

**MINUTES**  
**LOWER REPUBLICAN NATURAL RESOURCES DISTRICT**  
*Lower Republican NRD Meeting Room, 30 North John Street, Alma, NE*  
April 12<sup>th</sup>, 2012  
Board Meeting at 6:30 p.m., Variance Hearing at 7 p.m.

**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, 4/12
2. LRNRD Board Meeting & Index of Decisions, 3/12
3. Treasurer's Report, 3/12
4. Manager's Report, 4/12
5. Assistant Manager's Report, 4/12
6. NRCS Report, 4/12
7. Variance Requests
  - a. Gary Brown
  - b. Jerry Guthrie
  - c. Jerry Guthrie
8. Change in Location of Certified Acres on Contiguous Property
  - a. Board of Education Lands & Funds
  - b. Douglas Palmer
  - c. Darleen K. Nielsen Test., Trust
  - d. F. Murdoch Ranch & Farm, Inc.
  - e. TriCo
9. Rural Water Treasurer Report, 3/12

**MATERIALS HANDED OUT AT THE MEETING:**

1. Agenda, 4/12
2. Supplemental Wells and Co-Mingled Lands – Draft

Others present: Jerry Kovarik, NRCS, Ray Winz, Holdrege, Jerry Guthrie, Alma, Harlan Herman, Inavale, Deb Herman, Inavale, Chelsea Juricek, KS DWR, Stockton, KS, Gary Brown, Wilsonville. Staff present: Mike Clements, Bryan Lubeck, and Kristi Coe.

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

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

Absent: Bill Bose, Terry Hoit.

Chairperson Nelson Trambly called the regular monthly meeting of the Lower Republican NRD Board of Directors to order at 6:30 p.m.

**Motion #1 by Toby tenBensel seconded by Matt Harrison move that the Board go into Executive session at 6:30 p.m. to discuss litigation between KS vs NE. Motion carried.** Ayes 9 - Clark Andrews, Dave Bartels, Matt Harrison, Jim Moore, Marlin Murdoch, Roger Nelson Toby tenBensel, Nelson Trambly, Brad Wulf. Nays 0. Absent 1 – Terry Hoit, Bill Bose.

Bill Bose entered at 6:45 p.m.

**Motion #2 by Toby tenBensel seconded by Marlin Murdoch move that the Board go out of Executive session at 7:05 p.m. and declare that no actions of the board, official or unofficial, were taken during said Closed Session. Motion carried.** Ayes 10 - Dave Bartels, Bill Bose, Matt Harrison, Jim Moore, Marlin Murdoch, Roger Nelson Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews. Nays 0. Absent 1 – Terry Hoit.

**Motion #3 by Matt Harrison seconded by Jim Moore to approve the board minutes from the March meeting. Motion carried.** Ayes 10 - Jim Moore, Marlin Murdoch, Roger Nelson Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison. Nays 0. Absent 1 – Terry Hoit.

**Motion #4 by Bill Bose seconded by Roger Nelson to approve the March Treasurer's Report as distributed. Motion carried.** Ayes 10 - Marlin Murdoch, Roger Nelson Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Jim Moore. Nays 0. Absent 1 – Terry Hoit.

Mike Clements had nothing further to add to his written report.

Bryan Lubeck added that trees are in the cooler and planting will start soon.

Comments from the Public: Harlan Herman, Inavale, NE spoke to the board about meters, allocations, taxes, and water running down the Republican River.

Jerry Kovarik, Harlan County NRCS, reported on EQIP, LRNRD EQIP CCPI, AWEP and the Yearly Review of Cooperative Agreement, Memorandum of Understanding. A copy of this report is in the minute book.

**Motion #5 by Clark Andrews seconded by Roger Nelson to approve the Gary Brown Variance Request #160. Motion carried.** Ayes 10 - Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Jim Moore, Marlin Murdoch. Nays 0. Absent 1 – Terry Hoit.

**Motion #6 by Marlin Murdoch seconded by Bill Bose to approve the Jerry Guthrie Variance Request #162. Motion carried.** Ayes 10 - Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Jim Moore, Marlin Murdoch, Roger Nelson. Nays 0. Absent 1 – Terry Hoit.

**Motion #7 by Clark Andrews seconded by Matt Harrison to approve the Jerry Guthrie Variance Request #161. Motion carried.** Ayes 10 - Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Jim Moore, Marlin Murdoch, Roger Nelson, Toby tenBensel. Nays 0. Absent 1 – Terry Hoit.

**Motion #8 by Brad Wulf seconded by Marlin Murdoch to approve the Board of Education Lands & Funds Change in Location of Certified Acres on Contiguous Property. Motion carried.** Ayes 10 - Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Jim Moore, Marlin Murdoch, Roger Nelson, Toby tenBensel, Nelson Trambly. Nays 0. Absent 1 – Terry Hoit.

**Motion #9 by Brad Wulf seconded by Dave Bartels to approve the Douglas Palmer Change in Location of Certified Acres on Contiguous Property. Motion carried.** Ayes 10 - Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Jim Moore, Marlin Murdoch, Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf. Nays 0. Absent 1 – Terry Hoit.

**Motion #10 by Dave Bartels seconded by Bill Bose to approve the Darleen K. Nielsen Test., Trust Change in Location of Certified Acres on Contiguous Property. Motion carried.** Ayes 10 - Dave Bartels, Bill Bose, Matt Harrison, Jim Moore, Marlin Murdoch, Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews. Nays 0. Absent 1 – Terry Hoit.

**Motion #11 by Jim Moore seconded by Dave Bartels to approve the F. Murdoch Ranch & Farm Inc. Change in Location of Certified Acres on Contiguous Property. Motion carried.** Ayes 9 - Bill Bose, Matt Harrison, Jim Moore, Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels. Nays 0. Absent 1 – Terry Hoit. Abstain 1 – Marlin Murdoch.

**Motion #12 by Brad Wulf seconded by Matt Harrison to approve Lloyd Lowe's Location of Certified Acres on Contiguous Property. Motion carried.** Ayes 10 - Matt Harrison, Jim Moore, Marlin Murdoch, Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose. Nays 0. Absent 1 – Terry Hoit.

**Motion #13 by Bill Bose seconded by Marlin Murdoch to approve TriCo's Location of Certified Acres on Contiguous Property. Motion carried.** Ayes 10 - Jim Moore, Marlin Murdoch, Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison. Nays 0. Absent 1 – Terry Hoit.

Mike Clements discussed supplemental wells and co-mingled lands with the board. Mike explained to the board that surface water acres are being moved off of the co-mingled acres and being used with other surface water only acres and pivots are being installed. This is happening in both irrigation districts. Surface water is being moved, then continuing to use the well on the previously co-mingled acres. It is almost like having new acres developed with surface water. The

NRD has no control over whether or not they can move surface water. In order to get control on this Mike had Attorney Steve Seglin draft a rule addition for the supplement wells. Mike read Rule 7-2.3.3 co-mingled lands. This states that if you are moving surface water acres, then those acres are going to come off the allocation for the well that was serving those acres. After lengthy discussion it was decided to table the rule changes.

**Motion #14 by Bill Bose seconded by Roger Nelson to table Supplemental Well and Co-mingled land rule changes. Motion carried.** Ayes 10 - Jim Moore, Marlin Murdoch, Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison,. Nays 0. Absent 1 – Terry Hoit.

Mike Clements contacted five different contractors and only received two bids. Olson Construction for \$6,300, Quality Custom Carpentry \$8,635.

**Motion #15 by Matt Harrison seconded by Jim Moore to accept Olson Construction's bid of \$6,300 for remodeling. Motion carried.** Ayes 10 – Marlin Murdoch, Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Jim Moore. Nays 0. Absent 1 – Terry Hoit.

The NARD has asked that each NRD's contribute \$1,000 toward the purchase price of a permanent building at Husker Harvest Days.

**Motion #16 by Brad Wulf seconded by Roger Nelson to contribute \$1,000 to the NARD Husker Harvest Building. Motion carried.** Ayes 9 – Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Marlin Murdoch. Nays 1 Jim Moore. Absent 1 – Terry Hoit.

Mike Clements added the LB1125 passed the final reading with a 49-0 vote. The bill has to be signed by the Governor and he has five days to sign it. A letter has been drafted explaining the refund process. Those receiving a refund have from May 1<sup>st</sup> to October 1<sup>st</sup> to apply for a 2011 occupation tax refund.

**Motion #17 by Bill Bose seconded by Jim Moore to approve the Rural Water treasurers report. Motion carried.** Ayes 10 - Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Jim Moore, Marlin Murdoch, Roger Nelson. Nays 0. Absent 1 – Terry Hoit.

Nelson Trambly and Mike met with producers from the Hildreth area who had questions concerning the occupation tax and the lawsuit with Kansas. Mike would like to set up more meetings like this across the district, but with planting season quickly approaching it might not be possible at this time.

The meeting was adjourned at 8:40 p.m.

The next regularly scheduled board meeting will be May 10<sup>th</sup> at 7 p.m.

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Secretary

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Date