

**MINUTES**  
**LOWER REPUBLICAN NATURAL RESOURCES DISTRICT**  
*Lower Republican NRD Meeting Room, 30 North John Street, Alma, NE*  
June 11, 2009  
**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, 6/09
2. LRNRD Board Meeting & Variance Minutes and Index of Decisions, 5/09
3. Treasurer's Report, 5/09
4. Budget Comparison, 5/09
5. Managers Report, 6/09
6. Assistant Managers Report, 6/09
7. RRBC Report, 6/09
8. Variance Requests: Miller and Sorenson
9. Rural Water Treasurer Report, 4/09
10. Application for Permit to Construct a Well in the LRNRD
11. LRNRD NSWCP Cost Share Report, 6/09

**MATERIALS HANDED OUT AT THE MEETING:**

1. Agenda, 6/09

Chairperson Nelson Trambly called the regular monthly meeting of the Lower Republican NRD Board of Directors to order at 6:50 p.m.

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

Directors present: Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Brian Holtze, Terry Hoit, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Brad Wulf.

Absent: None.

Others present: Ginger Jensen, Kearney Hub, Nick Simonson, Harlan Co. NRCS, Traci Witthuhn, Republican River Basin Coordinator, Brad Edgerton, FCID, Cambridge, Jason Kepler, DNR, Roger Stockton, SW RC&D, J.D. Schluntz, Huntley, Chelsea Juricek KDA DWR, Vance Dake, Orleans, Stan Meyer, Superior, Senator Tom Carlson, Nathan Carlson, Senator Mark Christensen, Imperial. Staff present: Mike Clements, Bryan Lubeck, Shirlee Poyser and Kristi Coe

**Motion #1 by Bill Bose seconded by Matt Harrison to accept the board and variance minutes as presented from the May board meeting. Motion carried.** Roll Call – 11 Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Brad Wulf. Nays – 0. Absent – 0.

**Motion #2 by Jim Moore seconded by Roger Nelson to accept the May treasurer's report as distributed. Motion carried.** Roll Call – 11 Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Brad Wulf, Clark Andrews. Nays – 0. Absent – 0.

Mike Clements updated the board on the Republican River Riparian Vegetation Management Tour. Mike said that there have been several state senators who are interested in seeing the improvements that have been made to the river. A tour has been set up and all 49 state senators have been invited to the RRRVM tour on July 6 & 7<sup>th</sup>. Mike encouraged the board to look at the LRNRD web site. Mike updated the board on interim study LR181 pertaining to restructuring of the NRD system.

Bryan Lubeck had nothing to add to his report.

Nick Simonson, Harlan County NRCS, gave a brief report. AWEF is waiting to be approved. EQIP funding was received. AWEF put a deterrent on that but general contracting has started for terraces work and livestock pipeline. Irrigation projects will be held up as we wait for the AWEF funding. The good news is that we got more on our initial allocation this year for general equipment.

Traci Witthuhn, Republican River Basin Coalition, gave her report. A copy of this report is in the minute book. The board discussed several issues with Water Strategies LLC a federal lobbying firm.

Comments from the public:

Brad Edgerton, Frenchman Cambridge Irrigation District, updated the board on activities of the irrigation district. Currently, they are running three canals. Swanson Reservoir has about 47,000 acre feet available to deliver this year, and anticipate delivering 25,000 acre feet. So, they are hoping for two years of delivery. A grant for \$300,000 was applied for from the Bureau of Reclamation to assist irrigators under Frenchman Cambridge to hook pivots to the canal. FCID petitioned DNR to reevaluate the basin. An Order was received denying that request. FCID did request a hearing and there has not been a decision made by DNR on whether or not granting a hearing.

The LRNRD presented Senator Tom Carlson with a Certificate of Appreciation on behalf of the LRNRD Board of Director. Nelson Trambly thanked Senator Carlson on all of the hard work that he had done for our district.

Kim Robak gave the board a legislative update on a couple of bills she was following on the LRNRD's behalf. Kim also mentioned the interim studies that will be coming up this summer and fall. Kim discussed LB54, LB98, LB134, LB160, LB483, LB582, LB651, LB681. A summary of these bills is in the minute book.

Mike Clements received a letter from Craig Bonham demanding a refund of unconstitutional property tax. A copy of this letter is in the minute book. Mike commended Senators Christensen and Carlson for their work on the unconstitutional tax. With all the controversy on what we can and should do, we now have a letter that we are going to take to District Court in McCook and ask for a declaratory judgment from the court. Kim Robak came up with this idea. Mike feels comfortable with this procedure and feels we will get something from the court on what we can and can not do. Kim Robak added that in essence we have a demand in front of us now saying pay me back. The NRD is going to ask the court how we have authority to pay this and can we use the funds we have to pay this individual back. If the court says that you have no legal authority to pay them back, then is this money the districts to do whatever it chooses to do?

**Motion #3 by Dave Bartels seconded by Bill Bose, In light of the demand letter containing threatened litigation and the other unresolved issues associated with LB 701 reimbursements, I move the manager retain legal counsel, at reasonable and customary fees, to initiate legal action to attempt to obtain a declaratory judgment or a similar decision from a court requesting the determination of the various issues involved with the reimbursement of the taxes collected under the portion of §11 (1) (b) of LB 701 which were declared unconstitutional and the NRD's authority to use the money generated through LB 701. Motion carried.** Roll Call – 10 Bill Bose, Matt Harrison, Terry Hoit, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Brad Wulf, Clark Andrews Dave Bartels. Nays – 0. Absent – 0. Abstain 1 Brian Holtze.

Kristi Coe presented Kevin Heft's Change in Location of Certified Acres on Contiguous Property.

**Motion #4 by Bill Bose seconded by Matt Harrison to approve Kevin Heft's Change in Location of Certified Acres on Contiguous Property. Motion carried.** Roll Call – 11 Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose. Nays – 0. Absent – 0.

Kristi Coe presented the variance request for Miller and Sorenson.

**Motion #5 by Brad Wulf seconded by Roger Nelson to approve Variance Request No. 73 for Miller and Sorenson. Motion carried.** Roll Call – 11 Terry Hoit, Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison. Nays – 0. Absent – 0.

Mike asked the board to review the priority ranking for the NSWCP. The current ranking is Water, Range and Erosion. It has been asked to change the ranking Water, Erosion, Range.

**Motion #6 by Jim Moore seconded by Bill Bose to approve Priority Ranking as 1) Water 2) Erosion 3) Range. Motion carried.** Roll Call – 11 Brian Holtze, Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit. Nays – 0. Absent – 0.

Mike Clements informed the board that they have started installing the telemetry equipment at the water tower. It will give us a lot more flexibility and we will be able to monitor the pumping rates, tank levels, alarms from their computer. It will dial Garold Ohmstede's and John Bush's cell phone if something happens.

Mike Clements asked that the discussion on Olson & Associates Modeling Review be moved to next month.

**Motion #7 by Jim Moore seconded by Roger Nelson to accept the Rural Water treasurer's report as presented. Motion carried.** Roll Call – 11 Jim Moore, Marlin Murdoch, Roger Nelson, Nelson Trambly, Brad Wulf, Clark Andrews Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze. Nays – 0. Absent – 0.

Mike Clements proceeded with the discussion on Water Strategies. Roger Nelson felt there should be more time to consider and discuss this proposal. Mike Clements expressed his reluctance for the LRNRD or the Coalition to be a part of the Water Strategies Proposal. He feels that if the URNRD and MRNRD want to be a part of this they can but not through the Coalition. Brad Wulf feels we have others on board with us and we do not want to jeopardize our relationship with them and not be associated with this.

**Motion #8 Matt Harrison seconded by Brad Wulf to not participate in Water Strategies Proposal and to ask the Upper and Middle Republican NRD pursue this proposal on their own other than through the Coalition. Motion carried.** Roll Call – 11 Marlin Murdoch, Roger Nelson, Nelson Trambly, Brad Wulf, Clark Andrews Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Jim Moore. Nays – 0. Absent – 0.

Roger Nelson gave a brief NARD report. The NARD will be having a meeting on June 22 in Grand Island.

Bill Bose asked about the value difference between irrigated, irrigatable and dry land. Mike Clements said irrigatable land will be based on market value or the same as irrigated land. Dave Bartels asked if the County is going to reclassify land every year. Mike added the Summary of Proposal and a cover letter will be mailed to all the owners and operators.

**Motion #9 by Bill Bose seconded by Brad Wulf to approve the revised Groundwater Rules and Regulations and Integrated Management Plan as presented. Motion carried.** Roll Call – 10 Roger Nelson, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Brian Holtze, Marlin Murdoch. Nays – 1 Jim Moore. Absent – 0.

There was no Executive Committee Report.

There was no Groundwater Management Area Report.

There was no Groundwater Management Committee Report.

Applications for a Permit to Construct a Well were approved.

There was no Trailblazer's RC&D report.

Roger Stockton gave a brief Southwest NE RC&D report. Roger said that there is a vacancy on the SW RC&D Board. They are working on putting together a grant for LB701, and there is \$500,000 available from the Department of Ag. There is also money available through the Environmental Trust Fund received through the Weed Management Area to add to that. Roger prepared a Cooperative Conservation Partnership Initiative Grant Application for the Republican Basin.

There were no Time Extension Requests.

Mike introduced Chelsea Jurieck from Stockton, KS KDA, DWR. Chelsea replaces Mark Billinger.

The next regularly scheduled board meeting will be July 9<sup>th</sup> at 7:00 p.m.

Chairperson Nelson Trambly adjourned the meeting at 8:40 p.m.

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Secretary

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Date