

April 13, 2006
Nemaha Natural Resources District
Regular Meeting
Tecumseh, Nebraska

1. **CALL TO ORDER/ROLL CALL/MOMENT OF SILENCE**

Chair Jim Wirth called the three hundred seventy-second meeting of the Nemaha Natural Resources District Board of Directors to order at 8:05 p.m. Thursday, April 13, 2006, at the NRD Headquarters in Tecumseh, Nebraska.

DIRECTORS	John Albrecht	Dave Neddenriep	Chuck Starr
PRESENT:	Jeff Crunk*	Gerald Royal	Duane Sugden
	Orval Gigstad	Jim Rush	Bruce Walker
<i>*Left early</i>	Ted Godemann	Steve Sherrow	Paul Weber
	David Hunzeker	Don Siske	Tom White
	Scott Kudrna	Mike Speece*	Jim Wirth
	Roland Meyer		

DIRECTORS	Ron Heskett
ABSENT:	Dan Watermeier

STAFF	Bob Hilske, Manager
PRESENT:	Scott Nelson, Assistant Manager
	Jane Kuhl, Administrative Assistant
	Chuck Wingert, Water Resources Manager
	Charlie Pierce, Water Resources Technician

GUESTS	Wally Valasek, NRCS, Beatrice
PRESENT:	Steve Mossman, Lincoln
	Rich Andrew, Brownville
	Jane Andrew, Brownville
	Ed Chrisp, Columbus

Following the Pledge of Allegiance, a moment of silence was observed.

2. **PROOF OF PUBLICATION**

Proof of Publication was presented and is on file.

3. **EXCUSED ABSENCES**

White moved, seconded by Siske, to approve the excused absences of Ron Heskett and Dan Watermeier. Motion carried on consent agenda.

4. **OPEN FORUMS**

All directors, NRD staff, and NRCS staff introduced themselves. Jane Andrew addressed the board regarding the proposed Bridgewater trail easement item on the Executive Committee's agenda. She asked the board not to approve the easement and suggested some alternatives to the easement.

5. **MINUTES**

White moved, seconded by Siske, to approve the minutes as submitted. Motion carried on consent agenda.

6. **TREASURER'S REPORT**

White moved, seconded by Godemann, to approve the Treasurer's Report as submitted. Motion carried on consent agenda.

7. **STAFF REPORT**

Hilske reviewed his written report. Nelson then reviewed his written report.

8. **AGENCY/ASSOCIATION REPORTS**

A. Natural Resources Conservation Service

Wally Valasek reported on the CRP sign-up, EQIP, and WHIP. He added that applications had closed for the DC position; therefore, it could be filled within the next month.

B. Five Rivers RC&D

Kudrna reported on the activities of the Weed Management Task Force.

C. Nebraska Association of Resources Districts

Gigstad reported on the Washington, DC, meetings that he attended for both NACD and NARD. At the NARD's meeting in March, the board proposed a dues increase of nine percent the first year and four percent the next year. He added it has been eight years since the last increase. The board also discussed doing more public relations activities at the state level to improve the NRD image and the suggestion to hire a consultant to help. Meyer also commented on the DC trip and the future of ethanol production.

D. Nebraska Natural Resources Commission

No report.

E. Water Policy Task Force Report

Sugden reviewed some of the legislation and funds included for water and storm water issues. He also commented on eminent domain used for public use projects. Their next meeting is in May.

9. STANDING COMMITTEES

A. Programs & Projects Committee

1. *Dam Repair Bids*: Bids received for three separate repair jobs were as follows:

Contractor	UBN G-35	Ziegler Z-5-1	Brownell 2-3
Carstens Construction	\$14,256.00	\$9,230.00	\$9,240.00
Malone Construction	\$20,047.50	\$8,424.00	\$6,849.00
Kuhl Trenching & Exc.	\$14,802.48	\$9,700.60	\$10,175.00
G.R. Sunneberg	\$15,675.66		
B.A.B., Inc.	\$22,869.00	\$12,610.00	
Pavers, Inc.		\$11,440.00	\$9,300.30
Gyhra Construction		\$16,900.00	\$18,200.00
Broening Construction			\$15,000.34

Sherrow moved, seconded by Sugden, to approve the low bids submitted for repair work as follows: UBN G-35, Carstens Construction, \$14,256.00; Ziegler Z-5-1, Malone Construction, \$8,424.00; Brownell 2-3, Malone Construction, \$6,849.00. Motion carried.

AYE: Albrecht, Crunk, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Sherrow, Siske, Speece, Starr, Sugden, Walker, Weber, White, Wirth

NOT PRESENT: Heskett, Watermeier

2. *Action on Proposed Groundwater Management Area Rules Revisions:*

Weber moved, seconded by Sugden, to adopt the revisions to the current Groundwater Management Plan rules and regulations with the omission of rule 4.7.1 (8). Steve Mossman addressed the board on behalf of the Rogge's and proposed an alternative which would eliminate rule 4.7.1 (7). In this case, distances would then default to the state law which is 600 feet for irrigation wells and 1000 feet for industrial and public water supply wells. Wingert replied that at least the 1320-foot requirement would provide protection on the density of wells within the thin areas. He added that the reason this was added was to provide something a little more stringent for high capacity wells than state law allows, which is general and is not necessarily representative of our local conditions. Rush questioned why we would

deviate from the state law since we would still have to approve or deny a variance during the moratorium. Weber commented that he works in this business and is seeing a lot of decrease in water levels. Gigstad agreed that we are in a different area of the state and that because our aquifers are shallower, it may be easier to take water from someone if these restrictions aren't available. Crunk asked if the water that Auburn's city wells would be using for an ethanol plant would be considered domestic or commercial use and if the criteria would apply to cities as well as other uses. White understood that if the water goes through the city's lines, it is considered domestic use. Crunk also questioned how we would handle it if Auburn develops its well fields and then, subsequently, depletes the water supply for other users in the area. Hilske replied that if there is a problem supplying enough water, then we would have to determine how to share water among users; and that is what we are trying to address in our groundwater management plan during this two-year moratorium. Crunk added that back in 1972 already we did not have enough water for this kind of pressure. Kudrna stated that no matter what we do there will be a rush to get wells drilled before the moratorium. Wingert stated that about 55 wells have been applied for or drilled recently with 47 from just one family and they are within a six-mile range from Auburn to Nemaha. He added however, that there are quantity problems in the Talmage area also. Godemann felt the water supply study, if approved, would play a part in a long-term solution. Rush questioned why the NRD couldn't help Auburn go three miles to the Missouri River aquifer to get water. Speece stated Clay Kennedy had told him after the public hearing that Rural Water District No. 1 has concerns about irrigation wells even without taking into consideration the municipal wells. In addition the City of Auburn is also concerned about the public water supply if the drought continues. Speece felt instead of taking sides, we are trying to establish some sense of order and make some educated decisions. Auburn has agreed to fund a study on water management and computerized water modeling to determine if there is enough water. If they determine there is not enough water, they have then agreed to pursue going to the Missouri River.

Rush moved, seconded by Hunzeker, to amend the motion to also eliminate rule 4.7.1 (7) from the rules and regulations. Hilske stated what we are talking about is to put rules in place to keep from having the same problem we have now near Auburn. He agreed that if we go with the state requirements, the Board has the ability to use whatever spacing it sees fit. However, the closer the spacing is, the more information we will require before considering a variance to approve a permit. Upon roll call vote on the amendment, **motion failed.**

AYE: Crunk, Godemann, Hunzeker, Rush, Starr

NAY: Albrecht, Gigstad, Kudrna, Meyer, Neddenriep, Royal, Sherrow, Siske,
Speece, Sugden, Walker, Weber, White, Wirth

NOT PRESENT: Heskett, Watermeier

Upon roll call vote on the main motion, **motion carried.**

AYE: Albrecht, Crunk, Gigstad, Godemann, Kudrna, Meyer, Neddenriep, Royal, Siske, Speece, Starr, Sugden, Walker, Weber, White, Wirth

NAY: Hunzeker, Rush

ABSTAINING: Sherrow

NOT PRESENT: Heskett, Watermeier

Weber moved, seconded by Sherrow, to issue the administrative order effective May 15, 2006, based on the approved rules and regulations. Sherrow explained the date was chosen to allow time to advertise the changes according to state statutes.
Motion carried.

AYE: Albrecht, Crunk, Gigstad, Godemann, Kudrna, Meyer, Neddenriep, Royal, Rush, Sherrow, Siske, Speece, Starr, Sugden, Walker, Weber, White, Wirth

NAY: Hunzeker

NOT PRESENT: Heskett, Watermeier

3& 4. Action/Discussion on Structure UBN J-34 Storage Permit and Action/Discussion on Joekel Irrigation Permit Request: Sherrow explained that because of the timing of the submittal of this request, there was not enough time to contact the other landowners involved to determine their interest. Therefore, no action would be taken on these requests until next month.

5. Action on Horalek Easement Revision for UBN 27-R:

Sherrow moved, seconded by Walker, to execute a new easement with Blaine Horalek for parcel E associated with Upper Big Nemaha 27-R. Hilske explained that this easement would designate a specific ingress and egress route and remove the wildlife habitat area designation from this lot, which was not a part of the original area. Upon roll call vote, **motion carried.**

AYE: Albrecht, Crunk, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Sherrow, Siske, Speece, Starr, Sugden, Walker, Weber, White, Wirth

NOT PRESENT: Heskett, Watermeier

6. Update on Rock Creek Swine (Heng) Dam Request: Sherrow stated the committee was updated on this request, but no action was proposed at this time.

B. Operations & Education Committee

1. ***Envirothon: Request for State Contest Sponsorship:***
White moved, seconded by Godemann, to sponsor the Tecumseh and Norris Envirothon teams at the state contest and pay their registration fees of \$100 each. Motion carried.

AYE: Albrecht, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Sherrow, Siske, Starr, Sugden, Walker, Weber, White, Wirth
NOT PRESENT: Crunk, Heskett, Speece, Watermeier

C. Executive Committee

1. ***Action on ATV Bids:*** Bids received were as follows:

Dealer	Model	Price
Johnny's Cycle	TRX 500 FE Honda Fourtrax Foreman 4x4 ES	\$5,999.00
Arbor Outdoor Power	Artic Cat 500 4x4 Automatic	\$6,100.00
ET's Lawn & Leisure	Polaris Sportsman 500 EFI	\$6,288.00
Johnny's Cycle	Kawasaki Brute Force 650 4x4i	\$6,549.00

Godemann moved, seconded by Kudrna, to accept the bid from Johnny's Cycle for the Honda ATV at a cost of \$5,999.00. Motion carried.

AYE: Albrecht, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Sherrow, Siske, Starr, Sugden, Walker, Weber, White, Wirth
NOT PRESENT: Crunk, Heskett, Speece, Watermeier

2. ***Discussion/Action on Winkelman Trail Easement:***
Godemann moved, seconded by Royal, to approve the easement from Jim Winkleman to cross the trail to access his WRP land. It was clarified that the wording in the easement specifies that it is only to cross the trail for maintenance, inspection, or development of the WRP area. **Motion carried.**

AYE: Albrecht, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Sherrow, Siske, Starr, Sugden, Walker, Weber, White, Wirth
NOT PRESENT: Crunk, Heskett, Speece, Watermeier

3. ***Discussion/Action on Bridgewater Trail Easement:*** Godemann reported the committee reviewed this easement as well as other options based upon input from adjacent landowners. No action was taken pending further investigation.

4. ***Update/Action on Buck/Duck Creek Geologic Investigation Budget:***
Godemann moved, seconded by Kudrna, to accept the updated fee changes from HWS for phases 1-3 of the Buck and Duck Creek Geologic Investigation Project and make a request to NRCS that they adjust their allotment of funds to cover 76.2% of the final cost in each phase not to exceed a total contribution of \$160,000 from NRCS as per the agreement with the Nemaha NRD. Hilske explained the changes and how the total costs will actually be under the original estimate. Weber asked what studies were being done. Hilske replied they are looking to see if the soil and geology is suitable for building dams at the sites, if there is any sand, and if the borrow is suitable. **Motion carried.**

AYE: Albrecht, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Sherrow, Siske, Starr, Sugden, Walker, Weber, White, Wirth
NOT PRESENT: Crunk, Heskett, Speece, Watermeier

10. **ANNOUNCEMENTS, MAY MEETING DATE/TIME & AGENDA ITEM REQUESTS**

Wirth stated he was concerned about questions brought up at last month's meeting that some directors may be investors in the Pawnee County Lake project and, therefore, should not be voting on related agenda items. Therefore, he asked that anyone with information on this subject contact him prior to next month's meeting so that it may be addressed by the Executive Committee. The next meeting will be Thursday, May 11, at 8:00 p.m.

11. **CONSENT AGENDA**

Sugden moved, seconded by White, to approve the consent agenda. Consent agenda items: Excused Absences, Minutes, Treasurer's Report. **Motion carried.**

AYE: Albrecht, Gigstad, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Sherrow, Siske, Starr, Sugden, Walker, Weber, White, Wirth

ABSTAINING: Godemann

NOT PRESENT: Crunk, Heskett, Speece, Watermeier

12. **ADJOURNMENT**

White moved, seconded by Kudrna, to adjourn. Motion carried.

AYE: Albrecht, Gigstad, Godemann, Hunzeker, Kudrna, Meyer, Neddenriep, Royal, Rush, Sherrow, Siske, Starr, Sugden, Walker, Weber, White, Wirth

NOT PRESENT: Crunk, Heskett, Speece, Watermeier

The meeting adjourned at 10:05 p.m. The next regular meeting of the board of directors will be Thursday, May 11, 2006, at 8:00 p.m. at the NRD headquarters at 62161 Hwy 136 in Tecumseh.

(Approved 5/11/06)

Secretary, Nemaha Natural Resources District