

AGENDA – November 12th, 2003

The Middle Republican NRD Board of Directors will hold their regular meeting at the Fairgrounds Meeting Room in McCook, Nebraska on Wednesday, November 12, 2003, at 7:00 P. M.

Regular Meeting:

1. Meeting called to order.
 - a. Verify quorum
 - b. Excused absences
2. Circulate agenda and roster
 - a. Items added since mailing

3. OFFICIAL NOTICE OF THIS MEETING WAS PUBLISHED IN THE NORTH PLATTE TELEGRAPH AND THE MCCOOK DAILY GAZETTE AND WAS POSTED IN THE NRD OFFICE AND ON THE DISTRICT WEBSITE AT WWW.MRNRD.ORG. AS A COURTESY IT WAS ALSO PROVIDED TO LOCAL RADIO STATIONS.
4. Approve minutes for October 2003, regular board meeting and hearings.
5. Open Hearing For Variance Request
6. Close Hearing
7. Consider Variance Requests

8. Legal Matters
 - a. Jon Schroeder

9. Financial Actions
 - a. Approve Financial Report for October 2003
 - b. Audit Report
 - c. Attorney Fees

10. Open Forum – Comments from guests

11. Reports – Agencies, Associations, Others
 - a. NRCS – 1) District Conservationist Report 2) Consider Agreements
3) Pay Scale TSP hours
 - b. NARD – 1) Report-Anderjaska
 - c. NACD – 1) Newsletters
 - d. NNRC – Roberts & Madsen
 - e. Information & Education – Cheryl
 - f. NE Republican River Management Districts Association
 - 1) November 17th, Alma
 - g. Other Agencies or Associations

h. Legislation – Task Force

12. Ground Water Management

- a. Ground Water Management Area
 - 1) Well permits
 - 2) Non-Compliance letters
 - 3) Crop Report Cards
 - 4) Variance request procedure
- b. Settlement Implementation
 - 1) Future Meetings - BCCP and Modelers November 17th
- c. Ground Water Quality Management Area
- d. Other Ground Water Activity

13. Programs

- a. WILD
- b. Buffer Strips
- c. Livestock Waste Control Applications
- d. Conservation Management Funds
 - NSWCP items
 - LCP items
 - Meters
 - Approve Applications
- e. Watersheds
- f. Complaints
- g. Chemigation
- h. Tree Planting

10. General Operations

- a. Personnel
- b. Sales and Rental Equipment
- c. TCM Contract Revision
- d. Meter calibration equipment - quote
- e. December Luncheon 11:30 – 1:00
- f. Pickup extended warranty

Adjourn

Next regular meeting date – December 9, 2003 1:30 P. M., at the Curtis Cattle Company Restaurant in Curtis, Nebraska.

OFFICIAL PUBLICATION NOTICE

ORDER

BY VIRTUE OF THE AUTHORITY VESTED IN THE MIDDLE REPUBLICAN NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS BY NEBRASKA REVISED STATE STATUTE SECTIONS 46-656.01 TO 46-656.67, IT IS HEREBY ORDERED:

1. The rules and regulations of the GROUND WATER MANAGEMENT AREA, EFFECTIVE July 1, 1998 are revised to include rules adopted after a public hearing on October 14, 2003.
2. That all rules and regulations pertaining to the administration of the management area are contained within the revised "Rules and Regulations, Ground Water Management Area, Middle Republican Natural Resources District" and shall become effective November 17th, 2003.

The following is a summary of those rules as revised:

- Rule 1. The management area is the entire area within the boundaries of the Middle Republican Natural Resources District from the land surface to the underlying layers of shale.
- Rule 2. Definitions relating to these rules. New definitions were added to define Certified Irrigated Acres and Certified Non-Irrigation Uses.
- Rule 3. Well Spacing. This rule requires one thousand three hundred and twenty feet between regulated wells and provides for exceptions for replacement wells.
- Rule 4. Establishes a schedule for the required installation of flow meters on all regulated wells. All regulated wells not located in the Northwest quarter of a section must have meters installed by the end of 2003. Regulated wells in the Northwest quarter of a section shall have meters installed by the end of 2004.
- Rule 5. Requires reporting of water use for all wells according to the flow meter schedule.
- Rule 6. Requires that permits to construct be obtained before any regulated well is constructed.
- Rule 7. Outlines procedures to be followed if water is transferred into or out of the district.
- Rule 8. Establishes new procedures for the certification of irrigated acres and for the certification of non-irrigation uses. This rule requires that all irrigation uses be certified no later than January 1, 2004. Non-irrigation uses shall be certified no later than September 1, 2004.
- Rule 9. This new rule states that beginning on November 17, 2003 and except as provided by these rules, no irrigation well may be used to irrigate any acre that was not

irrigated with ground water at some time between January 1, 1993 and November 17, 2003. Exceptions may be approved if the board determines that use will be discontinued on an equal or greater number of certified acres. The substitution must not adversely affect other ground water users or surface water appropriators or cause an increase in Nebraska's consumptive use as calculated pursuant to the Republican River Compact.

Rule 10. Establishes a procedure to request a variance from the rules.

Rule 11. If any rule or any part of any rule herein shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Rule 12. A process whereby cease and desist orders may be issued for the enforcement of violations of these rules.

Rule 13. The board may establish a process whereby an expedited variance method, referred to as a waiver, may be obtained.

Copies of the full text of these revised rules may be obtained by contacting the Middle Republican NRD, PO Box 81, Curtis, Nebraska, 69025. The full text of these revised rules are available on the district website at www.mmrnd.org. The full text of the current rules is also available on this site.

Publish once each week for three (3) consecutive weeks with the first publication on October 21, 2003 and the last date of publication no later than November 11, 2003.

MINUTES
Middle Republican Natural Resources District
Non-compliance Public Hearing
October 14, 2003
Curtis, Nebraska

Board Members Present: Joe Anderjaska, Duane Dodson, Kevin Fornoff, Gayle Haag, Del Harsh, Dennis Hoyt, Wayne Madsen, Stan Moore, Mike Peters, and Kelly Wertz

Board Members Absent: Don Roberts

NRD Staff: Dan Smith, Bob Merrigan, Cheryl Griffith, and Christy Peterson

NRCS Staff: Dave Griffith

Others: Eldie Merritt, Joe Werkmeister, Roger Andersen, Brad Johnson, William Barger, Barry Richards and Ron Ruppert

PUBLIC HEARING

Chairman Haag called the public hearing to order at 8:15 p.m. The agenda and roster were circulated to those present.

OFFICIAL NOTICE OF THIS PUBLIC HEARING WAS PUBLISHED NOT LESS THAN TEN DAYS PRIOR TO THE HEARING IN THE NORTH PLATTE TELEGRAPH AND THE MCCOOK GAZETTE. INDIVIDUALS NOT IN COMPLIANCE WERE NOTIFIED BY CERTIFIED MAIL.

STATEMENT OF PURPOSE

The purpose of this hearing is to receive testimony concerning a complaint of non-compliance with the District's Ground Water Management Area Rules and Regulations.

TESTIMONY

Robert Merrigan, Assistant Manager, presented a list of well owners that non-compliance notices were sent to. Merrigan indicated on the list if the individuals have taken any action. A number of the individuals have either installed meters or have them on order. Kent Myers provided his own schedule of completion. Two of the three wells that he needs to meter need to have other work done. He would like to have the winter to complete this work and will have the meters installed by next spring. A copy of the list of those in non-compliance is on file with the minutes.

None of those who received notices were present to testify.

Chairman Haag closed the hearing at 8:20p.m.



Christy Peterson
Secretary to the Board

MINUTES
Middle Republican Natural Resources District
Board of Directors Special Meeting
October 14, 2003
Curtis, Nebraska

Board Members Present:, Joe Anderjaska, Duane Dodson, Kevin Fornoff, Gayle Haag, Del Harsh, Dennis Hoyt, Wayne Madsen, Stan Moore, Mike Peters, and Kelly Wertz
Board Members Absent:, Don Roberts
NRD Staff: Dan Smith, Bob Merrigan, and Christy Peterson
NRCS Staff: none
Others: David Cookson and Jon Schroeder

SPECIAL MEETING

The meeting was called to order by Chairman Haag at 4:05 p.m. The agenda and roster were circulated to those present.

Items added to the agenda: none

Notice of this meeting was published in the **North Platte Telegraph** and the **McCook Daily Gazette**. It was also announced on local radio stations and was posted in the NRD office. The purpose of this special meeting is to discuss matters pertaining to litigation.

EXECUTIVE SESSION

- ◆ A motion was made by Harsh and second by Peters to go into Executive Session at 4:07 p.m. for the purpose of discussing legal matters.

Ayes-8 Nays-0 Motion carried


Kelly Wertz arrived at 4:08p.m.

Joe Anderjaska arrived at 4:30p.m.

- ◆ A motion was made by Wertz and second by Dodson to come out of Executive Session at 6:05 p.m.

Ayes-10 Nays-0 Motion carried

Chairman Haag adjourned the special meeting at 6:06 p.m.



Christy Peterson
Secretary to the Board

MINUTES
Middle Republican Natural Resources District
Public Hearing
October 14, 2003
Curtis, Nebraska

Board Members Present: Joe Anderjaska, Duane Dodson, Kevin Fornoff, Gayle Haag, Del Harsh, Dennis Hoyt, Wayne Madsen, Stan Moore, Mike Peters, and Kelly Wertz

Board Members Absent: Don Roberts

NRD Staff: Dan Smith, Bob Merrigan, Cheryl Griffith, and Christy Peterson

NRCS: Dave Griffith

Others: David Fischer, Mackay Brown, Steven Fries, Brad Hock, Claude Cappel, Roger Goltl, John Schurr, Marvin Knoll, Lowell Schmidt, Barry Richards, William Barger, Brad Johnson, Daniel Nelsen, Tim McKillip, James Skelton, and Dick Wolfe

PUBLIC HEARING

The public hearing was called to order by Chairman Haag at 7:05 p.m. The agenda and roster were circulated to those present.

NOTICE OF THIS PUBLIC HEARING WAS PUBLISHED FOR THREE CONSECUTIVE WEEKS WITH THE LAST PUBLICATION NOT LESS THAN SEVEN DAYS PRIOR TO THE HEARING IN THE NORTH PLATTE TELEGRAPH AND MCCOOK GAZETTE IN ACCORDANCE WITH THE POLICY OF THE DISTRICT AND WITH NRSS SECTION 46-656.20. IT WAS ALSO PUBLISHED ONCE IN NEWSPAPERS OF GENERAL CIRCULATION IN THE DISTRICT, HAS BEEN POSTED ON THE DISTRICT WEB SITE AND WAS PROVIDED TO LOCAL RADIO STATIONS.

STATEMENT OF PURPOSE

The purpose of this hearing is to receive testimony concerning proposed revisions to the District's Ground Water Management Area, Rules and Regulations.

OVERVIEW OF PROPOSED CHANGES AND REVISIONS

Daniel Smith, District Manager, reviewed the proposed revisions to the District's Ground Water Management Area, Rules and Regulations. Copies of the proposed revisions were available for anyone wanting a copy. A copy of the proposed revisions is on file with the minutes.

TESTIMONY-NRD

Daniel Smith, District Manager, testified for the NRD. Smith testified that the suggestion has been made that the phrase "no later than December 31st of the calendar year in which the change occurred" be added to Rule 8.18. This phrase would be added to both irrigated acres and uses other than irrigation. A copy of Smith's testimony is on file with the minutes.

STATE AGENCIES

Roger Patterson, Director of Department of Natural Resources, faxed testimony supporting the proposed revisions. A copy of this testimony is on file with the minutes.

OTHERS IN ORDER SET BY CHAIRMAN

Claude Cappel submitted a possible revision to rule no. 8.10. Cappel also testified concerning how the District will handle cases where pipe lines are fed by several wells and

run to multiple fields. Cappel also suggested that the District should allow irrigators to add acres as long as they did not use more water.

Barry Richards testified concerning questions on who the water belonged to and where this was written. Smith indicated that in state statute the ground water belongs to the citizens of the State of Nebraska. Richards expressed concerns that the governing of ground water was being handled by the state rather than by the local government or the NRDs. Richards also requested verification that the wells that he had certified acres on were now protected.

Dave Fischer expressed the opinion that, if someone has land that could be irrigated and do not irrigate it, they should be considered an asset and rewarded rather than punished. Fischer also wanted to know under what authority the board members were acting. Fischer refused to come forward, sign in, and offer official testimony.

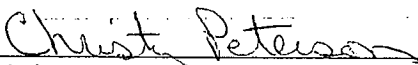
Written testimony provided by Lloyd Potthoff was read. A copy of this testimony is on file with these minutes.

Tim McKillip, O'Neil Cattle Company offered testimony concerning questions concern Rule 9, Limit or Prevent the Expansion of New Acres, and its intention. McKillip also had questions concerning how allocations will be handled and whether the number of acres per well are limited. Smith reviewed rule 9 which makes possible for acres to be moved if approved by the Board but prevents the addition of new acres. Rules concerning allocations have not been written as of yet.

Joe Werkmeister asked what the Directors would do with the information received from the public hearing. Werkmeister would not sign in and offer official testimony, however.

James Skelton asked about wells that have not been used in over ten years but have irrigated taxes paid on them. Smith indicated that if the proposed revisions were passes, the acres would not be able to be certified unless current use could be shown. Skelton also had questions concerning drilling replacement wells. Smith indicated that a replacement well is required to water the same tract of land as the old well according to state statute.

The hearing was closed at 7:55 p.m. by Chairman Haag.



Christy Peterson
Secretary to the Board

WRITTEN TESTIMONY RECEIVED

- 1) Dan Smith, Middle Republican NRD Manager.
- 2) Roger Patterson, Director, Department of Natural Resources
- 3) Claude Cappel, McCook
- 4) Lloyd Potthoff, McCook.

MINUTES
Middle Republican Natural Resources District
Public Hearing
October 14, 2003
Curtis, Nebraska

Board Members Present: Joe Anderjaska, Duane Dodson, Kevin Fornoff, Gayle Haag, Del Harsh, Dennis Hoyt, Wayne Madsen, Stan Moore, Mike Peters, and Kelly Wertz

Board Members Absent: Don Roberts

NRD Staff: Dan Smith, Bob Merrigan, Cheryl Griffith, and Christy Peterson

NRCS Staff: Dave Griffith

Others: Eldie Merritt, Joe Werkmeister, Roger Andersen, Brad Johnson, William Barger, Barry Richards and Ron Ruppert

PUBLIC HEARING

Chairman Haag called the public hearing to order at 8:09 p.m. The agenda and roster were circulated to those present.

OFFICIAL NOTICE OF THIS PUBLIC HEARING WAS PUBLISHED NOT LESS THAN TEN DAYS PRIOR TO THE HEARING IN THE NORTH PLATTE TELEGRAPH AND THE MCCOOK GAZETTE. INDIVIDUALS INVOLVED IN THE HEARING WERE NOTIFIED BY MAIL.

STATEMENT OF PURPOSE

The purpose of this hearing is to hear requests for a variance from the rules and regulations for the Temporary Suspension of the Drilling of New Wells.

TESTIMONY

Variance requests from Daniel Knosp and Ronald Jenkins were received. Copies of the requests were mailed to Directors. Smith reviewed the applications. Knosp is requesting variances for two wells, and Jenkins is requesting variances for 4 wells. Smith also reminded Directors that requests from McCook Public Schools were still tabled. The school had indicated to Smith that they did not plan to drill any more wells in the immediate future.

Chairman Haag closed the hearing at 8:12p.m.



Christy Peterson
Secretary to the Board

MINUTES
Middle Republican Natural Resources District
Board of Directors Meeting
October 14, 2003
Curtis, Nebraska

Board Members Present: Joe Anderjaska, Duane Dodson, Kevin Fornoff, Gayle Haag, Del Harsh, Dennis Hoyt, Wayne Madsen, Stan Moore, Mike Peters, and Kelly Wertz

Board Members Absent: Don Roberts

NRD Staff: Dan Smith, Bob Merrigan, Cheryl Griffith, and Christy Peterson

NRCS Staff: Dave Griffith

Others: Eldie Merritt, Joe Werkmeister, Roger Andersen, Brad Johnson, William Barger, Barry Richards and Ron Ruppert

Information Mailed to Directors:

October Agenda
Non-Compliance Hearing Agenda
September Minutes
September Variance Hearing Minutes
September Financial Report
9-30-03 NACD Enotes
Daniel Knosp Variance Requests
Well Permit Report
Proposed Ground Water Rules Revisions

Variance Hearing Agenda
Public Hearing Agenda-Ground Water Rules
Special Budget Hearing Minutes
Budget Hearing Minutes
September Budget Comparison
10-7-03 NACD E-notes
Ronald Jenkins Variance Requests
Response from Roger Patterson

Information Distributed at Meeting:

NRCS Conservation Plans Report
NRCS EQIP Summary
Non-Compliance Notices Report
ATV Bids
Photo of Junior Division State Range Judging Contest Champion

Information & Education Report
Cost Share Summary
Flow Meter Summary
Information on NARD Jackets and Bags

REGULAR MEETING

The regular monthly board meeting was called to order by Chairman Haag at 7:57 p.m. The agenda and roster were circulated to those present.

Items added to the agenda: none

Notice of the regular monthly meeting was published in the **North Platte Telegraph** and the **McCook Daily Gazette** and was posted in the **NRD Office**. As a courtesy, it was also announced on **local radio stations**.

MINUTES

The minutes for the regular board meeting and public hearings on September 9, 2003 were presented.

- ◆ A motion was made by Harsh and second by Wertz to approve the minutes for the September board meeting and hearings as presented.

Ayes-10 Nays-0 Motion carried

OPEN FORUM

Haag opened the floor for any questions. Joe Werkmeister presented questions concerning a

tract of land that he owns that is within the city limits. The land has some irrigation wells on it. If he sells the land to the city for development, can he move those wells to another location on his land and certify acres for them? If the proposed rules are passed, new acres will not be able to be added but there is a process designed to allow ground water users to request a variance from the Board.

Bill Barger asked what the reason was that the Bureau of Reclamation was re-surveying township lines for the Republican River. This was the first that the District staff and board had heard of this. Barger provided the business card of the company doing the surveying. Barry Richards reported on an article that he read concerning paying irrigators not to irrigate land somewhere in the panhandle. He was concerned that this was unfair to those who never have irrigated while rewarding those who had been depleting the ground water supply. Smith indicated that he thought this was something that the community of Sidney had looked at.

Chairman Haag recessed the regular board meeting at 8:08 for the purpose of opening the variance hearing.

Chairman Haag reconvened the regular board meeting at 8:13p.m.

CONSIDER VARIANCE REQUESTS

Discussion was held concerning the requests.

- ◆ A motion was made by Anderjaska and second by Fornoff to bring back from the table the variance requests for McCook Public Schools.

Ayes-10 Nays-0 Motion carried

- ◆ A motion was made by Anderjaska and second by Harsh to deny the two variance requests for Daniel Knosp, the four variance requests for Ronald Jenkins, and the three variance requests for McCook Public Schools.

Ayes-10 Nays-0 Motion carried

Chairman Haag recessed the regular board meeting at 8:14 for the purpose of opening the non-compliance hearing.

Chairman Haag reconvened the regular board meeting at 8:21p.m.

CONSIDER ACTION ON NON-COMPLIANCE

Discussion was held on the action the board could take.

- ◆ A motion was made by Anderjaska and second by Wertz to issue cease and desist orders to Jon L. Neiman, Jeffers Farms Inc., George Seward, Richard Wolfe, Jason Boner, Ellis Widick, and Larry Brooks giving them until December 31, 2003 to come into compliance or provide in writing an alternate plan of compliance. The cease and desist orders are to be mailed after October 31, 2003.

Ayes-10 Nays-0 Motion carried

The Board directed the staff to do follow up checks on these well after December 31, 2003.

FINANCIAL ACTIONS

The financial report for September was presented. The County Treasurer's Balance was \$21,568.67.

- ◆ A motion was made by Wertz and second by Harsh to approve the September financial report as presented.

Ayes-10 Nays-0 Motion carried

A copy of this report is on file with the minutes.

The monthly budget comparison was presented and reviewed.

NRCS REPORT

Dave Griffith discussed NRCS activities. Griffith handed out a report of NRCS Conservation Plans for July-September 2003. A summary of EQIP applications was handed out. The Middle Republican NRD has a total of 73 approved EQIP applications for a total of \$1,049,928 in EQIP dollars obligated. 107 CRP Contracts have been approved for the District with Hitchcock County having the most applications. NRCS staff also assisted with the Land Judging contest held in the District.

- ◆ A motion was made by Wertz and second by Harsh to approve the NRCS conservation plans as presented.

Ayes-10 Nays-0 Motion carried

NARD

Discussion was held on the NARD Conference. Anderjaska reviewed the Resolutions that were voted on at the Conference. The resolution that the Middle Republican had filed was passed unanimously. 4 existing policies were placed in inactive status. A silent auction was held to raise funds for the scholarship program. The District contributed a Terry Redlin print. The next Association meeting will be on November 3 in Gering.

NACD

E-notes for September 30, 2003 and October 7, 2003 were mailed to directors.

NNRC

The Commission met after the NARD Conference in September. Madsen reported that \$800,000 of the unused funds for the Kansas vs. Nebraska lawsuit have been transferred to the Republican River Basin meter program. DNR has started to do random audits of several of the funds that they oversee. Several NRDs will be selected each year to provide additional documentation of how their funds were used.

INFORMATION & EDUCATION

Griffith reviewed the Information & Education report that was handed out to Directors. An e-mail concerning jackets and bags available through the NARD was circulated. Jacoba Nutt, a student at Medicine Valley High School and an NRD scholarship recipient for Range Camp, was the Junior Division State Range Judging Contest Champion this year. A copy of her picture was handed out.

Griffith reported that there has been difficulty with the website over the last month. The website has been down a good share of September due to problems that the website provider is having. The District may need to consider finding a new provider. Discussion was held on the possibility of NARD hosting a server.

NE REPUBLICAN RIVER MGMT DISTRICTS ASSN

The NE Republican River Management Districts Association next meeting is scheduled for November 17, 2003 in Alma. The purpose of this meeting will be to preview the Basin Compact Compliance Plan. The Association met with the modelers in September. A handout of this report was circulated.

OTHER AGENCIES OR ASSOCIATIONS

Anderjaska would like to encourage the District to join the Ground Water Coalition. The minimum dues are \$2000. Discussion held on the purpose of the coalition. The coalition was

designed to protect the rights and interests of NRDs in lawsuits relating to ground water.

- ◆ A motion was made by Anderjaska and second by Madsen to join the Ground Water Coalition, pay the \$2000 dues quarterly if possible, and authorize Dan Smith to sign the interlocal agreement.

Ayes-7 Nays-Harsh, Moore, and Haag Motion carried

LEGISLATION-TASK FORCE

The Task Force Executive Committee will meet on October 21, 2003 in Kearney. Smith updated the Board on the Task Force activities.

GROUND WATER MANAGEMENT AREA

The permits to construct report was reviewed.

CONSIDER ACTION ON NEW RULES

Discussion was held on the hearing. Discussion was also held on moving acres and converting ground from flood irrigation to pivot. Smith reviewed the Amendment Order that would be issued and signed by Gayle Haag, chairman and Christy Peterson, secretary, if revisions are approved. Discussion was held on the change suggested by Claude Cappel in his testimony.

- ◆ A motion was made by Madsen and second by Wertz to approve the revisions to the Ground Water Management Area Rules and Regulations as presented at the hearing with the addition of the phrase "no later than December 31st of the calendar year in which the change occurred" added to Rule 8.18 as suggested in Dan Smith's testimony.

Ayes-10 Nays-0 Motion carried

SETTLEMENT IMPLEMENTATION

The next meeting with modelers is scheduled for October 27 in Holdrege at 10a.m. The purpose of this meeting will be to present the draft copy of the Basin Compact Compliance Plan. Future meetings are being planned but no dates have been scheduled.

CONSERVATION MANAGEMENT FUNDS

Cost share summary and the flow meter summary were handed out. Smith reviewed the reports. Activity has slowed considerably. The District may need to consider changing the percentage paid on some practices.

- ◆ A motion was made by Harsh and second by Fornoff to approve plans as presented.

Ayes-10 Nays-0 Motion carried

TREE PLANTING

The initial tree order has been placed. Clients Day is October 16, 2003 at Halsey. Discussion was held on trees with tubes that Cheryl will be ordering to give to students for Arbor Day.

PERSONNEL

Chris Berke's probationary period has ended. Directors need to consider whether to place her on permanent full-time status.

- ◆ A motion was made by Harsh and second by Hoyt to remove Berke from probationary status and place her on permanent full-time status.

Ayes-10 Nays-0 Motion carried

BIDS 4-WHEELER

Bids for a new 4-wheeler were handed out. Discussion was held on the bids.

- ◆ A motion was made by Anderjaska and second by Moore to approve the purchase of the Artic Cat 300 from Southwest Implement for \$4400.


Ayes-10 Nays-0 Motion carried

DECEMBER LUNCHEON

Discussion was held on the annual December Luncheon. The board meeting for December would be December 9, 2003 in Curtis. General consensus was to have the luncheon on this same date in Curtis as has been done in previous years. Two Honor Conservation Awards will be presented at the luncheon.

Chairman Haag adjourned the meeting at 9:55 p.m.

The next regular meeting will be Wednesday, November 12, 2003 at the Fairgrounds Meeting Room in McCook, Nebraska starting at 7:00p.m.



Christy Peterson
Secretary to the Board

Republican River Basin Compact Compliance Plan

Table of Contents

Introduction

- Definitions (?)
- Background of Interstate Compact Dispute
- Statutory requirements
- LB108 study requests
- Nebraska Department of Natural Resources Determination
 - Notice
 - Hearings
 - Determination
- LB108 JAP orders
 - Notice
 - Hearings
 - Plans
- Summary of public involvement and information

Summary of Authorities

- Statutes
- Republican River Compact
- Kansas v. Nebraska, No 126 Original, Final Settlement Stipulation

Findings and Studies conducted

Authority for BCCP/JAP

BCCP/JAP Goals

BCCP/JAP Objectives

- Consultation Process
- Define boundaries
- Identify hydrologically connected surface water & ground water
- Identify management alternatives and tools
 - Management area
 - Controls
 - Analytical tools
 - Monitoring
- Evaluate socio-economic impacts of management alternatives (include no-action)
- Periodic review of JAP
 - Modification to meet new conditions
 - Revise Goals & Objectives as necessary
- Public education and out reach

Introduction

The Republican River Basin Compact Compliance Plan ("BCCP") is developed to provide a Basin wide approach to a plan for the State of Nebraska's maintaining compliance with the Republican River Compact and the United States Supreme Court approved Final Settlement Stipulation in *Kansas v. Nebraska*, No. 126 Original ("Settlement Agreement").

Using the BCCP as a guide, the four affected Basin Natural Resource Districts ("Basin NRDs") will individually, along with the Nebraska Department of Natural Resources ("Department") develop Joint Action Plans for integrated management of hydrologically connected surface water and ground water. The BCCP will provide an overall cohesive approach to management and administration while allowing each Joint Action Plan to tailor specific management objectives and tools to the conditions present in the particular Basin NRD.

Background of Interstate Compact Dispute

In 1943 the States of Colorado, Kansas and Nebraska entered into the Republican River Compact (hereinafter the "Compact") with the approval of Congress. The Compact provided for equitable apportionment of the Republican River stream flows for beneficial consumptive use. In 1959 the first annual meeting of the Republican River Compact Commission (hereinafter the "RRCA") was held. At that meeting, the RRCA began to discuss, among other things, how it should determine the annual virgin water supply, the annual allocations to the States and the States' annual consumptive use. It was not until 1964, however, that the parties adopted formulas to make these determinations. The formulas that were adopted included the estimated impact of wells located in the alluvial valley of the river and tributaries. Non-alluvial wells were not considered

By the late 1980's Kansas began to complain that Nebraska was consuming more water than was allocated to it in certain sub-basins. Kansas also complained that unlimited groundwater development in Nebraska's portion of the basin was resulting and was likely to continue to result in Kansas not receiving its full allocation. Nebraska responded to the Kansas complaints by noting that Kansas generally received from Nebraska volumes of water that were in excess of Kansas' allocations.

The State of Kansas filed a request to file an original action in the United States Supreme Court against the State of Nebraska and the State of Colorado in May 1998. Kansas alleged that Nebraska was consuming more than its allocation and that groundwater use in Nebraska was depriving Kansas of its full allocation. Kansas later amended its allegations to assert that the Republican River Compact regulated groundwater use. The United States Supreme Court granted Kansas' request for leave to sue in January 1999. Nebraska answered the lawsuit, brought claims against Kansas and Colorado. A Special Master was appointed in November 1999.