

**MINUTES**  
**LOWER REPUBLICAN NATURAL RESOURCES DISTRICT**  
*Lower Republican NRD Meeting Room, 30 North John Street, Alma, NE*

September 10<sup>th</sup>, 2009 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, Monthly Board Meeting, 9/09
2. LRNRD Board Meeting & Variance Minutes and Index of Decisions, 8/09
3. Treasurer's Report, 8/09
4. Budget Comparison, 8/09
5. Managers Report, 8/09
6. Assistant Managers Report, 8/09
7. RRBC Report, 8/09
8. Change in Location of Certified Acres on Contiguous Property – Busy B
9. Variance Requests: Don Robb
10. Variance Request – Supplemental Well Option
  - a. Todd Schutz #2554
  - b. Marlin Murdoch #1008
  - c. James Shipman #2309
  - d. James Shipman #2310
  - e. James Shipman #2311
  - f. Charles Kahrs #1518
  - g. CW Ranch Inc. #1541
11. Rural Water Treasurer Report, 8/09
12. LRNRD FY2010 Budget
13. Application for Permit to Construct a Well in the LRNRD
14. LRNRD NSWCP Cost Share Report

**MATERIALS HANDED OUT AT THE MEETING:**

1. Agenda, 9/09
2. NRCS Report, 9/09

Chairperson Nelson Trambly called the regular monthly meeting of the Lower Republican NRD Board of Directors to order at 7:05 p.m.

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

Directors present: Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Brian Holtze, Marlin Murdoch, Nelson Trambly.

Absent: Terry Hoit, Jim Moore, Roger Nelson, and Brad Wulf.

Others present: Ginger Jensen, Kearney Hub, Nick Simonson, Harlan Co. NRCS, Traci Witthuhn, RRBC, Andy Raun, Hastings Tribune, Don Robb, Susan Robb, York, NE, Steve Sindt, Inavale, Les Bruntz, Oxford, Ray Winz, Holdrege, Dave Domina, Omaha, Dan Nelson, Moorefield, Benjie Loomis, Maywood, Brad Edgerton, FCID, Cambridge. Staff present: Mike Clements, Bryan Lubeck, Shirlee Poyser and Kristi Coe

**Motion #1 by Bill Bose seconded by Matt Harrison to accept the board minutes, special meeting minutes, variance hearing minutes from the August meetings. Motion carried.** Ayes 7 - Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Brian Holtze, Marlin Murdoch, Nelson Trambly. Absent 4 – Terry Hoit, Jim Moore, Roger Nelson, Brad Wulf.

**Motion #2 by Bill Bose seconded by Matt Harrison to accept the August treasurer's report as distributed. Motion carried.** Ayes 7 - Dave Bartels, Bill Bose, Matt Harrison, Brian Holtze, Marlin Murdoch, Nelson Trambly, Clark Andrews. Absent 4 – Terry Hoit, Jim Moore, Roger Nelson, Brad Wulf.

Jim Moore entered at 7:25.



Mike Clements had no further update to add to his report. Mike distributed a letter he had received from the Governor after a recent meeting with him.

Nelson Trambly asked about what elevation/level does the lake have to be at to be considered a water short year? Matt Harrison said that the lake has to have 1,900 acre feet of usable capacity. Mike Clements responded that we can not pin it down on an exact elevation/level at the lake because there is more involved in that equation. Mike added that the 1,900 acre feet (AF) is anticipated delivery to the Bostwick Irrigation KS/NE. Part of this is natural flows below the lake a majority would in take what is available at the lake. Brad Edgerton added that the lake elevation should be 1,942 AF on June 30<sup>th</sup> to be considered a water short year.

Bryan Lubeck added that he is still working on the nitrate readings and hopes to have them put together soon. Bryan also felt that there were some discrepancies in nitrate readings in some areas. He felt that they would have to go back to those well sites again and determine if it is a point source or nonpoint source problem.

Nick Simonson, Harlan County NRCS gave the NRCS report. Nick read to the board the Memorandum of Understanding between the USDA – NRCS and the State Department of Ag (or) the State Department of Natural Resources, the Civil Rights and Equal Employment Opportunities, MOU Basics, Civil Rights Basics.

Traci Witthuhn, Republican River Basin Coalition, gave her report. A copy of this report is in the minute book. Traci also added that the NRRMDA meeting will be in Holdrege on September 17<sup>th</sup> at 10 a.m.

There were no comments from the public.

Mike Clements spoke with the board on flow meter rules violations with Les Bruntz. A letter had been sent out to Mr. Bruntz stating he had a well that was without a properly installed and operational flow meter. Mike Clements said that our technician had received a call from Mr. Bruntz stating meter 1539033-H013 was not working and was in for repair. According to NRD records the meter has not worked in 2005, 2006 or 2008 but in 2007 it did work. Bruntz said he called the end of July to say it was not working and needed fixed. After getting the meter fixed the meter still did not work. Ace Irrigation fixed the meter and now feels that it needs a “stem” put into where the water is. Les decided to put a mechanical meter on and the board decided to find out the calculations on water use and table this decision until next month. Kristi said she could get the formula to convert Kilowatts and get the usage figured out.

**Motion #3 by Jim Moore seconded by Brian Holtze to table Rules Violation with Les Bruntz until the October board meeting. Motion carried.** Ayes 8 - Bill Bose, Matt Harrison, Brian Holtze, Jim Moore Marlin Murdoch, Nelson Trambly, Clark Andrews, Dave Bartels. Absent 3 – Terry Hoit, Roger Nelson, Brad Wulf.

Dan Nelson, Middle Republican NRD board member gave the Commission report.

Steve Sindt presented to the board that he has a meter that was not reading properly. John Bush had been out and did an ultrasonic reading four times. The test showed that the meter was reading 10% over. Steve asked if 2008 and 2009 readings could be adjusted by 10%.

**Motion #4 by Jim Moore seconded by Matt Harrison to adjust 2008 and 2009 meter readings by 10% on 99-8-1145 for R&J Farms. Motion carried.** Ayes 8 - Matt Harrison, Brian Holtze, Jim Moore, Marlin Murdoch, Nelson Trambly, Clark Andrews, Dave Bartels, Bill Bose. Absent 3 – Terry Hoit, Roger Nelson, Brad Wulf.

Mike Clements presented Dave Black's meter adjustment request.

**Motion #5 by Marlin Murdoch seconded by Clark Andrews to deny meter reading adjustment for meter 02-8-3360, Dave Black. Motion carried.** Ayes 8 - Brian Holtze, Jim Moore, Marlin Murdoch, Nelson Trambly, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison. Absent 3 – Terry Hoit, Roger Nelson, Brad Wulf.

Kristi Coe presented the Change in Location of Certified Acres on Contiguous Property.

**Motion #6 by Marlin Murdoch seconded by Clark Andrews to approve Busy B Ranch, Inc. Change in Location of Certified Acres on Contiguous Property. Motion carried.** Ayes 8 - Brian Holtze, Jim Moore, Marlin Murdoch, Nelson Trambly, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison. Absent 3 – Terry Hoit, Roger Nelson, Brad Wulf.

Nelson Trambly presented Don Robb's variance request. Don asked to be able to move his meter into a well house when not in use.



**Motion #7 Bill Bose seconded by Brian Holtze to deny Variance Request No. 75 for Don Robb. Motion carried.** Ayes 8 - Jim Moore Marlin Murdoch, Nelson Trambly, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Brian Holtze. Absent 3 – Terry Hoit, Roger Nelson, Brad Wulf.

**Motion #8 by Matt Harrison seconded by Jim Moore to approve supplemental well options for: Todd Schutz #2554, Billie Nadine Frost #358, Marlin Murdoch #1008, James Shipman #2309, James Shipman #2310, James Shipman #2311, Charles Kahrs #1518, CW Ranch Inc. #1541. Motion carried.** Ayes 7 - Nelson Trambly, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Brian Holtze, Jim Moore. Abstain 1 – Marlin Murdoch. Absent 3 – Terry Hoit, Roger Nelson, Brad Wulf.

**Motion #9 by Marlin Murdoch seconded by Dave Bartels to approve the FY 2010 Budget as presented. Motion carried.** Ayes 7 - Nelson Trambly, Clark Andrews, Dave Bartels, Matt Harrison, Brian Holtze, Jim Moore, Marlin Murdoch. Nays – 1 Bill Bose. Absent 3 – Terry Hoit, Roger Nelson, Brad Wulf.

There were no updates on the Rural Water Project.

**Motion #10 by Jim Moore seconded by Bill Bose to accept the August Rural Water treasurer's report as presented. Motion carried.** Ayes 8 - Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Brian Holtze, Jim Moore, Marlin Murdoch, Nelson Trambly. Absent 3 – Terry Hoit, Roger Nelson, Brad Wulf.

Mike Clements read through the resolutions for the board.

Resolution #2009-1	Proactive Development & Implementation of Integrated Management Plans Vote at Conference – 5 yes
Resolution #2009-2	DNR, Create a new state agency, Vote at Conference – 5 no
Resolution #2009-3	Water Banking, Vote at Conference – 5 no
Resolution #2009-4	Compacts, Decrees, Agreements & Financing Water Programs Vote at Conference – 5 yes
Resolution #2009-5	Review surface water rights converted to groundwater use, Vote at Conference – 5 no

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 reviewed.

There were no RC&D reports given at this time.

**Motion #11 by Marlin Murdoch seconded by Bill Bose to approve the Cost Share Time Extensions as presented. Motion carried.** Ayes 8 - Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison, Brian Holtze, Jim Moore, Marlin Murdoch, Nelson Trambly. Absent 3 – Terry Hoit, Roger Nelson, Brad Wulf.

FR496	Jerry Fouts	December 23, 2009
FU720	Fisher Cattle, LLC	January 3, 2010
H586	St. Michaels Catholic Church	December 3, 2009

**Motion #12 by Marlin Murdoch seconded by Clark Andrews to go into Executive Session at 8:17 p.m. to discuss possible Litigation on the Republican River Settlement Agreement. Motion carried.** Ayes 8 - Bill Bose, Matt Harrison, Brian Holtze, Jim Moore, Marlin Murdoch, Nelson Trambly, Clark Andrews, Dave Bartels. Absent 3 – Terry Hoit, Roger Nelson, Brad Wulf.



**Motion #13 Clark Andrews seconded by Dave Bartels to come out of executive session at 10:48 p.m. Motion carried.** Ayes 8 - Matt Harrison, Brian Holtze, Jim Moore, Marlin Murdoch, Nelson Trambly, Clark Andrews, Dave Bartels, Bill Bose. Absent 3 – Terry Hoit, Roger Nelson, Brad Wulf.

**Motion #14 Jim Moore seconded by Marlin Murdoch to contract Dave Domina of Domina Law Group for legal representation of the LRNRD. Motion carried.** Ayes 8 - Brian Holtze, Jim Moore, Marlin Murdoch, Nelson Trambly, Clark Andrews, Dave Bartels, Bill Bose, Matt Harrison. Absent 3 – Terry Hoit, Roger Nelson, Brad Wulf.

The next regularly scheduled board meeting will be October 8th, starting with the Variance Hearings at 7:00 p.m. and the Board Meeting following.

Chairperson Nelson Trambly adjourned the meeting at 10:48 p.m.

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Secretary

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Date