

**Meeting of the Board of Directors of the  
Republican River Water Conservation District**

**December 5, 2023, Teleconference/Zoom**

The Board of Directors of the Republican River Water Conservation District convened a special meeting, pursuant to notice required by statute and the District's By-Laws, utilizing teleconference/Zoom technology.

Present were:

**Board Members:**

Rod Lenz, President, recused due to conflict of interest

Steve Kramer, Vice President

Greg Larson, excused

Aaron Sprague, Treasurer, late to join

Kristen Schneider, Secretary

Don Brown

Wil Bledsoe

Brooke Campbell

Kevin Penny, excused

Jim Hadachek

Robin Liming

Dennis Wieser, absent

Steven Meakins

Tim Pautler

Roger Seedorf

Tim Fetzer

Josh Lechman

Deb Daniel, RRWCD General Manager

Reon McBride, RRWCD Finance and Office Manager

Payton Liming, RRWCD Administrative Assistant

Pete Ampe, RRWCD General Counsel, Hill & Robbins, P.C.

David Robbins, RRWCD General Counsel, Hill & Robbins, P.C.

**STATEMENT OF QUORUM**

Vice President Steve Kramer called the meeting to order at 1:31 PM. Board Secretary Kristen Schneider conducted a roll call of the Board members and declared that a quorum of the Board was present. Rod Lenz was excused due to conflict of interest. Greg Larson and Kevin Penny were excused. Aaron Sprague joined the meeting after roll call and Dennis Wieser was absent.

**AGENDA**

Vice President Kramer asked for a motion to approve the agenda. There was a motion, second and the vote was unanimous.

## BOARD DISCUSSION AND ACTION ITEMS

There was discussion by the board whether or not to enter executive session. Robbins and Ampe advised the board they should not enter executive session. The board remained in open session and Robbins explained Lenz had recused himself from the meeting because of sitting on the Sandhills Groundwater Management Board.

Daniel explained the District had received a letter from the Sandhills Groundwater Management District Board, which was hand delivered by Manager Nate Midcap. The special meeting was called to respond to the letter. Daniel told the board she had spoken with Midcap and that the District would be working to get a response to Sandhills addressing their concerns quickly.

*Aaron Sprague joined the meeting at 1:41P.M.*

Kramer led the board in discussion of each point brought up by the letter submitted by the Sandhills Groundwater Management District.

### 1. Payment in lieu of Taxes

Robbins explained to the board the issue with the landowner not being able to enroll the acres in the wellfield into CREP because they did not own the water rights. Daniel explained the taxes being paid on the acres in the wellfield are pasture tax rates, not irrigated tax rates. In the past, if the District owned property they would pay payment in lieu of taxes, however the District does not own the property for the wellfield, the District only owns the water rights.

### 2. Capping of well holes no longer used in irrigation or for pipeline deliveries.

Robbins discussed the District is in the middle of finalizing an agreement with the wellfield landowners to solve point number two. The district has spent a lot of time, effort, and money to get the agreement finalized. Daniel discussed how the landowners have been amenable to discussions on finalizing an agreement for repayment of revegetation. The District is pushing for capping, abandonment or downsizing the wells for livestock use of the unused wells to prevent contamination of the aquifer, in the agreement. The District has incentive to get the agreement finalized so future issues are between the landowners, the SGMD and the State, with the RRWCD no longer being involved.

In reference to point five of the Sandhills letter, Robbins clarified the District is not legally bound to pay for an assessment of water pumped and exported out of Sandhills by the pipeline. It would be up to the board to decide on whether or not to do so. Ampe stated these are reasonable requests and some of the requests are things the District should have been doing.

There was extensive discussion on why the acres did not make it into the CREP program and how the District participated in a hearing to assist the landowners to get the ground into CREP. The refusal to enroll the acres was based upon the fact that the landowners did not own the water rights, only the ground.

### 3. Acre feet discrepancy in the Export Decision.

Hendrix stated Slattery and Hendrix created a consumptive use analysis formula to follow and after discrepancies raised by the state of Nebraska, the formula was changed. After further discussion the hearing settled with using the numbers in Table 3, column 6. The numbers in column 6 were previously approved by Sandhills.

4. Notice of amount of water for delivery.

Daniel stated Midcap has previously asked the District for a report. Daniel stated that she assumed Midcap being at the RRWCD meetings stood as a report. Going forward there will be a report created to give to Midcap.

5. Assessment for water pumped and exported.

There was discussion on future negotiations with the Sandhills District for future pipeline exports and how the District will respond if Sandhills requests an assessment for the water pumped. There was further discussion on who will participate during a meeting with Sandhills. **There was a motion to allow the executive committee minus Rod Lenz to meet with the Sandhills board, with Hendrix, Ampe and Robbins to attend the meeting virtually. There was a second.** There was further discussion on pipeline pumping versus the consumption historically for irrigation. **There was a vote, and the vote was unanimous.**

The board discussed how the letter was seeking additional information and formatted in a way that the District can respond and fix before the next round of future export hearings. Robbins advised the board that the District did not buy enough water in the past and knew the District would be required to buy at least an irrigated quarter section per year to continue operating the pipeline.

There was a motion to adjourn the meeting at 2:57 P.M.

Kristina M. Schneider  
Secretary

2/23/24  
Date