells with the board.

Leon Simonsen discussed with the board his over allocation use. Leon has an 8 inch meter on a well that pumps less than 100 gallons a minute and he feels the pipe is not running full of water and pumping air. The board asked Leon if he would pool together two wells to make the meter read correctly.

Motion #6 by Brad Wulf seconded by Toby tenBensel to approve Nelson Trambly's variance request #54. Motion carried. Roll Call. Ayes 9 Jim Moore, Roger Nelson, Toby tenBensel, Brad Wulf, Jay Ziegler, Clark Andrews, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze. Absent 0. Abstain 1 Nelson Trambly.

Motion #7 by Brad Wulf seconded by Bill Bose to approve I.M. Banks variance request #55. Motion carried. Roll Call. Ayes 11 Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler, Clark Andrews, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore. Absent 0.

Motion #8 by Matt Harrison seconded by Clark Andrews to deny Anna Mohlman's variance request #56. Motion carried. Roll Call. Ayes 7 Toby tenBensel, Jay Ziegler, Clark Andrews, Bill Bose, Matt Harrison, Brian Holtze, Jim Moore. Nays 4 Nelson Trambly, Brad Wulf, Terry Hoit, Roger Nelson. Absent 0.

Motion #9 by Brad Wulf seconded by Roger Nelson to approve the 3.9 increase in acres on Anna Mohlman's variance request #57. Motion carried. Roll Call. Ayes 7 Toby tenBensel, Brad Wulf, Bill Bose, Terry Hoit, Brian Holtze, Roger Nelson, Nelson Trambly. Nays 4 Jay Ziegler, Clark Andrews, Matt Harrison, Jim Moore. Absent 0.

Motion #10 by Clark Andrews seconded by Brad Wulf to approve Steve Sindt's variance request # 58. Motion carried. Roll Call. Ayes 11 Brad Wulf, Jay Ziegler, Clark Andrews, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel. Absent 0.

Motion #11 by Brad Wulf seconded by Terry Hoit to approve Nelson Trambly's Change in Location of Certified Acres on Contiguous Property. Motion carried. Roll Call. Ayes 10 Jay Ziegler, Clark Andrews, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson, Toby tenBensel, Brad Wulf. Abstain 1 Nelson Trambly. Absent 0.

Motion #12 by Bill Bose seconded by Brian Holtze to approve Carl Lemmerman's Change in Location of Certified Acres on Contiguous Property. Motion carried. Roll Call. Ayes 11 Clark Andrews, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler. Absent 0.

Motion #13 by Bill Bose seconded by Matt Harrison to approve KLDM Ltd Partnership's Change in Location of Certified Acres on Contiguous Property. Motion carried. Roll Call. Ayes 10 Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Brad Wulf, Jay Ziegler, Clark Andrews. Abstain 1 Toby tenBensel. Absent 0.

Motion #14 by Brad Wulf seconded by Roger Nelson to approve Andrew Mohlman's Change in Location of Certified Acres on Contiguous Property. Motion carried. Roll Call. Ayes 11 Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler, Clark Andrews, Bill Bose. Absent 0.

Motion #15 by Bill Bose seconded by Roger Nelson to approve Donna Miller's Change in Location of Certified Acres on Contiguous Property. Motion carried. Roll Call. Ayes 11 Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler, Clark Andrews, Bill Bose, Matt Harrison. Absent 0.

Motion #16 by Jim Moore seconded by Toby tenBensel to approve Walter Rankin's Change in Location of Certified Acres on Contiguous. Motion carried. Roll Call. Ayes 11 Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler, Clark Andrews, Bill Bose, Matt Harrison, Terry Hoit. Absent 0.

Motion #17 by Brian Holtze seconded by Jim Moore to approve Jerry Quadhammer's Change in Location of Certified Acres on Contiguous Property. Motion carried. Roll Call. Ayes 11 Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler, Clark Andrews, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze. Absent 0.

Motion #18 by Roger Nelson seconded by Terry Hoit to approve Mina Kottmeyer's Change in Location of Certified Acres on Contiguous Property. Motion carried. Roll Call. Ayes 11 Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler, Clark Andrews, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore. Absent 0.

Motion #19 by Jim Moore seconded by Toby tenBensel to approve the Rural Water treasurer's report a distributed. Motion carried. Roll Call. Ayes 11 Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler, Clark Andrews, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson. Absent 0.

Mike Clements talked to the board about paying a portion of the Blackwell Sanders bill incurred through the LB924 negotiation. LB924 Senator Fischer's bill deals with endangered species issues on the Niobrara and how a basin is considered fully appropriated. The Association hired Don Blankenau to lobby for this bill costing \$16,000. This was to only involve seven or eight NRD's. Even though LRNRD was on the mailing list, there were no discussions with Blankenau on this issue, the LRNRD is being asked to pay \$1,248 of the bill.

Motion #20 by Jim Moore seconded by Brad Wulf to approve paying our portion of the Blackwell Sanders bill incurred through the LB924 negotiation. Motion carried. Roll Call. Ayes 9 Toby tenBensel, Brad Wulf, Jay Ziegler, Clark Andrews, Bill Bose, Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson. Nays 2 Matt Harrison, Nelson Trambly. Absent 0.

The Executive Committee met prior to the board meeting to discuss the memorandum agreement we have with DNR. The agreement pertains to the stipulations of the \$8.5 million loan. A copy of the agreement is in the minute book.

Motion #21 by Jim Moore seconded by Bill Bose to accept the Memorandum of Agreement 110-08 Water Contingency Cash Fund. Motion carried. Roll Call. Ayes 11 Clark Andrews, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler. Absent 0.

A copy of the NARD Bill Summary Tracking sheet was distributed.

There was no NARD report.

Mike handed out a draft copy of the Nebraska NRD Groundwater Augmentation Study and a copy of the map of the Augmentation well field.

There was no Groundwater Management Area report.

There was no Management Committee report.

The board reviewed the Applications for a Permit to Construct a Well in the LRNRD.

Brad Wulf reported that the Trailblazer RC&D is working on Women's Wilderness Weekend.

There was one Board of Education Land and Funds Lease.

10606-09 Michael L. Hynek Webster County

There were no Wild Nebraska Applications to be approved.

There was no update on the NRRMDA.

Motion #22 by Bill Bose seconded by Toby tenBensel to approve Cost Share Time Extensions as presented. Motion carried. Roll Call. Ayes 11 Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler, Clark Andrews. Absent 0.

FR461	CW Ranch	July 17, 2008
FR464	Chuck James	July 17, 2008
FR468	Jack Cline	July 17, 2008
FR470	Christensen Farms	July 11, 2008
W441	Bowen Brothers, Inc.	July 26, 2008
W443	Gerald Alber	July 02, 2008
H562	Michael Lans	July 20, 2008

Motion #23 by Toby tenBensel seconded by Brad Wulf go into Executive Session at 9:45 p.m. for the purpose of discussing possible litigation on the Republican River Settlement Agreement and Possible Litigation on Fraudulent Water Use. Motion carried. Roll Call. Ayes 11 Clark Andrews, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler. Absent 0.

Motion #24 by Clark Andrews seconded by Toby tenBensel to come out of executive session at 10:25 p.m. and declare that no actions of the board, official or unofficial, were taken during said closed session. Motion carried. Roll Call. Ayes 11 Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Roger Nelson, Nelson Trambly, Toby tenBensel, Brad Wulf, Jay Ziegler, Clark Andrews. Absent 0.

The next regularly scheduled board meeting will be May 8th, 2008 following the 7:00 p.m.

Chairperson Nelson Trambly adjourned the meeting at 10:25 p.m.

Secretary

Date