

**PAPIO-MISSOURI RIVER  
NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
June 12, 2014**

**PLEDGE OF ALLEGIANCE**

**NOTIFICATION OF OPEN MEETINGS ACT POSTING AND MEETING PROCEDURE**

**MEETING CALLED TO ORDER:** A regular meeting of the Papio-Missouri River Natural Resources District Board of Directors was held at the Natural Resources Center, 8901 S. 154<sup>th</sup> St., Omaha, NE on June 12, 2014. The meeting was called to order by Chairperson Fred Conley at 7:00 p.m.

**QUORUM CALL:** The following Directors were present for the Quorum Call:

Patrick Bonnett	Dave Klug
Fred Conley	Patrick Leahy
John Conley	Rich Tesar
Tim Fowler	Jim Thompson
Curt Frost	Ron Woodle
Scott Japp	

**ADOPTION OF AGENDA:**

- **MOTION NO. 1** It was moved by Director Klug and seconded by Director Fowler that the agenda be adopted.

Roll call vote was held on the motion. The motion carried on a vote of 11-yea.

Voting Yea	-	Bonnett, Conley (John), Fowler, Frost, Japp, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

**ADOPTION OF CONSENT AGENDA:**

- **MOTION NO. 2** It was moved by Director Thompson and seconded by Director Leahy that the following resolution be adopted:

BE IT RESOLVED that the following resolutions on the consent agenda are hereby adopted.

Agenda Item 3.A.:

BE IT RESOLVED that the following Director(s) have an excused absence from the June 12, 2014, Board of Directors Meeting:

None

Agenda Items 7.A., and 7.B.:

BE IT RESOLVED that the May 8, 2014 Papio-Missouri River NRD Board meeting minutes are approved as printed.

Roll call vote was held on the motion. The motion carried on a vote of 10-yea and 1-nay.

Voting Yea	-	Bonnett, Conley (John), Fowler, Frost, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)
Voting Nay	-	Japp
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

**PROOFS OF PUBLICATION OF MEETING NOTICE:** Notice of the meeting was published in the Omaha World Herald on June 5, 2014. The District's April 11-May 8, 2014, expenditures were published in The Burt County Plaindealer on May 21, 2014. The Chairperson ordered the Proofs of Publication recorded in the minutes of this meeting. (They are contained as part of the file copy of these minutes.)

**AGENCY AND ASSOCIATION REPORTS:**

A. Nebraska Natural Resources Commission: Beverly Donaldson, Natural Resources Commission Member, representing the Papio-Missouri River Tributaries Basin, provided the Board an update of current events and project funding status within the Nebraska Natural Resources Commission. The next meeting of the NNRC is scheduled for June 19, 2014, in Chadron, NE.

B. Natural Resources Conservation Service Report: Neil Jensen, NRCS District Conservationist at the Omaha NRCS office, updated the Board on the severe storm that hit Washington and Burt Counties on June 3, 2014. The NRCS vehicles that were parked at the Blair NRCS location were totaled by the insurance company and many farmers suffered extreme damages to crops. He stated there is currently a lot of replanting going on. Neil also gave his report on NRCS activities. His report is posted to the website and attached to these meeting minutes.

C. Nebraska Association of Resources Districts Report: Director Tesar updated the Board on the NARD Board Meeting and Basin Tour, which was held on June 9-10, 2014, in North Platte, Nebraska.

D. Legislative Report – Husch Blackwell: Ron Sedlacek and Tim Gay updated the Board on issues related to Natural Resources Districts in the 2014 Legislative Sessions. Their report and brief is attached to these meeting minutes.

E. Lower Platte River Corridor Alliance Report: Meghan Sittler’s written report is posted to the website and attached to these meeting minutes.

**PUBLIC HEARING – Integrated Management Plan for the Lower Platte River:**

Chairperson Fred Conley appointed GM Winkler as the Hearing Officer. GM Winkler called the hearing to order at 7:35 p.m. The Hearing Officer submitted the following exhibits for the record:

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| <b>Exhibit 1</b> | Agenda   |
| <b>Exhibit 2</b> | Notice of Public Hearing   |
| <b>Exhibit 3</b> | Proof of Publication of Hearing Notice Affidavit <ul style="list-style-type: none"><li>◆ Omaha World-Herald – May 21, 2014</li><li>◆ Omaha World-Herald – May 28, 2014</li><li>◆ Omaha World-Herald – June 2, 2014</li><li>◆ Douglas County Post-Gazette – June 3, 2014</li><li>◆ Papillion Times – June 4, 2014</li><li>◆ Washington County Pilot Tribune &amp; Enterprise – June 6, 2014</li></ul> |
| <b>Exhibit 4</b> | Explanation of the Purpose and Scope of this Project with corresponding exhibits   |
| <b>Exhibit 5</b> | Draft Integrated Management Plan   |
| <b>Exhibit 6</b> | Written Testimony Received by the P-MRNRD  |
| <b>Exhibit 7</b> | Written Testimony Submitted by Shawn Melotz dated June 12, 2014  |
| <b>Exhibit 8</b> | Public Hearing Information from the North Platte NRD as submitted by Scott Japp  |
| <b>Exhibit 9</b> | June 12, 2014 Board Meeting Attendance List  |

Paul Peters, District Legal Counsel, stated the purpose of the Public Hearing pursuant to Neb. Rev. Stat. § 46-718. Staff member Brian Henkel briefed the audience on the purpose and scope of the project. General Manager Winkler opened the floor to the public for testimony.

The following individuals made comment:

- Amy Zoller, representing the Nebraska Dept. of Natural Resources, 301 Centennial Mall, Lincoln, NE
- Edmond Talbot, representing the Bell Creek Drainage District, 1650 Washington St., Blair, NE
- Steve Hilgenkamp, 22378 County Rd. 32, Arlington, NE
- Larry Timm, 17402 S. 180<sup>th</sup>, Springfield, NE
- Steve Kruger, 14744 County Rd. 7, Arlington, NE

- Shawn Melotz, 10404 N 144th St., Omaha, NE (written testimony added to the List of Exhibits as item 7)
- Scott Japp, 4752 County Rd. 15, Arlington, NE (submitted a Public Hearing Notice from the North Platte NRD dated March 2013, was added to the List of Exhibits as item 8)

Hearing Officer Winkler closed the Public Hearing at 8:09 p.m. and returned the floor to Chairperson Fred Conley.

**SUBCOMMITTEE REPORTS:**

A. Personnel, Legislative and Public Affairs Subcommittee: Director Dave Klug reported that the PLPA Subcommittee met on June 10, 2014, and gave a brief recap of the meeting.

- **MOTION NO. 3** It was moved by Director Dave Klug that the following recommendation be adopted:

*PLPA Recommendation #1:* Extension of the Government Relations Contract with Husch Blackwell – It is recommended that the General Manager be authorized to execute the proposed contract with Husch Blackwell, LLP, for the provision of intergovernmental and professional lobbying services per the terms and conditions outlined in the agreement in the form as presented to the Subcommittee, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Roll call was held on the motion. The motion carried on a vote of 10-yea and 1-nay.

Voting Yea	-	Bonnett, Conley (John), Fowler, Frost, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)
Voting Nay	-	Japp
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

- **MOTION NO. 4** It was moved by Director Dave Klug that the following recommendation be adopted:

*PLPA Recommendation #2:* General Manager’s Contract Update – It is recommended that the Chairperson of the Board of Directors be authorized to execute for and on behalf of the District the Fourth Addendum to the General Manger’s Employment Agreement, containing updates to the terms of his agreement and an extension of the General Manager’s term of employment, as recommended by the Subcommittee.

Roll call was held on the motion. The motion carried on a vote of 9-yea and 2-nay.

Voting Yea	-	Bonnett, Conley (John), Fowler, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)
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Voting Nay - Frost, Japp  
Abstaining - None  
Excused Absence - None  
Absent - None

B. Programs, Projects and Operations Subcommittee: Director John Conley reported that the PPO Subcommittee met on June 10, 2014, and gave a brief recap of the meeting.

•• **MOTION NO. 5** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #1:* P-MRNRD Regional Multi-Hazards Mitigation Plan – Grant Application to Nebraska Emergency Management Agency – It is recommended that the General Manager be authorized to execute the proposed Planning Grant Application in the amount of \$150,000 for preparation of an updated Regional Multi-Hazards Mitigation Plan for the District, and that an Ad-Hoc Hazard Mitigation Plan Consultant Selection Subcommittee be appointed.

Roll call was held on the motion. The motion passed on a vote of 10-yea and 1-abstention.

Voting Yea - Bonnett, Conley (John), Fowler, Japp, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)  
Voting Nay - None  
Abstaining - Frost  
Excused Absence - None  
Absent - None

•• **MOTION NO. 6** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #2:* Papio Dam Site 15A – Douglas County Roads Sub-Project Agreement – It is recommended that the General Manager be authorized to execute the proposed Papio Watershed Dam Site 15A Project County Roads Interlocal Agreement with Douglas County, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Director Japp asked staff about the low points of the road located at 186<sup>th</sup> Street. Staff member Amanda Grint stated that the low point is lower than the top of the dam and that the road meets the criteria of Douglas County.

Roll call was held on the motion. The motion passed on a vote of 10-yea and 1-nay.

Voting Yea - Bonnett, Conley (John), Fowler, Frost, Japp, Leahy, Tesar, Thompson, Woodle, Conley (Fred)  
Voting Nay - Klug  
Abstaining - None

Excused Absence - None  
Absent - None

- **MOTION NO. 7** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #3:* Big Papio Creek Flood Inundation Mapping – USGS Proposal – It is recommended that the General Manager be authorized to execute the proposed contract with the USGS in the amount of \$65,100 for Flood Inundation Mapping for the Big Papillion Creek from Fort Street to downstream of Q Street subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Roll call was held on the motion. The motion passed on a vote of 7-yea and 4-nay.

Voting Yea - Conley (John), Fowler, Klug, Leahy, Tesar, Woodle, Conley (Fred)  
Voting Nay - Bonnett, Frost, Japp, Thompson  
Abstaining - None  
Excused Absence - None  
Absent - None

- **MOTION NO. 8** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #4.a:* Missouri River Floodway Purchase Program Bid Openings – Asbestos Investigation – It is recommended that the General Manager be authorized to execute the proposed contract with The Assessment Group for completion of up to 34 residential asbestos investigations for the Missouri River Floodway Purchase Program Buyouts at a cost of \$250 per structure, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

Roll call was held on the motion. The motion passed on a vote of 10-yea and 1-abstention.

Voting Yea - Bonnett, Conley (John), Fowler, Japp, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)  
Voting Nay - None  
Abstaining - Frost  
Excused Absence - None  
Absent - None

- **MOTION NO. 9** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #4.b:* Missouri River Floodway Purchase Program Bid Openings –

Structure Demolition – It is recommended that the General Manager be authorized to execute the proposed contract with Heimes Corp. for demolition of up to 34 residential structures for the Missouri River Floodway Purchase Program Buyouts at a cost of up to \$14,771 per structure, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

The following individual addressed the Board:

- Steven Braesch, 16414 Iske Place, Bellevue, NE

Director Japp asked staff what happens to the land under the structures being demolished. Staff member Amanda Grint stated that the District would work with the Home Owners Association to purchase the land. She added that the process to demolish the structure prior to having a negotiated contract for the land with the Home Owners Association was due to the required timeline dictated by the grant received for this program.

Roll call was held on the motion. The motion passed on a vote of 11-yea.

Voting Yea	-	Bonnett, Conley (John), Fowler, Frost, Japp, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

- **MOTION NO. 10** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #5.a:* FY 2015 Equipment Requirements – It is recommended that the FY 2015 Equipment Requirements be approved, as presented to the Subcommittee, subject to funding in the FY 2015 Budget.

Director Japp asked staff about the purchase of the brand named “Bobcat” attachments, and added that there are other brands that could be used. Staff member Heather Borkowski stated that staff was aware of that, but it was in the best interest of the District to purchase the Bobcat attachments and added that there are multiple Bobcat dealers in the area to allow for competitive bids.

Roll call was held on the motion. The motion passed on a vote of 11-yea.

Voting Yea	-	Bonnett, Conley (John), Fowler, Frost, Japp, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

- **MOTION NO. 11** It was moved by Director John Conley that the following recommendation be adopted:

*PPO Recommendation #5.b:* FY 2015 Equipment Surplus – It is recommended that the surplus NRD equipment located in the Omaha area be sold at the August 17, 2014, Springfield American Legion Post 143 Auction in Springfield, Nebraska, and the remaining surplus NRD equipment be sold at the August 21, 2014, Lee Valley Consignment Auction in Tekamah, Nebraska.

Roll call was held on the motion. The motion passed on a vote of 11-yea.

Voting Yea - Bonnett, Conley (John), Fowler, Frost, Japp, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)  
Voting Nay - None  
Abstaining - None  
Excused Absence - None  
Absent - None

B. Finance, Expenditure and Legal Subcommittee: Director Thompson reported that the FEL Subcommittee met on June 10, 2014, and gave a brief recap of the meeting.

- **MOTION NO. 12** It was moved by Director Thompson that the following recommendation be adopted:

*FEL Recommendation #1:* 1% Increase to the Budgeted Restricted Funds for Lid Calculation for FY 2015 – It is recommended that the following resolution be adopted:

BE IT RESOLVED THAT the Board of Directors of the Papio-Missouri NRD approves an additional increase of 1% in the Total Restricted Funds Authority, pursuant to Neb. Rev. State. §§ 13-518 through 13-522.

Roll call was held on the motion. The motion failed on a vote of 6-yea and 5-nay. This item required a super majority vote of 9-yea in order to pass.

Voting Yea - Conley (John), Fowler, Klug, Tesar, Thompson, Conley (Fred)  
Voting Nay - Bonnett, Frost, Japp, Leahy, Woodle  
Abstaining - None  
Excused Absence - None  
Absent - None

- **MOTION NO. 13** It was moved by Director Thompson that the following recommendation be adopted:

*FEL Recommendation #2:* Lower Platte River Corridor Alliance FY 2015 Budget – It is recommended that the Fiscal Year 2015 Budget for the Lower

Platte River Corridor Alliance in the amount of \$198,835, be approved, subject to funds being included in the District's FY 2015 Budget.

Roll call was held on the motion. The motion carried on a vote of 6-yea and 5-nay.

Voting Yea - Bonnett, Conley (John), Klug, Leahy, Thompson, Conley (Fred)  
Voting Nay - Fowler, Frost, Japp, Tesar, Woodle  
Abstaining - None  
Excused Absence - None  
Absent - None

•• **MOTION NO. 14** It was moved by Director Thompson that the following recommendation be adopted:

*FEL Recommendation #3:* Refinance of the Washington County Rural Water #2 System Bank Loan – It is recommended that the resolution, as presented to the Subcommittee and detailed in the Resolutions, be adopted.

Director Japp asked about additional information regarding the terms of the loan. Staff member Zach Nelson addressed his concerns and added that the loan is with Washington County Bank.

Roll call was held on the motion. The motion carried on a vote of 11-yea.

Voting Yea - Bonnett, Conley (John), Fowler, Frost, Japp, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)  
Voting Nay - None  
Abstaining - None  
Excused Absence - None  
Absent - None

The signed resolution is attached to these meeting minutes.

•• **MOTION NO. 15** It was moved by Director Thompson that the following recommendation be adopted:

*FEL Recommendation #4.a:* Dam Site 15A Land Acquisition:

a.) Recommendation that the General Manager be authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 9 in the amount of \$10,000 for 1.011 acres of land; and authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 11 in the amount of \$331,980 for 10.96 acres of land; and authorized to execute a purchase agreement for Papio Dam Site 15A Project Tract 19 in the amount of \$20,720 for 0.812 acres of land, such purchase agreements to contain provisions for the owners to retain leases over such lands for the 2014 crop year (ending November 1, 2014) and such other terms and conditions as

the General Manager deems necessary and Legal Counsel approves as to form.

A motion was made by Director Thompson and seconded by Director Tesar that the Board go into executive session for the purpose to discuss Dam Site 15A Land Acquisitions. The Board went into executive session at 8:31 p.m.

Roll call was held on the motion to go into executive session. The motion carried on a vote of 11-yea.

Voting Yea	-	Bonnett, Conley (John), Fowler, Frost, Japp, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

A motion was made by Director Thompson and seconded by Director Tesar to come out of executive session. The Board came out of executive session at 8:42 p.m.

Roll call was held on the motion to come out of executive session. Motion carried on a vote of 11-yea.

Voting Yea	-	Bonnett, Conley (John), Fowler, Frost, Japp, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)
Voting Nay	-	None
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

There was discussion by the Board regarding the Vollmer property and the protocol for standard real estate transactions.

Roll call was held on the motion. The motion carried on a vote of 9-yea and 2-nay.

Voting Yea	-	Bonnett, Conley (John), Fowler, Frost, Leahy, Tesar, Thompson, Woodle, Conley (Fred)
Voting Nay	-	Japp, Klug
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

•• **MOTION NO. 16** It was moved by Director Thompson that the following recommendation be adopted:

*FEL Recommendation #4.b:* Dam Site 15A Land Acquisition:

b.) BE IT RESOLVED that the General Manager be and is

directed to commission the District's appraisers to review and update their appraisals of the damages due to landowners from the acquisitions by the District of the parcels of property needed for Dam Site 15A that have not yet been acquired by the District; and, upon receipt of such updates, the General Manager should be and is hereby directed to review such amounts for reasonableness and if he determines that such amounts are reasonable, the General Manager shall amend the District's offers to such landowners, for the District's purchase of such parcels, and offer the purchase offer amounts as updated by such appraisers.

Roll call was held on the motion. The motion carried on a vote of 9-yea and 2-nay.

Voting Yea	-	Bonnett, Conley (John), Fowler, Japp, Leahy, Tesar, Thompson, Woodle, Conley (Fred)
Voting Nay	-	Frost, Klug
Abstaining	-	None
Excused Absence	-	None
Absent	-	None

**TREASURER'S REPORT:**

- **MOTION NO. 17** It was moved by Director John Conley and seconded by Director Klug as follows:

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the May, 2014, financial report; and, (2) any claims made prior to the next Board meeting for (a) earned salaries of District employees, (b) withholding taxes, (c) social security payments, (d) retirement program contributions, (e) utilities, (f) registration fees and expenses for upcoming meetings and conferences, (g) certified completed CAP and Special Project Area applications, (h) invoices which offer a credit or discount for payment made prior to the next Board meeting, (i) postage, and, (j) building and grounds contract expenses.

BE IT FURTHER RESOLVED that the Treasurer is authorized to pay, from the respective operating accounts of the Dakota County, Thurston County and Washington County Rural Water Supply System, the Elkhorn River Bank Stabilization Project, the Elkhorn Breakout Project, the Elk/Pigeon Creek Drainage Project, and the Western Sarpy Drainage District, the project bills listed on the May, 2014, financial report, and future claims for project utilities.

BE IT FURTHER RESOLVED that the financial reports be affixed to and made a part of the minutes.

Roll call vote was held on the motion. The motion carried on a vote of 9-yea and 2-nay.

Voting Yea - Bonnett, Conley (John), Fowler, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)  
 Voting Nay - Frost, Japp  
 Abstaining - None  
 Excused Absence - None  
 Absent - None

**CHAIRPERSON'S REPORT:**

•• **MOTION NO. 18** Ad Hoc Consultant Selection Subcommittee – Regional Multi-Hazards Mitigation Plan - It was moved by Director Klug and seconded by Director Fowler that the following resolution be adopted:

BE IT RESOLVED that Ad Hoc Subcommittee appointments, as presented by the Chairperson, are hereby approved.

The Ad Hoc Consultant Selection Subcommittee for the Regional Multi-Hazards Mitigation Plan Committee Members are as listed:

Patrick Bonnett, Chairperson  
 Jim Thompson, Vice-Chairperson  
 Patrick Leahy  
 Dave Klug  
 Ron Woodle  
 John Conley, Alternate

Roll call was held on the motion. The motion carried on a vote of 9-yea and 2-abstentions.

Voting Yea - Bonnett, Conley (John), Fowler, Klug, Leahy, Tesar, Thompson, Woodle, Conley (Fred)  
 Voting Nay - None  
 Abstaining - Frost, Japp  
 Excused Absence - None  
 Absent - None

**GENERAL MANAGER'S REPORT:** GM Winkler gave his report. The GM report has been posted to the website and is attached to these meeting minutes. The General Manager also recognized Paul Peters, District Legal Counsel, for his dedicated service to the District since 1972. There was additional discussion regarding trails, trails maintenance, and incorporating that information on the District's website.

**INFORMATIONAL ITEMS:**

A. Future Meetings:

June 15, 2014

Lower Platte River Basin Coalition Board Meeting, 1:00 p.m.,

Columbus, NE

July 4, 2014	4 <sup>th</sup> of July, P-MRNRD Offices Closed
July 8, 2014	P-MRNRD Subcommittee Meetings
July 10, 2014	P-MRNRD Board Meeting
July 24, 2014	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC
August 12, 2014	P-MRNRD Subcommittee Meetings
August 14, 2014	P-MRNRD Board Meeting
August 28, 2014	Papillion Creek Watershed Partnership Meeting, 10:00 a.m. NRC

B. Next Meeting – The next regularly scheduled meeting of the P-MRNRD Board of Directors will be held on July 10, 2014.

**ADJOURNMENT:** Being no further business, at 8:55 p.m. the Chairperson declared that the meeting was adjourned.

**NOTE:** These minutes reflect the actions and votes taken at the June 12, 2014, Board of Directors Meeting of the Papio-Missouri River Natural Resources District and are not an official transcript of the meeting. The audio cast of this meeting can be found on our website at [www.papionrd.org](http://www.papionrd.org).

I, the undersigned, Secretary of the Papio-Missouri River Natural Resources District, hereby certify that the foregoing are true and correct minutes of a meeting of the Board of Directors of the District held on June 12, 2014, that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the District; that such subjects were contained in said agenda at least twenty-four hours prior to said meeting; 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.

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Richard Tesar  
District Secretary

**EXTRACT FROM MINUTES OF MEETING  
OF THE BOARD OF DIRECTORS  
OF PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT**

A meeting of the Board of Directors of the Papio-Missouri River Natural Resources District, in the State of Nebraska (the "District") was held at 7:00 p.m. on June 12, 2014, at the Natural Resources Center of the District, 8901 S. 154th St., Omaha, Nebraska, in a publicly convened session, the same being open to the attendance of the public and having been preceded by advance publicized notice, said advance publicized notice having been given in strict accordance with the provisions of Article 14, Chapter 84, Reissue Revised Statutes of Nebraska, as amended, and having set forth (a) the time, date, and place of this meeting; (b) that this meeting would be open to the attendance of the public; and (c) that an agenda of then known subjects to be taken up at the meeting could be obtained from the office of the District. A copy of the affidavit of publication of said advance publicized notice was ordered annexed to the minutes of this meeting. Additionally, reasonable efforts were made to provide advance notification of the meeting to all news media requesting the same of the time, date, and place of the meeting. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

The following members were present: Patrick Bennett, Fred Conley, John Conley  
Tim Fowler, Curt Frost, Scott Japp, Dave Klug, Patrick Leung, Rich Tesar, Jim Thompson  
Absent: \_\_\_\_\_

A quorum being present and the meeting duly commenced, the following proceedings were had and done. At the beginning of the meeting the Chairperson of the Board publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was posted for review and indicated the location of such copy in the room where the meeting was being held.

Board Member Jim Thompson then introduced the following resolution and moved its adoption:

**RESOLUTION NO. 14**

BE IT RESOLVED by the Board of Directors (the "Board") of the Papio-Missouri River Natural Resources District, in the State of Nebraska (the "District"), as follows:

Section 1. The Board hereby finds and determines as follows:

(a) pursuant to Sections 2-3252 to 2-3255, R.R.S. Neb., as amended, and appropriate notice and public hearing as provided by law, the District previously established improvement project areas designated Washington County Rural Water Project No. 1 ("WC Project No. 1") and Washington County Rural Water Project No. 2 ("WC Project No. 2") to serve portions of Washington County; and

(b) the District has constructed rural water system improvements to serve WC Project No. 1 (such improvements, as presently existing and all additions, extensions and improvements thereto hereafter constructed by the District to serve WC Project No. 1 and for which revenue bonds may be issued under the terms of Section 2-3226, R.R.S. Neb., as amended [the "Act"] being herein referred to and collectively designated as the "WC1 Water System"), and has constructed rural water system improvements to serve WC Project No. 2 (such improvements, as presently existing and all additions, extensions and improvements thereto hereafter constructed by the District to serve WC Project No. 2 and for which revenue bonds may be issued under the terms of the Act, being herein referred to and collectively designated as the "WC2 Water System"); and

(c) pursuant to a resolution of the Board dated May 12, 2011 (the "Senior Lien Resolution") the District has issued and there are now outstanding its Water Project Revenue Refunding Bonds (Washington County Rural Water Project No. 2), Series 2011A (the "2011A Bonds") in the aggregate original principal amount of \$2,425,000, presently outstanding in the principal amount of \$1,835,000, maturing serially on June 15 of the years 2014 through 2032, inclusive, and in connection with the issuance of the 2011A Bonds the revenues of the WC2 Water System were pledged for repayment of the 2011A Bonds; and

(d) pursuant to a resolution of the Board dated May 12, 2011 (the "Junior Lien Bond Resolution") the District has issued and there are now outstanding its Junior Lien Water Project Revenue Refunding Bonds (Washington County Rural Water Project No. 2), Series 2011B (the "2011B Bonds") in the original principal amount of \$700,000, presently outstanding in the principal amount of \$600,000, maturing on June 10, 2014 (as such date may be temporarily extended by the holder of the 2011B Bonds, the "2011B Maturity Date"), and in connection with the issuance of the 2011B Bonds the revenues of the WC2 Water System were pledged for repayment of the 2011B Bonds on a basis junior in priority to the lien with respect to the 2011A Bonds; and

(e) since the issuance of the 2011A Bonds and the 2011B Bonds, the District has taken actions to effect a financial merger of the WC1 Water System and the WC2 Water System into a combined service area (together, the "Combined Service Area"), to

adjust boundaries of WC Project No. 1 and WC Project No. 2, respectively, and to modify applicable rate structures payable by water users in the Combined Service Area; and

(f) the actions relating to the financial merger of the WC1 Water System and the WC2 Water System are the subject of pending litigation described as follows (collectively, the “WC System Litigation”):

(i) *The City of Fort Calhoun et al. v. The Papio-Missouri River Natural Resources District* (CI-13-159), which action seeks, among other things, a reversal of the decision of the Board to merge WC Project No. 1 and WC Project No. 2 and to set a rate structure for WC Project No. 2 that is a minimum of 5% higher than WC Project No. 1, until debt from the initial construction of WC Project No. 2 is paid; declare the resolution to hold a hearing on altering the boundaries of WC Project No. 1 and WC Project No. 2 void or voidable as taken in violation of the Open Meetings Act; and issue an injunction preventing any further action in furtherance of the resolution approving such combination; and

(ii) *The City of Fort Calhoun, Nebraska v. The Papio-Missouri River Natural Resources District* (CI-13-160), which action seeks, among other things, an injunction enjoining the Board from implementing the financial merger of WC Project No. 1 and WC Project No. 2 into the single Combined Service Area; and

(iii) *The City of Fort Calhoun et al. v. The Papio-Missouri River Natural Resources District* (CI-13-184), which action seeks, among other things, a declaration that the resolution of the Board was taken in violation of the Open Meetings Act and is therefore void, and a temporary and permanent injunction enjoining the Board from any further action in furtherance of the resolution approving such combination.

and

(g) each of the WC1 Water System and WC2 Water System constitutes a “revenue producing facility” within the meaning of the Act; and

(h) other than the 2011A Bonds and the 2011B Bonds, there is presently no indebtedness of the District for which the revenues of the WC1 Water System or WC2 Water System have been pledged; and

(i) pursuant to a resolution of the Mayor and Council of the City of Blair, Nebraska dated May 9, 2006 (the “Blair Bond Resolution”) the City of Blair, Nebraska has issued and there is now outstanding its Water System Revenue Bond, Series 2006 (the “Blair Bond”), presently outstanding in the principal amount of \$300,000, maturing on June 1, 2015, which was issued by the City to evidence its payment obligations under that Interlocal Cooperation Agreement executed by the City on January 13, 2004, by and among the City, the District and The County of Washington in the State of Nebraska relating to the District’s WC Project No. 2; and

(j) in order to extend the 2011B Maturity Date on favorable terms it is appropriate to proceed with refunding the 2011B Bonds as provided herein by way of a private placement of the Bond authorized herein to Washington County Bank, Blair, Nebraska (the "Purchaser"); and

(k) the proceeds of the Bond herein authorized will be sufficient to redeem in full the 2011B Bonds on the 2011B Maturity Date and to pay costs of issuance (there being no debt service reserve fund contemplated with respect to the Bond); and

(l) upon recommendation of the Finance, Expenditure and Legal Subcommittee, the refinancing of the 2011B Bonds was approved in concept by a two-thirds vote of the Board at the regular meeting of the Board on May 8, 2014; and

(m) the Board desires to adopt this resolution for the purposes of carrying out the intent of the Board expressed on May 8, 2014, in a manner which will reflect the requirements of the proposed Purchaser of the Bond authorized herein; and

(n) all conditions required to exist or to be done precedent to the issuance of the Junior Lien Water Project Revenue Refunding Bond (Washington County Rural Water Project), Series 2014, herein authorized pursuant to the Act in the principal amount of Five Hundred Fifty Thousand Dollars (\$550,000.00), do exist and have been done.

Section 2. In addition to the definitions provided in parentheses elsewhere in this Resolution, the following definitions of terms shall apply, unless the context shall clearly indicate otherwise:

(a) The term "revenues" shall mean all of the rates, rentals, fees and charges, earnings and other monies, including investment income, from any source derived by the District through its ownership and operation of the WC2 Water System, including any and all payments to be received by the District for such system under the terms of interlocal agreements related thereto, including payments under the Blair Bond; *provided, however*, the pledge of revenues in favor of the Bond herein authorized is subject and subordinate in all respects to the prior and senior pledge of revenues in favor of the Senior Bonds as described in the Senior Lien Resolution; and *provided further*, if the WC System Litigation or any portion thereof is resolved by court order or settlement (in either case, an "Order") in a manner that limits the revenues which may be pledged for the Bond authorized herein, then "revenues" as used herein, shall mean only that portion of the rates, rentals, fees and charges, earnings and other monies, including investment income, from any source derived by the District through its ownership and operation of the WC2 Water System to the extent the same may be pledged for the Bond after giving effect to the Order.

(b) The term "Additional Bonds" shall mean any and all bonds hereafter issued by the District pursuant to the terms of the Senior Lien Resolution which are equal in lien to the Senior Bonds, including all such bonds issued pursuant to Section 15 and refunding bonds issued pursuant to Section 16, each as included in the Senior Lien Resolution.

(c) The term "Deposit Securities" shall mean obligations of the United States of America, direct or unconditionally guaranteed, including any such obligations issued in book entry form.

(d) The term "Paying Agent and Registrar" shall mean the Treasurer of the District, as appointed to act as paying agent and registrar for the 2011B Bonds pursuant to Section 4 hereof, or any successor thereto.

Section 3. To provide for the payment of the 2011B Bonds on the 2011B Maturity Date as described in Section 1 hereof, there shall be and there is hereby ordered issued a single negotiable bond of the District to be designated as its "Junior Lien Water Project Revenue Refunding Bond (Washington County Rural Water Project), Series 2014" (the "Bond") in the principal amount of Five Hundred Fifty Thousand Dollars (\$550,000), with said Bond to be dated and delivered June 13, 2014 (the "Date of Delivery") and to mature on June 12, 2017 (the "Maturity Date"), to bear interest at a fixed rate of interest per annum of 4.12%, with payments of principal and interest payable monthly in arrears, on or before the first (1<sup>st</sup>) day of each month (each, a "Payment Date") based on an 18 year amortization schedule, with such payments shown on the schedule attached hereto as Exhibit "A", with all unpaid principal and accrued and unpaid interest to be due and payable on the Maturity Date. The Bond shall be issued in fully registered form as a single bond in the entire authorized principal amount. The Bond shall bear such interest from the Date of Delivery or the most recent Payment Date to which interest has been paid or provided for, whichever is later. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal and interest due on each Payment Date shall be payable to the registered owner of record as of the fifteenth day immediately preceding the Payment Date (the "Record Date"), subject to the provisions of Section 5 hereof. The Bond shall be issued as a single bond numbered from R-1. Payments of principal and interest due on the Bond prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar as designated pursuant to Section 4 hereof, by mailing a check or draft in the amount due for such amount on each Payment Date to the registered owner of the Bond, as of the Record Date for such Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal due at maturity together with any unpaid interest accrued thereon shall be made by the Paying Agent and Registrar to the registered owner upon presentation and surrender of the Bond to the Paying Agent and Registrar. The District and the Paying Agent and Registrar may treat the registered owner of the Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the District nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Resolution shall be valid and effectual and shall be a discharge of the District and the Paying Agent and Registrar, in respect of the liability upon the Bond or claims for interest to the extent of the sum or sums so paid.

Section 4. The Treasurer of the District is hereby designated to serve as Paying Agent and Registrar for the Bond. The Paying Agent and Registrar shall keep and maintain for the District books for the registration and transfer of the Bond at its office in Omaha, Nebraska. The name and registered address of the registered owner of the Bond shall at all times be recorded in such books. The Bond may be transferred pursuant to its provisions, and subject to the provisions

of this Section 4 below, at the office of said Paying Agent and Registrar by surrender of the Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar, on behalf of the District, will deliver at its office (or send by registered mail to the transferee owner thereof at such transferee owner's risk and expense), registered in the name of the transferee owner, a new Bond, of the same series, interest rate, aggregate principal amount and maturity. In every case of transfer of the Bond, the surrendered Bond shall be canceled and destroyed. Any Bond issued upon transfer of the Bond so surrendered shall be a valid obligation of the District evidencing the same obligation as the Bond surrendered and shall be entitled to all the benefits and protection of this Resolution to the same extent as the Bond upon transfer of which it was delivered. The District and the Paying Agent and Registrar shall not be required to transfer the Bond during any period from any Record Date until its immediately following Payment Date or to transfer the Bond when called for redemption, in whole or in part, for a period of 30 days next preceding the date fixed for redemption. Notwithstanding any provision of this Resolution to the contrary, no transfer of the Bond will be permitted unless the Purchaser (or any subsequent holder transferring the Bond) shall comply with all applicable federal and state securities laws applicable to such transfer, shall certify the same to the District, and shall cause acceptable investor or purchaser letters to be executed and delivered to the District prior to the effectiveness of such transfer. In addition, in connection with any such transfer, the Paying Agent shall require the holder requesting such transfer to pay any tax or other governmental charge required to be paid with respect to such transfer, and the Paying Agent may also require the holder requesting such transfer to pay a reasonable sum to cover expenses, including, without limitation, attorneys' fees, incurred by the Paying Agent or the District in connection with such transfer.

Section 5. In the event that payment of interest due on the Bond on an Payment Date is not timely made, such interest shall cease to be payable to the registered owner as of the Record Date for such Payment Date and shall be payable to the registered owner of the Bond as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 6. The Bond shall be subject to redemption, in whole or in part, at any time prior to maturity at the principal amount thereof (as designated by the District in the case of partial redemption), without premium or penalty, but with accrued interest on the principal amount redeemed to the date fixed for redemption. Such redemption shall be made from time to time as shall be directed by the Board of Directors of the District. In the event that the Bond is redeemed in part, the Paying Agent shall mark such partial redemption on its books and records, confirmed in writing to the registered owner, and the registered owner shall not be required to surrender the Bond for notation of partial redemption to said Paying Agent and Registrar. The books of the Paying Agent and Registrar shall be controlling as to the outstanding principal amount of the Bond. Notice of redemption of the Bond called for partial or whole redemption shall be given at the direction of the District by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or portion of the principal thereof to be redeemed and the date fixed for redemption and shall state, in the case of prepayment in whole, that the Bond is to be presented for prepayment at the office of said Paying

Agent and Registrar. In case of any partial redemption of the Bond, the registered owner shall have the right to request the delivery of a replacement bond certificate evidencing and stating the outstanding principal remaining unredeemed. No defect in the mailing of notice for the Bond shall affect the sufficiency of the proceedings of the District designating the Bond or portion of the principal thereof called for redemption.

Section 7. If the date for payment of the principal of or interest on the Bond shall be a Saturday, Sunday, legal holiday or a day on which the banking institutions in the city where the office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

Section 8. The Bond shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

JUNIOR LIEN WATER PROJECT REVENUE REFUNDING BOND  
(WASHINGTON COUNTY RURAL WATER PROJECT)  
SERIES 2014

TRANSFERS OF THIS BOND ARE RESTRICTED BY THE TERMS OF THE AUTHORIZING RESOLUTION (THE "RESOLUTION") AND ARE LIMITED TO INVESTORS WHO PROVIDE AN INVESTOR OR PURCHASER LETTER AS PROVIDED IN SECTION 4 OF THE RESOLUTION.

No. R-1

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP No.</u>
4.12%	June 12, 2017	June 13, 2014	N/A

Registered Owner: WASHINGTON COUNTY BANK

Principal Amount: FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000)

KNOW ALL PERSONS BY THESE PRESENTS: That the Papio-Missouri River Natural Resources District, in the State of Nebraska (the "District") hereby acknowledges itself to owe and for value received promises to pay, but only from the special sources hereinafter described, to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or most recent Payment Date to which interest has been paid or provided for, whichever is later, at the rate per annum specified above, with payments of principal and interest payable monthly in arrears, on or before the first (1st) day of each month (each, a "Payment Date") based on an 18 year amortization schedule, with such payments shown on the schedule attached hereto as Schedule 1, with all unpaid principal and accrued and unpaid interest to be due and payable on the Maturity Date. Such interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal of this bond together with interest thereon unpaid and accrued at maturity (or earlier redemption in whole) is payable upon presentation and surrender of this bond at the office of the Treasurer of the District, as Paying Agent and Registrar, in Omaha, Nebraska. Interest on and principal of this bond due prior to maturity or earlier redemption will be paid on each Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding the Payment Date (the "Record Date"), to such owner's address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the Record Date, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available.

This bond is the single bond of an authorized issue of fully registered bonds in the principal amount of Five Hundred Fifty Thousand Dollars (\$550,000.00) issued by the District for the purpose of refunding a portion of the District's Junior Lien Water Project Revenue Refunding Bonds (Washington County Rural Water Project No. 2), Series 2011B, which were issued for the purpose of refunding a portion of the District's Junior Lien Water Project Revenue Refunding Bonds (Washington County Rural Water Project No. 2), Series 2006B, which were issued for the purpose of paying a portion of the costs of constructing and acquiring a rural water distribution system to serve the District's Washington County Rural Water Project No. 2 and portions of the City of Blair, Nebraska, and to pay costs of issuance thereof, and is issued pursuant to the terms of a resolution (the "Resolution") adopted by the Board of Directors of said District in accordance with and under the provisions of Section 2-3226, R.R.S. Neb., as amended.

This bond is subject to redemption at the option of the District, in whole or in part, at any time prior to maturity, at the principal amount thereof designated for redemption together with accrued interest on the principal amount redeemed to the date fixed for redemption. Such redemption shall be made from time to time as shall be directed by the Board of Directors of the District. Notice of redemption shall be given by mail to the registered owner of this bond in the manner specified in the Resolution. Principal of this bond may be redeemed in part in any amount. In case of any such partial redemption, the registered owner is not required to present this bond for notation of partial redemption and the books and records of the Paying Agent and Registrar shall control as to the remaining principal balance unpaid.

Subject to the requirements of the Resolution, this bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Resolution, subject to the limitations therein prescribed. The District, the Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder and for all other purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

If the day for payment of the principal of or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

The revenues (as defined in the Resolution and subject to the limitations provided in such definition) are pledged and hypothecated by the District for the payment of this bond on a basis which is junior in lien to the District's Water Project Revenue Refunding Bonds (Washington County Rural Water Project No. 2), Series 2011A, issued in the original principal amount of \$2,425,000 (the "Senior Bonds"), all as described in the Resolution and the resolution authorizing the Senior Bonds (the "Senior Lien Resolution"). This Bond is expressly junior in rights as to payment and security to the Senior Bonds. This Bond is a lien only upon said revenues and is not a general obligation of the District.

The Resolution sets forth the covenants and obligations of the District with respect to the WC2 Water System and the applications of the revenues thereof, which revenues under the terms of the Senior Lien Resolution and the Resolution are required to be deposited to the "WC2 Project Fund" as established under the Senior Lien Resolution and confirmed by the Resolution and disbursed to pay costs of operation and maintenance of the WC2 Water System, to make payments of principal and interest on the Senior Bonds, on any additional bonds of equal priority with the Senior Bonds and, from the Retained Revenues Account established under and in accordance with the Senior Lien Resolution, on the Bond and other payments as specified in the Senior Lien Resolution and the Resolution. The Senior Lien Resolution also designates the terms and conditions under which additional bonds of equal priority with the Senior Bonds may be issued. The Resolution also designates the terms and conditions upon which this bond shall cease to be entitled to any lien, benefit or security under the Resolution and all covenants, agreements and obligations of the District under the Resolution may be discharged and satisfied at or prior to the maturity or redemption of this bond if monies or certain specified securities shall have been deposited with a trustee bank.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as provided by law. This bond shall not be valid and binding on the District until authenticated by the Paying Agent and Registrar.

[NO FURTHER TEXT ON THIS PAGE]

IN WITNESS WHEREOF, the Board of Directors of the Papio-Missouri River Natural Resources District, in the State of Nebraska, have caused this bond to be executed on behalf of the District with the manual or facsimile signatures of the Chairperson and Secretary of the District, all as of the Date of Original Issue shown above.

PAPIO-MISSOURI RIVER NATURAL  
RESOURCES DISTRICT, IN THE STATE  
OF NEBRASKA

ATTEST:

(manual or facsimile signature)

Chairperson

(manual or facsimile signature)

Secretary

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds authorized by Resolution adopted by the Board of Directors of the Papio-Missouri River Natural Resources District, in the State of Nebraska, as described in said bond.

Treasurer, Papio-Missouri River Natural  
Resources District, as Paying Agent and  
Registrar

\_\_\_\_\_  
Authorized Signature

(FORM OF ASSIGNMENT)

For value received \_\_\_\_\_ hereby sells, assigns, and transfers unto \_\_\_\_\_ the within bond and hereby irrevocably constitutes and appoints \_\_\_\_\_, Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Date: \_\_\_\_\_

\_\_\_\_\_  
Registered Owner

Signature Guaranteed

By: \_\_\_\_\_

\_\_\_\_\_  
Authorized Officer

Note: The signature(s) on this assignment MUST CORRESPOND with the name(s) as written on the face of the within bond in every particular, without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 9. The Bond shall be executed on behalf of the District with the manual or facsimile signatures of the Chairperson and Secretary of the District. In the event of any transfer of the Bond, the District shall immediately provide a supply of bond certificates for issuance upon such transfer and subsequent transfers or in the event of partial redemption and request for replacement certificate or certificates. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the District agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any certificate to evidence the Bond shall cease to be such officer before the delivery of such certificate (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such certificate to evidence the Bond. The Bond shall not be valid and binding on the District until authenticated by the Paying Agent and Registrar. The Bond shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bond, it shall be delivered to the District's Treasurer, acting on behalf of the District, who shall deliver it to Washington County Bank, as initial purchaser thereof (the "Purchaser"), upon receipt of the purchase price of 100% of the principal amount thereof plus accrued interest, if any, on the principal amount of the Bond to date of payment for the Bond. A record of information with respect to the Bond shall also be filed with the office of the Auditor of Public Accounts as required under Section 10-140, R.R.S. Neb., as amended. The Secretary, acting on behalf of the District, shall make and certify a transcript of the proceedings of the governing body with respect to the Bond which shall be delivered to said purchaser.

Section 10. For the payment of the Bond, both principal and interest, the District hereby pledges and hypothecates the entire revenues (as defined and described above, and subject to the limitations set out in such definition), subject in full to the payment and other rights of the Senior Bonds and to the terms and conditions of the Senior Lien Resolution. The pledge and hypothecation of the revenues provided for the Bond in this Resolution is intended to and is expressly a junior pledge or lien upon and security interest in the revenues of the WC2 Water System subject to the payment rights securing the Senior Bonds and any Additional Bonds so long as the Senior Bonds and any Additional Bonds remain outstanding and the Bond shall be payable from monies in the "Retained Revenues Account" as described in and created by the Senior Lien Resolution. The terms of the Senior Lien Resolution are hereby incorporated by reference. This Resolution, subject to the terms and conditions of the Senior Lien Resolution is intended as a full exercise of the powers of the District provided for in the Act, as now or hereafter amended, with respect to the revenues.

Section 11. The proceeds of the Bond, along with other funds of the District available for such purposes, shall be applied at the direction of the District's Treasurer to the redemption in full of the 2011B Bonds on the 2011B Maturity Date. The holder of the Bond shall be subrogated to the rights of the holders of the 2011B Bonds from and after the redemption and payment of the 2011B Bonds.

Section 12. The District hereby agrees that it will impose and maintain and shall revise from time to time when necessary and shall collect such rentals, rates, fees and charges for the use and services of the WC2 Water System which, in the aggregate and taking into consideration amounts to be received under the terms of the Interlocal Agreement, shall be sufficient at all times:

(a) to provide for the payment of interest on and principal of the Senior Bonds and any Additional Bonds as such interest and principal become due and of interest on the Bond as such interest becomes due;

(b) to pay all reasonable costs of operation and maintenance of the WC2 Water System, including adequate insurance as provided by this Resolution and the Senior Lien Resolution and to pay for the necessary and reasonable repairs, replacements and extensions of said WC2 Water System; and

(c) to establish and maintain the Debt Service Reserve Account as provided in the Senior Lien Resolution and any debt service reserve account hereafter required for Additional Bonds.

Section 13. By the incorporation of the provisions of the Senior Lien Resolution, the fund and accounts established under the terms of Section 13 of the Senior Lien Resolution are hereby confirmed with respect to the application of revenues of the WC2 Water System for the Senior Lien Bonds, and Additional Bonds and the Bond. All references to the "Junior Bond Payment Sub-account" and the "Junior Lien Resolution" in Section 13 of the Senior Lien Resolution shall be understood to refer to the Junior Bond Payment Sub-account established in this Section 13 and this Resolution, respectively. The Bond shall be payable solely from amounts deposited to the Retained Revenues Account. In accordance with the terms of the Senior Lien Resolution, the District hereby establishes for the benefit and security of the Bond, the following sub-accounts for the application of revenues in the Retained Revenues Account: (a) the Junior Bond Payment Sub-account and (b) the Junior Bond Redemption Sub-account. With respect to such sub-accounts, the District hereby agrees for the benefit of the registered owner of the Bond as follows:

(a) **Junior Bond Payment Sub-account** – Amounts available in the Retained Revenues Account shall be credited at least monthly on or before the business day immediately preceding each Payment Date in an amount sufficient to pay in full the principal of and interest falling due on the Bond on the next Payment Date. The District Treasurer is hereby authorized and directed, without further authorization, to withdraw monies credited to the Junior Bond Payment Sub-account to pay the principal of and interest on the Bond and to transfer such monies to the Paying Agent and Registrar at least two (2) business days before each Payment Date.

(b) **Junior Bond Redemption Sub-account** – Any amounts remaining in the Retained Revenues Account which (y) are

not required to be applied (i) to make up deficiencies as described in Subsection 13(e)(1) of the Senior Lien Resolution or (ii) to make the required deposit to the Junior Bond Payment Sub-account as described in Subsection 13(e)(2) of the Senior Lien Resolution and Subsection 13(a) of this Resolution and (z) which the District does not reasonably expect to be applied to any of the other permitted purposes described in Subsections 13(e)(4), 13(e)(5), 13(e)(6), and 13(e)(7) of the Senior Lien Resolution shall be credited to the Junior Bond Redemption Sub-account and applied to the prepayment (partial or whole) of the Bond at the earliest permitted redemption date.

The provisions of this Section as supplementing the provisions of Section 13 of the Senior Lien Resolution shall require the District to maintain a set of books and records in accordance with such accounting methods and procedures as are generally applicable to a utility enterprise, which books and records shall show credits to and expenditures from the several sub-accounts required by this Section 13. Monies credited to any such sub-accounts shall be deposited or invested separate and apart from other District funds. The District shall not be required to establish separate bank or investment accounts for the sub-accounts described in this Section 13.

Section 14. So long as the Bond is outstanding, the District hereby covenants and agrees as follows:

(a) The District will maintain the WC2 Water System in good condition and will continuously operate the same in a reasonable and efficient manner, and the District will punctually perform all duties with reference to said system required by the Constitution and statutes of the State of Nebraska, but this covenant shall not prevent the District from discontinuing the use and operation of all or any portion of the WC2 Water System so long as the revenue derived from the District's ownership of the properties constituting the WC2 Water System shall be sufficient to fulfill the District's obligations under Sections 11, 12 and 13 of this Resolution.

(b) The District will not grant any franchise or right to any person, firm or corporation to own or operate a water system in competition with the WC2 Water System.

(c) The District will maintain insurance on the property constituting the WC2 Water System (other than such portions of the system as are not normally insured) against risks customarily carried by similar utilities, but including fire and extended coverage insurance in an amount which would enable the District to repair, restore or replace the property damaged to the extent necessary to make the WC2 Water System operable in an efficient and proper manner to carry out the District's obligations under this Resolution. The Board of Directors shall annually examine the amount of insurance carried with respect to the WC2 Water System and shall evidence approval of such insurance by resolution. The proceeds of any such insurance received by the District shall be used to repair, replace or restore the

property damaged or destroyed to the extent necessary to make the WC2 Water System operable in an efficient and proper manner, and any amount of insurance proceeds not so used shall be credited to the Retained Revenues Account and applied as provided in the Senior Lien Resolution. In the event of any such insured casualty loss, the District may advance funds to make temporary repairs or provide for an advance on costs of the permanent repair, restoration or replacement from the Operation and Maintenance Account (as established under the terms of the Senior Lien Resolution) or other funds of the District and any such advances shall be repaid from insurance proceeds received.

(d) The District will keep proper books, records and account separate from all other records and accounts in which complete and correct entries will be made of all transactions relating to the WC2 Water System. The District will have its operating and financial statements related to the WC2 Water System audited annually by a certified public accountant or firm of certified public accountants. The District will furnish to the original purchaser of the Bond, within four months after the end of each fiscal year of the WC2 Water System, a copy of the financial statements of the WC2 Water System and the report thereon of the certified public accountants. The District agrees to provide the registered owner with such operational information concerning the WC2 Water System as such registered owner may reasonably request.

(e) The District shall cause each person handling any of the monies in the WC2 Project Fund (as established under the terms of the Senior Lien Resolution) to be bonded by an insurance company licensed to do business in Nebraska in an amount or amounts deemed sufficient by the Board of Directors to cover the amount of money belonging to said system reasonably expected to be in the possession or control of any such person. The amount of such bond or bonds shall be fixed by the Board of Directors and the costs thereof shall be paid as an operating and maintenance expense from the Operation and Maintenance Account (as established under the terms of the Senior Lien Resolution).

Section 15. To provide funds for any purpose related to the WC2 Water System, the District may issue Additional Bonds in accordance with the terms of the Senior Lien Resolution but no such Additional Bonds shall be issued so long as the Bond is outstanding without the written consent of the registered owner of the Bond. To provide funds for any purpose related to the WC2 Water System, the District may issue junior lien bonds of equal standing with the Bond in accordance with the terms of the Senior Lien Resolution but no such additional junior lien bonds shall be issued so long as the Bond is outstanding without the written consent of the registered owner of the Bond. The District hereby covenants and agrees that so long as the Bond is outstanding, it will not issue any bonds or notes payable from the revenues of the WC2 Water System except in accordance with the provisions of the Senior Lien Resolution and this Resolution, provided, however, the District reserves the right to issue bonds or notes which are junior in lien to the Bond with the principal and interest of such bonds or notes to be payable from monies credited to the Retained Revenues Account as provided in Subsection 13(e)(7) of the Senior Lien Resolution.

Section 16. The District may issue refunding bonds which shall qualify as Additional Bonds of equal lien to refund any of the Senior Bonds or Additional Bonds then outstanding, provided, that if the Bond is to remain outstanding after the issuance of such refunding bonds, such issuance of refunding bonds as Additional Bonds may occur only with the written consent of the registered owner of the Bond.

Section 17. The District's obligations under this Resolution and the liens, pledges, dedications, covenants and agreements of the District herein made or provided for shall be fully discharged and satisfied as to the Bond and said bonds shall no longer be deemed outstanding hereunder if such bonds shall have been purchased and canceled by the District or when payment of the principal of and interest thereon to the date of maturity or earlier redemption (a) shall have been made or caused to be made in accordance with the terms thereof; or (b) shall have been provided for by depositing with a state or national bank having trust powers or trust company in trust solely for such payment (i) sufficient monies to make such payment and/or (ii) Deposit Securities in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal at such times as will ensure the availability of sufficient monies to make such payment and such bond shall cease to draw interest from the date fixed for its redemption or maturity and, except for the purposes of such payment, shall no longer be entitled to the benefits of this Resolution; provided that, with respect to such bond as called or to be called for redemption, the District shall have duly given notice of redemption or made irrevocable provision for such notice. Any such monies so deposited with the aforesaid state or national bank or trust company as provided in this section may be invested and reinvested in Deposit Securities at the direction of the District and all interest and income from all such Deposit Securities in the hands of the aforesaid trustee bank or trust company which are not required to pay principal and interest on the Bond for which such deposit has been made shall be paid to the District as and when realized and collected.

Section 18. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

Section 19. All resolutions or orders or parts thereof in conflict with the provisions of this Resolution are to the extent of such conflict hereby repealed.

Section 20. The District hereby covenants and agrees that it will make no use of the proceeds of the Bond which would cause the Bond to be an "arbitrage bond" within the meaning of Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103(b)(2) and 148 and all applicable regulations thereunder throughout the term of said issue, including all requirements with respect to payment and reporting of rebates, if applicable. The District hereby covenants to take all action necessary to preserve the tax-exempt status of the interest on the Bond for federal income tax purposes under the Code with respect to taxpayers generally. The District further agrees that it will not take any actions which would cause the Bond to constitute a "private activity bond" within the meaning of Section 141 of the Code. The officers of the District are hereby authorized to make any allocations, certifications and other determinations as shall be deemed necessary or appropriate in connection with the issuance of the Bond.

Section 23. This Resolution shall be in force and take effect as provided by law.

ADOPTED this 12<sup>th</sup> day of June, 2014.

ATTEST:

  
Secretary

[SEAL]

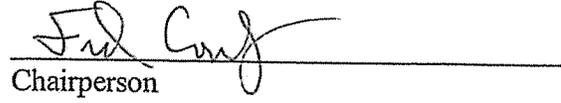
  
Chairperson

Exhibit "A"  
Payment Schedule

## Amortization

**Borrower name** Papio Missouri River NRD  
**Address** Blair, NE 68008  
**Loan number**

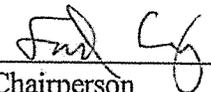
Date	Amount	Payment	Principal	Interest	Remaining Balance
06-12-2014	Fixed Rate	4.120			
06-12-2014	Funding	550,000.00			550,000.00
07-01-2014	Regular Pmt	3,623.06	2,427.12	1,195.94	547,572.88
08-01-2014	Regular Pmt	3,623.06	1,680.39	1,942.67	545,892.49
09-01-2014	Regular Pmt	3,623.06	1,686.35	1,936.71	544,206.14
10-01-2014	Regular Pmt	3,623.06	1,754.62	1,868.44	542,451.52
11-01-2014	Regular Pmt	3,623.06	1,698.56	1,924.50	540,752.96
12-01-2014	Regular Pmt	3,623.06	1,766.47	1,856.59	538,986.49
<b>2014 Totals:</b>		<b>21,738.36</b>	<b>11,013.51</b>	<b>10,724.85</b>	
01-01-2015	Regular Pmt	3,623.06	1,710.86	1,912.20	537,275.63
02-01-2015	Regular Pmt	3,623.06	1,716.93	1,906.13	535,558.70
03-01-2015	Regular Pmt	3,623.06	1,906.89	1,716.17	533,651.81
04-01-2015	Regular Pmt	3,623.06	1,729.78	1,893.28	531,922.03
05-01-2015	Regular Pmt	3,623.06	1,796.79	1,826.27	530,125.24
06-01-2015	Regular Pmt	3,623.06	1,742.29	1,880.77	528,382.95
07-01-2015	Regular Pmt	3,623.06	1,808.95	1,814.11	526,574.00
08-01-2015	Regular Pmt	3,623.06	1,754.89	1,868.17	524,819.11
09-01-2015	Regular Pmt	3,623.06	1,761.12	1,861.94	523,057.99
10-01-2015	Regular Pmt	3,623.06	1,827.23	1,795.83	521,230.76
11-01-2015	Regular Pmt	3,623.06	1,773.85	1,849.21	519,456.91
12-01-2015	Regular Pmt	3,623.06	1,839.59	1,783.47	517,617.32
<b>2015 Totals:</b>		<b>43,476.72</b>	<b>21,369.17</b>	<b>22,107.55</b>	
01-01-2016	Regular Pmt	3,623.06	1,786.67	1,836.39	515,830.65
02-01-2016	Regular Pmt	3,623.06	1,793.01	1,830.05	514,037.64
03-01-2016	Regular Pmt	3,623.06	1,917.03	1,706.03	512,120.61
04-01-2016	Regular Pmt	3,623.06	1,806.17	1,816.89	510,314.44

05-01-2016 Regular Pmt	3,623.06	1,870.98	1,752.08	508,443.46
06-01-2016 Regular Pmt	3,623.06	1,819.22	1,803.84	506,624.24
07-01-2016 Regular Pmt	3,623.06	1,883.65	1,739.41	504,740.59
08-01-2016 Regular Pmt	3,623.06	1,832.35	1,790.71	502,908.24
09-01-2016 Regular Pmt	3,623.06	1,838.85	1,784.21	501,069.39
10-01-2016 Regular Pmt	3,623.06	1,902.72	1,720.34	499,166.67
11-01-2016 Regular Pmt	3,623.06	1,852.13	1,770.93	497,314.54
12-01-2016 Regular Pmt	3,623.06	1,915.61	1,707.45	495,398.93
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2016 Totals:	43,476.72	22,218.39	21,258.33	
01-01-2017 Regular Pmt	3,623.06	1,865.49	1,757.57	493,533.44
02-01-2017 Regular Pmt	3,623.06	1,872.11	1,750.95	491,661.33
03-01-2017 Regular Pmt	3,623.06	2,047.56	1,575.50	489,613.77
04-01-2017 Regular Pmt	3,623.06	1,886.02	1,737.04	487,727.75
05-01-2017 Regular Pmt	3,623.06	1,948.53	1,674.53	485,779.22
06-01-2017 Final Pmt	487,502.66	485,779.22	1,723.44	0.00
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2017 Totals:	505,617.96	495,398.93	10,219.03	
Loan Totals:	614,309.76	550,000.00	64,309.76	

Printed on: 06-05-2014

The motion for adoption was seconded by Board Member \_\_\_\_\_. The Chairperson then stated the question was, "Shall this Resolution be passed and adopted?" Upon roll call vote, the following Board Members voted YEA: Bearatt, F Conlay, J Conlay, Fowler, Frost, Japp, Klug, Leahy, Tesar, Thompson, Woodle; and the following voted NAY: \_\_\_\_\_. The passage and adoption of said resolution having been concurred in by two thirds of all members of the Board, the Chairperson declared the resolution adopted and the Chairperson, in the presence of the Board of Directors, signed and approved the resolution and the Secretary attested the passage and approval of the same and affixed his signature thereto.

DATED THIS 12<sup>th</sup> day of June, 2014.

  
\_\_\_\_\_  
Chairperson

ATTEST:  
  
\_\_\_\_\_  
Secretary

DOCS/1257475.9

June 12, 2014



Mr. David Vollmer  
17670 Ida Street  
Bennington, NE 68007

RE: Tract 11 Purchase Agreement

Dear Mr. Vollmer:

The District has received your correspondence dated June 12, 2014, regarding two items of clarification, listed as a. and b. below, in the Purchase Agreement and Access Easement. In response to your request, please accept this letter as explanation of the District's intent (*shown in italics*):

- a. To the purchase agreement, include a statement to the effect that power and telephone service will be maintained to the property.

*The District, as part of the project, will work with the telephone and power companies to ensure that service is maintained to your remaining property.*

- b. To the access document, include a statement that construction of a new access road to the Vollmer property boundary will be the responsibility of the NRD and within the Vollmer property will be the responsibility of the property owner (Vollmer).

*The District will construct the new access road to your remaining property. Operation and maintenance of the access road will be your responsibility.*

On behalf of the District, I would like to thank you for your cooperation on this important project.

Sincerely,

John Winkler  
General Manager  
Papio-Missouri River Natural Resources District

Cc: Marlin Petermann and Lori Laster, PMRNRD

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Natural Resources District Public Hearing

Thursday, June 12, 2014

Natural Resources Center  
8901 South 154th Street  
Omaha, Nebraska 68138

7:34 p.m.

1 (Whereupon, the following proceedings were  
2 had, to-wit:)

3 FRED CONLEY: Item 9A, Integrated  
4 Management Plan for the Lower Platte River, John  
5 Winkler, Hearing Officer.

6 JOHN WINKLER: Thank you,  
7 Mr. Chairman.

8 Good evening. Today is Thursday, June 12,  
9 2014. The time is 7:35 p.m. I am John Winkler.  
10 I'm the Papio-Missouri River Natural Resources  
11 District general manager, and I've been appointed  
12 hearing officer of this public hearing.

13 We have present members of the  
14 Papio-Missouri River Natural Resources District  
15 board, management, and staff, along with  
16 representatives of the Nebraska Department of  
17 Natural Resources, Amy Zoller.

18 Finally, we have Omaha court reporter  
19 Chelsey Horak; is that correct?

20 COURT REPORER: (Indicating.)

21 JOHN WINKLER: Welcome.

22 She will be making a verbatim record of  
23 today's hearing.

24 I have here the proof of publication of  
25 this public hearing, which will be included in the

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E X H I B I T S

EXHIBIT NO.	MARKED
7. LETTER DATED MAY 20, 2014 .....	33
8. NEBRASKA ADMINISTRATIVE CODE .....	33

1 hearing file. At this time, the district legal  
2 counsel, Mr. Paul Peters, will provide a brief  
3 explanation of the purpose of this hearing.

4 PAUL PETERS: Good evening,  
5 directors. This is a statutory hearing pursuant to  
6 Section 46-718 of the Nebraska Revised Statutes.

7 It provides that if the Department of  
8 Natural Resources and the affected natural resource  
9 districts preparing an Integrated Management Plan  
10 reach agreement on the proposed goals and objectives  
11 of the plan for the affected river basin, subbasin,  
12 or breach or proposed geographic area to be subject  
13 to controls and the surface water and ground water  
14 controls and any incentive programs that are  
15 proposed for adoption and implementation in the  
16 river basin, subbasin, or breach, they shall  
17 schedule one or more public hearings to take  
18 testimony on the proposed Integrated Management Plan  
19 and the proposed controls.

20 Such hearing shall be held within 45 days  
21 after reaching agreement and within or in reasonable  
22 proximity to the area to be affected by  
23 implementation of the Integrated Management Plan.

24 It further provides that all interested  
25 persons may appear at the hearing and present

<p>June 12, 2014 -- PROCEEDINGS Page 5</p> <p>1 testimony or provide other relevant evidence to the 2 issues being considered. 3 JOHN WINKLER: Thank you, Mr. Peters. 4 At this time, I'll identify the exhibits 5 to be included in the hearing file. 6 Exhibit 1 is the agenda itself. 7 Exhibit 2 is the notice of public hearing. 8 Exhibit 3 is the proof of publication of 9 hearing notice affidavits, Omaha World-Herald, 10 May 21; Omaha World-Herald, May 28; Omaha 11 World-Herald, June 4; and Omaha World-Herald, 12 June 5; Douglas County Post-Gazette, June 3; 13 Papillion Times, June 4; Washington County 14 Pilot-Tribune &amp; Enterprise, June 6; all of the year 15 2014. 16 Exhibit 4 is the explanation of the 17 purpose and scope of this project and the 18 corresponding exhibits. There's the DNR letter to 19 the Papio-Missouri River NRD, November 17, 2011; DNR 20 letter, again, to the Papio-Missouri River NRD, 21 May 20, 2014; written testimony received by the 22 Department of Natural Resource; Department of 23 Natural Resources rules and regulations Title 454, 24 Chapter 13; district letter to Department of Natural 25 Resources, November 15, 2011; and the district</p>	<p>June 12, 2014 -- PROCEEDINGS Page 7</p> <p>1 Integrated Management Plan for the Lower Platte 2 Basin. And we've been working in collaboration with 3 the department, had a very good working relationship 4 with the department, and we convened the stakeholder 5 advisory committee through proposed goals, which 6 were then subsequently adopted by the board. 7 Those goals and objectives then led us to 8 a set of action items, which are incorporated into 9 this plan, and that forms the main framework for 10 this Integrated Management Plan at the last 11 subcommittee and board meeting. 12 The board meeting was the adoption of the 13 draft IMP, basically as presented, and then tonight 14 is the opportunity for the public to provide input 15 on that draft that was adopted at the previous. So 16 what you're looking at is the same thing that you 17 adopted last time around. 18 The purpose of this Integrated Management 19 Plan is the proactive approach to the management of 20 the surface and the ground water resources for the 21 Lower Platte, to give us an opportunity to lay out 22 what our goals and objectives are going to be for 23 that portion of the district, and to set some items 24 for us to do -- to act upon in order to accomplish 25 those goals and objectives. We'll be working</p>
<p>June 12, 2014 -- PROCEEDINGS Page 6</p> <p>1 letter to the Department of Natural Resources, 2 May 9, 2014. 3 Exhibit 5 is the drafting of the 4 Integrated Management Plan. 5 Exhibit 6 is written testimony received by 6 the district thus far. 7 At this time, Brian Henkel, the district's 8 ground water management manager, will provide an 9 explanation of the purpose and scope of the project. 10 SCOTT JAPP: Excuse me. I have a 11 question. Before he speaks, I would like to see a 12 copy of the notice, please. 13 JOHN WINKLER: It's part of the 14 record. 15 SCOTT JAPP: You know, I want to see 16 it now, please. 17 FRED CONLEY: No, no. Let's proceed. 18 Let's proceed. 19 BRIAN HENKEL: Thank you, John. 20 Good evening, directors. You're familiar 21 with this project, I think, because we were here 22 just last month, and we had some discussion about 23 it. 24 But basically in November 2011 is when 25 this board decided to enter into a voluntary</p>	<p>June 12, 2014 -- PROCEEDINGS Page 8</p> <p>1 through most of the action items after this plan is 2 finally adopted, with or without modification, based 3 on this hearing. 4 There are two controls that are required 5 within an IMP: One ground water control and one 6 surface water control and examples of those controls 7 are laid out in the statutes. We have those 8 two controls listed as action items within the IMP, 9 and brief the department on how we're going to 10 implement a control on both sides. 11 The control is essentially similar to what 12 we already have in place relative to when we were 13 first declared fully appropriated, and then it was 14 flipped. We did have a limitation on expansionary 15 acres essentially as a continuation of that same 16 idea in the same area, so it's not something we -- 17 it's incorporated into this plan as our control. 18 After this hearing, we'll provide any 19 revisions to the IMP that are required, as we see 20 it, through the testimony that was provided and then 21 bring back the final version to the subcommittee and 22 then the board at most likely our next board 23 meeting. We have a 60-day period of time in order 24 to do the final adoption. 25 FRED CONLEY: The long discussion we</p>

June 12, 2014 -- PROCEEDINGS Page 9

1 had last time, the public also had a right to go  
2 online to make their comments?  
3 BRIAN HENKEL: There was an online  
4 version for submitting comments as well. There was  
5 this entire time period from when the board was --  
6 from when the draft was adopted to submit written  
7 public testimony.  
8 Those notes of this public hearing  
9 included the version of how you would do such a  
10 thing. It provided Amy's name, my name, email  
11 addresses, addresses of where to send the  
12 information.  
13 So there's been opportunity for written  
14 submissions, but the deadline was yesterday at the  
15 end of the day. But we're here tonight. If someone  
16 brings in additional hearing testimony, we can go  
17 over it, and that'll be in the record as well.  
18 JOHN WINKLER: Thank you, Brian.  
19 This hearing is convened pursuant to  
20 Nebraska Revised Statue 46-718 for the purpose of  
21 taking testimony regarding the proposed Integrated  
22 Management Plan, the proposed ground water and  
23 surface water controls, and other plan components  
24 jointly developed by the district and the department  
25 with stakeholder consultation.

June 12, 2014 -- PROCEEDINGS Page 10

1 This is a public hearing, not an  
2 evidentiary hearing. We are here to gather input  
3 and comments from the public on the proposed  
4 Integrated Management Plan, the proposed ground  
5 water and surface water controls, and other  
6 Integrated Management Plan components.  
7 We would request that members of the  
8 public in attendance please sign in on the  
9 attendance sheet, if you haven't already, located in  
10 the hallway just outside the door. Those members of  
11 the public that would like to speak should designate  
12 such on the sign-in sheet. Those testifying will  
13 not be required to be sworn in.  
14 As stated in the notice of this hearing,  
15 testimony may be either oral or written. All  
16 testimony and submittals presented at the hearing  
17 are to be directed to the business and purpose of  
18 this hearing.  
19 Additionally, we will place a three-minute  
20 limitation on the amount of time a person giving  
21 oral testimony will be allowed to speak. However,  
22 if during the hearing, it appears that any person is  
23 using an excessive amount of time or discussing  
24 matters that are repetitive or irrelevant, we may be  
25 required to eliminate or terminate further testimony

June 12, 2014 -- PROCEEDINGS Page 11

1 from that person.  
2 As stated in the notice of public hearing,  
3 all interested persons can also submit written  
4 testimony to the district and the department by  
5 5:00 p.m. yesterday, June 11, 2014, and those  
6 comments received by 5:00 p.m. yesterday will also  
7 be included in the record. After this public  
8 hearing, the district and the department will  
9 examine and consider all testimony and all written  
10 submissions deemed relevant.  
11 Within 60 days of this hearing, the  
12 department and the district shall jointly decide  
13 whether to implement the proposed Integrated  
14 Management Plan, with or without modifications, and  
15 whether to adopt and implement the surface and  
16 ground water controls and other plan components.  
17 At this time, Amy Zoller of the Department  
18 of Natural Resources will provide testimony,  
19 comments, and identify and submit for inclusion into  
20 the record certain documents.  
21 Ms. Zoller.  
22 AMY ZOLLER: Thank you.  
23 Good evening, directors.  
24 MEMBER OF THE BOARD: Could you give  
25 your full name?

June 12, 2014 -- PROCEEDINGS Page 12

1 AMY ZOLLER: Sure. My name is Amy  
2 Zoller. It's A-M-Y, Z-O-L-L-E-R. And I'm with the  
3 Nebraska Department of Natural Resources.  
4 And I have our testimony in the form of a  
5 letter. It's from our director, Brian Dunnigan, and  
6 the letter is dated June 11, 2014.  
7 It says, "Dear Mr. Conley, this letter is  
8 intended as the official testimony of the Nebraska  
9 Department of Natural Resources or Department for  
10 inclusion in the record of the Papio-Missouri River  
11 Natural Resource Districts or District, June 12,  
12 2014, hearing to take testimony on the proposed  
13 joint district and department of voluntary  
14 Integrated Management Plan, IMP. This testimony is  
15 offered in accordance with Nebraska Revised  
16 Statue 46-743, Section 7.  
17 "The IMP contains goals, objectives, and  
18 action items that serve as an important first step  
19 toward the effective planning and management of  
20 hydrologically connected and surface water and  
21 ground water in the district.  
22 "The department is committed to working  
23 closely with the district to implement and to  
24 monitor the goals and objectives of this voluntary  
25 IMP. The IMP process will utilize an adapted

June 12, 2014 -- PROCEEDINGS Page 13

1 management approach to accommodate changing  
2 circumstances, such as hydrology, economics, water  
3 demands and supplies.  
4 "In addition, the IMP will evolve in  
5 incremental phases as elements of the plan are  
6 achieved and additional elements to the IMP are  
7 sought by the district, its stakeholder advisory  
8 committee, and/or the department.  
9 "Through the implementation of this IMP,  
10 the department will look to work collaboratively  
11 with the district on a variety of activities aimed  
12 at advancing our understanding of hydrologically  
13 connected waters and increasing the level of  
14 coordination and planning and future water needs  
15 while protecting existing users.  
16 "The department would like to enter into  
17 evidence two items: No. 1, the IMP agreement letter  
18 from the department to the district, which is dated  
19 May 20, 2014, and the Nebraska Administrative Code,  
20 Title 454, Chapter 13, Department of Natural  
21 Resources Rules of Practice and Procedure,  
22 Integrated Management Plans, which was approved  
23 August 13 of 2005.  
24 "The department appreciates the efforts of  
25 the stakeholders and the districts' staff in taking

June 12, 2014 -- PROCEEDINGS Page 14

1 this important first step in managing hydrologically  
2 connected waters of the district and looks forward  
3 to working in close collaboration in the future.  
4 "Sincerely, Brian Dunnigan."  
5 And that's it.  
6 JOHN WINKLER: Okay. Thank you,  
7 Ms. Zoller.  
8 These submittals are hereby made part of  
9 the herein and will be considered by the district  
10 and the department in deciding whether to implement  
11 the plan proposed, with or without modifications.  
12 This is a joint hearing. The district has  
13 additional submittals to include into the record of  
14 this hearing: The agenda; the notice of public  
15 hearing; proof of publication of hearing notice  
16 affidavit; the district's letter to the Nebraska  
17 Department of Natural Resources (inaudible) to  
18 prepare voluntary Integrated Management Plan and  
19 requesting the department participation,  
20 November 15, 2011; the district's letter to the  
21 Nebraska Department of Natural Resources stating the  
22 adoption of the draft voluntary Integrated  
23 Management Plan, May 9, 2014; the district's draft  
24 Integrated Management Plan prepared jointly by the  
25 Department of Natural Resources and the district;

June 12, 2014 -- PROCEEDINGS Page 15

1 written testimony received by the district prior to  
2 5:00 p.m., May 11, 2014.  
3 These submittals are hereby made part of  
4 the record herein and will be considered by the  
5 district and the department in deciding whether to  
6 implement the proposed plans, with or without  
7 modifications.  
8 Before beginning public testimony, I will  
9 explain how we will proceed. I intend to use the  
10 sign-in sheet for those who have designated that  
11 they wish to provide comments starting with the  
12 first one to sign in. In the event any individual  
13 did not sign in, but wishes to testify, I will ask  
14 for any additional comments after those signing in  
15 have completed their testimony.  
16 After I call your name, will you please  
17 come forward. Please state your name and spell it  
18 for the court reporter, and tell us who you are  
19 representing, in addition to your address. If you  
20 are representing someone other than yourself, please  
21 identify that.  
22 If you wish to present a submittal for the  
23 record, please identify it and give a copy to the  
24 district staff at the table there. And please speak  
25 clearly into the microphone.

June 12, 2014 -- PROCEEDINGS Page 16

1 I will go to the -- is there any more  
2 sheets? Okay.  
3 Pardon me if I don't get your name correct  
4 with the handwriting, so I'll do the best I can. If  
5 you want, step forward and provide testimony. If  
6 you don't, please say that you pass, and then we'll  
7 go to the next name on the sheet.  
8 The first testifier I have is Ronald  
9 Hilgenkamp.  
10 RONALD HILGENKAMP: He's going to  
11 speak for us.  
12 JOHN WINKLER: Okay. Who's --  
13 EDMOND TALBOT: Edmond Talbot.  
14 JOHN WINKLER: Okay. Ed, I've got  
15 you on here.  
16 EDMOND TALBOT: I'm listed, but I  
17 don't know if there was a check box --  
18 JOHN WINKLER: That's okay.  
19 EDMOND TALBOT: Members of the board,  
20 good evening. I am Edmond Talbot, and I do  
21 represent the Bell Creek Drainage District.  
22 As this board knows, the Bell Creek  
23 Drainage District was not included as a stakeholder  
24 in the committee, and we were concerned about that.  
25 We have had some input into the IMP, but initially

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1 we were not included as a stakeholder. I think  
2 that's a problem from the Nebraska Revised Statute  
3 46-175, 5B.  
4 However, I'm here tonight to ask for  
5 two specific things: This board in the past had  
6 removed some things from the IMP at the request of  
7 the drainage district in connection with Brian  
8 Henkel's recommendations. I'm actually asking you  
9 to put that back in, but in a little bit different  
10 way.  
11 What we're asking you to do is to include  
12 that there would be no occupational tax on irrigated  
13 acres as a blank statement. We're also asking you  
14 to put in that there would be no dams -- "dams"  
15 being holding the water 24 hours -- on the Bell  
16 Creek in the IMP.  
17 Our concern -- the district concern --  
18 we'd have a few more members here tonight, but some  
19 of them are replanting and others are dealing with  
20 insurance adjustors since Washington County got hit  
21 pretty hard with the hailstorm. But I do have a  
22 number of members here. I don't believe they're  
23 asking to speak. There may be a few that will  
24 speak. But, essentially, that's what we're asking,  
25 to be included in the IMP.

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1 As it was discussed before, it's a living,  
2 breathing document. You can always amend it. If  
3 you decide to do one of those two things in this, at  
4 least from our standpoint, we believe that you  
5 would -- it would necessitate a public hearing.  
6 I'm not sure it would now, but that would  
7 ensure us that if you decide to implement  
8 occupational tax for irrigated acres in Washington  
9 County or to include dams on the Bell Creek, you'd  
10 have to come back, and you'd have to give a public  
11 process to do that. And that's what we're asking  
12 you to do, is to include that in your IMP.  
13 That's all I have. Thank you.  
14 JOHN WINKLER: Thank you, Mr. Talbot.  
15 The next name, I think, is Steve  
16 Hilgenkamp. Is Mr. Talbot representing you as well?  
17 STEVE HILGENKAMP: No.  
18 JOHN WINKLER: Okay.  
19 STEVE HILGENKAMP: He is, but...  
20 FRED CONLEY: Welcome. Could you  
21 please state your full name and address for the  
22 record?  
23 STEVE HILGENKAMP: My name is Steve  
24 Hilgenkamp, 22378 County Road --  
25 JOHN WINKLER: Could you spell that

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1 for the court reporter?  
2 STEVE HILGENKAMP: S-T-E-V-E,  
3 H-I-L-G-E-N-K-A-M-P.  
4 JOHN WINKLER: Thank you.  
5 STEVE HILGENKAMP: I was a member of  
6 the subcommittee -- or of the SAC committee. And  
7 some concerns that I had is that -- still with this  
8 document -- is that our names are listed, and it  
9 does not state whether we are for or against this  
10 plan, and I am concerned that that has not been  
11 resolved yet.  
12 Also, as we went through things, we have  
13 taken out some things, but I'm still concerned with  
14 the way that this IMP is going. And I feel that it  
15 could negatively affect Washington County and the  
16 farmers and local businesses in the area, if things  
17 are not resolved that has been talked about by  
18 Mr. Talbot, and I just want the directors and  
19 everyone to take that into consideration.  
20 Thank you.  
21 JOHN WINKLER: Thank you.  
22 Tim Freed [phonetic], are you here?  
23 TIM FREED: I'll pass.  
24 JOHN WINKLER: Okay. Thank you.  
25 We went to Mr. Talbot.

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1 George Hilgenkamp, pass, or would you like  
2 to come up, or did Mr. Talbot get you? No. Okay.  
3 Larry Timm?  
4 Welcome. Please state your name and spell  
5 it for the court reporter, please, and your address.  
6 Thank you.  
7 LARRY TIMM: Larry Timm, T-I-M-M, and  
8 17402 South 180th Street, Springfield, Nebraska.  
9 Members of the NRD committee, I just  
10 recently heard about this, so -- and I didn't  
11 particularly come prepared to speak, other than I  
12 first was notified of this potential occupancy tax  
13 on irrigated acres just shortly ago.  
14 But my understanding with it is -- I'm  
15 trying to understand the justification for --  
16 because we're sitting here in that  
17 Gretna/Springfield area down there and, really, all  
18 of it up there. And when I look at our property  
19 taxes, we realize that irrigated acres are taxed  
20 substantially higher than dryland acres to start  
21 with.  
22 And so now you're looking to put an  
23 additional tax on it, and I'm wondering where we're  
24 at when we're looking at the metro area. If the  
25 purpose of the tax -- my understanding is it's for

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1 conservation for the use to increase stream flow  
2 potentially during the summer months in the Elkhorn.  
3 I'm thinking: Why isn't the metropolitan  
4 area contributing because they're the primary  
5 benefactors of that? Why is irrigated farmland  
6 being singled out? And where we're at, our water is  
7 exiting down by Louisville, so it's not even  
8 affecting it. Our watershed would flow into that  
9 Springfield area, so I don't understand this  
10 exactly.  
11 I mean, I didn't come particularly  
12 prepared, but as I understand the statute and the  
13 potential to use an occupancy tax, I don't  
14 understand irrigated acres being singled out. We're  
15 already paying higher taxes.  
16 If there is a tax applied, there should be  
17 on offset, particularly when we look at the  
18 Douglas/Sarpy County area where we're part of the  
19 Learning Community. We've had a 300 percent  
20 increase in the property taxes over the last  
21 seven years. I know because I just figured it out  
22 today because I made my second-half tax submission.  
23 We're about 2-and-a-half percent of the  
24 local valuation that is ag-land in the county, so  
25 anything that we get goes up in valuations, that's

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1 where our taxes go up.  
2 So 300 percent increase already, and now  
3 they're talking about adding an additional tax on  
4 it. If there's any -- particularly the  
5 Douglas/Sarpy area -- I just don't see it.  
6 Any questions, or...  
7 FRED CONLEY: It's a public hearing.  
8 JOHN WINKLER: It's a public hearing,  
9 so no.  
10 LARRY TIMM: Okay. Thank you, sir.  
11 FRED CONLEY: Thank you.  
12 JOHN WINKLER: Thank you.  
13 Jacob (inaudible)? Is that correct?  
14 JACOB: Pass.  
15 JOHN WINKLER: Pass. Okay.  
16 Ashley --  
17 ASHLEY: (Indicating.)  
18 JOHN WINKLER: Pass. Okay.  
19 Steve Kruger?  
20 Mr. Kruger, please state your name and  
21 address, and please spell it for the court reporter.  
22 STEVEN KRUGER: My name is Steven  
23 Kruger. First name, Steven. Last name,  
24 K-R-U-G-E-R. Address, 14744 County Road 7,  
25 Arlington, Nebraska.

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1 I'm here tonight to -- the chairman of the  
2 Washington County Supervisors couldn't come. He  
3 asked me to come and speak on his behalf. I'm also  
4 a landlord in that area, and also I represent  
5 District 6, which encompasses this area.  
6 I didn't -- you know, I came -- again, I  
7 just wanted to ask a specific question. I know it's  
8 a public hearing.  
9 But does this IMP give you the authority  
10 to impose an irrigation tax? You're not going to  
11 answer that?  
12 PATRICK BONNETT: We can't answer.  
13 It's a public hearing.  
14 JOHN WINKLER: Yeah. It's not an  
15 exchange of questions and answers.  
16 STEVEN KRUGER: Right.  
17 JOHN WINKLER: If you want to submit  
18 it in writing, we'll answer it.  
19 STEVEN KRUGER: Okay.  
20 JOHN WINKLER: Sorry.  
21 STEVEN KRUGER: So -- and then -- I  
22 guess that's -- I just have one question, mainly.  
23 Finally, one of the other questions is  
24 that you say that this will be 60-days after the  
25 public hearing.

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1 Will this -- the changes -- this document  
2 has changed from the first part. Will the changes  
3 be submitted continually to know what the IMP  
4 finally is going to be? Is, finally, the IMP going  
5 to be available at that time?  
6 JOHN WINKLER: The final document  
7 will be presented for the board and subcommittee to  
8 vote on. It may or may not be modified from its  
9 current form.  
10 STEVEN KRUGER: So I guess -- and the  
11 other thing is there's some areas in here -- I'm  
12 just opposed to the fact that it's not well defined,  
13 the area.  
14 I mean, just this map area or when you're  
15 talking about -- on one line here, it says, "Just  
16 what exactly is the area included? Established  
17 (inaudible) expansion of ground water irrigation  
18 systems in the area."  
19 It doesn't specifically say in relation to  
20 the map or what that area actually is. I guess I'd  
21 like to see something more defined in the IMP about  
22 that area, specifically, what you're talking about  
23 defined.  
24 And this also says, you know, the Lower  
25 Platte Basin. I guess, are you just -- I think it

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1 needs to be more specific on where exactly that  
2 starts and stops, not just on the Lower Platte  
3 Basin, because according to this, it starts up in --  
4 where the Elkhorn is at. It runs into the Lower  
5 Platte. So I guess I'm trying to figure out exactly  
6 where that's at.  
7 And then another thing, it just says, you  
8 know, "Plenty of state opportunities." Instead of  
9 changing federal and state funding opportunities,  
10 I'd like to see it say exactly what those funding  
11 opportunities would be, so...  
12 JOHN WINKLER: Okay. Thank you, sir.  
13 STEVEN KRUGER: Okay.  
14 JOHN WINKLER: Steve GrasZ?  
15 STEVE GRASZ: Pass.  
16 JOHN WINKLER: Okay. Thank you.  
17 Karen -- (inaudible).  
18 KAREN: Pass.  
19 JOHN WINKLER: Okay.  
20 KAREN: (Inaudible.)  
21 JOHN WINKLER: Amy, you presented  
22 already. Thank you.  
23 Bill Wray [phonetic]?  
24 BILL WRAY: Pass.  
25 JOHN WINKLER: Kerri -- is it

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1 (inaudible)?  
2 KERRI: Yeah. No thank you.  
3 JOHN WINKLER: And Neil -- I don't  
4 think Neil is...  
5 Okay. At this time, I would invite any  
6 others in the audience who would like to provide  
7 testimony to go ahead and take your turn at the  
8 microphone, please.  
9 State your name and spell it for the court  
10 reporter and your address, please.  
11 SHAWN MELOTZ: Shawn Melotz,  
12 S-H-A-W-N, M-E-L-O-T-Z, 10404 North 132nd Street.  
13 I have written testimony that I would like  
14 to submit. However, I'm going to read my testimony  
15 at this time. If it goes over my three minutes, I  
16 would ask to be able to submit my written testimony.  
17 I come before the board to express my  
18 opposition to the proposed Integrated Management  
19 Plan for the Lower Platte River. My comments are  
20 based on the IMP that was attached to last month's  
21 PPO subcommittee meeting, and I haven't seen any  
22 other revisions beyond that.  
23 I would like to make a general comment  
24 that I wish that the exhibits to the hearing were  
25 attached so that those of us who wanted to read them

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1 and review them for testimony could.  
2 At the -- as was heard in May at the PPO  
3 meeting, neither the counties', cities', villages',  
4 or drainage districts' elected officials or their  
5 reported designated delegates were ever engaged in  
6 the development of the process, yet according to the  
7 State Statute 46-715, Section 3F, they are required  
8 to be involved in it. Therefore, I believe that the  
9 process of this IMP should be revised and probably  
10 started over.  
11 Also attached to the IMP was a listing of  
12 the stakeholder advisory committee members,  
13 including the members' affiliation. In my opinion,  
14 the affiliation description for each member is not  
15 specific and implies imprecise representations.  
16 As an example, there is an individual  
17 listed that stated the affiliation as Washington  
18 County. To me, that implies that she represented  
19 the Washington County Board, when she did not.  
20 Therefore, I think that that list of committee  
21 members should be revised and be made more accurate.  
22 Also, the function of the committee was  
23 really not disclosed because they did not -- they  
24 were not allowed to vote to approve it or reject the  
25 IMP, and according to the State Statute 46-715,

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1 Section 5B, they are required to vote and/or make  
2 comments to them so that the direction of the IMP is  
3 known.  
4 Within the IMP, Section 1, Page 3, states  
5 that it's voluntary as the area -- since the area is  
6 not fully appropriated. This is a point in time  
7 that perhaps we can go back to the drawing board,  
8 since this is a voluntary plan and not a (inaudible)  
9 required plan.  
10 The stakeholder committee, according to  
11 Paragraph 3 of the IMP on Page 9, states that they  
12 developed the appropriate set of goals, objectives,  
13 and action items. However, there's no minutes from  
14 the meetings to prove such a thing as was stated at  
15 the main meeting, or if there are, they haven't been  
16 made available to the public.  
17 Objective 4, 5 [verbatim] states that  
18 they're supposed to work with the appropriate  
19 agencies to protect and maintain public water, fish,  
20 wildlife, and public recreation. These objectives  
21 ignore agriculture interests, and I ask that there  
22 also is some protection with respect to the  
23 agricultural community.  
24 On Page 12, Action Item 40, the last  
25 statement reads that it limits on the expansion of

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1 ground water, irrigated acres as for agriculture  
2 production, and does not include irrigation for lawn  
3 watering, golf courses, ballparks, municipal use, or  
4 industrial use.  
5 Again, I believe that all areas that are  
6 using the water -- ground water system should be  
7 included in this IMP and not excluding  
8 nonagricultural areas.  
9 Already addressed is the issue about the  
10 occupation tax --  
11 JOHN WINKLER: Shawn, that's over  
12 three. That's at four, actually. I gave you extra  
13 time.  
14 SHAWN MELOTZ: I have one more small  
15 item, and then I can wrap it up.  
16 JOHN WINKLER: Okay. Thank you.  
17 SHAWN MELOTZ: This item refers to  
18 the map. I am not sure -- and I wasn't able to find  
19 anything for the overlay -- but I believe the  
20 eastern part of the map includes the Papio Creek  
21 area and not the Platte Creek drainage area. I  
22 would ask for some clarification of that, if the  
23 Papio Basin is included in this IMP.  
24 Based on these concerns and potential  
25 problems, I ask this board to not approve tonight's

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1 IMP.  
2 JOHN WINKLER: Okay. Thank you.  
3 SHAWN MELOTZ: Thank you.  
4 JOHN WINKLER: Is there anyone else  
5 from the public that would like to provide  
6 testimony?  
7 Please state your name and spell it for  
8 the court reporter and your address and your  
9 affiliation, if any.  
10 SCOTT JAPP: Scott Japp, S-C-O-T-T,  
11 J-A-P-P, Arlington, Nebraska, and I'm here for  
12 myself.  
13 We have violated quite a few state  
14 statutes in the writing and implementing of this.  
15 As Shawn Melotz said, in State Statute 46-715, such  
16 manager plan shall be developed after consulting in  
17 collaboration with the irrigation reclamation  
18 district, public power irrigation district, mutual  
19 irrigation companies, canal companies, and other  
20 municipalities. We left out a lot of  
21 municipalities, besides putting in there that you  
22 can't add a stakeholder to a meeting with those  
23 people.  
24 In addition to -- the district may --  
25 well, I'll include it. If the agreement is reached

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1 by all parties in such collaboration and  
2 corporation, the department and each natural  
3 resource shall adopt the agreed management plan. We  
4 don't build this plan. That committee, that puts it  
5 together. And if the committee all can't agree,  
6 then it goes to an integrated review board put  
7 together by the governor. We never even followed  
8 that.  
9 We've also had that the plan needs to be  
10 provided at the first public notice, and it wasn't  
11 online then, and it still wasn't online now. We  
12 deliberately must have withheld the notice from the  
13 people, because as a director, I haven't even seen  
14 it.  
15 We also -- and why I asked for the public  
16 notice is because, again, in the same state statute,  
17 neither of the controls adopted by the district, nor  
18 adopted by the department, shall include  
19 substantially different from those controls from the  
20 public notice [verbatim]. And I want to know what  
21 the controls were in the public notice because we  
22 can't be any different and can't change it.  
23 One other major comment that wasn't  
24 brought up, how come there was no regulations on if  
25 we're overappropriated on industrial and commercial

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1 users, according to State Statute 46-741, where  
2 anybody that uses over 25 million gallons annually  
3 has controls. There was no mention to that.  
4 And they should be the ones that have any  
5 reduction or controls over agriculture because under  
6 the Nebraska State Statute, agriculture has a  
7 priority over industrial and commercial use, and we  
8 make no reference to it.  
9 FRED CONLEY: Thank you.  
10 SCOTT JAPP: Thank you.  
11 JOHN WINKLER: Thank you.  
12 Would anyone else like to provide  
13 testimony? One final time, is there anyone else  
14 from the public that would like to provide testimony  
15 that has not done so already?  
16 Okay. Testimony is now complete, and the  
17 hearing now closed at 8:09.  
18 The district and the department will now  
19 proceed to consider the testimony and the submittals  
20 presented at this hearing to decide whether to  
21 implement the plan proposed, with or without  
22 modifications, or whether to adopt the surface and  
23 ground water controls and other planned components  
24 proposed in the plan.  
25 Thank you for attending and participating

1 in this hearing.

2 FRED CONLEY: Thank you.

3 (8:10 p.m. - Adjournment.)

4 \*\* \*\* \*\* \*\*

5 (Exhibit Nos. 7-8  
6 were marked for identification  
7 after the adjournment of the  
8 public hearing.)  
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1 C E R T I F I C A T E

2 STATE OF NEBRASKA )  
3 COUNTY OF DOUGLAS )

4 I, Chelsey Horak, Court Reporter, General  
5 Notary Public within and for the State of Nebraska,  
6 do hereby certify that the foregoing transcript of  
7 proceedings contains all the evidence requested to  
8 be transcribed by me, and was taken by me in  
9 shorthand and thereafter reduced to typewriting by  
10 use of Computer-Aided Transcription, and the  
11 foregoing thirty-three (33) pages contain a full,  
12 true, and correct transcription from the record made  
13 at the time of said proceedings.

14 Dated this 26th day of June, 2014.  
15  
16  
17  
18

19 CHELSEY A. HORAK  
20 GENERAL NOTARY PUBLIC

21 My Commission Expires: October 12, 2016  
22  
23  
24  
25

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