

MINUTES
LOWER REPUBLICAN NATURAL RESOURCES DISTRICT
LOWER REPUBLICAN NRD MEETING ROOM, 30 NORTH JOHN STREET, ALMA, NE
FEBRUARY 14TH, 2013
VARIANCE HEARING AT 2:00 P.M. FOLLOWED BY THE 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, 2/13
2. LRNRD Board Meeting, Variance Minutes & Index of Decisions, 1/13
3. Treasurer's Report, 2/13
4. Assistant Manager's Report
5. NRCS Report
6. Request for Variance –
 - a.) *Gary Jensen #1*
 - b.) *Gary Jensen #2*
 - c.) *Estalene Russell Estate*
 - d.) *Jerry Quadhamer*
7. Change in Location of Certified Acres on Contiguous Property
 - a.) *Bryan Swanson*
 - b.) *Doug Palmer*
 - c.) *Ervin Warner*
 - d.) *Brent Harms*
 - e.) *Lyle Martin*
 - f.) *Estalene Russell Estate*
 - g.) *Christian Schluntz*
 - h.) *Knuth Farms*
8. Rural Water Treasurer Report, 2/13

MATERIALS HANDED OUT AT THE MEETING:

1. Agenda, 2/13
2. 2013 Over Allocation Spreadsheet
3. Small Dam Sites Brochure from Olsson Associates

Chairperson Nelson Trambly called the meeting of the Lower Republican NRD Board of Directors to order at 2:17 p.m.

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

Absent: Bill Bose, Jim Moore, Roger Nelson.

Others present: Jerry Kovarik, NRCS, John Thorburn, TBNRD, Andy Raun, Hastings Tribune, Jesse Bradley, DNR, Don Day, Olsson Associates, Jerry Quadhamer, Harlan Herman, Richard Russell, Jeremy Russell, Jerry Kovark, NRCS, Mike Delka, Bostwick Irrigation, Chelsea Juricek, DWR, Stockton, KS. Staff present: Mike Clements, Bryan Lubeck, Shirlee Poyser and Kristi Coe.

Motion #1 by Brad Wulf seconded by Matt Harrison to approve the variance minutes and board minutes from the January Board Meetings. Motion carried. Ayes 8 - Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit, Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf. Absent – 3 Bill Bose, Jim Moore, Roger Nelson.

Motion #2 by Matt Harrison seconded by Terry Hoit to approve the January Treasurer's Report as distributed. Motion carried. Ayes 8 - Dave Bartels, Matt Harrison, Terry Hoit, Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews. Absent – 3 Bill Bose, Jim Moore, Roger Nelson.

Mike Clements did not have a written report. He reported that Harlan is at 1,935.4 and there is 52 cfs coming into the lake. We received notification that we were approved for \$130,000 for the Environmental Trust Grant for soil moisture sensors. Initially we had asked for \$300,000. The intention is to continue with this program. We will not receive this money until July 1st, 2013. Mike feels we can roll with the program in April and get people signed up for this year. The Twin Valley Weed Management Area (TVWMA) received approval of \$536,000 that will be used on the Little Blue.

Mike had three speaking engagements NE Weed Association State Convention in Kearney, then Dekalb asked him to speak at The Dry Year Water Management, then lastly he spoke for the NE Farm and Ranch Managers in Kearney. Mike went over the settlement and Special Masters ruling, N-CORPE Project, 2013 offset and proposed 10½ inch cap.

Mike then presented the board with number of over-water-users in the district.

Bryan Lubeck had nothing further to report. A copy of his report is in the minute book.

Jerry Kovarik presented the NRCS report. He discussed EQIP and AWEP and the dam permits. A copy of this full report is in the minute book.

John Thorburn spoke with Brian Dunnigan. It was asked that all of the four NRD Basin Manager, Brian Dunnigan and Craig Derickson get together and talk about this issue.

Jesse Bradley, DNR discussed with the board the dam permits and the updated the board on pumping in the basin. The second generation IMP put a 20% limitation in place, and the third generation IMP put a 25% reduction in place, however, in doing that they have extended the timeline to 2015. Now you have to recognize that you have to go through the 20% to get to the 25% but the measuring stick is 2015. This is all stated in a letter that was sent out to the NRD's. Jesse said that there would be another letter sent out to each NRD based on the information we have and what we estimated for 2012, here is what we think is the remaining pumping volume that would keep you within that compliance standard.

Mike Clements asked Jesse to talk about the 10/2 area and the stream flow depletion factors and how there is so much difference between two cells that are next to each other. All else being equal, the difference is going to be the transmissivity of the aquifer, largely saturated thickness of the aquifer and/or the stream wetting and drying that occurs in the model. If the distance is the same and the hydraulic conductivity and specific yield of the aquifer the same then these are the two main elements that are going to determine for any given cell what that factor ends of being. Jesse handed out the Cross Section Model to explain the saturated thickness.

Don Day, Olsson and Associates gave a presentation on Small Dam Site Permitting process. A copy of this presentation is in the minute book.

Motion #3 by Brad Wulf seconded by Toby tenBensel Change in Location of Certified Acres on Contiguous Property for: Bryan Swanson, Doug Palmer, Ervin Warner, Brent Harms, Lyle Martin, Estalene Russell Estate, Christian Schlutz, Knuth Farms. Motion carried. Ayes 8 - Matt Harrison, Terry Hoit, Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels. Absent – 3 Bill Bose, Jim Moore, Roger Nelson.

Brad Wulf made a motion to table Variance Request #178. Brad Wulf withdrew his motion after discussion.

Motion #4 by Dave Bartels seconded by Clark Andrews to approve Variance Request #178 Gary Jensen. Motion carried. Ayes 8 - Matt Harrison, Terry Hoit, Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels. Absent – 3 Bill Bose, Jim Moore, Roger Nelson.

Motion #5 by Brad Wulf seconded by Bill Bose to table Variance Request #179 Gary Jensen. Motion tabled. Ayes 8 - Terry Hoit, Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Matt Harrison. Absent – 3 Bill Bose, Jim Moore, Roger Nelson.

Motion #6 by Marlin Murdoch seconded by Toby tenBensel to approve Variance Request #180 Estalene Russell Estate. Motion carried. Ayes 8 - Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit. Absent – 3 Bill Bose, Jim Moore, Roger Nelson.

Motion #7 by Dave Bartels seconded by Brad Wulf to approve Variance Request #181 Jerry Quadhamer Russell Estate. Motion carried. Ayes 8 - Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit. Absent – 3 Bill Bose, Jim Moore, Roger Nelson.

Mike Clements spoke to the board about discontinuing grass sales in Franklin and Webster Counties.

Motion #8 by Marlin Murdoch seconded by Clark Andrews to discontinue grass seed sales in Franklin and Webster Counties immediately. Motion carried. Ayes 8 - Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit, Marlin Murdoch. Absent – 3 Bill Bose, Jim Moore, Roger Nelson.

Mike Clements had discussion amongst the executive committee to consider a penalty for going over the 10.5” one-year pumping limitation. Recommendation was made to the board to have a 2 for 1 penalty starting immediately in 2013 for

anyone exceeding the 10.5 with no cushion. After discussion it was decided to have a 3 to 1 penalty.

Motion #9 by Matt Harrison seconded by Terry Hoit to hold a public hearing on March 14, 2013 to consider setting 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 –Toby tenBensel, Nelson Trambly, Brad Wulf, Dave Bartels, Matt Harrison, Terry Hoit. Nays – 2 Clark Andrews, Marlin Murdoch, Absent 3 – Bill Bose, Jim Moore, Roger Nelson.

Brad Wulf asked how we will handle meters that have malfunctioned for whatever reason. Mike Clements suggested that we handle it as we have in the past. If there is a legitimate complaint and we have verified there is a problem, then we will deal with that individual on an individual basis. Kristi Coe asked for rule on meters that not worked since the beginning of the season and it was not noticed till the end of the season. She recently sent out over 500 letters with zero to very little usage. The penalty for in inoperative flow meters is Rules 6-4.1.2 and 6-4.1.3 page 12 of the LRNRD GW Rules and Regulations.

There are meter problems south of the border also, according to Chelsea Juricek, DWR, Stockton, KS. They are starting a philosophy, if someone has violated in the past or changed without them knowing, the meter is chained. Removal of the chain is tampering. Kristi explained that our problems not tampering with the meter, they are not watching to make sure it is reading properly or reading at all. This will continue to be a bigger problem because the meters are getting older and will start to break down more. Currently under construction is a program for producers to figure their own water usage.

After lengthy discussion it was decided to have several informational meetings throughout the district on the one year pumping limitation of 10.5 and the penalty of 3 to 1.

Nelson Trambly discussed with the board the electric flow meters. The district has approximately 200 electric flow meters.

Motion #10 by Marlin Murdoch seconded by Matt Harrison to hold a Public Hearing March 14th, 2013 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 8 – Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit, Marlin Murdoch, Toby tenBensel. Absent 3 – Bill Bose, Jim Moore, Roger Nelson.

Comments from the public from Mike Delka and Harlan Herman. Harlan explained to the board how the dams protect the roads and bridges. Harlan feels the dams are good insurance policy for the roads.

There was no NARD report.

Motion #11 Toby tenBensel seconded by Dave Bartels to approve the Rural Water Treasurer's Report. Motion carried. Ayes 8 – Brad Wulf, Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit, Marlin Murdoch, Toby tenBensel, Nelson Trambly. Absent 3 – Bill Bose, Jim Moore, Roger Nelson.

Motion #12 Toby tenBensel seconded by Dave Bartels to move that the Board go into Executive session at 4:15 p.m. to discuss the pending Frenchman Cambridge Irrigation District and Bostwick Irrigation District Litigation. Motion carried. Chairman admonished the board that this is the only subject that can be discussed in closed session. Ayes 8 – Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit, Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf. Absent 3 – Bill Bose, Jim Moore, Roger Nelson.

Motion #13 by Toby tenBensel seconded by Clark Andrews move that the Board come out of Executive Session at 4:58 p.m. and declare that no actions of the board, official or unofficial, were taken during said Closed Session. Motion carried. Ayes 8 –Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit, Marlin Murdoch, Toby tenBensel, Nelson Trambly, Brad Wulf. Absent 3 – Bill Bose, Jim Moore, Roger Nelson.

The meeting was adjourned at 4:58 p.m.

The next regularly scheduled board meeting will be March 14th, 2013 at 2:00 p.m.

Secretary

Date