

## AGENDA – October 12<sup>th</sup>, 2004

The Middle Republican NRD Board of Directors will hold their regular meeting at the American Legion Building in Curtis, Nebr. on Tuesday, October 12, 2004 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 September 14, 2004, regular board meeting and hearing.
  
5. Open Hearing For Variance Request
6. Close Hearing
7. Consider Variance Requests
  
8. Legal Matters
  - a. Jon Schroeder
  - b. Case status
  
9. Financial Actions
  - a. Approve Financial Report for September, 2004
  
10. Open Forum – Comments from guests
  
11. Reports – Agencies, Associations, Others
  - a. NRCS – 1) District Conservationist Report 2) Consider Agreements
  - b. NARD – 1) Report-Anderjaska 2) Resolutions
  - c. NACD – 1) Newsletters
  - d. NNRC – Roberts & Madsen
  - e. Information & Education - Gall
  - f. NE Republican River Management Districts Association
    - 1) Nov 18<sup>th</sup>, Imperial
  - g. Other Agencies or Associations
    - 1) RC&D Roger Stockton

- 2) Ron Salestrom – Polymer trials
- 3) Rural Development
- h. Legislation

12. Ground Water Management

- a. Ground Water Management Area
  - 1) Well permits 2) Consider Rules & Regulations-Integrated Management Plan 3) Consider Rules & Regulations – Scientific Data
- b. Ground Water Quality Management Area
- c. 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

14. General Operations

- a. Personnel
- b. Sales and Rental Equipment
- c.

Adjourn

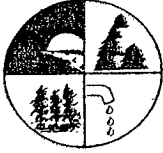
Next regular meeting date – November 9, 2004 at 7:30 P. M., at the Fairgrounds Meeting Room in McCook, Nebraska.

MIDDLE REPUBLICAN NRD

ATTENDANCE ROSTER

10-12 2004

NAME	ADDRESS	DESIRE TO SPEAK	AGENDA ITEM NUMBER
Kara Gall	—	—	—
KELLY WERTZ	TRENTON		
Wayne Madsea	Trenton		
Duane Dodson	Maywood		
<del>Duff Hersh</del>	<del>Combs</del>		
<del>Mike Geller</del>	McCook		
Boyle Haag	Bartley		
Dennis L. Smith	Maywood		
Robert Merriam	<del>Curtis</del>		
Ken Powell	Hayes Center		
<del>Jim Smith</del>			
Stan Moore	Bartley		
Joseph R. Anderson	Hayes Center		
Don Roberts	m. Cook		



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Phone: 800-873-5613  
Fax: 308-367-4285  
Email: [office@mrnrd.org](mailto:office@mrnrd.org)

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## Middle Republican Natural Resources District

### MEETING NOTICE

The Middle Republican Natural Resources District Board of Directors will hold their regular monthly meeting at the American Legion, Center Ave, Curtis, Nebraska on October 12, 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 September 30, 2004

**MINUTES**  
**Middle Republican Natural Resources District**  
**Public Hearing**  
**October 6, 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, and Christy Peterson

**Those presenting testimony:** Alice Johns, Ralph Best, John Bingham, Steve Smith, Lloyd Benjamin, Brad Hock, Kurt Pieper, Jerry Mustion, Mark Christiansen, Ernie Ruzicka, Mick Cox, Cliff Randel, Kim Wolcott, Marty Schurr, Benjie Loomis, JF Hoffman, Charlynn Hamilton, Claude Cappel, Jim McClymont, Jason Kunkel, Roger Goltl, Bruce Fulk, and Pat Aylward

**OVERVIEW OF PROPOSED RULES**

Prior to opening the hearing, Dan Smith, manager of the Middle Republican NRD, gave a presentation concerning the proposed changes to the Ground Water Management Area Rules and Regulations. This presentation gave a brief overview of each chapter of the rules.

**PUBLIC HEARING**

Chairman Haag called the public hearing to order at 7:18p.m. The agenda was circulated to those present.

NOTICE OF THIS HEARING WAS PUBLISHED THREE CONSECUTIVE WEEKS WITH THE LAST PUBLICATION NOT LESS THAN SEVEN DAYS PRIOR TO TODAY IN NEWSPAPERS OF GENERAL CIRCULATION IN THE DISTRICT. THIS IS IN ACCORDANCE WITH NRRS SECTION 46-743.

**STATEMENT OF PURPOSE**

The purpose of this hearing is to receive testimony concerning Rules and Regulations for the revision of our Ground Water Management Area and the adoption of an Integrated Management Plan. The authority for these rules and regulations is the authority granted in the Nebraska Ground Water Management and Protection Act.

According to NRRS Section 46-718, if the Department of Natural Resources and the affected natural resources districts preparing an integrated management plan reach agreement on (a) the proposed goals and objectives of the plan for the affected river basin, subbasin, or reach, (b) the proposed geographic area to be subject to controls, and (c) the surface water and ground water controls and any incentive programs that are proposed for adoption and implementation in the river basin, subbasin or reach, they shall schedule one or more public hearings to take testimony on the proposed integrated management plan and the proposed controls. Such hearings shall be held within or in reasonable proximity to the area to be affected by implementation of the integrated management plan. Notice of such hearings shall be published as provided in section 46-743. The costs of publishing the notice shall be shared between the department and the affected natural resources districts. All interested persons may appear at the hearings and present testimony or provide other evidence relevant to the issues being considered.

## TESTIMONY

Dan Smith, manager of the Middle Republican NRD, presented written testimony supporting the proposed changes. Smith's testimony reviewed the process that brought the District to the rules being proposed. Smith also reviewed the status of the other Districts in the Basin. A copy of the testimony is on file with the District.

Alice Johns, Nebraska/Kansas representative for the Bureau of Reclamation presented testimony supporting the changes. Jones gave a brief history of the Bureau of Reclamation and its responsibilities. There are 3 Reclamation reservoirs in the Middle Republican NRD and 3 irrigation Districts. The Reclamation monitors these reservoirs and determines the amount of water irrigation districts will be permitted to deliver to their customers. Johns testified that between 1960 and 1980 there was a significant increase in the number of irrigation wells drilled. During this same time frame there was a significant decrease in the amount of water available to irrigators from the reservoirs. The reservoirs not only provide storage for water to be used for irrigation, they also serve recreational purposes, providing a place for boating and fishing activities. A balance needs to be found between the supply of the water and the use. Johns testified that she will be submitting written testimony prior to the October 12 deadline.

Ralph Best, chairman of Frenchmen Cambridge Irrigation District, testified opposing the amount of the allocation. Bureau of Reclamation determines what water supply there is based on lake levels and other factors. This determines how much water surface water irrigators receive. He feels that surface and ground water allotments should be the equal. Surface water irrigators have been sacrificing for a number of years. He feels the 13 inch allocation is too high when surface water users do not receive this much water.

John Bingham, City of McCook, testified opposed to allocations given to the municipalities. Bingham indicated that he was testifying representing the McCook City Council. Bingham presented the city manager's report to the City Council. Bingham also presented Dan Smith's written response to the City council dated October 4, 2004. Smith met with the City Council on October 1, 2004. Bingham requested that the Directors adopt the changes presented in the response from Smith.

Lloyd Benjamin, McCook, testified. Benjamin began by thanking the Directors for the proposed rules and regulations that are uniform and treat everyone the same. The rules appear to be simple to implement. Benjamin testified that he did have a couple of concerns with the proposed changes. First Benjamin would request that the Middle Republican stay aware of what the neighboring NRDs are doing and where they are in the process. Benjamin would like to see the same allocation in all the Districts. The second concern Benjamin had was concerning supplemental wells. Benjamin testified that leaving a well open and drilling a supplemental well would not cause any harm, since quantity of water, not quantity of wells, seems to be the issue. As long as the irrigator is irrigating the same number of acres, supplemental wells should be permissible in Benjamin's opinion.

Steve Smith, representative of Water Claim, testified. Water Claim is a non-profit organization representing irrigators and citizens of the Republican River Basin. Smith presented testimony expressing concerns of the economic impact of the proposed changes on the communities in the District. Written testimony was provided. Smith reviewed records from the Upper Republican concerning their usage in the time frame that they have had allocations. An economic study

released indicates that McCook will have the most severe impact from the allocations. Smith does not believe the current allocation will bring the State in Compliance and is concerned that allocations will continue to decrease. Smith testified that the District needs to take more time before passing the rules. According to Smith the State law does not require the District to change regulations. The law allows three years to design a plan. A document titled "Nothing Required" has been mailed to Directors and a copy is on file with the District.

Bradford Hock, Culbertson, presented written testimony opposed to the proposed allocation. Hock testified that there should be no allocation. Hock feels that the State and the NRDs should have to buy back wells and/or acres to bring the State back into compliance. The State should never have allowed the continuation of well drilling and development of irrigated acres over the last 15 years. Hock reviewed an article about an area in California that was paying irrigators to take acres out of service to provide water to the communities in the area. A copy of this testimony is on file with the District.

Kurt Pieper, North Platte, testified supporting Steve Smith. Pieper requested that the Directors take more time before making any final decisions.

Jerry Mustion, Culbertson, testified supporting Steve Smith. Mustion reviewed an article from Omaha World Herald, "Proposals Worrying Irrigators", published this summer. The article discussed the effect of shortage of water to irrigators and communities. Significant reduction in bushels by allocating 13 inches when irrigators are currently using approx 22 inches under pivots and 30 with flood irrigating will cause a decrease in revenue in all areas of the economy. Even converting irrigated acres to dryland will have an economic impact. More dryland acres require less hired help and less fertilizer. This starts a domino effect economically. Mustion provided written copy of his testimony which is on file with the District.

Mark Christian, Imperial, landowner and business owner in Upper Republican testified in support of Steve Smith and Jerry Mustion. Christian testified concerning the amount of water the trees that are along the river system use. Christian testified that most of Nebraska's overuse could be eliminated if the trees along the river systems would be removed. Conservation practices also have an effect on the river flow.

Ernie Ruzicka, North Platte, testified in support of Steve Smith. The District needs to take more time. Ruzicka indicated that he has questions concerning the accuracy of the water model used in the lawsuit settlement. Republican River is a runoff fed river. Conservation practices have decreased the levels of the river because they hold water on the ground and prevent runoff. Ruzicka also has questions concerning the accuracy of economic impact study. The Study used communities on the edge of the Basin that is not dependent on the farming in the District. Ruzicka also testified that when land values are decreased due to lack of water, the counties will still need to raise the same amount of revenue. Ruzicka raised questions concerning water short years and whether 2005 will be a water short year. Ruzicka thinks that allocations in 2005 should be 15 or 16 inches and in order to give irrigators an opportunity to adapt and make changes.

Mick Cox, Hayes Center, testified opposing the proposed changes. Cox testified that appears that DNR is the master and the District is only doing what DNR orders. Cox feels that DNR's plan is unacceptable. Cox testified that the entire State should feel the economic impact of the settlement made by the State. Bureau of Reclamation has reported that conservation practices and trees are the

biggest cause of decrease in flow of the river. This is something the Directors should look at. Cox testified that any Director not directly affected by irrigating should abstain from voting. The District should wait to approve any rule changes until DNR will agree to rules better for the District. According to Cox, if the Board continues to do as DNR instructs, the composition of the board needs to be changed and management of District needs to be reviewed.

Cliff Randel, Indianola, testified in support of Mick Cox. Directors need to think about who they are representing. Randel testified that, if he were on the board, he would resign in protest and make DNR take the heat.

Kim Wolcott testified in support of Mick Cox and requested that the District slow down. Allocations should be the same in all years including water short years. Wolcott recommended that the District seek expert legal water counsel before agreeing with DNR. Wolcott testified that Patterson, DNR, had reported at a prior meeting that 62% of the water shortage is due to conservation practices. Wolcott also testified that he thinks municipalities and industrial users should have to take the same 10% reduction in use during water short years that irrigators will have to take.

Marty Schurr, Maywood, testified in opposition of the plan. Schurr testified that this plan was suppose to provide 39 inches in 3 years as stated in rule 5-3.9.1 but it does not. If there are water short years, 39 inches will not be received because banked water can not be used. Schurr testified that he cannot justify planting acres if there is not enough water is not enough to raise the crop or insure it. Schurr also testified that the plan does not address vegetation issue. The trees along the river use a significant amount of water. This usage needs to be addressed. Schurr questions the amount of common sense used in putting together the model. The Middle Republican should join the Lower Republican in waiting to get answers concerning the way the model operates. Farmers are being used as an easy way to solve the State problems. Schurr indicated that the economic impact will be the acres not planted. Schurr feels CREP will make this situation worse. It will decrease runoff, increase trees, and make situations worse. If Directors are just going to do what the State says, then let the State do it and take credit for it. Schurr testified that the year needs to run January 1 to December 31 instead of October 1 to September 30 and irrigators should be permitted to bank all water, even in water short years. Schurr testified that he visited with Roger Patterson, DNR, concerning water carryover and January 1 cutoff and Patterson agreed to both of these. Directors need to require funds from the State for the retirement of acres. Schurr requests that the Directors who do not irrigate abstain from the vote on the proposed changes.

Benjie Loomis, Maywood, testified in support of testimony previously presented. Loomis reported that every dollar a farmer spends turns over 7 times. These rules will decrease the dollars farmers will spend. The greatest concern is the handling of water short years. This is too open-ended and should not be part of the plan. DNR is dictating and making the local Board the bad guy. Loomis quoted a comment made by Wayne Madsen, "Economics is simply managing what you have". This is true but you have to know what you have to manage. This plan will not change stream flow. A plan needs to be developed for retiring acres from irrigation, but the retired acres should be converted to dryland which still allows some money to come into the economy. The number of trees needs to be decreased in order to increase the level of the river.

J F Hoffman, Holbrook, testified opposing the rules. Hoffman encourages Directors to not allow the testimony to fall upon deaf ears and remember who they represent. Has board considered the



economic impact or all legal issues? Hoffman read a part of a Dec 2 1998 article in the Kearney Hub where Governor Johannes stated that he felt Nebraska had a good chance of winning the lawsuit with Kansas. Johannes also stated that the State had to fight for its water rights. Hoffman testified that the District needs to hold the State accountable for its own actions and defend the District.

Charlynn Hamilton, Hayes Center provided written testimony. Hamilton reviewed the testimony. Hamilton testified that the issue in the Republican Basin should be the whole states problem, not just the basin's problem. A copy of this testimony is on file with the District.

Claude Cappel, McCook, provided written testimony. Cappel reviewed the testimony. Cappel's land is predominantly surface water irrigated acres. Acres should be rolled back to 2002 level of irrigated acres. Cappel indicated specific rules that he feels need clarified. A copy of this testimony is on file with the District.

Jim McClymont, North Platte, testified in opposition of the water short year provision. The bases of irrigation is to use water when needed. The provision for water short years takes this ability away from irrigators. McClymont requests reconsideration of water short year regulations.

Jason Kunkel, Lamar, testified as a neighbor to the District supporting management of trees. Kunkel also questioned the requirements of LB 962. Do we have three years according to LB 962 to develop a plan? New language added to economic impact study reports that although the economic impact of the basin will be minimal, it will be concentrated in the McCook and Imperial area. Kunkel provided written testimony which is on file with the District.

Roger Goltl, McCook presented testimony. Goltl testified that the State of Nebraska has mismanaged water issues. If a mistake was made by the State, the State should pay for the mistake just as individuals pay for their own mistakes. The State and Bureau could have handled the water issues 40 years ago.

Bruce Fulk, Wallace, testified to changes that he would like to see in the proposed rules. The State and Federal government should be more liable then anyone for paying for retiring acres. If 10% of acres can be taken out of production the 13 inch allocation could be maintained. The vegetation issue needs to be addressed. Roger Patterson has indicated that 2005 will not be a water short year. Fulk would like to see that specified in the rules. Meters should be read in December. Water banked needs to be there for use in water short years. A liability clause should be added that addresses accountability if other Districts do not comply.

Pat Aylward, Dickens, testified that well level at his place has increased two inches. Directors should take time in implementation of any program until they have all the facts.

Mark Christiansen requests that the Directors contact Congressman Osborne concerning CREP. Grass and trees use more water then corn. Land should be converted to dryland instead of grass.

Written testimony will be accepted until 5pm on October 12, 2004.

Hearing adjourned at 9:33p.m.

*Christy Peterson*

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Christy Peterson  
Board Secretary

**Middle Republican NRD  
Written Testimony Received  
Public Hearing  
October 6, 2004**

**Written Testimony Received October 6, 2004**

Dan Smith, Middle Republican NRD Manager  
Steve Smith, Water Claim Representative  
Wayne Madsen, Middle Republican NRD Director  
Bradford Hock  
Char Hamilton  
Barry & Janet Deaver  
Jerry Mustion  
John Bingham, City of McCook

**Written Testimony Received after October 6, 2004**

Danny Easterday  
Scott & Deborah Harris  
Steve Smith, Water Claim Representative  
Stan & Ann Farr  
Mick Cox (presented oral testimony at hearing)  
Kay Schurr  
John Schurr  
Jennifer Smith  
Richard & Rheta Burke  
Ryan Schurr  
Alice Johns, Bureau of Reclamation (presented oral testimony at hearing)  
Mark Walter, Farmer State Bank in Wallace  
Ernie Ruzicka (presented oral testimony at hearing)  
Jerda Garey  
Dale Dueland  
Ralph Long, O'Neil Cattle Company  
Loran Wach  
Daniel Nelsen  
Gary Kotschwar  
Marvin Hanes  
Jody Kotschwar  
Rodney Anderson  
John W. Scharf  
Rodney Weeth  
Scott Weeth  
Terri Jo Bek  
Warren Bek  
Harley Hansen  
Leon Buker

Nicola Buker  
Lowell Schmidt  
Marion Johnson  
Owen Wilson  
Bradley Wood  
Deanna Wilson  
John Kilpatrick

**MINUTES**  
**Middle Republican Natural Resources District**  
**Board of Directors Meeting**  
**September 14, 2004**  
**McCook, Nebraska**

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

**Board Members Absent:** Kelly Wertz

**NRD Staff:** Dan Smith, Bob Merrigan, Kara Gall and Christy Peterson

**NRCS Staff:** Ben Hardin

**Others:** Rex Nelson, Ralph Scott, Tom Baker, John Bingham, Gloria Masoner, Roger Stockton, Raymond Durner, Earl D. Johnston, Darrel Ebmeier, Marvin Knoll, Brad Johnson, Rod Cappel, Dale Wolf, John Kilpatrick, Benjie Loomis, and Marty Schurr

**Information Mailed to Directors:**

September Agenda

August Minutes

August Public Hearing Minutes

August Financial Report

NARD Conference Agenda

Well Permits

Nebraska Policy Institute Brochure

FY2004-2005 Proposed Budget

Budget Hearings Agenda

Variance Hearing Agenda

Rep. River Implementation Costs Summary

NACD E-notes for Aug. 24, 2004

NACD E-notes for Sept. 7, 2004

Information & Education Report

NPI Proposal for Updated Economic Study

**Information Distributed at Meeting:**

Flow Meter Report

Cost Share Summary

Proposed Groundwater Rules & Regulations Rockwell Variance Request

DNR's Public Hearing Notice and Proposed New Chapter 13-Integrated Management Plans

Ultrasonic Flow Meter Quotes

Baker Corp. Variance Request

2004 NARD Resolutions

ATV Bids

Tri City Meters Proposal

**REGULAR MEETING**

The regular monthly board meeting was called to order by Chairman Haag at 7:41p.m. The agenda and roster were circulated to those present.

**Items added to the agenda:** 12c)North Shore Project 319 grant 14e) Depot Repair Bids

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](http://www.mrnrd.org)**. As a courtesy it was also announced on **local radio stations**.

The minutes for August 10, 2004 regular board meeting and public hearing were presented. Anderjaska noted that, on page 2, the vote for approving the minutes should have been 11 ayes and 0 nays.

- ◆ A motion was made by Roberts and second by Fornoff to approve the minutes for the August regular board meeting and public hearing as corrected.

Ayes-9                      Nays-0                      Motion carried

The meeting was recessed at 7:44p.m. to open the public hearing.  
The meeting was reconvened at 7:53p.m.

### CONSIDER VARIANCE REQUESTS

- ◆ A motion was made by Roberts and second by Fornoff to approve Baker Corporation's variance request to drill a new industrial well.

Ayes-9                      Nays-0                      Motion carried

- ◆ A motion was made by Fornoff and second by Moore to approve 17.8 additional acres for Don Rockwell.

Ayes-8                      Nays-Anderjaska                      Motion carried

Madsen arrived at 7:56p.m.

### LEGAL MATTERS

Smith gave an update on the lawsuits against the District. Arguments were presented before Judge Murphy concerning an attempt to have Attorney General David Cookson and Jim Goeke court ordered to testify. Judge Murphy found in the District's favor. A motion for Summary Judgment is being prepared.

Discussion was held concerning a letter received from Water Claim. Schroeder and Cookson both have reviewed the letter.

### FINANCIAL ACTIONS

The financial report for August was presented. The County Treasurer's balance was \$7,211.08.

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

Ayes-10                      Nays-0                      Motion carried

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

Anderjaska indicated that he hates to see taxes going up when water is being limited.

- ◆ A motion was made by Fornoff and second by Dodson to adopt the budget for 2004-2005 as presented with a property tax asking of \$618,396 and a levy rate of .041863.

Ayes-8                      Nays-Harsh, Anderjaska                      Motion carried

Smith read Resolution No. 258-04, Resolution Setting the Property Tax Request.

- ◆ A motion was made by Roberts and second by Madsen to approve the resolution as read.

Ayes-8                      Nays-Harsh, Anderjaska                      Motion carried

A copy of the resolution and budget is on file with the minutes.

### OPEN FORUM

Rex Nelson, Executive Director for McCook Economic Development, discussed the handling of the industrial and municipal water use. Nelson would like to have an allocation set aside that could be used for industrial use when a new business wants to come into the area without the delay of having to request a variance. When companies are searching for a location, they will often eliminate a community if there will be any delay due to needing to file for any kind of variance.

Senator Baker addressed the Directors concerning the one cent increase in levy limit. Upper Republican NRD was one of the District's in the state that had reached the limit and needed

the increase in the levy limit.

John Kilpatrick wanted to offer the assistance of Nebraska Game and Park in the Integrated Management Plan development.

### **NRCS REPORT**

Ben Hardin gave a report on NRCS activities in the District. New EQIP contracts are being serviced. \$1,100,000 was allocated to the District for EQIP. CRP signup is open until September 24. FSA is doing this signup. There is a new program, CSP, which could be available in the area. The CREP proposal has been sent to Washington D.C. for approval. The District may want to offer some additional incentives to irrigators if the CREP program is approved, such as no charge for use of the District's grass drills. CREP, just like CRP, has to be returned to grass.

### **NARD**

Fall Conference in Kearney is September 27 and September 28, 2004. Copies of the resolutions were circulated. Smith reviewed the resolutions. Anderjaska indicated that he thinks there will be a considerable amount of opposition to the resolution prepared by the Upper Republican NRD. The Directors moved to support this resolution at the August regular board meeting.

Smithsonian would like to develop a display of soil from various states. Smith had presented information on this display at a previous board meeting. A few Districts in the State have come out supporting the project and donating funds. NARD has sent out a billing for \$450 for each District who has not already donated to send soil to represent Nebraska.

- ◆ A motion was made by Madsen and second by Harsh to not support the Smithsonian display for \$450.

Ayes-10                      Nays-0                      Motion carried.

### **NACD**

The NACD e-notes for August 24, 2004 and September 7, 2004 were mailed to the Directors. Smith noted that NACD is making computers available to the Districts through a USDA contract. The District will look into purchasing a computer through this program.

### **NNRC**

The Commission's next meeting will be held September 28, 2004 in Kearney following the NARD Annual Conference.

### **INFORMATION & EDUCATION**

Smith introduced Kara Gall, the new Information and Education Coordinator. The Information & Education report was mailed to the Directors. Gall reviewed the report. Range Judging is scheduled for September 22, 2004. The newsletter will go to print September 16, 2004. Outdoor Education Day is October 6, 2004. The proposed rules and regulations will be on the website as soon as possible. Discussion was held on the new design of the website.

### **NE REPUBLICAN RIVER MANAGEMENT DISTRICTS ASSOCIATION**

The next Association meeting will be November 18, 2004 in Imperial. Jay Rempke, Farm Bureau, has approached the District concerning developing a foundation that would provide funds for incentives for irrigators. Rempke is considering having the Association act as the host for this foundation.

Bruce Dodson, Agri Affiliate, has developed an Excel based program for irrigators to evaluate

cropping options and profitability. The hope is to develop this as a web-based tool for irrigators. Dodson hopes to have the program available to the public by November 1.

### **OTHER AGENCIES OR ASSOCIATIONS**

Roger Stockton is the new RC&D coordinator for Southwest Nebraska. Stockton introduced himself and reviewed his background. Stockton discussed some of the projects his office is working on as well as projects he worked on before coming here.

A brochure was mailed to the Directors concerning the Nebraska Policy Institute-Economic Study. The study will look at the economic impact of irrigation. Jay Rempke, Farm Bureau, wanted this project considered for support by the District. Discussion was held concerning the information circulated. General consensus of the Board was not to support the project.

### **GROUND WATER MANAGEMENT**

A report on well permits was handed out. Smith reviewed the report.

The Ground Water Committee met with the Governor in Lincoln. Members of the committee reviewed the meeting. The Governor indicated that although irrigation is important to the State, compliance with the Compact is also important. The committee requested that the Governor come out in support of the NRDs. The Governor indicated that he would send a letter of support to all irrigators in the Middle Republican NRD. Discussion was held on the outcome if the Middle Republican NRD is in compliance but other Districts do not comply. David Cookson, Attorney General, indicated that compliance will be handled on a District by District basis.

Smith reported that LB962 requires an Integrated Management Plan but does not indicate what the plan was to look like. Smith has been working with DNR to come up with a format for the plan. The legal notices for the public hearing on the proposed rules and regulations was published in the North Platte Telegraph starting September 14, 2004 and the McCook Gazette starting September 15, 2004. The hearing is scheduled for October 6, 2004 in McCook at 7p.m.

Smith reviewed an amendment of Title 454, entitled Rules for Practice and Procedures, being proposed by DNR. A copy of the public hearing notice and a copy of the change were circulated to Directors. The District will need to have a hearing on October 12, 2004 considering adopting the same amendment.

Smith reviewed the steps required to adopt new rules. There are some questions concerning how some of the issues will be handled with the Integrated Management Plan. Smith reviewed the rules and the various maps and charts that are included.

John Bingham, City Manager for McCook, requested an opportunity to address the Board. The City of McCook would like to be involved in the rules process. Bingham is requesting time to sit down with the District staff and review concerns that the City has. He would then need to go back to the City Council to report on this meeting and get their direction. Bingham does not feel that he will have time to do this prior to the October 6 public hearing. The Council meets September 20<sup>th</sup> and then again on October 4<sup>th</sup>. Bingham indicated that he had sent a letter to Smith in June requesting time to participate.

Merrigan reviewed the proposed contract with Tri City Meters. The contract is \$14 for meters that they will read but not service. Currently Tri City Meters is contracted to receive \$27 for meters that they both read and service. Tri City Meters is contracted to service Frontier County meters this year. If the fee for reading meters is approved, Tri City will read the meters in Red Willow County. Discussion was held on whether the District staff could read the meters cheaper than contracting someone. Smith indicated that it would be tough to read them for less. It would also increase the time frame that the meters would be read.



- ◆ A motion was made by Harsh and second by Roberts to approve Tri City Meters Contract for reading of meters.

Ayes-10      Nays-0      motion carried

#### **OTHER GROUND WATER ACTIVITY**

Dick Ehrman is coming out to take water samples in the North Shore area to check water quality. This is a relatively small area that has tested for high nitrates. Tests will be run to attempt to find the cause of the high levels. The board previously moved to use Texaco Fund Interest to fund this project.

- ◆ A motion was made by Hoyt and second by Fornoff to proceed with the North Shore 319 grant project.

Ayes-10      Nays-0      motion carried

#### **CONSERVATION MANAGEMENT FUNDS**

Smith reviewed the cost-share summary report and the cost-share summary report on flow meters.

- ◆ A motion was made by Roberts and second by Moore to accept these reports as presented and approve the applications.

Ayes-10      Nays-0      Motion carried

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

#### **WATERSHEDS**

A list of structures in the District was received from DNR. 4 are District watershed structure. There are about 20 structures that are farmer owned. DNR is going to study these structures due to concerns expressed by the United States in the Kansas vs. Nebraska lawsuit.

#### **COMPLAINTS**

Merrigan responded to a run-off inquiry. The issue was resolved.

#### **CHEMIGATION**

Inspections are completed.

#### **PERSONNEL**

Carol Lashley is the new field office secretary in Trenton.

#### **ULTRASONIC FLOW METER QUOTES**

Merrigan reviewed quotes for replacing the ultrasonic flow meter that is in the Curtis office. This can be purchased with Settlement funds. Discussion was held on what to do with the old meter.

- ◆ A motion was made by Harsh and second by Dodson to purchase an ultrasonic flow meter from Great Plains Meter and try to liquidate the old one the best possible route.

Ayes-10      Nays-0      motion carried

#### **ATV QUOTES**

Merrigan reported that one of the 4-wheelers fell out of the back of the pickup. The insurance company determined the 4-wheeler to be totaled. The NRD received \$3755 less \$1000 deductible from the insurance. Quotes for a new 4-wheeler was presented.

- ◆ A motion was made by Roberts and second by Hoyt to accept the quote for the 2005 Suzuki 400 from Lewis Meter Sports for \$4750.

Ayes-9      Nays-Anderjaska      motion carried

**DEPOT REPAIRS**

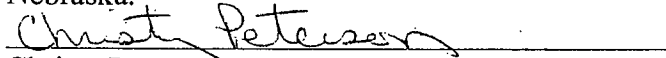
Merrigan reviewed repairs needed at the Depot. A quote from Magee Construction was handed out to Directors. Discussion was held on possibly putting a larger door then the 8 x 9 quoted.

- ◆ A motion was made by Roberts and second by Peters to approve the quote from Magee Construction and directed staff to negotiate a larger door.

Ayes-10      Nays-0      motion carried

Chairman Haag adjourned the meeting at 10:20p.m.

The next meeting will be Tuesday, October 12, 2004 at 7:30p.m. at the NRD office in Curtis, Nebraska.



Christy Peterson  
Secretary to the Board

**MINUTES**  
**Middle Republican Natural Resources District**  
**Public Hearing**  
**September 14, 2004**  
**McCook, Nebraska**

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

**Board Members Absent:** Wayne Madsen and Kelly Wertz

**NRD Staff:** Dan Smith, Robert Merrigan, Kara Gall and Christy Peterson

**NRCS Staff:** Ben Hardin

**Those presenting testimony:** Tom Baker and Ralph Scott

**PUBLIC HEARING**

Chairman Haag called the public hearing to order at 7:43p.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 a request for a variance from the rules and regulations on the Stays in the Drilling of New Wells or other applicable rules and regulations of the District.

**VARIANCE FROM 46-714 STAYS**


Baker Corporation is requesting a variance to drill an industrial well in section 12-3-33 in Hitchcock County. Senator Tom Baker presented some background information concerning the startup of the ethanol plant in Trenton. Two variances have been given to Baker Corp to drill industrial wells for the ethanol plant. The quantity of water with these two wells was sufficient but the quality of the wells has diminished. It has developed problems with high nitrates with the nitrate level going to 90ppm. Ralph Scott discussed the problem that has developed with the nitrates. Baker Corp. is requesting a variance to drill a new well approximately ½ mile from the current well. A copy of the application of the permit to construct, the variance request, and the farm photo showing the location of the proposed well was handed out to Directors.

**CERTIFIED ACRES**

Merrigan reviewed a letter received by Don Rockwell requesting a change in his certified acres. Rockwell is requesting an additional 17.8 acres to include the corners of the pivot. These acres were irrigated by surface water until 1998. At this time, Rockwell drilled 2 irrigation wells and installed 3 pivots.

Rockwell was unable to attend the hearing.

Chairman Haag closed the hearing at 7:52p.m.

  
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Christy Peterson  
Board Secretary

**Minutes**  
**Budget Hearing FY2005**  
**Middle Republican Natural Resources District**  
**September 14, 2004**  
**McCook, Nebraska**

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

**Board Members Absent:** Wayne Madsen and Kelly Wertz

**NRD Staff:** Dan Smith, Robert Merrigan, Kara Gall and Christy Peterson

**NRCS Staff:** Ben Hardin

**Those presenting testimony:** none

The budget hearing was called to order by Chairman Haag at 7:32p.m.

The purpose of this hearing is to receive support, opposition, criticism, suggestions, or observations of taxpayers relating to the proposed budget of the Middle Republican NRD. This is in compliance with § 13-501 to 13-512.

The budget notice was published in the North Platte Telegraph and the McCook Gazette according to state guidelines.

Copies of the Notice of Budget Hearing are on file with the minutes at the District office. Manager Dan Smith reviewed the proposed budget. Total Disbursements are \$1,405,245 with a cash reserve of \$65,000 and a property tax requirement of \$618,396. Anderjaska questioned whether the amount budgeted for legal fees was sufficient. Smith indicated that, due to LB962, any new lawsuits would have to also include Department of Natural Resources. This would allow the District to use the Attorney General's office.

Hoyt arrived at 7:33p.m.

Peters arrived at 7:35p.m.

The hearing was closed at 7:36p.m.

  
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Christy Peterson  
Secretary to the Board

**Minutes**  
**Special Budget Hearing To Set Final Tax Request**  
**Middle Republican Natural Resources District**  
**September 14, 2004**  
**McCook, Nebraska**

**Board Members Present:** Joe Anderjaska, Duane Dodson, Kevin Fornoff, Gayle Haag, Del Harsh, Dennis Hoyt, Stan Moore, Mike Peters, and Don Roberts  
**Board Members Absent:** Wayne Madsen and Kelly Wertz  
**NRD Staff:** Dan Smith, Robert Merrigan, Kara Gall and Christy Peterson  
**NRCS Staff:** Ben Hardin  
**Those presenting testimony:** none


The special budget hearing was called to order by Chairman Haag at 7:37p.m.

The purpose of this hearing is to receive support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request at a different amount than the prior year tax request. This is in compliance with § 77-1601.02.

The special budget notice was published in the North Platte Telegraph and the McCook Gazette according to state guidelines. The proof of publication is attached to the file copy of these proceedings.

Manager Dan Smith reviewed the request. 2003-2004 property tax request was \$462,520.86 and the tax rate was .031555. 2004-2005 proposed property tax request is \$618,396. The new tax rate would be .041863.

No members of the public testified.  
The hearing was closed at 7:40p.m.

  
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Christy Peterson  
Secretary to the Board

Permit to Construct  
Summary  
October 7, 2004

		# of Apps	Completed	Open	EXP/CNX Suspended	Replacement
FY 97-98	(SPA only)	44	34	0	10	0
FY 99		53	46	0	7	6
FY 2000		42	32	0	10	7
FY 2001		71	56	0	15	14
FY 2002		111	100	0	11	18
FY 2003		51	36	5	10	38
FY 2004		4	1	3	0	3

FY 03-04

Spring Water Farms	HI	SW 30-3-32	Complete	Industrial
Spring Water Farms	HI	SW 30-3-32	Complete	Industrial
Spring Water Farms	HI	SW 30-3-32	Complete	Industrial
Spring Water Farms	HI	SW 30-3-32	EXP	Industrial
Les Schmidt	RW	SE 13-4-28	Complete	Replacement
Ron Montross	HI	SE 20-2-35	Complete	Replacement
City of McCook	RW	NE 4-4-30	Complete	(Dave Unger)
City of McCook	RW	SW 1-4-30	EXP	(Solomon)
City of McCook	RW	NW 31-3-27	EXP	(Ervin Schaffert)
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	Complete	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	Complete	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	Complete	Replacement
Nina Wagner	HI	SW 8-3-31	EXP	Replacement
Southwest Biofuels	RW	SE 20-3-30	Complete	Industrial

Southwest Biofuels	RW	SE 20-3-30	Complete	Industrial
Southwest Biofuels	RW	SE 20-3-30	EXP	Replacement
Village of Bartley	RW	SE 6-4-26		Test Well-Expedited
Mary Jane McKillip Trust	RW	NW 7-3-26	Complete	Replacement
K & R Farms	HA	SW 7-5-35		Replacement
Tom Baker	HI	NW 7-3-32	CNX	Replacement (Ind)
Kester Land Co.	FR	SW 25-6-26	Complete	Replacement
Clara Grabenstein	FR	NW 8-8-27		Industrial
Warren Schaffert	HI	NW 4-2-32	Complete	Replacement
Scott Hanchera	RW	NE 14-3-28	Complete	Replacement
Baker Corp.	HI	NW 7-3-32	Complete	Industrial
Craig Nelson	HA	SW 28-6-34	Complete	Replacement
George Seward	HA	NE 23-7-35		Replacement
Robert Korrell	HA	NW 23-5-32		Replacement

**FY 04-05**

Kurt Ross	HA	SE 18-4-31	Complete	Replacement
Bernard Koetter	RW	NW 17-3-29		Replacement
Les Sidcs	RW	NW 14-4-27		Replacement
Baker Corp	HI	NE 12-3-33		Industrial
City of McCook	RW	36-3-30		Notice of Intent