AGENDA - June 8, 2004

The Middle Republican NRD Board of Directors will hold their regular meeting at the American Legion Building in Curtis, Nebraska on Tuesday, June 8, 2004 immediately following the Public Hearing at 7:30 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 May 2004, regular board meeting.
- 5. Legal matters
 - 1) Jon Schroeder
 - 2) Court schedule and decisions
- 6. Open Hearing For Noncompliance Late Certification
- 7. Close Hearing
- 8. Consider Action on Noncompliance
- 9. Open Hearing For Noncompliance Failure to certify
- 10. Close Hearing
- 11. Consider Action on Noncompliance
- 12. Financial Actions
 - a. Approve Financial Report for May 2004
 - b. Draft Budget
 - C. District Ingurance
- 13. Open Forum Comments from guests
- 14. Reports Agencies, Associations, Others
 - a. NRCS 1) District Conservationist Report 2) Consider Agreements
 - b. NARD 1) Report-Anderjaska
 - 2) Insurance increases
 - c. NACD 1) Newsletters
 - d. NNRC Roberts & Madsen

- e. Information & Education Cheryl
 - 1) Educator scholarships 2) Range camp scholarship
- f. NE Republican River Management Districts Association
 - 1) July 22, Alma
- g. Other Agencies or Associations

1)

- h. Legislation LB 962 impacts
- 15. Ground Water Management
 - a. Ground Water Management Area
 - 1) Well permits 2) Consider Action on Proposals
 - 3) Informational meeting schedule
 - 4) Hearing date? August 10, 2004
 - b. Settlement Implementation
 - 1) Future Meetings
 - c. Ground Water Quality Management Area
 - d. Other Ground Water Activity
 - 1) Regional Water Quality Study

16. Programs

- a. WILD
- b. Buffer Strips
- c. Livestock Waste Control Applications
- d. Conservation Management Funds

NSWCP items

LCP items

Meters

Approve Applications

- e. Watersheds
 - 1) Consider closing Upper Medicine Creek, Lower Medicine Creek and Blackwood Creek watershed projects.
- f. Complaints
- g. Chemigation
- h. Tree Planting
- 17. General Operations
 - a. Personnel 1) Griffith Resignation 2) Miller Retirement 3) June 1/ Clasure
 - b. Sales and Rental Equipment
 - c. Consider Building offer

Adjourn

Next regular meeting date – Tuesday July 13, 2004, 7:30 P. M., at the Fairgrounds Meeting Room in McCook, Nebraska.



220 Center Ave. PO Box 81 Curtis, NE 69025 Phone: 800-873-5613 Fax: 308-367-4285 Email: office@mrnrd.org

Middle Republican Natural Resources District

MEETING NOTICE

The Middle Republican Natural Resources District Board of Directors will hold their regular monthly meeting in the American Legion Hall, 214 Center Ave, Curtis, Nebraska on June 8, 2004 at 7:30 P.M., The agenda, kept current, is available during regular business hours at the NRD office in Curtis. Individuals requiring physical or sensory accommodations should call the NRD at 308-367-4281 or 800-873-5613 five days prior to the meeting.

Publish no later than May 28, 2004

NAME	ADDRESS	DESIRE TO SPEAK	AGENDA ITEM NUMBER
John Sallevon	wallace		
MEGGEN ED Harlin	WALLE		
Ma And	NP		
Medox	Hayes Contr		
Marty Scharr	maywood		
Boney Lad	wellfleet	·	
Dala Hoderland	Wallace		·
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John W. School	Curtis	•	
Barry Carl Bernio Y cepic	NP.		
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Josh FRIESEN Wallace

Favoy Frederick Dickens

Jem Smith Wallach

MIDDLE REPUBLICAN NRD

ATTENDANCE ROSTER
2004

NAME	ADDRESS	DESIRE TO	AGENDA
Parke	Milock	SPEAK	ITEM NUMBER
Mell Wat	TRENTON		
afford	Cambridge		
Durn Dollon	maywood		
Wow Taberta	m Cook		
Danis Hoyt	Culberson		
Meder	McCook		
Daule Haag	Bartley		
Dansmith	maywood		
Keun Fornott	Hayes Center		
Joseph R. Andersoka Cherys Griffith	Hayes Centre	·	
Robert Medigan	curtis		
Kevin Owens	Maywood, NE	Yes	Rule 8
SCOTT HARRIS	DICKENS		
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MINUTES

Middle Republican Natural Resources District Board of Directors Meeting May 11, 2004 McCook, Nebraska

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

Board Members Absent: none

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

NRCS Staff: Dave Griffith

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Others: Brad Johnson, Rick Spencer, Raymond Durner, Larry Durner, Todd Johnston, Warren Bek, Earl D. Johnston, Mary Vontz, Marilyn Anderson, Eugene Anderson

Information Mailed to Directors:

May Agenda April Public Hearing Minutes

April Minutes E-Notes 4-27-04 April Financial Report E-Notes 5-4-04

April Budget Summary NARD Legislative Update 4-15-04

Information & Education Report

HHS Licensing Board Investigation Letter

April 13, 2004 Equipment List

DNR's response to MRNRD proposal for allocations and pumpage reduction

Information Distributed at Meeting:

Cost Share Tree Cost Share Well Permit Report

NARD Insurance Letter
Missouri River Basin Tour Information
NWRA April 15 Sine Die Update
Camp Scholarship Applicants

2004 Nebr. Ranch Practicum Packet Certify Acre Requests

Soil Moisture Monitoring Equip. Request State Envirothon Results

REGULAR MEETING

The regular monthly board meeting was called to order by Chairman Haag at 7:02 p.m. The agenda and roster were circulated to those present.

Items added to the agenda: 11e3) Range Practicum, 12c1) Equipment Request-Steve Melvin, 14d) Building for sale 11g2) HHS Letter

Official 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 and on the District Website at www.mrnrd.org. As a courtesy it was also announced on local radio stations.

MINUTES

The minutes for the regular board meeting and public hearing on April 13, 2004 were presented. Smith noted that, in the motion to approve the financial report, the motion should read "approve the March financial report" instead of the February financial report.

♦ A motion was made by Wertz and second by Fornoff to approve the minutes for the April public hearing and regular board meeting as corrected.

Ayes-10 Nays-0 motion carried Anderjaska arrived at 7:07p.m.

LEGAL MATTERS

5 appeals of denials of variances, have gone to the Court of Appeals and returned to the District Court. Trial is set for June 11, 2004 for some of these appeals.

A third petition has been filed in Lincoln County.

Smith reported on a Water Seminar being held June 24 in Omaha. Smith and Schroeder are interested in attending. Registration is \$319 each. Jon Schroeder has indicated that if the District would pay for his registration fee, he would take care of all other expenses.

• A motion was made by Wertz and second by Dodson to approve Smith and Schroeder attending the Water Seminar in Omaha.

Ayes-11

Navs-0

motion carried

FINANCIAL ACTIONS

The financial report for April was presented. The County Treasurer's Balance was \$11,517.88. Smith reviewed the reports.

♦ A motion was made by Roberts and second by Harsh to approve the April financial report as presented.

Aves-11

Navs-0

motion carried

The monthly budget comparison was presented and reviewed. A summary of the lawsuit settlement funds was also mailed to Directors.

OPEN FORUM

Mary Vontz, Eugene Anderson and Marilyn Anderson wanted to discuss with the Directors the issue of domestic versus irrigation use. The domestic wells in the area they live, south of the Meeker Canal, are going dry. They would like to know if the NRDs have jurisdiction over domestic wells. The City of McCook has indicated that they will not allow these residents to hook onto the City's system. Discussion was held on giving domestic users first right to the water. There are several irrigation wells in the same section. Madsen indicated that he had spoken to several of the neighbors and thought they had some possible solutions that they planned to pursue.

Don Roberts gave a brief history on surface irrigation, when it started and how it progressed. Roberts suggested considering a 10 inch allocation and allowing owners and operators the option to purchase additional inches for a cost that would go into a fund. This fund would be used for incentive payments to irrigators to retire acres. Roberts does not believe that the dryland farmers and community residents should have to pay taxes to subsidize irrigated acres being retired. Roberts believes the irrigators should pay for this program. Smith reviewed what options the District would have as allowed by legislation. There are other options that the Legislature is looking at the State level. Earl Johnston indicated that he would rather decide how to use his water on his own instead of having to pay more taxes. Johnston also indicated that irrigators need to know as soon as possible what the allocation is going to be. Haag indicated that the Directors would like to find a couple of options that irrigators can choose from based on what works best for their operation.

Claude Cappel noted that surface irrigators have to pay for water that they do not receive. Concern was expressed that, if a tax was levied to finance incentive programs or if irrigators were given the option to purchase inches of water, the cost would increase every year as it has with surface water. Cappel also expressed concerned about the new acres that have come in since 2002. These users will receive water but have not been paying taxes on this land for irrigation. Questions were asked about what the criteria will be to buy out acres. Will all acres be eligible or will there be parameters that the acres will have to fall into?

Smith reviewed federal programs that could be used to compensate irrigators for reducing irrigator acres. There are also several options being looked at by the State and the District.

NRCS REPORT

Dave Griffith gave a report on NRCS activities. 211 applications in the District excluding Lincoln County were received for the EQIP program. The new technician in the McCook NRCS has resigned. A study is being done in the area on the long term effect of the drought on the range land. Requests will be going out to land owners requesting access to their land for this study.

NARD

Next meeting is June 21 in South Sioux City. Information for the annual basin tour that is scheduled for the same day was handed out.

Anderjaska updated the Directors on the insurance program. There will be a 20-25% increase in premiums. Deductibles and co-pays will be increasing. The Association is also looking at requiring 100% participation by the Districts. Some Districts currently pay employees the cost of the premiums if they do not take the Association's insurance. A summary of changes being considered was circulated. The Association is also considering changing insurance companys.

NACD

E-notes for 4-27-04 and 5-4-04 were mailed to Directors.

INFORMATION & EDUCATION

Griffith circulated thank-you notes the District has received. She reviewed the information and education report. Griffith is still working with the NERain program and taking applications for volunteers to place rain gauges in every township in the District. Results for the State Envirothon competition were circulated. No Honor Farm Conservation nominations were received.

Information on the 2004 Ranch Practicum was circulated. Steve Chitick contacted the office inquiring whether the District would sponsor a rancher to attend. Registration is \$600. This is a series of meeting from June to January on a variety of Ranch issues and worth 4 undergraduate hours. Registration was due May 3 for this year's practicum. Griffith will try to find more information and the Directors will consider looking at it for next year. Four applications were received for the 2004 Camp Scholarships. All applications are from Medicine Valley High School. Two of the applicants graduated this year and have received scholarships in previous years. Griffith recommended selecting Kristy Kemp, who is a junior, and Georgia Herman, who is a freshman.

• A motion was made by Harsh and second by Moore to approve Kemp and Herman for the 2004 camp scholarships.

Ayes-11 Nays-0 motion carried

A brochure was circulated for the UNK water tour. Griffith may have some late applications for camp scholarships to be considered in June. There is also a teacher interested in attending as a sponsor.

NEBRASKA REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOC.

The next meeting will be July 22, 2004 in Alma. The economic impact report being done for the power districts will be released at this meeting.

OTHER AGENCIES OR ASSOCIATIONS

One more meeting is scheduled with the Indianola area communities. The District's involvement will be in an advisory capacity only.

A copy of the letter from HHS was circulated. No action was taken on the well driller involved with Bruce McDermott when McDermott's drilled the illegal wells. The letter indicated that HHS was concerned about the violation of the District's temporary suspension of well drilling. However, the Water Well Standards and Contractors Licensing Board determined that there was insufficient evidence to prove a violation by the well driller.

LEGISLATION

LB 962 as amended was signed by the Governor April 15, 2004. A report from Dean Edson and a report from NWRA concerning LB 962. The bill will take effect the middle of July.

GROUND WATER MANAGEMENT

The well permits report was handed out at the meeting. 2 permits were issued since the last meeting.

Merrigan presented a report on requests for certified acres. In addition to the acres presented on the report, requests were received for Emil Fritz for 130 acres in 23-3-27 and 108.1 acres in 14-2-30, Ferguson Family Trust for 334.4 acres in 6-2-29 and 311.5 acres in 5-2-29, and McCartney Trust for 54.8 acres in 4-2-29. These requests were received too late to be included on the report. This brings total certified acres to approximately 306,000 acres. Merrigan estimates that there is still about 14,000 acres not certified. Discussion was held on how to handle acres not currently certified. Discussion was held on unregistered wells in the District. Acres cannot be certified until the well is registered.

• A motion was made by Harsh and second by Fornoff to approve certified acres as reported with additions.

Ayes-9 Nays-Madsen, Roberts motion carried

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

Discussion was held on sending non-compliance notices to all well owners that have not certified the acres. Smith reviewed the options that the non-compliance would give these individuals.

• A motion was made by Anderjaska and second by Harsh to issue orders of noncompliance to all owners of wells that have not had the acres certified.

Ayes-11 Nays-0 motion carried

Smith reviewed the April 19 meeting. The report for this meeting as well as Patterson's response to the District's proposal was circulated. Smith reviewed the response. A summary of the acres certified and the points the Directors need to address was handed out. An update on the CREP program was discussed. DNR has recommended no more than a 14 inch allocation. This was based on 335,000 certified acres. If no reduction of acres or pumping is implemented, the allocation would have to be closer to 11 inches. Discussion was held on the various criteria that can be considered in treating acres or wells differently.

Smith presented a proposal similar to the one presented at the April board meeting. Smith updated the proposal to show the 14 inch allocation suggested by DNR. Discussion was held on the proposal.

• A motion was made by Harsh and second by Anderjaska to change the date from January 2001 to July 1, 1998 and change 1 inch less than base to 2 inches less than base on item 3 of the proposal.

Ayes-8 Nays-Fornoff, Moore, Roberts motion carried

• A motion was made by Fornoff and second by Anderjaska to change proposal #2 to 15 inches instead of the 14 inches DNR recommended considering that there are fewer certified acres then originally estimated.

Ayes-Anderjaska, Dodson, Fornoff, Harsh, Moore, and Wertz

Nays-Hoyt, Madsen, Peters, Roberts, and Haag Motion carried

Discussion was held on the further steps that would be needed to take for water short years. In water short years, actions need to be taken that will get a quick response. Roger Patterson, DNR, has indicated at numerous meetings that he will try to obtain funding to help the Districts ease the pain to the irrigators that the allocations will create. The CREP program, if approved for the area, requires a 20% match of local funds. This match could come from either the State level or from the District.

• A motion was made by Anderjaska and second by Moore to change proposal #4 to implement an additional 10% reduction in acres or pumping in the alluvial area and 5% reduction in acres or pumping in the upland areas in water short years conditional on funding from the State for incentive programs.

Ayes-10 Nays-Hoyt motion carried

Hoyt expressed concerns over making the changes to proposal #4 conditional on State funding. He is concerned that this could slow the process of coming to an agreement with DNR.

• A motion was made by Harsh and second by Peters to approve the proposal as corrected.

Ayes-11 Nays-0 motion carried

Discussion was held on where to limit certified acres.

• A motion was made by Madsen and second by Anderjaska to freeze certify acres at 320,000 acres.

Ayes-11 Nays-0 motion carried

The next settlement implementation meeting is schedule for May 14, 2004 in Cambridge. Fornoff, Haag, Madsen, Moore, and Wertz plan to attend.

Discussion was held on scheduling informational meetings. These meetings would give the District an opportunity to update the public on the options the Directors are looking for and give the public an opportunity to give their input. It was recommended that these meetings be scheduled after the June board meeting. It was decided by general consensus that an informational meeting would be scheduled in Wallace, Hayes Center, Trenton, McCook and Curtis the week of June 14, 2004. These meetings will be advertised as special board meetings. Chairman Haag encourages Directors to attend as many of the meetings as possible. Griffith will work on setting up meeting places and will put a schedule of the meetings in the May newsletter.

OTHER GROUND WATER ACTIVITY

Steve Melvin, Frontier County Extension, would like to develop an additional Soil Moisture Monitoring site east of Curtis. A proposal for this site was circulated. Melvin is requesting the District contribute \$1873 for the purchase of additional equipment.

- A motion was made by Roberts and second by Wertz to approve funding Melvin's request for equipment to develop the Curtis site 100%.
- A motion was made by Anderjaska to fund only 50% of the project.

Motion failed due to lack of a second

Vote on original motion.

Ayes-Fornoff, Hoyt, Madsen, Peters, Roberts, Wertz

SOIL AND WATER CONSERVATION MANAGEMENT FUNDS

Smith reviewed the cost-share summary report and the cost-share summary report on flow meters. The cost-share summary report includes new applications for tree cost-share.

♦ A motion was made by Anderjaska and second by Moore to accept these reports as presented and approve the applications.

Ayes-11

Nays-0

motion carried

A copy of these reports is on file with the minutes.

CHEMIGATION

Smith reported that inspections are beginning.

TREE PLANTING

Smith reported that tree planting has been completed. Mulch is still being installed. Anderjaska reported that he had received complaints about the way trees were planted in Hayes County. Smith indicated that the complaints had been discussed and handled in the office.

PERSONNEL & OPERATIONS COMM. RECOMMENDATIONS

A copy of the updated equipment needs list was mailed to Directors. Smith indicated that he was unsure if the Directors had approved the list with the recommendations at April meeting. General Consensus of the Board was that the list had been approved when the Committee recommendations were approved.

BUILDING FOR SALE

Smith reported that the owners of the building to the south of the NRD headquarter office have indicated to him that they may be selling there portion of the building. Currently a shop is located there. The owners wanted to know if the NRD might be interested in purchasing the building. Smith will try to schedule a tour of the facilities about 15 minutes prior to the June regular board meeting for any Directors that would like to look at it.

Chairman Haag adjourned the board meeting at 10:27 p.m.

The next meeting will be Tuesday, June 8, 2004 in Curtis, Nebraska starting at 7:30 p.m. A variance hearing for certified acre requests and a non-compliance hearing will be scheduled for this evening.

Christy Peterson

Secretary to the Board

Permit to Construct Summary June 8, 2004

	# of	Apps Com	pleted	Open	EXP/CNX	Replacement
FY 97-98 FY 99 FY 2000 FY 2001 FY 2002 FY 2003	(SPA only)	44 53 42 71 111 48	34 46 32 56 100 28	0 0 0 0 0 0	Suspended 10 7 10 15 11 8	0 6 7 14 18 34
Open Applications Name	FY2001 CO	Legal	Status			
Don Hagan & Son George Seward Scheel Investment Paul Nichols Paul Nichols	s HI HA HA HI HI	NW 26-4-34 SE 15-8-31 NW 28-7-35 NE 27-3-32 NW 27-3-32	EXP EXP Complet EXP EXP	ed		
Open Applications	FY2002					
Jack Wagner Jinx Cattle Co. Jinx Cattle Co. Don Olson Albert Holm Tom Evans Stan Moore Tim Lundvall	HI FR FR RW LI HI FR LI	SW 8-3-31 SW 36-8-30 SE 12-8-30 SW 22-3-30 NE 14-10-34 SE 20-3-31 NW 27-5-27 NW 9-9-34	EXP Suspende Suspende EXP Suspende Suspende Suspende Suspende	ed ed ed ed	Replacement Replacement	
Scheel Investments Robert Wilcox Sr.	HA RW	NE 25-8-35 NW 6-2-29	Suspende EXP	ea	Replacement	
Bruce McDermott Doug McDermott Doug McDermott Doug McDermott Doug McDermott	LI LI LI LI	SW 8-10-31 NE 17-10-31 NW 19-10-31 NW 24-10-32 NE 19-10-31	Suspende Suspende Suspende Suspende Complete	ed ed ed		
FY 2003						
Spring Water Farms Spring Water Farms Spring Water Farms Spring Water Farms Les Schmidt Ron Montross City of McCook City of McCook City of McCook	s HI s HI	SW 30-3-32 SW 30-3-32 SW 30-3-32 SW 30-3-32 SE 13-4-28 SE 20-2-35 NE 4-4-30 SW 1-4-30 NW 31-3-27	Complete Complete EXP Complete Complete Complete EXP EXP		Replacement Replacement (Dave Unger) (Solomon) (Ervin Schaffer)

City of McCook	RW	SE 16-4-29	Complete	(Gayle Ruggles)
Ron Montross	HI	SW 20-2-35	Complete	Replacement
Ron Montross	HI	SW 20-2-35	EXP	Replacement
Terry Ellinger	HI	SE 22-4-31	Complete	Replacement
Willow Farms Inc	HA	SW 2-6-31	Complete	Replacement
Larry Burke	FR	NW 20-6-34	Complete	Replacement
Darrel Deterding	RW	SE 10-3-26	Complete	Replacement
Richard Drake	RW	SW 16-3-30	Complete	Replacement
Dorsey Resler	HA	NW 33-8-35	EXP	Replacement
Pat Stritt	RW	NW 12-3-27	Complete	Replacement
Orville Kaschke	LI	NW 36-11-30	Complete	Replacement
Hohensee Land Co.	HI	SE 19-3-35	EXP	Replacement
Kester Land Co.	FR	NW 31-6-25	Complete	Replacement
Witte Inc.	RW	NE 11-3-26	Complete	Replacement
Jeannie Eisenach	HI	NE 22-4-33	EXP	Replacement
Claude Cappel	RW -	SW 20-3-30	Complete	Replacement
Claude Cappel	RW	SW 20-3-30	Complete	Replacement
Claude Cappel	RW	SW 20-3-30	Complete	Replacement
Richard Wilcox	RW	SE 36-3-30	EXP	Replacement
Gene Kleinschmidt	HI	NW 18-2-34	Complete	Replacement
Wendell Peterson	FR	SW 26-8-28	Complete	Replacement
J. T. Kiplinger	RW	SE 7-2-29	Complete	Replacement
Darrell Wulf	RW	NE 13-4-26	Complete	Replacement (LP)
Village of Bartley	RW	NE 12-4-27	CNX	Test Well
Tom Remus	LI	SE 4-10-30	Complete	Replacement
Village of Maywood	FR	NW 21-8-29	ompiote.	Replacement
Nina Wagner	HI	SW 8-3-31		Replacement
Southwest Biofuels	RW	SE 20-3-30		Industrial
Southwest Biofuels	RW	SE 20-3-30		Industrial
Southwest Biofuels	RW	SE 20-3-30		Replacement
Village of Bartley	RW	SE 6-4-26		Test Well-Expedited
Mary Jane McKillip Trus		NW 7-3-26	Complete	Replacement
K & R Farms	HA	SW 7-5-35	Облария	Replacement
Tom Baker	HI	NW 7-3-32		Replacement (Ind)
Kester Land Co.	FR	SW 25-6-26		Replacement
Clara Grabenstein	FR	NW 8-8-27		Industrial
Warren Schaffert	HI	NW 4-2-32		Replacement
Scott Hanchera	RW	NE 14-3-28		Replacement
Baker Corp.	HI	NW 7-3-32	Complete	Industrial
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