

**Board of Directors Regular Meeting  
February 2, 2021 at 9:00 am  
511 East 5<sup>th</sup> Street, Imperial, NE**

Agendas were sent to all Board Members and others requesting agendas. Agendas were posted in the NRD Office in Imperial, the NRCS Offices in Grant and Imperial, and the FSA Office in Benkelman, and posted on the District website. The meeting was announced over KADL-Imperial, KRVN-Lexington and KOGA-Ogallala and published in area newspapers.

**Board Members Present:** Terry Martin, Jason Kunkel, Jay Lee, Harry Merrihew, Tom Terryberry, Tom Schroder, Tyler Turner, Kerry Bernhardt, Brock Stromberger.

**Board Members Absent:** Dean Large and Janice Stroup.

**NRD Staff:** Jasper Fanning, Nate Jenkins, Bruce Curtis, Julia Strand, and Deb Hayes.

**Others Present:** George Seward, Brandon Kuenning, Zack Loker, Brad Loker, Debi Colbert, and Jonathon Colbert.

**Information emailed to Directors:**

Agenda	Variance request information
Minutes of January 5th Regular Board Meeting	JEO Resolution
Well connection request	

**Information distributed at Board meeting:**

Agenda	Well Connection request
Minutes of January 5th Regular Board Meeting	Variance application information
Financial reports	Report of District application/contract/agreement
NRCS report	JEO Resolution – Hazard Mitigation


Chairman Martin called the meeting to order at 9:05 am.

Chairman Martin announced that the Open Meetings Act was posted in the NRD Office.

Dean Large and Janice Stroup are excused from this month's meeting.

Chairman Martin welcomed Dave Brown and CJ Swanson as new Board Members. Introductions of Board, staff and others present were done. All Directors have taken their Oath of Office.

**MINUTES:**

 Stromberger moved to approve the January 5, 2021 Regular Board meeting minutes as presented. Seconded by Turner.

Roll call vote: 7-yes, 2-absent, 2-abstain. Motion carried.

### **FINANCIAL REPORT:**

The Financial Report was presented to the Board.

✚ Kunkel moved to accept the Treasurer's Report and pay the Accounts Payable. Seconded by Merrihew.

Roll call vote: 9-yes, 2-absent. Motion carried.

### **PUBLIC COMMENT:**

Debi Colbert expressed her concerns about not being able to attend the Board meeting virtually.

### **NRCS REPORT:**

Andy Keep sent a written report. The report included that Jeffery Vander Wilt is Nebraska's Acting State Conservationist until a new State Con is hired. Claudia Stevenson has retired from the NRCS office after 33 years of service. She worked in the Grant field office for 28 years.

✚ Stromberger moved to approve the NRCS report of planning activity dated February 2, 2021 to include the Conservation Plans as signed for Perkins County. Seconded by Schroder.

Roll call vote: 9-yes, 2-absent. Motion carried.

### **GROUNDWATER MANGEMENT/RULES AND REGULATIONS:**

Don Hutchens is requesting to connect the well in the SE ¼ 22-9-39 (G-044567) with the two wells in NE ¼ 27-9-39 (G-177239) and SE ¼ 27-9-39 (G-046362) in order to increase the available water to irrigate the fields in the SE ¼ 22-9-39, NE ¼ 27-9-39 and the SE ¼ 27-9-39.

The wells in NE ¼ 27-9-39 and the SE ¼ 27-9-39 have been connected since 2015. The well in the SE ¼ 22-9-39 has a pumping volume of 600 gpm, the wells in NE 27-9-39 and SE 27-9-39 have a combined pumping volume of about 500 gpm, the well in SE 22-9-39 formerly watered two pivots but after decertifying the certified acres on one of the pivots it will only be watering one pivot, and they would like to be able to use that extra capacity on the two pivots to the south. Staff reviewed the request with the Board. Acres were transferred to Imperial Beef at last month's meeting, so the acres were adjusted for that reduction resulting in the historical use of 13" per acre for SE 22-9-39 and the historical use for the NE ¼ 27-9-39 and the SE ¼ 27-9-39, pooled with only these three wells and carryforward would be limited to 39 inches.

✚ Lee moved to approve the well connection for Don Hutchens to connect the well in the SE ¼ 22-9-39 (G-044567) with the two wells in NE ¼ 27-9-39 (G-177239) and SE ¼ 27-9-39 (G-046362) in order to increase the available water to irrigate the fields in the SE ¼ 22-9-39, NE ¼ 27-9-39 and the SE ¼ 27-9-39 with the three wells involved would be limited to their historical use, they can only be pooled with each other, and carryforward is limited to 39" for pool. Seconded by Stromberger.

Roll call vote: 9-yes, 2-absent. Motion carried.

### **VARIANCE COMMITTEE:**

Brock Stromberger gave the Variance Committee report.

#1 George Seward - George Seward is requesting a Variance to transfer 135.0 certified acres from the SE 22-2-40, 110.0 certified acres from the SW 35-2-40, 127.08 certified acres from the NE 33-4-40 and 66.17 certified acres from the NW ¼ 34-2-40 for a total of 438.25 certified acres to the SE ¼ 14-4-41, NE 15-4-41 and SE 10-4-41 to develop three new pivots. The SE ¼ 14-4-41 will receive 150.0 certified acres, NE 15-4-41 will receive 150.0 certified acres and the SE 10-4-41 will receive 138.25 certified acres. New irrigation wells will be drilled on SE ¼ 14-4-41,

NE 15-4-41 and SE 10-4-41 and the wells on SE 22-2-40, SW 35-2-40, NE 33-2-40 and the NW 32-2-40 will be decommissioned or converted to livestock wells. Applicant would like to move the certified acres closer to the other tracts he farms and to areas with lower SDF's. The 5-year historical average use of SE 22-2-40 is 13.79 inches, SW 35-2-40 is 14.47 inches, NE 33-2-40 is 12.25 inches, NW 34-2-40 is 6.67 inches. The SDF at SE 14-4-41 and NE 15-4-41 is 4.8% and the SE 10-4-41 is 5.5%. The SDF at SE 22-2-40 & SW 35-2-40 is 49%, NE 33-2-40 is 39% and NW 34-2-40 is 42%. The new location of use is approximately 16 miles from the offset location and the new pivots will water 123 acres. Stromberger reported that the Variance Committee felt that the SDF is a benefit and the offset acres have been farmed and have substantial historical use. District engineer, Bruce Curtis, presented a groundwater modeling results of changes in groundwater elevation related to the variance request. The Board received letters from Stan Jones and Debi Colbert

✚ Stromberger on behalf of the Variance Committee recommendation is to approve the Variance request of George Seward to transfer 135.0 certified acres from the SE 22-2-40; 110.0 certified acres from the SW 35-2-40; 127.08 certified acres from the NE 33-4-40 and 66.17 certified acres from the NW ¼ 34-2-40 for a total of 438.25 certified acres to the SE ¼ 14-4-41, NE 15-4-41 and SE 10-4-41 to develop three new pivots. The SE ¼ 14-4-41 will receive 150.0 certified acres, NE 15-4-41 will receive 150.0 certified acres and the SE 10-4-41 will receive 138.25 certified acres. New irrigation wells will be drilled on SE ¼ 14-4-41, NE 15-4-41 and SE 10-4-41 and the wells on SE 22-2-40, SW 35-2-40, NE 33-2-40 and the NW 32-2-40 will be decommissioned or converted to livestock wells. There will be no carryforward and will have a 13" allocation.

#### Discussion.

Roll call vote: 8-yes, 1-abstain, 2-absent. Motion carried.

#2 Brad Loker and George Seward are requesting a Variance for George Seward to bank the certified acres and corresponding allocations from the field's SW 21-2-39 and NW 28-2-39. The W 21-2-39 is 116.0 certified acres with a 14.46 inch 5-year historical average and NW 28-2-39 is 132.0 certified acres with a 16.32-inch 5-year historical average, for a total of 248.0 certified acres to be banked. Mr. Seward would like to be able to relocate these certified acres at their current 5-year historical average, in the next few years. Mr. Seward can purchase these certified acres from Mr. Loker but desires flexibility in selecting a location to relocate the certified acres. Both fields were enrolled in CREP from 2006 to October 2020, the 5-year historical average of SW 21-2-39 is 14.46 inches and the SDF is 33% and the 5-year historical average of NW 28-2-39 is 16.32 inches and SDF is 33%. Mr. Seward provided locations for approximately 185 of the certified acres.

✚ Lee moved to approve the Variance request of Brad Loker and George Seward to allow the acres presented to be transferred and to bank the remaining 63 acres. The transfer includes 25 certified acres to the NW 24-4-42, 20 certified acres to NE 24-4-42, 20 certified acres to NE 25-4-42, 25 certified acres to the NE 13-4-42, 40 acres to the SW 23-3-42, 25 acres to the SW 13-3-42, 30 certified acres to NE 23-4-41. Seconded by Turner.

Roll call vote: 8-yes, 1-no, 2-absent. Motion carried.

Voting yes: Dave Brown, Jay Lee, Harry Merrihew, Terry Martin, Tom Schroder, Brock Stromberger, CJ Swanson, and Tyler Turner. Voting no: Jason Kunkel. Absent: Dean Large and Janice Stroup.

**REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS:** No report

- ✚ Stromberger moved to approve the URNRD Report of District applications, contracts and agreements dated February 2, 2021 and to include the NSWCP applications and the pooling contract. Seconded by Kunkel.

Roll call vote: 9-yes, 2-absent. Motion carried.

**LEGAL COUNSEL REPORT:** No report.

**MANAGER'S REPORT:**

Jasper had no new information on the Republican River Basin meeting or Augmentation projects.

Jasper reviewed the Resolution number 020221 for the Multi-Jurisdictional Hazard Mitigation Plan update for Chase, Perkins, and Dundy counties.

- ✚ Kunkel moved to approve Resolution #020221 the Multi-Jurisdictional Hazard Mitigation Plan update for Chase, Perkins, and Dundy counties. Seconded by Turner.

Roll call vote: 9-yes, 2-absent. Motion carried.

**ASSISTANT MANAGER'S REPORT:** No report.

**INFORMATION & EDUCATION:** No report.

**LEGISLATION:**

Jasper and Nate attended the NARD Legislative Conference in Lincoln. Senator Groene submitted two bills LB 589 and LB 591. Jasper and the Board discussed these 2 bills.

LB589 has hearing on Thursday and LB591 is February 10<sup>th</sup>. Jasper and/or Nate suggested the board testify or submit a letter.

- ✚ Merrihew moved to adopt the NARD Association position and allow the board and management to provide testimony. Seconded by Kunkel.

Roll call vote: 9-yes, 2-absent. Motion carried.

**STATE ASSOCIATION:**

**BOARD OF DIRECTORS - ELECTION OF OFFICERS:**

Jasper discussed the Treasurers responsibilities with the Board. The Treasurer will need to be bonded. Jasper discussed setting up electronic payment options for the convenience of the Treasurer, with all necessary checks and balances.

- ✚ Stromberger moved to approve the use of electronic payments. Seconded by Lee.

Roll call vote: 9-yes, 2-absent. Motion carried.

Election of Officers will include electing a Chairman, Vice Chairman and Secretary/Treasurer.

Chairman Martin turned the meeting over to Vice Chairman Kunkel at 11:15.

Vice Chairman Kunkel asked for nominations for Chairman. Jay Lee nominated Terry Martin.

Vice Chairman Kunkel asked for any other nominations and there were none.

✚ Stromberger moved that nominations cease and to cast unanimous ballot for Terry Martin for Chairman. Seconded by Turner.

Roll call vote: 8-yes, 1-abstain, 2-absent. Motion carried.

Vice Chairman Kunkel turned the meeting back over to Chairman Martin.

Chairman Martin asked for nominations for Vice Chairman.

Stromberger nominated Jason Kunkel. Chairman Martin asked for any other nominations and there were none.

✚ Turner moved that nominations cease and to cast a unanimous ballot for Jason Kunkel as Vice Chairman. Seconded by Schroder.

Roll call vote: 8-yes, 1-abstain, 2-absent. Motion carried.

Chairman Martin asked for nominations for Secretary/Treasurer.

Jay Lee nominated Harry Merrihew. Brock Stromberger nominated CJ Swanson. Chairman Martin asked for any other nominations and there were none.

Chairman Martin asked for a ballot vote for Secretary/Treasurer.

Bruce Curtis and Nate Jenkins counted the ballots.

Harry Merrihew received 2 votes and CJ Swanson received 7 votes. CJ Swanson is the new Secretary/Treasurer.

Staff will have Pinnacle Bank update the signature cards for district accounts.

Chairman Martin reviewed the URNRD Standing Committees with the Board.

✚ Stromberger moved to approve the Committee recommendation as presented. Seconded by Turner.

Roll call vote: 9-yes, 2-absent. Motion carried.

Chairman Martin adjourned the meeting at 11:28 a.m. The next Regular Board meeting will be Tuesday, March 2, 2021 at 9:00 am.

Respectfully submitted

CJ Swanson  
Secretary/Treasurer