

System Administrator

From: Swanda, Marvin R <MSwanda@usbr.gov>
Sent: Thursday, July 01, 2010 6:55 AM
To: Ross, Scott
Subject: FW: URNRD minutes/agenda
Attachments: agenda 7-6-10.doc; minutes 6-10-10.doc; minutes 6-16-10.doc; minutes 6-22-10.doc

Scott

As requested.

Marv

The Upper Republican Natural Resources District will hold a Regular Board of Directors Meeting, Tuesday, July 6, 2010 at the NRD Office, 511 East 5th St, Imperial NE at 7:30 p.m. MT

Agenda for such meeting kept continuously current and is available at the NRD Office.

AGENDA

Regular Board Meeting, Chairman Greg Pelster
Public Meeting Law Notice
Director Absences

1. Tom Schroder, excused absence for June 10, 2010,

INTRODUCTIONS:

- A. Introductions of Board Members, NRD Staff, NRCS and Guests.

MINUTES:

- A. Approve minutes of the June 10, 2010 Regular Board meeting.
- B. Approve minutes of the June 16, 2010 Special Board meeting.
- C. Approve minutes of the June 22, 2010 Special Board meeting.

FINANCIAL REPORT:

- A. Accounts Payable.
- B. Accounts Receivable.

PUBLIC COMMENT:

NRCS REPORT/COOPERATING AGENCY REPORTS:

- A. NRCS report.
- B. WILD Nebraska Interlocal Agreement.

UPPER REPUBLICAN NRD RULES AND REGULATIONS:

- A. Groundwater Management/Rules and Regulations.
 1. Integrated Management Plan.
 2. Improvement Project Area (IPA).
- B. Variance Committee.
- C. Report of District Applications, Contracts, Agreements.
- D. Legal Counsel Report.
 - a. Violations and Orders

MANAGER'S REPORT:

- A. Republican River Basin Meeting Report and Compact Report.
- B. Republican River Basin Coalition report.
- C. Augmentation.
- D. PR Summer Summit.

ASSISTANT MANAGER'S REPORT:

INFORMATION AND EDUCATION:

- A. Information and Education Committee Report.
- B. Legislation.
- C. State Association.

BOARD OF DIRECTORS:

July 5, 2010 – Office closed for July 4th Holiday

July 6, 2010 – Regular Board meeting, 7:30 pm, NRD Office, 511 East 5th St, Imperial, NE

August 3, 2010 – Regular Board meeting, 7:30 pm, NRD Office, 511 East 5th St, Imperial, NE

The Upper Republican NRD will provide accommodations at Board of Directors meetings, public information meetings and public hearings for disabled persons. Persons needing accommodations please contact Deb Hayes at the NRD Office in Imperial at 308-882-5173 during regular office hours. (7:00am - 4:00 pm)

**Upper Republican Natural Resources District
Board of Directors Regular Meeting
June 10, 2010 at 7:30 p.m.
511 East 5th Street, Imperial, NE**

Agendas were sent to all Board Members and all others requesting agendas. Agendas were posted in the NRD Office in Imperial, the NRCS Offices in Grant and Imperial, and the FSA Office in Benkelman. The meeting was announced over KADL-Imperial, KRVN-Lexington and KOGA-Ogallala and published in area newspapers.

Board Members Present: Kerry Bernhardt, Tom Gaschler, Dean Large, Terry Martin, Mike Mosel, Greg Pelster, Tim Schilke, Mick Strand, Tom Terryberry and Jeff Wallin.

Board Members Absent: Tom Schroder

NRD Staff: Jasper Fanning, Dirk Dinnel and Deb Hayes.

NRD Legal Counsel: Joel Burke.

Others present: Nadine Bishop (NRCS), Traci Witthuhn(RR Basin Coordinator), Jess Bradley (DNR) and several other guests were in attendance. The extended guest list is attached to the minutes and on file at the NRD Office.

Information mailed to Directors:

Agenda

Minutes of the May 4, 2010 Regular Board meeting

Minutes of the June 3, 2010 Special Board meeting

Report of District Applications, Contracts and Agreements

Information distributed at Board meeting:

Agenda

Integrated Management Plan for Public Hearing

Minutes of May 4, 2010 Regular Board meeting

Minutes of June 3, 2010 Special Board meeting

Financial reports

NRCS report

Irrigation Management information

Report of District applications, contracts

Republican River Coalition report

Chairman Pelster called the Regular Board meeting to order at 7:30 pm.

Chairman Pelster announced that the Open Meetings Act is posted if anyone would like to review it.

Guests, Board members and NRD staff were introduced.

Chairman Pelster opened the Public Hearing for the Integrated Management Plan and appointed Joel Burke as Hearing Examiner for tonight.

Joel reviewed how testimony would be received for tonight's hearing. The order that testimony will be received is Federal Government agencies, State Government agencies, Local/County

Government agencies and individuals. The record will stay open until June 17, 2010 at 5:00 p.m. Joel marked Exhibits 1-4 which were the newspaper affidavits.

The NRD Board received testimony from agencies and individuals. Joel asked for any other testimony and there was none. Joel reminded everyone that the NRD will receive written testimony until June 17, 2010 until 5:00 pm.

Joel closed the Public Hearing for the Integrated Management Plan at 8:25 p.m.

Chairman Pelster called a 5 minute recess at 8:25 p.m.

Chairman Pelster called the NRD Regular Board meeting in session at 8:30 p.m.

MINUTES:

- Terryberry moved to approve the minutes of the May 4, 2010 Regular Board meeting. Seconded by Gaschler.

Roll call vote: 7-yes, 3-abstain, 1-absent. Motion carried.

- Gaschler moved to approve the minutes of the June 3, 2010 Special Board meeting. Seconded by Mosel.

Roll call vote: 9-yes, 1-abstain, 1-absent. Motion carried.

FINANCIAL REPORT:

The Manager presented the Financial Reports to the Board.

- Martin moved to pay the Accounts Payable and to accept the Treasurer's report. Seconded by Strand.

Roll call vote: 10-yes, 1-absent. Motion carried.

PUBLIC COMMENT PERIOD:

Brad Edgerton had questions on why the County Attorney was not contacted to have legal charges brought against the individuals for these violations. Jasper and Joel explained that the investigation is still ongoing and as right now they are alleged violations.

NRCS REPORT:

Nadine gave the NRCS report this month. The NRCS is in the middle of a CSP sign up and the applications deadline has been extended to June 25th. There has been a lot of interest in the program in Perkins County. NRCS staff is doing compliance checks for highly erodible land and this year they have had more erosion complaints than usual.

- Terryberry moved to approve the NRCS report dated June 3, 2010 to include the conservation plans as signed. Seconded by Martin.

Roll call vote: 10-yes, 1-absent. Motion carried.

Roger Stockton asked the Board for a \$7500 contribution to the SW Nebraska Weed Management Area. This amount is the same as last year and they are also asking for \$7500 from Middle Republican NRD.

- Terryberry moved to contribute \$7500 to the SW Weed Management area. Seconded by Bernhardt.

Roll call vote: 10-yes, 1-absent. Motion carried.

Robert Tigner, Southwest Four Extension Agent, discussed the research plot that is being done in Chase County. This plot will look at different treatments of nitrogen rates, watering rates and tillage treatments. Robert is asking for the Board's assistance in purchasing the equipment that is needed for the pivot modification. The cost of the equipment is \$6636.00.

Jasper discussed with the Board a joint educational project with Monsanto and the University on research projects and recommended that the Board to establish a budget for joint educational research projects with UNL and Monsanto.

- Martin moved to establish \$15,000 URNRD research fund and to release \$6,636.60 to Robert Tigner for his research project. Seconded by Strand.

Roll call vote: 10-yes, 1-absent. Motion carried.

GROUNDWATER MANAGEMENT/RULES AND REGULATIONS:

Chairman Pelster reminded everyone that the IMP hearing is closed and written testimony will be received until June 17th at 5:00 p.m.

Jasper reviewed how IPA's are established and how they work.

VIOLATIONS:

Jasper reported that there were 40 cease and desist orders sent today to landowners and operators. The Board will need to determine what penalties or sanctions they might want to impose. Jasper recommended that the Board go into Executive Session at the end of the meeting to discuss the alleged violations.

REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:

- Martin moved to approve the URNRD report of District Applications, contracts and agreements to include the pooling contracts, transfer application and well decommissioning applications. Seconded by Terryberry.

Roll call vote: 10-yes, 1-absent. Motion carried.

LEGAL COUNSEL REPORT:

There was no legal counsel report this evening.

REPUBLICAN RIVER BASIN MEETING/COMPACT REPORT:

No report.

REPUBLICAN RIVER BASIN COALITION REPORT:

Traci gave the Republican River Basin Coalition report. Traci gave the financial report, upcoming NRRMDA and RRBC meeting dates, the Riparian Management Field day and an IWMPPF update.

Jasper reviewed the Interlocal agreement with Papio NRD for tech support with the Board. agreement is for support on an as needed basis.

Chairman Pelster called a recess at 8:23 p.m.

Chairman Pelster called the meeting back in session at 8:29 p.m.

- Terryberry moved to enter into the interlocal agreement for technical support with Papio NRD. Seconded by Bernhardt.

Roll call vote: 10-yes, 1-absent. Motion carried.

Jasper reviewed the augmentation program. There are two primary sites with one in the Middle Republican and one in Lower Republican NRD. The consultant groups asked for a response indicating how to get this approved at the local level and what criteria would need to be met. The groups would like the NRD's to respond with their requirements. Jasper indicated that the process used to evaluate industrial uses would likely be the standard imposed. Jasper reviewed the process used with recent ethanol plant allocation requests and that he would respond with those criteria, unless the board had other criteria to include.

STATE ASSOCIATION:

Terry Martin and Jasper discussed the health insurance policy and its reserves with the Board.

NARD always has awards at the NARD Annual Conference and is looking for nominations for Director of the Year. Jasper hinted that the Board might nominate one of our Board Members that will be retiring from the Board this year.

- Gaschler moved to nominate Mike Mosel for Director of the Year. Seconded by Martin.

Roll call vote: 9-yes, 1-abstain, 1-absent. Motion carried.

Chairman Pelster stated that the alleged violations will now be discussed.

- Martin moved to go into Executive Session with the Board, Manager, Assistant Manager, Legal Counsel and Assistant Attorney General to discuss alleged violations of the Districts Rules and Regulations and the Groundwater Management and Protection Act and potential litigation with respect to the alleged violations and an update on the Republican River litigation and not to exceed one hour. Seconded by Large.

Roll call vote: 10-yes, 1-absent. Motion carried.

The Board went into Executive Session at 9:55 p.m.

- Large moved to come out of Executive Session at 10:59 p.m. Seconded by Schilke.

Roll call vote: 10-yes, 1-absent. Motion carried.

- Martin moved to go back into Executive Session with the Board, Manager, Assistant Manager, Legal Counsel and Assistant Attorney General to discuss alleged violations of the Districts Rules and Regulations and the Groundwater Management and Protection Act and potential litigation with respect to the alleged violations and an update on the Republican River litigation and not to exceed one hour. Seconded by Strand.

Roll call vote: 10-yes, 1-absent. Motion carried.

The Board went into Executive Session at 11:02 p.m.

- Martin moved to come out of Executive Session at 11:42 p.m. Seconded by Bernhardt.

Roll call vote: 10-yes, 1-absent. Motion carried.

Chairman Pelster called a Special Board meeting for Wednesday, June 16, 2010 at 2:00 p.m.

Chairman Pelster adjourned the meeting at 11:44 p.m. The next Regular Board meeting will be Tuesday, July 6, 2010 at the NRD Office in Imperial starting at 7:30 p.m.

Respectfully submitted

Tom Terryberry
Secretary/Treasurer

**Upper Republican Natural Resources District
Board of Directors Special Meeting
June 16, 2010 at 2:00 p.m.
511 East 5th Street, Imperial, NE**

Agendas were sent to all Board Members and all others requesting agendas. Agendas were posted in the NRD Office in Imperial, the NRCS Offices in Grant and Imperial, and the FSA Office in Benkelman. The meeting was announced over KADL-Imperial, KRVN-Lexington and KOGA-Ogallala and published in area newspapers.

Board Members Present: Kerry Bernhardt, Tom Gaschler, Dean Large, Terry Martin, Mike Mosel, Greg Pelster, Tim Schilke, Tom Schroder, Mick Strand, Tom Terryberry and Jeff Wallin.

NRD Staff: Jasper Fanning, Dirk Dinnel and Deb Hayes.

NRD Legal Counsel: Joel Burke.

Others present: Loren Jessen, Keenan Kitt, Tina Kitt, Neil Connot, Shannon O'Neil, Bruce Kramer, Lloyd Meeske, Brad Johnson and Russ Pankonin.

Information mailed to Directors:

Agenda

Information distributed at Board meeting:

Agenda

Chairman Pelster called the meeting to order at 2:00 p.m.

Chairman Pelster announced that the Open Meetings Act is posted if anyone would like to review it.

INTRODUCTIONS:

Guests, Board members and NRD staff were introduced.

OPEN COMMENT PERIOD:

There were no comments during the open comment period.

GROUNDWATER MANAGEMENT/RULES AND REGULATIONS:

Chairman Pelster stated that the purpose of this meeting is for a hearing for the Board to review the information that has been compiled by the staff. Chairman Pelster appointed Joel Burke as the Hearing Officer.

Joel stated that the purpose of this hearing is to present the conclusions that the Staff has reached from their investigation of the alleged violations. It also gives the Respondent the opportunity to respond to the alleged allegations. The Public Meetings Act provides that the Board could go into Executive Session if there is a public interest that needs protected or for the protection of any needless injury to the alleged individual unless that individual request a public hearing.

Mr. Kramer stated he would like to go into closed session with the Board. Mr. Kramer is also the representative for Jack Bond.

- Terryberry moved to go into executive session to discuss the alleged violations of the Rules and Regulations for the purpose to protect the rights and prevent the needless injury of the reputation of the individuals with the Board, Management, Legal Counsel, additional staff and Mr. Kramer representing himself and also as Jack Bond's representative. Seconded by Bernhardt.

Roll call vote: 10-yes, 1-absent. Motion carried.

Russ Pankonin asked for clarification for the Executive session. Joel stated that Mr. Kramer has the right for protection and the prevention of needless injury to the alleged individual or individuals' reputation.

The Board went into Executive Session at 2:10 p.m.

Board Member Jeff Wallin arrived at 2:13 p.m. and joined the Executive Session.

- Martin moved to come out of Executive Session at 2:52 p.m. Seconded by Strand.

Roll call vote: 11-yes. Motion carried.

Keenan and Tina Kitt were asked if they would like their hearing in Executive Session. Mr. Kitt requested the Executive Session.

- Martin moved to go into Executive Session to discuss the alleged violations of the Rules and Regulations for the purpose to protect the rights and prevent the needless injury of the reputation of the individuals with the Board, Management, Legal Counsel, additional Staff and Keenan and Tina Kitt present. Seconded by Strand.

Roll call vote: 11-yes. Motion carried.

The Board went into Executive Session at 2:56 p.m.

Martin moved to come out of Executive Session at 3:20 p.m. Seconded by Strand.

Roll call vote: 11-yes. Motion carried.

Curtis Johnson requested his hearing in Executive Session.

- Martin moved to go into Executive Session to discuss the alleged violations of the Rules and Regulations for the purpose to protect the rights and prevent the needless injury of the reputation of the individuals with the Board, Management, Legal Counsel, additional Staff and Curtis Johnson present. Seconded by Strand.

Roll call vote: 11-yes. Motion carried

The Board went into Executive Session at 3:23 p.m.

- Martin moved to come out of Executive Session at 3:44 p.m. Seconded by Strand.

Roll call vote: 11-yes. Motion carried.

Jasper reviewed Rule #14 with the Board and how the penalty and adjudicatory process works. Some individuals have not received the Cease and Desist Orders or had sufficient time to be able to attend this meeting. They are given 10 days to respond to the orders. The Board has the ability to impose penalties on all violations including those in cease and desist orders that have been issued. Any individual that does not agree with the penalties and would like to appeal to the Board it's decision on any penalties has the right to request an adjudicatory hearing with the Board to review those decisions.

Chairman Pelster called a 10 minutes recess at 4:00 p.m.

Chairman Pelster called the meeting back in session at 4:14 p.m.

Chairman Pelster reviewed the General Enforcement Provisions of the Rules and Regulations. The Board discussed the alleged violations and possible sanctions for these violations.

- Martin moved that the Board finds the alleged violations in CAD 2010-02 are true and as sanctions for the violation the Board finds that the certified acres, allocation and carryforward be removed from the property effective June 16, 2010. Seconded by Mosel.

Discussion.

- Large moved to amend the main motion to add a 5 year limitation and then landowner can reapply and possibly have items reinstated by the Board and items would fall under those current Rules and Regulations. Seconded by Schilke.

Discussion.

- Martin moved to table the amendment until a Special meeting can be convened. Seconded by Schroder.

Roll call vote: 11-yes. Motion carried.

Chairman Pelster called a Special Board meeting for Tuesday, June 21, 2010 at 2:00 p.m.

Chairman Pelster adjourned the meeting at 5:45 P.M.

Respectfully submitted

Tom Terryberry
Secretary/Treasurer

**Upper Republican Natural Resources District
Board of Directors Special Meeting
June 22, 2010 at 2:00 p.m.
511 East 5th Street, Imperial, NE**

Agendas were sent to all Board Members and all others requesting agendas. Agendas were posted in the NRD Office in Imperial, the NRCS Offices in Grant and Imperial, and the FSA Office in Benkelman. The meeting was announced over KADL-Imperial, KRVN-Lexington and KOGA-Ogallala and published in area newspapers.

Board Members Present: Gaschler, Large, Martin, Mosel, Pelster, Schilke, Schroder, Strand Terryberry, Wallin and Bernhardt.

NRD Staff: Jasper Fanning, Dirk Dinnel and Deb Hayes.

NRD Legal Counsel: Joel Burke.

Others present: Loren Jessen, Kent Crawford, Brad Johnson, Shannon O'Neil, Lloyd Meeske, John C. Engbrecht, Roger Shillington, James Uerling, Robert Tigner, Brad Edgerton, Craig Scott and Don Weiss Jr.

Information mailed to Directors: Agenda

Information distributed at Board meeting: Agenda

Chairman Pelster called the meeting to order at 2:03 p.m.

Chairman Pelster announced that the Open Meetings Act is posted if anyone would like to review it.

INTRODUCTIONS:

Guests, Board members and NRD staff were introduced.

OPEN FORUMS:

There were no public comments during this time. There was a written letter submitted for comment by Lex and Jodi Thompson. This letter was mailed to Board members.

GROUNDWATER MANAGEMENT/RULES AND REGULATIONS:

- Large moved to remove from the table the item from the June 16, 2010 Special Board meeting. Seconded by Schroder.

Roll call vote: 9-yes, 2-absent. Motion carried.

Dean Large requested to withdraw his amendment with permission of the second. The second was in agreed with this. Amendment was withdrawn.

Terry Martin requested to withdraw his motion with permission of the second. Due to the absence of the second Chairman Pelster agreed to allow the motion to be withdrawn.

Russ Pankonin asked for clarification on the amendment and the motion.

The amendment was “Move to amend the main motion to add a 5 year limitation and then the landowner can reapply and possibly have items reinstated by the Board and items would fall under those current Rules and Regulations.”

The main motion was, “Moved that the Board finds the alleged violations in CAD 2010-02 are true and as sanctions for the violation the Board finds that the certified acres, allocation and carry forward be removed from the property effective June 16, 2010.”

Chairman Pelster stated that there are individuals present at this meeting that were not present at the last meeting. These individuals have the right to discuss the alleged violations in executive session with the Board. Jack Bond requested to go into Executive Session.

- Martin moved to go into executive session to discuss the alleged violations of the Rules and Regulations with the purpose to protect the rights of and to prevent needless injury to the reputation of the individuals with the Board, Management, Legal Counsel, staff, Jack Bond and Bruce Kramer. Seconded by Strand.

Roll call vote: 9-yes, 2-absent. Motion carried.

The Board went into Executive Session at 2:15 pm.

Board Members Mike Mosel and Jeff Wallin arrived at 2:15 p.m. and joined the Executive Session.

- Large moved to come out of Executive Session at 2:48 p.m. Seconded by Mosel.

Roll call vote: 11-yes. Motion carried.

Chairman Pelster asked two other Respondents if they would like a closed session with the Board. The Respondents requested an Executive Session together.

- Martin moved to go into executive session to discuss the alleged violations of the Rules and Regulations with the purpose to protect the rights of and to prevent needless injury to the reputation of the individuals with the Board, Management, Legal Counsel, staff and the respondents. Seconded by Strand.

Roll call vote: 11-yes. Motion carried.

The Board went into Executive Session at 2:51 p.m.

- Large moved to come out of Executive Session at 3:23 p.m. Seconded by Bernhardt.

Roll call vote: 11-yes. Motion carried.

Jasper reviewed a spreadsheet summarizing a committee recommendation of appropriate sanctions for the violations.

The Board discussed the tenants that have this year’s crop planted and if they should be allowed to irrigate this year. Discussion was held on the sanctions that should be held to tenants or new

landowners. There was also discussion that the respondents do not agree with the sanctions they can ask for an adjudicatory hearing with the Board.

A Committee recommendation on penalties was presented to the Board as a starting point for discussion. Joel reminded everyone that these were Committee recommendations only and changes could be made to these.

Chairman Pelster called a 15 minute recess at 3:45 p.m.

Chairman Pelster called the meeting back in session at 4:02 p.m.

Martin reviewed the Committees spreadsheet and suggested changes to the proposed sanctions. The Board discussed these changes.

Chairman Pelster called a 30 minute recess at 4:24 p.m. to allow the changes to be made on the spreadsheets.

Chairman Pelster called the meeting back in session at 4:49 p.m.

The Board reviewed the updated spreadsheet and discussed the effective dates of the sanctions.

- Terryberry moved in regards to CAD #2010-12 that the wells be disconnected from each other for the purpose of preventing unauthorized transfers. Seconded by Strand.

Discussion.

Roll call vote: 9-yes, 2-no. Motion carried

Voting yes: Bernhardt, Gaschler, Large, Martin, Mosel, Pelster, Schroder, Strand, and Terryberry. Voting no: Schilke and Wallin.

Chairman Pelster called a ten minute recess at 5:50 p.m.

Chairman Pelster called the meeting back in session at 6:03 p.m.

- Mosel moved to direct management and legal counsel to draft orders stating the Board finds there is reasonable cause to believe there have been violations of the Districts rules and regulations set forth in the spreadsheet, stated as Exhibit A, and cease and desist orders in regard to the violations and imposing sanctions contained on the spreadsheet for CAD#2010-12. Seconded by Martin.

Discussion.

- Wallin moved to amend the main motion to change the effective date to January 1, 2011 for the disconnection of the wells and the loss of carryforward on the SE ¼ 24-9-40. Seconded by Schilke.

Discussion.

Roll call vote: 10-yes, 1-no. Amendment carried.

Voting yes: Gaschler, Large, Martin, Mosel, Schilke, Schroder, Strand, Terryberry, Wallin and Bernhardt. Voting no: Pelster.

- Terryberry moved to amend the main motion to limit the amount of water use to 13”per actual irrigated acre. Seconded by Mosel.

Discussion.

Roll call vote: 9-yes, 2-no. Amendment carried.

Voting yes: Large, Martin, Mosel, Pelster, Schroder, Strand, Terryberry, Bernhardt, Gaschler.
Voting no: Wallin and Schilke

The main motion now reads: Move to direct management and legal counsel to draft orders stating the Board finds there is reasonable cause to believe there have been violations of the Districts rules and regulations set forth in the spreadsheet, stated as Exhibit A, as amended, in regard to the violations and imposing sanctions contained on the spreadsheet for CAD#2010-12 and change the effective date to January 1, 2011 for the disconnection of wells and the loss of carryforward on the SE ¼ 24-9-40 and limit the amount of water use allowed to 13” per actual irrigated acres for the 2010 growing season.

Roll call vote: 11-yes. Amended Motion carried.

- Martin moved to direct management and legal counsel to draft orders stating the Board finds there is reasonable cause to believe there have been violations of the Districts rules and regulations set forth in the spreadsheet and imposing sanctions contained on the spreadsheet, exhibit “A” as amended excluding the CAD’s that has already been acted on. Seconded by Bernhardt.

Discussion.

- Mosel moved to amend the main motion and add to allow 2” per planted acre from now until September 15, 2010 to plant a cover crop on Section 34 and Section 27 all in 9-39. Seconded by Wallin.

Discussion.

Roll call vote: 11-yes. Amendment carried.

Tom Gaschler stated he will not be able to vote due to a conflict of interest on CAD#2010-03 and 2010-04.

- Wallin moved to amend the main motion to change the effective date from immediate to January 1, 2011 on CAD# 2010-08, 2010-09, 2010-10, 2010-17. Seconded by Schilke.

Discussion.

- Mosel moved to amend the amendment and add not to exceed 13” per irrigated acre for this growing season. Seconded by Martin.

Discussion.

Roll call vote: 10-yes, 1-abstain. Amended amendment carried.

- Strand moved to amend the main motion and remove 2010-08 from the list. Seconded by Bernhardt.

Roll call vote: 10-yes, 1-abstain. Amendment carried.

The amendment now reads: Move to amend the main motion to change the effective date from immediate to January 1, 2011 on CAD# 2010-09, 2010-10, 2010-17 and not to exceed 13” per irrigated acre for this growing season.

Roll call vote on amendment: 3-yes, 7-no, 1-abstain. Amendment failed.

Voting yes: Schilke, Wallin and Large. Voting no: Terryberry, Strand, Schroder, Schilke, Pelster, Mosel and Bernhardt. Abstain: Gaschler.

- Wallin moved to amend the main motion to change all permanent sanctions to 10 yr loss and all the 10 yr loss go to 5 yr loss and carryforward loss. Seconded by Schilke.

Discussion.

Roll call vote: 2-yes, 8-no, 1-abstain. Amendment failed.

Voting yes: Schilke and Wallin. Voting no: Terryberry, Strand, Schroder, Schilke, Pelster, Mosel, Large and Bernhardt. Abstain: Gaschler.

The main motion now reads: Move to direct management and legal counsel to draft orders stating the Board finds there is reasonable cause to believe there have been violations of the Districts rules and regulations set forth in the spreadsheet and cease and desist orders and imposing sanctions contained on the spreadsheet, exhibit "A" as amended excluding the CAD's that have been already acted on individually, and allow 2" per irrigated acre from now until September 15, 2010 to plant a cover crop on Section 34 and Section 27 all in 9-39.

Roll call vote on main motion: 8-yes, 2-no, 1-abstain. Amended motion carried.

Voting yes: Bernhardt, Gaschler, Large, Martin, Mosel, Pelster, Schroder, Strand, and Terryberry. Voting no: Wallin and Schilke. Abstain: Gaschler.

- Martin moved that on CAD#2010-2 the transfer of irrigated acres on the SW ¼ 26-5-36, that was approved at the February Regular Board meeting be rescinded. Seconded by Strand.

Roll call vote: 10-yes, 1-no. Motion carried.

Chairman Pelster adjourned the meeting at 7:10 pm.

Respectfully submitted

Tom Terryberry
Secretary/Treasurer