

**LITTLE BLUE NATURAL RESOURCES DISTRICT**  
**Minutes** **March 8, 2011**

**OPENING OF MEETING – RICHARD KAHMAN**

The directors of the Little Blue Natural Resources District met in regular session on Tuesday, March 8, 2011 at the Little Blue Natural Resources District Office, Davenport, Nebraska. Chairman Kahman called the meeting to order at 7:50 p.m.

Kahman led the group in the Pledge of Allegiance.

Kahman noted that a copy of the Nebraska Open Meeting Act was posted and available for any one who may want to review the document

Roll call was held.

**DIRECTORS PRESENT**

**Board members present:**

Michael Allen, Warren Brakhahn, James Cunningham, Ross Fisher, Edward Fleharty, Jeremy Groves, Lyle Heinrichs, Joe Hergott, Marlin Kimle, Sacha Lemke, Tim Pohlmann, John Rieckman, Steve Shaw, Gene Thomas, Randy Uhrmacher and Rich Kahman.

**Directors absent:**

Charles Rainforth.

**OTHERS PRESENT**

Mike Onnen, Kevin Orvis, Marlene Faimon, Kent Thompson, Marie Herbek; Ken Burgert representing the NRCS.

**ANNOUNCEMENT OF OFFICIAL DISTRICT NOTICE PUBLICATIONS**

Legal notice of the regular meeting was provided to the *FAIRBURY JOURNAL NEWS* and the *HASTINGS TRIBUNE*. The agenda was mailed to all board members, radio, television and newspapers in the district and posted at the NRCS offices in the district and the Little Blue NRD office.

**ADOPTION OF BOARD MEETING AGENDA**

Onnen requested emergency item, Repair of Dam K, be added to the agenda under item #13 f), Projects Committee Report, Other Business. **MOTION # 1 – Fleharty moved, seconded by Hergott to add emergency item, Repair of Dam K, to the March 8, 2011 meeting.** Carried by roll call vote – 16 yes votes.

Onnen also noted the following changes had properly been added to the posted board meeting agenda at least 24 hours prior to the commencement of the meeting: add item #12 f) Lockard

Variance Request and add to item #13 f), Projects Committee Report, Other Business, Burn Agreement with NE Game & Parks. **MOTION # 2 – Fleharty moved, seconded by Allen to approve the corrected agenda for the March 8, 2011 meeting as presented.** Carried by roll call vote – 16 yes votes.

**ADOPTION OF CONSENT AGENDA - ACCEPTANCE OF BOARD MEMBER ABSENCES AND MINUTES OF FEBRUARY 8, 2011 BOARD MEETING**

Onnen noted that Rainforth had notified the office of his intended absence and was excused.

**MOTION # 3 – Fleharty moved, seconded by Allen to accept the absence of Rainforth and to approve the minutes of February 8, 2011.** Carried by roll call vote – 16 yes votes.

**TREASURER'S REPORT – Joe Hergott**

Copies of the Little Blue NRD Treasurer's Report were circulated. Hergott reviewed the report.

**MOTION # 4 – Hergott moved, seconded by Cunningham to approve the report and payment of bills as presented.** Carried by roll call vote – 16 yes votes.

Hergott reviewed the Little Blue Public Water Project Treasurer's Report.

**MOTION # 5 - Hergott moved, seconded by Heinrichs to approve the report and payment of bills as presented.** Carried by roll call vote – 16 yes votes.

Hergott reviewed the Little Blue Public Water Project - South Treasurer's Report. **MOTION # 6 - Hergott moved, seconded by Fleharty to approve the report and payment of bills as presented.** Carried by roll call vote – 16 yes votes.

**AGENCY REPORTS**

**NRCS Report – Ken Burgert**

Burgert gave a brief report of the activities in the NRCS offices.

**NARD Conference Report – Lyle Heinrichs**

Heinrichs reported on the NARD Committee meeting held on March 7.

**RC&D Report**

Copies of the January 24, 2011 Trailblazer RC&D Report were mailed to the Directors earlier.

**STAFF REPORTS – Mike Onnen**

The staff report was mailed to the Director's earlier. Onnen reviewed the report and answered questions.

**BOARD DEVELOPMENT – UNDERSTANDING TRANSFER STATUTES**

Onnen reviewed the Water Transfer Statutes.

**WATER RESOURCES COMMITTEE REPORT – Tim Pohlmann**

A Water Resources Committee meeting was held February 15, 2011 and also prior to the regular Board Meeting.

**Snyder Transfer Permit**

**MOTION # 7 – Pohlmann moved, seconded by Fisher to approve a transfer permit for Steve Snyder to transfer water from the NE1/4 of section 4-2N-3E to the NW1/4 of section 4-2N-3E.**

Carried by roll call vote – 16 yes votes.

**Huber Transfer Permit**

**MOTION # 8 – Pohlmann moved, seconded by Allen to approve a transfer permit for Chris Huber to transfer water from two wells in the NW1/4 of Section 30-3N-2W to the S1/2SW1/4 of Section 19-3N-2W.** Carried by roll call vote – 16 yes votes.

**Ron Vap Transfer Permit**

**MOTION # 9 – Pohlmann moved, seconded by Heinrichs to approve a transfer permit for Ron Vap to transfer water from the NE1/4 of section 34-5N-12W to the SE1/4 section 34-5N-12W.** Carried by roll call vote – 16 yes votes.

**Marvin Bockholdt Transfer Permit**

**MOTION # 10 – Pohlmann moved, seconded by Shaw to approve a transfer permit for Marvin Bockholdt to irrigate the NE1/4 of section 31-1N-5W from a well located in the SE1/4 of section 31-1N-5W.** Carried by roll call vote – 16 yes votes.

**L & M Schardt Farm Transfer Permit**

**MOTION # 11 – Pohlmann moved, seconded by Heinrichs to approve a transfer permit for L & M Schardt Farm to transfer water from the SE1/4 of section 8-3N-3W to the SW1/4 of section 8-3N-3W.** Carried by roll call vote – 16 yes votes.

**John Hynes Transfer Permit**

**MOTION # 12 – Pohlmann moved, seconded by Heinrichs to approve a transfer permit for John Hynes to transfer water from the SE1/4 of section 2-5N-12W to the NW1/4 of section 11-5N-2W.** Carried by roll call vote – 16 yes votes.

**Lockard Variance Request**

**MOTION # 13 – Pohlmann moved, seconded by Shaw to approve the variance request for Gail Lockard in section 30-3N-2W but attach a condition to the permit such that the applicant agrees that should such adverse impacts be experienced by the domestic water well owner because of the use of the new irrigation well, the applicant will work cooperatively with the domestic well owner to seek reasonable remedies for the problems.** Carried by roll call vote – 16 yes votes.

**Discussion of Rule and Regulation Change Regarding Transfers**

It was decided more time was needed to discuss this and a Water Resources Meeting will be scheduled in the near future.

**Pumpage and Acreage Reporting for Quantity Sub-Area # 8**

Discussion was held regarding the requirement of irrigators within Quantity Sub-Area # 8 to report tilled acres. **MOTION # 14 – Pohlmann moved, seconded by Heinrichs to require Pumpage and acreage reporting within Quantity Sub-Area # 8 on an annual basis.** Carried by roll call vote. Yes: Allen, Brakhahn, Cunningham, Fisher, Fleharty, Groves, Heinrichs, Hergott, Kimle, Lemke, Pohlmann, Rieckman, Thomas, Uhrmacher and Kahman. No: Shaw.

**Hastings Water Resources Committee Appointee**

It was requested two members from the Board be on a Hastings Water Resources Committee. **MOTION # 15 – Thomas moved, seconded by Heinrichs to appoint John Rieckman and Randy Uhrmacher to serve on the Hastings Water Resources Committee.** Carried by roll call vote. Yes: Allen, Brakhahn, Cunningham, Fisher, Fleharty, Groves, Heinrichs, Hergott, Kimle, Lemke, Pohlmann, Shaw, Thomas and Kahman. Abstain: Rieckman and Uhrmacher.

## **PROJECTS COMMITTEE REPORT – Ed Fleharty**

The Projects and Planning Committee met prior to the regular Board Meeting.

### **Action to Approve the Warranty Deed for Dam Site 40 Property**

The warranty deed for Dam Site 40 which was sold has been prepared. **MOTION # 16 – Fleharty moved, seconded by Heinrichs to 1) acknowledge the Assignment of Real Estate Purchase Agreement for Site 40 property from Gary E. and Carol A. Peppie to Kevin D. Kimbrough, 2) to approve the Warranty Deed for transfer of title from the Little Blue NRD to Kevin D. Kimbrough and 3) to authorize Chairman Richard Kahman and Secretary Edward A. Fleharty to sign the Warranty Deed as presented.** Motion carried by roll call vote – 16 yes votes.

### **Action to Approve Release on Portion of Site 40 Property**

**MOTION # 17 – Fleharty moved, seconded by Heinrichs to approve the partial release for land in the SE1/4 of section 2-T4N-R1W associated with Dam Site 40 as it relates to an agreement with Allen Sippel on the W1/2SE1/4 of section 3-T4N-R1W, as presented.** Carried by roll call vote – 16 yes votes.

### **Action to Sign Owner's Affidavit for Title Insurance**

**MOTION # 18 – Fleharty moved, seconded by Hergott to approve the Owner's Affidavit and Indemnification statement for the purpose of securing title insurance on the S1/2 of section 2-T4N-R1W as presented.** Carried by roll call vote – 16 yes votes.

### **Buffer Strip Application**

A new buffer strip application was received. **MOTION # 19 – Fleharty moved, seconded by Shaw to approve new Buffer Strip application for Edward H. Lightner Trust of Adams County as presented.** Carried by roll call vote – 16 yes votes.

### **Rural Water Project Line Replacement Bids**

A stretch of underground line on the Rural Water Projects needs repair and bids were solicited for this. **MOTION # 20 – Fleharty moved, seconded by Shaw to accept the bid from Petersen Plumbing in the amount of \$2,275 for the Rural Water Project line replacement.** Carried by roll call vote – 16 yes votes.

### **Burn Agreement for Bruning Dam**

A prescribed burn at the Bruning Dam is planned. **MOTION # 21 – Fleharty moved, seconded by Shaw to approved the Cooperative Agreement between the Nebraska Game & Parks Commission and Landowners/Little Blue Natural Resources District and authorize its signature.** Carried by roll call vote – 16 yes votes.

### **Repair of K-Dam**

The K-dam near Kenesaw is in need of some immediate repairs. **MOTION # 22 – Fleharty moved, seconded by Hergott to authorize staff to obtain bids and proceed with repairs immediately.** Carried by roll call vote – 16 yes votes.

**REPORT ON NAD-MARC WATER UTILIZATION REPORT**

Onnen reported on the progress being made with the NAD-MARC project.

**LEGISLATIVE ACTIVITY REPORT**

Onnen gave a report on the Legislative bills that may impact the Natural Resources Districts.

**ADJOURNMENT**

Kahman adjourned the meeting at 9:40 P.M.

COUNTY OF THAYER     )  
  )  
STATE OF NEBRASKA    )

I, the undersigned, Secretary of the Little Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held on March 8, 2011, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that a copy of the Nebraska Open Meetings Act was posted and available to the public; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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