

MINUTES
LOWER REPUBLICAN NATURAL RESOURCES DISTRICT
Lower Republican NRD Meeting Room, 30 North John Street, Alma, NE
August 9th, 2012
Variance Hearing at 7:00 followed by the Regular Board Meeting

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, 8/12
2. LRNRD Board Meeting & Index of Decisions, 7/12
3. Minutes from the Public Hearing – LRNRD Ground Water Management Rules & Regulations
4. Treasurer's Report, 7/12
5. Manager's Report, 8/12
6. NRCS Report, 8/12
7. NARD Retirement Plan Update – Amendment No. 2
8. Leroy Harms – Water Usage
9. Change in Location of Certified Acres on Contiguous Property
 - a. **Doyle Morse**
10. Request for Variance – Neal Christensen
 - a. **Neal Christensen**
11. FY2013 Budget Breakdown
12. Rural Water Treasurer Report, 7/12
14. LRNRD Ground Water Management Rules & Regulations Effective September 14, 2012

MATERIALS HANDED OUT AT THE MEETING:

1. Agenda, 8/12
2. Olsson Associates, Agreement for Professional Services
3. LRNRD Ground Water Management Rules & Regulations Summary 7/12/2012

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

Absent: Marlin Murdoch, Jim Moore.

Others present: Jerry Kovarik, NRCS, Mike Delka, Bostwick Irrigation District, Nolan Little, TBNRD, Senator Mark Christensen, Imperial, Andy Raun, Hastings Tribune, Doyle Morse, Holdrege, Paul Woodward and Karen O'Connor, Olsson Associates, Lincoln. Staff present: Mike Clements, Bryan Lubeck and Shirlee Poyser.

Chairperson Nelson Trambly called the regular monthly meeting of the Lower Republican NRD Board of Directors to order at 7:12 p.m.

Motion #1 by Bill Bose seconded by Terry Hoit to approve the board minutes from the July meetings. Motion carried.
Ayes 9 - Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf. Nays 0. Absent 2 – Jim Moore, Marlin Murdoch.

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

Staff reports were given by Mike Clements and Bryan Lubeck. Copies of these reports are in the minute book.

Jerry Kovarik gave the NRCS report. A copy of this report is in the minute book.

Olsson Associates, Karen O'Connor and Paul Woodward presented the LRNRD Board with an Agreement for Professional Services. They are working on an Augmentation Feasibility Study "Project" to hopefully discover ways to

limit irrigation usage in future years. A copy of the agreement is in the minute book. Mike Delka spoke to the board about a potential storage site area along Beaver Creek.

Motion #3 by Toby tenBensel seconded by Dave Bartels to accept Olsson Associates letter Agreement for Professional Services. Motion Carried. Ayes 8 - Matt Harrison, Terry Hoit, Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels. Nays 0. Absent 2 – Jim Moore, Marlin Murdoch. Abstain - 1 Bill Bose

Mike Clements presented to the board the adoption of Amendment No. two to the NARD 414(h) Retirement Plan and the 457 Deferred Compensation Plan. This will bring the plans up-to-date and into compliance.

Motion #4 by Brad Wulf seconded by Terry Hoit to approve the adoption of Amendment No. Two of the Nebraska Association of Resources District 414(h) Plan, to bring the plan into compliance. Motion carried. Ayes 9 - Matt Harrison, Terry Hoit, Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose. Nays 0. Absent 2 – Jim Moore, Marlin Murdoch.

Motion #5 by Clark Andrews seconded by Bill Bose to approve the adoption of Amendment No. Two of the Nebraska Association of Resources District 457 Deferred Compensation Plan, to bring the plan into compliance. Motion carried. Ayes 9 - Terry Hoit, Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison. Nays 0. Absent 2 – Jim Moore, Marlin Murdoch.

Mike Clements handed out water usage papers on Leroy Harm's meter violations. Field Technician's read the meter in July finding the usage to be 4.83" and again in August the usage was at 10.03". Mike Clements spoke earlier with Marlin Murdoch about the usage amounts and Marlin felt the figures were pretty accurate. The board discussed a penalty; instead decided to require the meter be replaced with a new mechanical flow meter before next year's growing season.

Motion #6 by Brad Wulf seconded by Bill Bose to require Leroy Harms to install a new mechanical flow meter on well G-010017 in SE 3-15-24 on or before the April 1, 2013 growing season. Motion carried. Ayes 9 - Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit. Nays 0. Absent 2 – Jim Moore, Marlin Murdoch.

Mike Clements presented Doyle Morse's Change in Location of Certified Acres on Contiguous Property.

Motion #7 by Bill Bose seconded by Clark Andrews to approve the Doyle Morse Change in Location of Certified Acres on Contiguous Property. Motion carried. Ayes 9 - Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit. Nays 0. Absent 2 – Jim Moore, Marlin Murdoch.

Mike Clements presented Neal Christensen's Variance Request #165.

Motion #8 by Clark Andrews seconded by Toby tenBensel to approve the Neal Christensen variance request #165. Motion failed. Ayes 2 - Toby tenBensel, Clark Andrews. Nays 7 - Roger Nelson, Nelson Trambly, Brad Wulf, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit. Absent 2 – Jim Moore, Marlin Murdoch.

Comments from the public: Senator Mark Christensen approached the board about water short years and suggested a different approach to avoid a Compact Call Year. The senator stated that we are under correlative rights where we share and share alike, and feels that if quick response (or rapid response) wells are shut off we are headed for a lawsuit. Senator Christensen suggested to the directors that giving the irrigator's five inch per acre allocation but allow the producer to do their management and use it on the site they want to. Christensen feels this would treat producers equally and fairly. As we enter a potential water short year, Christensen thinks it is going to be a quick lawsuit and the judge could shut everyone down. Director's thanked him for his thoughts, and stated they already thought about those matters.

Mike Clements presented the FY2013 budget to the board.

Motion #9 by Dave Bartels seconded by Bill Bose to approve the FY2013 budget as presented and to set the hearing date for September 13th at 7 p.m. Motion carried. Ayes 9 - Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Roger Nelson. Nays 0. Absent 2 – Jim Moore, Marlin Murdoch.

There was no NARD Report

Motion #10 by Brad Wulf seconded by Toby tenBensel to approve the Rural Water Treasurer's Report as submitted. Motion carried. Ayes 9 - Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Roger Nelson, Toby tenBensel. Nays 0. Absent 2 – Jim Moore, Marlin Murdoch.

The summary to the LRNRD Ground Water Management Rules and Regulations was passed around. There was discussion on Rule 6-6.1.1 Certification of Acres and disagreement on how acres were certified. Surface Water Rule 7.2.3.3 was discussed.

Motion #11 by Toby tenBensel seconded by Terry Hoit to approve the Ground Water Rules and Regulations as presented. Motion carried. Ayes 6 - Brad Wulf, Dave Bartels, Terry Hoit, Roger Nelson, Toby tenBensel, Nelson Trambly. Nays 3 - Clark Andrews, Bill Bose, Matt Harrison. Absent 2 – Jim Moore, Marlin Murdoch.

Motion #12 by Toby tenBensel seconded by Brad Wulf to move that the Board go into Executive session at 8:59 p.m. to discuss updates on the KS vs. NE Supreme Court Lawsuit. Motion carried. Ayes 9 - Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf. Nays 0. Absent 2 – Jim Moore, Marlin Murdoch.

Motion #13 by Bill Bose seconded by Matt Harrison to move that the Board come out of Executive Session at 9:28 p.m. and declare that no actions of the board, official or unofficial, were taken during said Closed Session. Motion carried. Ayes 9 - Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Terry Hoit, Roger Nelson, Toby tenBensel, Nelson Trambly, Brad Wulf. Nays 0. Absent 2 – Jim Moore, Marlin Murdoch.

The meeting was adjourned at 9:28 p.m.

The next regularly scheduled board meeting will be September 13th at starting with the FY2013 Budget hearing at 7:00 p.m., immediately followed by the Variance Hearings and the regular monthly board meeting.

Secretary

Date