

AGENDA – December 14, 2004

The Middle Republican NRD Board of Directors will hold their regular meeting at the NRD Office in Curtis, Nebraska on Tuesday, December 14, 2004 at 1:30 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 October Regular Board meeting and hearings.
5. Financial Actions
 - a. Approve Financial Report for November 2004
6. Legal Matters – Jon Schroeder
 - a. Case Status
7. Open Forum – Comments from guests
8. Reports – Agencies, Associations, Others
 - a. NRCS – 1) District Conservationist Report
2) EQIP Incentives 3) Consider Agreements
 - b. NARD – 1) Report-Anderjaska 2) Legislative Conf. Jan 22-24 Lincoln
3) Calendars
 - c. NACD – 1) Newsletters
 - d. NNRC – Roberts & Madsen
1) Basin Caucus January 10, 2005, 1PM, KC Hall McCook
 - e. Information & Education – Kara
 - f. NE Republican River Management Districts Association
1) January 10, 2005, KC Hall McCook
 - g. Other Agencies or Associations
1) RC&D 2) Rural Development

- 3) Republican River Water Conservation and Education Coalition
Consider support of activities and December 15 meeting
- h. Legislation – January 5

9. Ground Water Management

- a. Ground Water Management Area
 - 1) Well Permits 2) Order Published 3) Meter Readings
 - 4) Cooperative Agreement – Boundary wells
- b. Implementation Activities
 - 1) User Model Development 2) Educational Activities
 - 3) Water For the West Grant 4) Network Training
- c. Ground Water Quality Management Area
- d. Other Ground Water Activity
 - 1) GWMP revisions – Reservoir Life Goal

10. 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 - Price Changes

11. General Operations

- a. Personnel – Kimberly Smith New Curtis FOS
- b. Long Range Implementation Plan – consider adoption
- c. Sales and Rental Equipment
- d. Elections – recount
- e. Board Reorganization - January

Adjourn

Next regular meeting date – January 11, 2005, 1:30 PM, in McCook, Nebraska.

MIDDLE REPUBLICAN NRD

ATTENDANCE ROSTER

12-14 2004

NAME	ADDRESS	DESIRE TO SPEAK	AGENDA ITEM NUMBER
Kara Gall Ken Towoff Stan Moore Ernst Hoyt	Hays Center Bartley Culb		
Duane Dodson	Maywood		
Donald Roberts	McCook		
Joseph R. Cady	Hays Center		
Wayne Madsen	Trenton		
Robert Merrigan	Curtis		
Roger Stockton	Cambridge		
Brad Johnson	Grant		
Rick Spencer	McCook		
John Kipstad	N. Platte	YES.	
Raymond Dummer	Bartley		
Jerry Mustang	Culbertson		
Eugene Hirsch	Curtis NRCS		
Dan Smith	Maywood		
Dwayne Haag	Bartley		



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Email: office@mnrnd.org

Middle Republican Natural Resources District

MEETING NOTICE

The Middle Republican Natural Resources District Board of Directors will hold their regular monthly meeting at the NRD office, 220 Center Ave, Curtis, Nebraska on December 14, 2004 at 1:30 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 after November 30, 2004 but no later than December 4, 2004

MINUTES
Middle Republican Natural Resources District
Board of Directors Meeting
November 9, 2004
McCook, Nebraska

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

Board Members Absent: Duane Dodson and Don Roberts

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

NRCS Staff: Doug Whisenhunt

Others: Earl Johnston, Marvin Knoll, Mick Cox, Willis Ruppert, Jim McClymont, Jerry Mustion, Claude Cappel, Rick Spencer, Brad Johnson, Ryan Schurr, Marty Schurr, Darold Ebmeier, John Schurr, and other members of the public

Information Mailed to Directors:

November Agenda	Preliminary Election Results
October 12 Regular Minutes	October 12 Scientific Data Hearing Minutes
Variance Hearing Minutes	October Financial Report
Budget Comparison	GWMP 2005 Revision
Certified Acres Report	October 26, 2004 Enotes
November 2, 2004 Enotes	Republican River Settlement Funds Report
Information and Education Report	Long Range Implementation Plan
October 28, 2004 Mailing to Directors-Rules Modifications	
October 18, 2004 Draft of Rules and Regulations	
October 14, 2004 Mailing to Director-Rule changes	

Information Distributed at Meeting:

Cost Share Summary	Meter Cost Share
Copier Quotes	Revised GWMA Rules and Regulations
2005 Harlan County forecast	Fall Water Measurements
Draft Cooperative Agreement for the Basin Districts	
Well Permits	

REGULAR MEETING

Chairman Haag called the regular monthly board meeting to order at 7:28p.m. The agenda and roster were circulated to those present.

Items added to the agenda: 8b2 negotiated rule making

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 provided to **local radio stations**.

Dennis Hoyt arrived at 7:31p.m.

The minutes for the variance hearing, scientific data rules hearing and the regular board meeting held on October 12, 2004 were presented.

- A motion was made by Harsh and second by Madsen to approve the minutes for the October 12, 2004 variance hearing, scientific data rules hearing and regular board meeting as presented.

Ayes-8

Nays-0

Abstain-Hoyt

Motion carried

FINANCIAL ACTIONS

The financial report for October 2004 was presented. The County Treasurer's Balance was \$93,018.12.

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

Ayes-9

Nays-0

Motion carried

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

The monthly budget comparison was presented and reviewed.

Smith reported on a property tax refund for Hitchcock County in the amount of \$562.90. Hitchcock County did not indicate who the refund was for. These refunds are typically for a resident who files a protest to their land evaluation and win.

LEGAL MATTERS

Smith reported on legal matters. A hearing was held in attempt to recover the District's attorney fees on variance requests. The Judge denied this request. Smith also presented an update on the motion for summary judgment.

NRCS REPORT

Doug Whisenhunt presented an update on NRCS activities. EQIP signup has begun. The technicians have been busy working in the field.

Madsen reported on a proposed joint position statement from NWRA and NSIA concerning position of the CREP program. Smith will be attending their conference next week.

Smith gave an update on the CREP program. Questions were sent back from Washington concerning the area.

NARD

Next meeting is scheduled for November 14 and 15. Anderjaska reported that a current member of the NARD board was elected into the State Senate. NARD will be taking over the administration of the TSP program with NRCS. A policy will have to be developed and approved before January 1 or funds will not be available until it is.

Negotiated Rule Making process is being developed at the request of the Ground Water Coalition and the NARD. Dean Edson has asked that Dan Smith and John Thorburn represent the Association on this committee.

- ◆ A motion was made by Madsen and second by Wertz to approve Smith's participation on the Negotiated Rule Making Committee.

Ayes-9

Nays-0

Motion carried

NACD

The October 26, 2004 and November 2, 2004 e-notes from the NACD were mailed to Directors.

NNRC

The next meeting is scheduled for November 17 and 18.

INFORMATION & EDUCATION

Kara Gall discussed the Information & Education report. The draft of the long range

implementation plan was mailed to Directors. Gall reviewed changes made. Directors are asked to contact Gall with changes before the December meeting. Discussion was held on questions concerning the plan.

NRRMDA

The next meeting is scheduled November 18, 2004 in Imperial. Smith reviewed the agenda.

OTHER AGENCIES OR ASSOCIATIONS

The annual meeting is scheduled for November 18 in McCook.

LEGISLATION

Water Task Force meets the end of November. Resolution 2004-2 introduced by the Middle Republican NRD at the NARD Conference is being moved forward by a group that includes Senator Baker and Wayne Madsen.

GROUND WATER MANAGEMENT

The report on well permits was handed out and reviewed. There are no new permits since the October meeting.

Smith reviewed changes to the proposed ground water rules and regulations made since the last board meeting. A summary of these changes was mailed on October 28, 2004 to Directors. A copy of the letter from the Bureau of Reclamation declaring 2005 a water short year was handed out to Directors. If approved, the proposed rules and regulations will become effective January 1, 2005. This allows DNR time to publish their order. Smith reviewed the order that the District would published if the rules and regulations are approved. The order has to be published for three consecutive weeks.

Anderjaska questioned the letter concerning 2005 being a water short year. To take further action in a water short year, the District will have to hold a public hearing.

Anderjaska expressed concern over the rules for industrial and municipal wells. Industrial wells need to have a cap in place on industrial use. Anderjaska also feels that the limit on the municipal wells need adjusted. In his opinion, the limit for McCook is set too high.

Anderjaska indicated that he had discussed these issues with Roger Patterson, DNR, and Patterson had agreed with these issues. Discussion was held on the importance of finding funds for incentive programs to pay producers to retire acres.

A report showing acres in the District was mailed to the Directors. The report also shows acres in the Quick Response and Platte area.

- ◆ A motion was made by Madsen and second by Wertz to adopt the rules and regulations and integrated management plan as presented and issue the order.

Ayes-9 Nays-0 motion carried

Anderjaska expressed the opinion that there is benefits to the rules but that there is still changes that need to be made.

John Thorburn, Tri-Basin, has pointed out the need to develop an agreement amongst the Basin NRDs indicating how to handle wells crossing District boundaries. Smith presented a proposed cooperative agreement that addresses this issue. According to the proposed agreement, the well will be regulated by the District that it is located in but the acres will be regulated by the District they are located in. General consensus was to place the agreement on the December agenda to give Directors an opportunity to review it.

IMPLEMENTATION ACTIVITIES

Smith reported on a project that Bruce Dodson has been working on. Dodson has developed a

computer model that would allow producers to look at various farming options and see what the economics of the plan would be. This allows producers to look at a variety of options and find the best one for their situation. Farm Bureau and the Ground Water Association have been working together with Dodson to develop meetings with producers to look at deficit irrigation and Dodson's model. Meetings will also be setup with professionals (bankers, insurance companies, etc.) showing them where the District is headed. Smith reported that an application has been submitted to Water for the West for a \$15,000 grant for providing Dodson's model to the public.

Smith reported that Leroy Seaver's is working with NSIA to apply for an Environmental Trust Fund grant for funds for the removal of trees along the river. Seavers would like a letter of support from the District.

- ◆ A motion was made by Anderjaska and second by Harsh to send a letter of support.
Ayes-9 Nays-0 motion carried

OTHER GROUND WATER ACTIVITIES

Smith reported that the samples have been collected in the North Shore area. Dick Ehrman assisted Smith and Madsen in collecting the samples. Discussion was held concerning the wells used by the ethanol plant that are high in nitrates.

SOIL AND WATER CONSERVATION MANAGEMENT FUNDS

Smith reviewed the cost-share summary report and the cost-share summary report on flow meters. Meter cost-share from the State will end at the end of December.

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

Ayes-9 Nays-0 Motion carried

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

TREE PLANTING

The prices of trees have increased to 62 cents per tree. Many of the shrubs at Halsey were destroyed by a hail storm.

PERSONNEL

Mardee Studnicka has submitted her letter of resignation effective November 15, 2004. An advertisement has been placed in the Hi-Line newspaper for her position.

LONG RANGE IMPLEMENTATION PLAN

A draft of the revised long range implementation plan was mailed to Directors. Directors are asked to submit any changes prior to the December meeting.

SALES AND RENTAL EQUIPMENT

If CREP is approved the District may need to consider replacing some of the drills. A few of the drills are getting old enough that they may not handle the extra use.

NOVEMBER 26TH SCHEDULE

November 26th is the day after Thanksgiving. The office is officially open. General consensus of the board was to allow the office to be closed if all staff wanted to use leave that day.

COPIER QUOTES

Quotes for a new copier were presented. The quotes were reviewed. The new copier would provide the District with scanning capabilities. Smith will check to see if the copier could be submitted on the Settlement Funds.

- ◆ A motion was made by Harsh and second by Madsen to purchase the Konica7235 from Topg Office Products for \$5895.

Ayes-9 Nays-0 motion carried

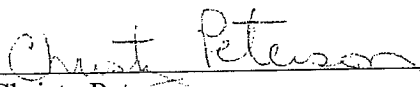
DECEMBER MEETING

December is when the annual luncheon is typically scheduled. This year's luncheon will be held at the Curtis Cattle Company. The regular board meeting will be held after the luncheon.

ELECTIONS

There will have to be a recount due to the closeness between Del Harsh and Jerry Mustion. Rick Spencer will replace Wayne Madsen on the board. Chairman Haag adjourned the meeting at 9:05 p.m.

The next meeting will be Tuesday, December 14, 2004 at the Curtis Cattle Company in Curtis, Nebraska beginning at 1:30 p.m. The annual luncheon will precede the meeting at 12:00p.m.



Christy Peterson
Board Secretary

Permit to Construct
Summary
December 9, 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	4	11	38
FY 2004		4	2	2	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
Jcannie 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 Pcterson	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 Rcmus	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

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Southwest Biofuels	RW	SE 20-3-30	EXP	Replacement
Village of Bartley	RW	SE 6-4-26	EXP	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 Sides	RW	NW 14-4-27	Complete	Replacement
Baker Corp	HI	NE 12-3-33		Industrial
City of McCook	RW	36-3-30		Notice of Intent

DRAFT
COOPERATIVE AGREEMENT

This cooperative agreement, herein referred to as the "agreement", is by and between the Upper Republican Natural Resources District, herein referred to as the "URNRD", the Middle Republican Natural Resources District, herein referred to as the "MRNRD", the Lower Republican Natural Resources District, herein referred to as the "LRNRD", and the Tri-Basin Natural Resources District herein referred to as the "TBNRD", herein collectively referred to as the "Districts".

AUTHORITY:

The authority to enter into this agreement is Chapter 2, Article 32 Natural Resources Districts, section 2-3235 and Chapter 46, Article 7, Ground Water Management and Protection Act, sections 46-707 and 46-742.

PURPOSE:

The purpose of this agreement is to provide for orderly administration of rules and regulations pertaining to development of Ground Water Management Areas and Integrated Management Plans, more specifically for certification of irrigated acres or other uses and transfers of ground water across district boundaries.

MUTUAL INTERESTS:

The districts share many common interests and goals. Many transactions, activities and agricultural enterprises take place near or across our common borders. The districts have cooperated on a variety of projects and programs in the past. It is in the public interest for the districts to coordinate their responsibilities and authorities relative to the administration of Ground Water Management Areas and Integrated Management Plans. Close coordination of regulatory actions is particularly desirable along district boundaries.

RESPONSIBILITIES:

Whenever drilling of new wells has been stayed pursuant to NRRS section 46-714, ground water withdrawn outside of the affected area shall not be transported for use inside such area unless such withdrawal and transport began before the stay took place. The effective date of the stay for the districts is July 16th, 2004.

IT IS MUTUALLY AGREED:

1. The legal description of the well location will determine which district has administrative authority to regulate use of the well.

2. The certification of irrigated acres or other uses will be the responsibility of the district in which the acres or other uses are located.
3. In those instances where certified uses are supplied by multiple wells, and the wells are located in more than one district, the district with the majority of wells shall have administrative authority to regulate use of those wells.
4. In those instances where certified uses are supplied by multiple wells and there are an equal number of wells in each district, the location of the majority of certified acres shall determine which district has administrative authority to regulate use of those wells.
5. Each of the parties will assume responsibility for the actions of their own officials or employees acting within the scope of their employment.
6. This agreement is effective on the date that it is approved and signed by all parties.
7. This agreement may be amended by agreement of the parties to this agreement.
8. ~~This agreement may be terminated by any party by mutual agreement by written notice to the other parties at least 30 days in advance of the termination.~~
9. This agreement is effective until terminated by one of the parties.

UPPER REPUBLICAN NATURAL RESOURCES DISTRICT

BY _____

TITLE _____

DATE _____

This action was authorized at an official meeting of the Upper Republican Natural Resources District on the ____ day of _____ 2004, at _____, Nebraska.

Attest: _____

Ground Water Management Plan
2005 Revision
November 9, 2004

46-709. Ground water management plan; required; contents. Each district shall maintain a ground water management plan based upon the best available information and shall submit amendments to such plan to the Director of Natural Resources for review and approval.

The plan shall include, but not be limited to, the identification to the extent possible of:

(11) Ground water management objectives, including a proposed ground water reservoir life goal for the district. For management plans adopted or revised after July 19, 1996, the ground water management objectives may include any proposed integrated management objectives for hydrologically connected ground water and surface water supplies but a management plan does not have to be revised prior to the adoption or implementation of an integrated management plan pursuant to section 46-718 or 46-719;

Current Reservoir Life Goal

The ground water reservoir life goal of this plan is 75 years, or until the year 2068. This means maintaining an adequate supply of ground water of acceptable quality for 75 years to meet overall needs essential to the general welfare of citizens and the present and future development of agriculture.

Proposed Reservoir Life Goal

To sustain a balance between water uses and water supplies so that the economic viability, social and environmental health, safety and welfare of the river basin can be achieved and maintained for both the near term and the long term.

(46-715 language for developing an integrated management plan after being declared fully appropriated)