



Perkins Chase and
Dundy Counties
Headquarters in Imperial

Upper Republican NATURAL RESOURCE DISTRICT

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Board of Directors Regular Meeting May 7, 2013 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, Brett Bullock, Tom Gaschler, Loren Jessen, Jason Kunkel, Dean Large, Terry Martin, Tom Schroder, Tom Terryberry and Jeff Wallin.

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

NRD Legal Counsel: Joel Burke.

Others present: Andy Keep (NRCS), Joe Lutz, Tony Lutz, Brian Fries.

Information mailed to Directors:

Agenda	Variance information
Minutes April 2 nd Regular Board meeting	Report of District applications, contracts, agreement
Brian Fries request	

Information distributed at Board meeting:

Agenda	NRCS report
Minutes of April 2 ^{nc} Regular Board meeting	Brian Fries request
Financial reports	Variance request information
Bonding resolution	Report of District applications, contracts, agreement
NRCS report	

Chairman Martin called the meeting to order at 7:35 pm.

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

OPEN FORUMS:

Guests, Board members and NRD staff were introduced.

MINUTES:

- Terryberry moved to approve the minutes of the April 2, 2013 Regular Board meeting as mailed. Seconded by Gaschler.

Roll call vote: 8-yes, 1-abstain, 1-absent. Motion carried

FINANCIAL REPORT:

The Manager presented the Financial Reports to the Board.

- Terryberry moved to pay the Accounts payable and to accept the Treasurer's report. Seconded by Large.

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

Jasper reviewed the bonding resolution with the Board. The bond is to issue up to 25,000,000 which would be up to 25% of the bond issued by NCORPE to permanently finance the land acquisition. This also includes some capitalized interest, seeding for rangeland and does not include any construction.

- Terryberry moved to adopt resolution #05062013-01 authorizing the issuance of the River Flow Enhancement Bond. Seconded by Bernhardt.

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

PUBLIC COMMENT: None

Jeff Wallin arrived at 7:56 p.m.

NRCS REPORT:

Andy Keep gave the NRCS report this month. Andy reported on the Local Work Group meeting that is scheduled for June 6, 2013. The group will be reviewing the EQIP fund pools and the current payment practice schedule. Andy also reviewed the Tall Wheat Stubble program and the CRP Informational meetings that will be held this month.

- Terryberry moved to approve the NRCS report dated May 1, 2013 to include conservation plans as signed for Chase, Dundy and Perkins County. Seconded by Gaschler.

Roll call vote: 10-yes Motion carried.

GROUNDWATER MANAGEMENT/RULES AND REGULATIONS:

Brian Fries is requesting permission to connect well G-031532 to wells G-034536 and G-002223 to be more efficient. Wells G-034536 and G-002223 have been connected approximately 20 years.

- Terryberry moved to approve the request of Brian Fries to connect well G-031532 to wells G-034536 and G-002223. Seconded by Schroder.

Discussion.

Roll call vote: 9-yes, 1-no. Motion carried.

Voting yes: Bernhardt, Bullock, Gaschler, Jessen, Kunkel, Martin, Schroder, Terryberry and Wallin. Voting no: Large.

VARIANCE COMMITTEE:

Jeff Wallin gave the Variance Committee report.

#1 Ron Jones asked that his variance request be tabled until the June Board meeting.

#2 Joe Lutz is requesting a variance decommission well G-067603 and drill a well on the SE ¼ 8-4-38 and to transfer 128.8 certified allocated acres from the SW ¼ 8-3-38 to the SE ¼ 8-4-38

and not to decrease the certified allocated acres due to the increase in stream flow depletion factor.

#3 Tony Lutz is requesting a variance request to decommission well G-049558 and drill a well on the SW ¼ 8-4-38 and to transfer 132.5 certified allocated acres from the NW ¼ 32-4-40 to the SW ¼ 8-4-38 and not to decrease the certified allocated acres due to the increase in stream flow depletion factor.

- Wallin moved to approve the Joe Lutz variance request with the following items attached: remove the SW ¼ of 8-3-39 from D-4 F1 at 29.86 inches (pool average) and then pool it with the SW ¼ 11-3-39 resulting in 39.6 inches pool average across the two tracts effective December 31, 2013 and would also a 5% reduction in acres. Seconded by Schroder.

Discussion.

- Large moved to amend the main motion to remove the 5% reduction in acres and change it to 10% reduction in acres. Seconded by Jessen.

Discussion.

Roll call vote on amendment: 2-yes, 8-no. Motion failed. Voting yes: Large and Jessen. Voting no: Bernhardt, Bullock, Gaschler, Kunkel, Martin, Schroder, Terryberry and Wallin.

Roll call vote on main motion: 8-yes, 2-no. Motion carried. Voting yes: Bernhardt, Bullock, Gaschler, Kunkel, Schroder, Terryberry and Wallin. Voting no: Large and Jessen.

- Wallin moved to approve the variance request of Tony Lutz with a 5% reduction in acres effective December 31, 2013. Seconded by Kunkel.

Discussion.

Roll call vote: 8-yes, 2-no. Motion carried. Voting yes: Bernhardt, Bullock, Gaschler, Kunkel, Schroder, Terryberry and Wallin. Voting no: Large and Jessen.

REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:

- Terryberry moved to approve the Report of District applications, contracts and agreements to include the NSWCP applications, all pooling contracts and the well decommissioning applications. Seconded by Large.

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

LEGAL COUNSEL REPORT:

Joel reported on a letter that was received from an attorney concerning a variance request transfer that was approved. The individual represented that he had the authority to transfer from one property to another and allegedly he did not. The Board doesn't have an obligation to investigate into the ownership of the property and it will be between the LLC and individual whether he had the authority or not.

Jasper reported that the filings and responses have been done and are waiting on the judge to make a decision on case or scheduling more time in court.

REPUBLICAN RIVER BASIN MEETING/COMPACT REPORT:

DNR has ordered the release of 20,000 acre feet of water that they regulated through the Bureau facilities. This amount represents approximately the same volume of water we will pump from Rock Creek and what Middle and Lower Republican have on the River Side canal purchase.

There was a special meeting held for the RRCA over the Colorado proposals and Kansas said they hadn't had time to review Colorado's proposal. The Colorado Commissioner asked Kansas when they would be able to review it and hopefully within the next couple of months.

Jasper reported on the augmentation project and the wells are pumping at 12736 gpm for all 10 wells with everything running at max capacity.

Jasper discussed the property tax issues in Dundy County and why the NRD has filed a protest with the Dundy County Commissioners.

ASSISTANT MANAGER'S REPORT:

Nate reviewed the newsletter with the Board and the information he has given to Senators.

STATE ASSOCIATION:

Terry reported that the NARD Board of Directors meeting will be coming up in June and the NRD Basin Tour will be held then also. This is a two day tour on June 10th and June 11th in the Middle Niobrara River Basin.

Chairman Martin appointed Dean Large as another alternate to NCORPE.

The Board discussed reviewing the reduction of acres on variances and charging a variance fee for individuals asking for variances.

Chairman Martin adjourned the meeting at 9:56 p.m.

Respectfully submitted

Tom Terryberry
Secretary/Treasurer