

MINUTES
LOWER REPUBLICAN NATURAL RESOURCES DISTRICT
Lower Republican NRD Meeting Room, 30 North John Street, Alma, NE
November 14, 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 and on the District Website at www.lnrnd.org.

INFORMATIONAL MATERIAL MAILED OUT PRIOR TO THE MEETING

1. Agenda, 11/13
2. LRNRD Board Meeting, Variance Minutes & Index of Decisions, 10/13
3. Treasurer's Report, 10/13
4. Manager's Report
5. Assistant Manager's Report
6. Change in Location of Certified Acres on Contiguous Property
 - a.) **Kenneth R. James**
 - b.) **Myron Dallmann**
 - c.) **Donald L. Johnson**
 - d.) **Dallas Haring**
 - e.) **Vestal Farms**
7. Variance Requests
 - a.) **Bill Bunger**
 - b.) **Kenneth R. James**
 - c.) **Peggy Howsden**
8. Rural Water District Treasurer Report, 10/13

MATERIALS HANDED OUT AT THE MEETING:

1. Agenda, 10/13
2. Letter to Nielsen Farms
3. Letter from Miller & Associates
4. N-CORPE Pictures
5. Letter from Nebraska Department of Roads

Chairperson Nelson Trambly called the meeting of the Lower Republican NRD Board of Directors to order at 2:25 p.m. Nelson Trambly noted that guests should sign the attendance roster and noted the location of a current copy of the statutes dealing with public meetings laws and the booklet with the information provided to directors.

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

Absent: Bill Bose, Marlin Murdoch, Roger Nelson.

Others present: Andy Raun, Hastings Tribune, Jerry Kovarik, NRCS, Karen Labenz, Dana Cole & Co. LLP, Nolan Little, Tri-Basin NRD, Blake Howsden, Oshkosh, Mike Delka, Bostwick Irrigation District. Staff present: Mike Clements, Bryan Lubeck, Shirlee Poyser and Kristi Coe.

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

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

Mike Clements gave his Manager's report. Mike informed the board of upcoming meeting dates: N-CORPE meeting on November 20th, at 9 AM in McCook, along with an NRRMDA meeting in McCook at 1PM. DNR will be present to review the official forecast. Brad Wulf thought that we had until January 1st before DNR made a decision. Mike Clements explained that DNR will give us until January 31st to come up with an offset plan, but these will be the figures that we have to work from. These figures will be a guess because they do not have actual pumping numbers. Our pumping is not nearly as high as what they are projecting. DNR will use power records from 2012 in their estimate. Mike explained that Samantha Kemp has decided to stay working at the NRCS office in Furnas County. Mike toured N-CORPE and took pictures of the project for the board to look at.

At the October board meeting we had an individual with Change in Location of Certified Acres on Contiguous Property that the pivot was already up and did the work before he came to the board for approval. Mike sent him a letter stating the rules violation. Mike distributed a letter that was mailed to that individual.

Mike then distributed preliminary pumping numbers for the district by County. Mike feels that 80%+ meters have been read. Mike felt the numbers were way better than what he thought they would be.

Bryan included to his report that he spoke with a Servi-Tech salesman; he left brochures on the Servi-Tech Profiler Soil Moisture Monitoring System. If interested contact Bryan he will get you their information.

Matt Harrison asked Mike if there would be a time that the board could tour the N-CORPE project. Mike will look into a time and date.

Jerry Kovarik gave the NRCS report. He reported on Environmental Quality Incentive Program (EQIP), Agricultural Water Enhancement Program (AWEP), Conservation Stewardship Program (CStP), and Program review of Conservation Stewardship (CStP) and Conservation Security Program (CSP) Contracts. A copy of this report is in the minute book.

Karen Labenz, Dana Cole, LLP, gave the FY2013 audit report to the board.

Motion #3 by Brad Wulf seconded by Tim Kahrs to approve the FY2013 audit report as presented. Motion carried.

Ayes 8 - Matt Harrison, Terry Hoit, Tim Kahrs, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels. Absent 3 Bill Bose, Marlin Murdoch, Roger Nelson.

The NRD received a letter from the Furnas County Treasurer. The letter explained that the Nebraska Corn Processing for Mid American AgriProducts/Horizon LLC had protested their property tax in front of the Furnas County Board of Equalization in 2010. The State TERC board ruled on this and the valuation changes results in a refund in the amount of \$353.32 from the NRD.

Motions #4 by Clark Andrews seconded by Matt Harrison to refund the Nebraska Corn Processing for Mid America Agri Products/Horizon LLC, Property Tax in the amount \$353.32. Motion carried. Ayes 8 - Matt Harrison, Terry Hoit, Tim Kahrs, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels. Absent 3 Bill Bose, Marlin Murdoch, Roger Nelson.

Changes in Location of Certified Acres on Contiguous Property were presented to the board as follows:

Motion #5 by Brad Wulf seconded by Dave Bartels to approve Kenneth R. James Change in Location of Certified Acres on Contiguous Property subject to approval of Variance Request. Motion Carried. Ayes 8 - Terry Hoit, Tim Kahrs, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Matt Harrison. Absent 3 Bill Bose, Marlin Murdoch, Roger Nelson.

Motion #6 by Dave Bartels seconded by Tim Kahrs to approve Myron Dallman's Change in Location of Certified Acres on Contiguous Property. Motion Carried. Ayes 8 - Tim Kahrs, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit. Absent 3 Bill Bose, Marlin Murdoch, Roger Nelson.

Motion #7 by Brad Wulf seconded by Terry Hoit to approve Donald L. Johnson's Change in Location of Certified Acres on Contiguous Property. Motion carried. Ayes 8 - Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit, Tim Kahrs. Absent 3 Bill Bose, Marlin Murdoch, Roger Nelson.

Motion #8 by Brad Wulf seconded by Dave Bartels to approve Dallas Haring's Change in Location of Certified Acres on Contiguous Property. Motion carried. Ayes 8 - Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit, Tim Kahrs. Absent 3 Bill Bose, Marlin Murdoch, Roger Nelson.

Motion #9 by Brad Wulf seconded by Toby tenBensel to approve Vestal Farms Change in Location of Certified Acres on Contiguous Property. Motion carried. Ayes 8 - Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit, Tim Kahrs. Absent 3 Bill Bose, Marlin Murdoch, Roger Nelson.

Motion #10 by Toby tenBensel seconded by Dave Bartels to deny William Bungers #205 Variance Request as presented. Motion carried. Ayes 7 - Brad Wulf, Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit, Tim Kahrs, Toby tenBensel. Nay 1 – Nelson Trambly. Absent 3 Bill Bose, Marlin Murdoch, Roger Nelson.

Motion #11 by Dave Bartels seconded by Tim Kahrs to approve Kenneth R. James #206 Variance Request as presented. Motion carried. Ayes 8 - Brad Wulf, Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit, Tim Kahrs, Toby tenBensel, Nelson Trambly. Absent 3 Bill Bose, Marlin Murdoch, Roger Nelson.

Motion #12 by Dave Bartels seconded by Matt Harrison to approve Peggy Howsden's #207 Variance Request as presented. Motion carried. Ayes 8 - Clark Andrews, Dave Bartels, Matt Harrison, Terry Hoit, Tim Kahrs, Toby tenBensel, Nelson Trambly, Brad Wulf. Absent 3 Bill Bose, Marlin Murdoch, Roger Nelson.

Mike Clements gave the N-CORPE update. Mike received an email from Miller & Associates about the progress on N-CORPE. The 42" pipe should be buried to Medicine Creek by next week. The well field crew has installed the main piping from the south 42" tee to the west and only 4,500 feet left to read the far west end of the piping. They have installed most of the Lateral E in section 13. As the crews finish the main line they will move on the laterals to the wells in Phase 1.

Sargent has installed pit less unites on all wells in Phase 1. Phase 1 wells have vault bases installed. 10 wells have piping/fittings installed and are stubbed out, ready for connection with lateral lines when the pipe crew gets to them.

Phase 1 is on track to be operational by December 31st, 2013 which is having 13 wells running.

Phase 2 is the other 17 wells operational by March 1st, 2014. After contracts were awarded the contractors said they were confident they could have the complete operation up and running by December 31st.

Comments from the public: Mike Delka spoke of ways to improve surface water efficiencies and retain those water savings in the LRNRD. Mike would also like to see a surface water allocation similar to that of ground water.

Mike gave the NARD report. Mike said that the NARD is thinking about having a booth at the State Fair. There is a possibility that the association will be asking for a donation.

Mike presented the Rural Water Treasurer's report.

Motion #13 by Matt Harrison seconded by Terry Hoit to approve the Rural Water Treasurer's report as presented. Motion carried. Ayes 8 - Dave Bartels, Matt Harrison, Terry Hoit, Tim Kahrs, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews. Absent 3 Bill Bose, Marlin Murdoch, Roger Nelson.

Mike received one bid for the burying of the Rural Water pipeline under highway 281 south of Red Cloud to the state line.

Motion #14 by Matt Harrison seconded by Clark Andrews to award CenCon of Kansas the bid to bury the Rural Water Pipeline under Highway 281. Motion carried. Ayes 6 - Matt Harrison, Terry Hoit, Toby tenBensel, Nelson Trambly, Clark Andrews, Dave Bartels. Nays 2 - Tim Kahrs, Brad Wulf. Absent 3 Bill Bose, Marlin Murdoch, Roger Nelson.

Motion #15 by Brad Wulf seconded by Tim Kahrs to move that the board go into Executive Session at 3:30PM to discuss updates on the KS vs. NE Supreme Court Lawsuit. Motion carried. Ayes 8 - Matt Harrison, Terry Hoit, Tim Kahrs, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels. Absent 3 Bill Bose, Marlin Murdoch, Roger Nelson.

Motion #16 by Clark Andrews seconded by Matt Harrison move that the Board come out of Executive session at 4:45PM and declare that no actions of the board, official or unofficial, were taken during said Closed Session. Motion carried. Ayes 8 - Matt Harrison, Terry Hoit, Tim Kahrs, Toby tenBensel, Nelson Trambly, Brad Wulf, Clark Andrews, Dave Bartels. Absent 3 Bill Bose, Marlin Murdoch, Roger Nelson.

The meeting was adjourned at 4:45 p.m.

The next regularly scheduled board meeting will be December 12th, 2013 at 2 p.m.

Secretary

Date

Recorded and Distributed by: Shirlee Poyser, Administrative Assistant
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