

MINUTES
LOWER REPUBLICAN NATURAL RESOURCES DISTRICT
LOWER REPUBLICAN NRD MEETING ROOM, 30 NORTH JOHN STREET, ALMA, NE

MARCH 14TH, 2013

**PUBLIC HEARING AT 1:30 P.M. IMMEDIATELY FOLLOWED BY THE VARIANCE HEARING
AND REGULAR BOARD MEETING**

Board of Directors Meeting

A notice of the meeting was published in the local newspapers within the District.

INFORMATIONAL MATERIAL MAILED OUT PRIOR TO MEETING:

1. Agenda, 3/13
2. LRNRD Board Meeting, Variance Minutes & Index of Decisions, 2/13
3. Treasurer's Report, 3/13
4. Manager's Report
5. Assistant Manager's Report
6. NRCS Report
7. LRNRD Order Adopting Amendments to Groundwater Management Rules & Regulations
8. Resolution Adopting a 10½" Allocation Cap on Irrigation Wells
9. NSWCP Eligible Practices
10. Change in Location of Certified Acres on Contiguous Property
 - a.) *Carl Woollen*
 - b.) *David Lieneman*
 - c.) *James Sindelar*
 - d.) *KEO Ranch, Richard Ohrt*
 - e.) *Michael Harms*
 - f.) *Donald D. Olson*
11. Request for Variance –
 - a.) *Gary Jensen #179*
 - b.) *Carl Woollen #182*
 - c.) ~~*Mike Soneson #183*~~ *withdrawn*
 - d.) *Michael D. Schurman #184*
 - e.) *Nelson F. Trambly #185*
 - f.) *Don Duffy #186*
12. Rural Water District Treasurer Report, 3/14

MATERIALS HANDED OUT AT THE MEETING:

1. Agenda, 3/13
2. NE G&P - Crop Stubble Management, Wildlife & Water Conservation Grant

Chairperson Nelson Trambly called the meeting of the Lower Republican NRD Board of Directors to order at 2:25 p.m.

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

Absent: Roger Nelson.

Others present: Jerry Kovarik, NRCS, Andy Raun, Hastings Tribune, Chelsea Erickson, DWR, Stockton, KS, Nolan Little, Tri-Basin NRD, Blaine Dake, Troy Fletscher, Tony Anderson, Randy Bialas, Val Phelps, Andrew Mohlman, Brandon Mohlman, Todd Watson, Ronald Peterson, Dave Becker, Jerome Becker, Ron Ivey, James Graf, Kent Duffy, Garth Wentworth, Steve Winz, Charles Hunt, Isaac Kuck, Rex Woollen, Walter Rankin, Don Duffy, Gary Jensen, Jared Baker, Irv McQuarrie, Phil High, Mike McQuiston, Doug Palmer, Chris Schluntz, Ryan Reese, Brian Grey, Jeff Swanson, Wayne Brummer, Debra Herman, Roger Johnson, Rolland Fletcher, Kenneth Schoen, Jesse Koch, Bob Massey, Dale Murdoch, Ron Mayfield, Virgil Rose, Ron Woollen, Connie Schmidt, Brad Schoen, Dennis Rankin, Craig Baily, John Lueking, John Burkholder, Chadd Jacobson, Erick Maaske, Jerry Schoen, Scott Jewett, Max Schlutz, Donna Boudreau, Kevin Heft, Harlan Herman. Staff present: Mike Clements, Bryan Lubeck, Shirlee Poyser and Kristi Coe.

Motion #1 by Brad Wulf seconded by Jim Moore to approve the variance minutes and board minutes from the February Board Meetings. Motion carried. Ayes 10 - Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Marlin Murdoch, Jim Moore, Toby tenBensel, Nelson Trambly, Brad Wulf. Nays 0. Absent – 1 Roger Nelson.

Motion #2 by Matt Harrison seconded by Clark Andrews to approve the February Treasurer's Report as distributed. Motion carried. Ayes 10 - Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Marlin Murdoch, Jim Moore, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews. Nays 0. Absent – 1 Roger Nelson.

Mike Clements entertained any questions on his written report. He added that he had six town hall meetings in the district updating producers on the changes to the GW Rules and Regs and the electronic flow meter changes. Mike said that the NRD was approved for the Environmental Trust Grant at \$130,000 for each of the next two years. The grant cycle will start in July, 2013. The program will be rolled out in 2014 & 2015.

Bryan Lubeck explained that the technicians have gotten several requests for ultrasonic flow meter testing. He feels that this came about because of the overuse of allocations. Bryan explained with only one ultrasonic flow meter it is difficult to get all these requests completed and how it would be beneficial for the NRD to purchase an addition ultrasonic flow meter this next fiscal year. Also, Bryan indicated that the NRD can check the meters, but if the producers wants the meter more accurate they will need to take it to the manufacture to have it calibrated. Questionable meters have been shipped to Aurora to be tested.

Jerry Kovarik, gave the NRCS report. Jerry reported on EQIP and AWEPP. Jerry also said that the NRCS has an ultrasonic flow meter the NRD can borrow until an addition one is purchased.

Justin Haahr, NE Game and Parks reported on the Crop Stubble Management, Wildlife & Water Conservation Grant. They applied for an Environmental Trust Grant this year and preliminary approved for \$500,000 a year for three years. This will be split between eight NRD's. Offering up to \$10 for producers to leave either wheat or milo stubble at 14" or taller till April 1st of the following year. The LRNRD was approved for 3,550 acres, if exceeded they will use a ranking system to determine who gets in. Applications will be taken until June 1st. There is a maximum of 320 acres per crop type per landowner. Two workshops will be held in the LRNRD.

Motion #3 by Jim Moore seconded by Dave Bartels to approve partnering with the NE Game and Parks Crop Stubble Management Grant. Motion carried. Ayes 7 - Terry Hoit, Jim Moore, Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf, Dave Bartels. Nays 3 - Bill Bose, Matt Harrison, Clark Andrews. Nays 0. Absent – 1 Roger Nelson.

Matt Harrison talked about the testimony on the 10½" cap and how others indicated they would use up right up to the 10½". Matt explained that with that mind set and if we have another dry year like 2012, what will happen in 2014, etc? The majority of the wells not rapid response wells will be off. There will be a 1,666 acre feet for every 2" of reduction for everyone the first year. Matt explained we need to be as prudent as we can.

Bill Bose said till we get a better fix on this problem, he feels he would be more supportive of the thought process if we had more black ink into it. The guys that have managed their water, and carried water over should have the opportunity. If you are a rapid response irrigator and it is as dry in 2013 as in 2012 the rapid response guys are going to be happy with about 5½" of water.

Mike Clements said that anticipated projected short fall for 2013 is around 5,500 acre feet. Worst case scenario that 2014 is a continued drought is 5,500 acre feet. That is 11,000 acre feet plus 1,700 acre feet borrowed from the MRNRD that we are going to have to come up with. We can shut off every well in the rapid response are 47,000 acres and in the first year we gain about 8,700 acre feet. Mike agreed with Matt Harrison that this goes beyond the wells in the rapid response. If we are looking strictly at regulations, and we have a shortfall of 12,000 acre feet the rapid response area is going to grow.

Bill Bose and Clark Andrews commented on whether the 10½" cap is going to be enough when they pumped 11" on the effective acres last year. Clark Andrews added on the comments on the people rapid response area feel that everyone should be treated the same. A large majority of the people feel that all wells should be shut off if you are going to shut off the rapid response wells. Mike Clements added that DNR is doing a model run that will tell us exactly what we will get with a complete shutdown. In year one the savings will not be very much.

Motion #4 by Bill Bose seconded by Jim Moore to approve the resolution adopting a one-year pumping limitation of 10.5 inches per acre for the 2013 irrigation season and to charge any irrigator pumping over 10.5 inches, three (3) times any amount pumped over the 10.5 inches, which will be deducted from such irrigation remaining allocation for the 2013-2017 allocation period. Motion carried. Ayes 6 - Matt Harrison, Terry Hoit, Jim Moore, Nelson Trambly, Brad Wulf, Dave Bartels. Nays 4 - Marlin Murdoch, Toby tenBensel, Clark Andrews, Bill Bose. Absent – 1 Roger Nelson.

Motion #5 by Matt Harrison seconded by Marlin Murdoch to amend Rule 6-4 Flow Meters: Beginning May 15th, 2013 all flow meters on any well located within the District shall be a mechanical flow meter. Non-mechanical flow meters shall not be allowed on any well after May 14th, 2013. Motion carried. Ayes 7 - Jim Moore, Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf, Dave Bartels, Matt Harrison. Nays 3 - Terry Hoit, Clark Andrews, Bill Bose. Absent – 1 Roger Nelson.

Jim Moore left at 3:13 p.m.

Motion #6 by Marlin Murdoch seconded by Toby tenBensel to approve the LRNRD Order Adopting Amendments to the Ground Water Management Rules and Regulations. Motion carried. Ayes 8 - Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit. Nays 1 - Bill Bose. Absent – 2 Jim Moore, Roger Nelson.

Mike Clements asked the board to approve the NSWCP Eligible practices to include, Plan Grazing Systems/Water Supply, Pumping Plants, Electrical, Solar and Windmills.

Motion #7 by Bill Bose seconded by Terry Hoit to approve NSWCP eligible practices to include Plan Grazing Systems/Water Supply NC14 Pumping Plants, Electrical, Solar and Windmills. Motion carried. Ayes 9 - Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit. Nays 0. Absent – 2 Jim Moore, Roger Nelson.

Mike presented the Change in Location of Certified Acres on Contiguous Property:

Motion #8 by Brad Wulf seconded by Toby tenBensel to approve all Change in Location of Certified Acres on Contiguous Property for: Carl Woollen, David Lienemann, James Sindelar, KEO Ranch, Michael Harms and Donald D. Olson. Motion carried. Ayes 9 - Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Marlin Murdoch. Nays 0. Absent – 2 Jim Moore, Roger Nelson.

Mike presented the following Variance Requests:

Motion #9 by Matt Harrison seconded by Dave Bartels to approve Variance Request # 179 for Gary Jensen. Motion carried. Ayes 9 - Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Marlin Murdoch. Nays 0. Absent – 2 Jim Moore, Roger Nelson.

Motion #10 by Bill Bose seconded by Matt Harrison to approve Variance Request #183 for Carl Woollen. Motion carried. Ayes 9 - Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Marlin Murdoch, Toby tenBensel. Nays 0. Absent – 2 Jim Moore, Roger Nelson.

Motion #11 by Bill Bose seconded by Marlin Murdoch denied Variance Request #184 for Michael D. Schurman. Motion carried. Ayes 9 - Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Marlin Murdoch, Toby tenBensel, Nelson Trambly. Nays 0. Absent – 2 Jim Moore, Roger Nelson.

Motion #12 by Terry Hoit seconded by Dave Bartels to approve Variance Request #185 for Nelson F. Trambly. Motion carried. Ayes 8 - Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Marlin Murdoch, Toby tenBensel, Brad Wulf. Nays 0. Abstain 1 - Nelson Trambly. Absent – 2 Jim Moore, Roger Nelson.

Motion #13 by Brad Wulf seconded by Bill Bose to approve Variance Request #186 for Don Duffy. Motion carried. Ayes 9 - Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews. Nays 0. Absent – 2 Jim Moore, Roger Nelson.

Comments from the Public. Garth Wentworth complemented the board on all the work they have done.

There was no NARD Report.

Mike talked to the board about hiring 2 new technical employees. After discussion Mike is going to research the cost of two new employees.

Motion #14 by Bill Bose seconded by Toby tenBensel to research hiring two new technical employees. Motion carried. Ayes 9 - Bill Bose, Matt Harrison, Terry Hoit, Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels. Nays 0. Absent – 2 Jim Moore, Roger Nelson.

Motion #15 by Dave Bartels seconded by Brad Wulf to approve the Rural Water Treasurer report. Motion carried.
Ayes 9 - Matt Harrison, Terry Hoit, Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose. Nays 0. Absent – 2 Jim Moore, Roger Nelson.

Motion #16 Brad Wulf seconded by Toby tenBensel Bartels to move that the Board go into Executive session at 3:40 p.m. to discuss the pending Frenchman Cambridge Irrigation District and Bostwick Irrigation District Litigation. Motion carried. Chairman admonished board that this is the only subject that can be discussed in closed session.
Ayes 9 - Terry Hoit, Marlin Murdoch, Nelson Trambly, Toby tenBensel, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison. Nays 0. Absent – 2 Jim Moore, Roger Nelson.

Motion #17 by Toby tenBensel seconded by Clark Andrews move that the Board come out of Executive Session at 4:35 p.m. and declare that no actions of the board, official or unofficial, were taken during said Closed Session. Motion carried.
Ayes 9 - Marlin Murdoch, Nelson Trambly, Toby tenBensel, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit. Nays 0. Absent – 2 Jim Moore, Roger Nelson.

The meeting was adjourned at 4:35 p.m.

The next regularly scheduled board meeting will be April 11th, 2013 at 7:00 p.m.

Secretary

Date