

MINUTES

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

October 26, 2023

Ord, Nebraska

The October meeting of the Board of Directors of the Lower Loup Natural Resources District was held at the Headquarters Office, 2620 Airport Drive, Ord, Nebraska, on October 26, 2023. Chairman Eschliman called the meeting to order at 5:00 p.m.

CALL TO ORDER

Directors in attendance:

Rollie D. Amsberry, Treasurer
Timothy E. Bartak
John R. Coffey, Secretary
N. Richard Hadenfeldt
Thomas L. Knutson
Matt Lukasiewicz
Todd Nitsch
Chad J. Podolak
Henry J. Thoene, Vice Chairman
Rick Vlach

Darwin B. Anderson
Robert L. Bauer
James Eschliman, Chairman
Randy Kauk
Gary A. Kruse
Larry Mohrman
Alan Petersen
Gerald Smith
Alexander L. Vlach

Director absent:

James C. Adams

Staff in attendance:

Russell G. Callan, General Manager
Irene F. Kreifels, Administrative Assistant
Alan Bartels, I & E Coordinator
Dell R. Harris, Water Resources Specialist
Kevin Gustafson, District Engineer
Brian Kolar, Projects Specialist

Tylr Naprstek, Assistant General Manager
Kim A. Lyons, Financial Secretary
Brant Bechtold, I & E Specialist
V. Anne Freeman, Water Programs Secretary
Jason Moudry, Water Programs Specialist
Aron Lewis, Conservation Forester

Also attending:

Bryce Bauer, NRCS, Ord
Tyler Martin, Nebraska DNR, Lincoln

Jon Abegglen, Columbus
Jeff Long, Nebraska DNR, Lincoln

VERIFICATION OF MEETING NOTICE AND ADOPTION OF AGENDA

Chairman Eschliman asked for verification of the meeting notice. General Manager Russell Callan stated that the agenda was current, and that the meeting notices were properly published in all required newspapers, posted at the NRD Headquarters office in Ord, on the NRD website, and in the eight field office locations.

EXCUSED ABSENCES

Eschliman stated Director Adams had asked to be excused.

Smith motioned, seconded by Coffey, to excuse absent Director Adams. Motion carried by electronic vote. Directors voting yes: Amsberry, Anderson, Bartak, Bauer, Coffey, Eschliman, Hadenfeldt, Kauk, Knutson, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thoene, A. Vlach, R. Vlach. Director absent: Adams.

MINUTES

Eschliman asked for corrections and/or additions to the September 28, 2023, Board meeting minutes. None were heard.

Knutson motioned, seconded by Bauer, to approve the September 28, 2023, Board meeting minutes as presented. Motion carried by electronic vote, all present voting yes.

TREASURER'S REPORT

Russell Callan, General Manager, highlighted expenditures of \$38,504.00 and \$17,750.00 to USGS for work on the Nitrate Legacy Program and Vadose Zone Project, explaining that these were being paid upfront so work could continue in the event of a government shutdown; \$75,000.00 to the City of Columbus for the Columbus Powerhouse Trail; \$10,000.00 to Boone Beginnings Early Childhood & Family Development Center for their Community Forestry Project; and payments to multiple producers for VRI cost-share activities. He also noted expenditures of \$4,799.50 to Warner Body Shop for vehicle repairs; \$15,407.80 to LRE Water Inc. for Buffalo County modeling; and \$10,000.00 to Ericson Lake Corporation for SCADA system repairs.

Thoene motioned, seconded by Hadenfeldt, to approve the October 26, 2023, Treasurer's Report. Motion carried by electronic vote, all present voting yes.

The Treasurer's Report Approval Policy states that the approved expenditures are to be published and each director who has per diem and/or reimbursement of expenses included in such financial reports, abstains from voting for the approval of his or her own per diem and/or expense reimbursement.

PUBLIC COMMENTS

Eschliman asked for comments from the public. John Abegglen was present to discuss flow meter requirements in Drought Management Area 20 and expressed that he wished to speak during that agenda item.

FORESTER'S REPORT

Aron Lewis, Conservation Forester, reported that he had worked with Boone Central Daycare in Albion on their Community Forestry project. He stated that Woollen had started the project with them, and it has since been completed and he did an inspection of the project, reporting that the trees looked good and were placed and being taken care of nicely.

Lewis also reported that he has been working on a Wildland Urban Interface Grant for the Nebraska Forest Service for the area that will help protect homes on private land from wildfires.

He stated that he has also been getting ready for the 2024 tree season and reported the increased prices for this year of \$1.20 per seedling and 6" container trees, with a cost of \$2.11 per seedling which includes the tree, machine planting, and tax. He stated the minimum planting charge will be \$250.00 this year and that large container trees would be priced at \$3.25 each.

Lewis reported that he helped teach forestry at the Envirothon Field Day and attended Bessey Nursery Client's Day October 11th and got a tour of the new greenhouse.

NRCS REPORT

Bryce Bauer, NRCS, reported that staff has been working on new applications and currently have approximately 300 EQIP applications. He stated they usually get \$20 million statewide to spend and this year, with the Inflation Reduction Act funds, they are up to \$49 million in available funds. He added that, locally, they usually do around 70 contracts but may be able to do closer to 200 this year with the additional funding.

Bauer stated they are continuing to make the Fall CSP payments and those should be completed mid-November.

Bauer said that the State Office has sent out postcards to every operator in the state. Staff will be making calls to high nitrate areas for interest in irrigation water management and nutrient management programs. He also reported that he and other staff helped with the land judging competition held yesterday.

Bauer reported he hadn't heard anything else for sure on the farm bill or government shutdown.

Mohrman asked what programs have shown the most interest under the EQIP program. Bauer stated that cedar cutting and burns were showing the most interest; however, they are working to push irrigation water management and nutrient management. Coffey asked what

programs were available for high nitrate areas. Bauer stated that they are pushing advanced nutrient management which is Sentinel fertigation technology which uses satellite technology to build a prescription. Payment rates are around \$50/acre from NRCS and Sentinel would be charging \$7-9. The payment rates are so high because it is basically a new technology and there are some possible yield risks. These will be 3-year payments and will most likely be capped between \$15-20 thousand for each participant. Bauer also reviewed some of the soil testing requirements for the program. Currently, Sentinel is the only company doing this kind of a program.

INFORMATION & EDUCATION REPORT

MUDFEST

Alan Bartels, I&E Coordinator, reported that the MUDFEST event was held September 29th. Brant Bechtold, Information Specialist, and Jason Moudry, Project Specialist, conducted a ecology activity near the wetland in the Arboretum; Lewis & Clark NRD and NRCS held a soil compaction activity; Ord NRCS staff presented dam building; Central Platte NRD hosted the edible aquifer activity with ice cream; Garfield County Extension Office did a Water Wheel of Fortune activity; and JEO did their infiltration station using giant squirt guns. The water rockets finale was presented by Lower Niobrara NRD. Bartels said that 96 students from area schools attended and media coverage was provided by the Ord Quiz and NTV News.

State Land Judging

Bartels reported that Lower Loup NRD hosted the State Land Judging Contest yesterday and things went well. However, the scoring machine malfunctioned, so cards were taken to Norfolk to score on their machine. He reported some of the final scores and stated the LLNRD's Scantron machine will be sent in for service. He said 37 schools participated.

LLNRD Website

Bartels stated that staff has been working with UNAMINOUS Inc. from Lincoln to design the new NRD website and that it could be live in 2-3 months.

Bartels also reported that both the quarterly "In The Loup" and the "Water Matters" newsletters are about to be finished and should be out mid-November.

ASSISTANT GENERAL MANAGER'S REPORT

Recreation Areas

Tylr Naprstek, Assistant General Manager, reported that Davis Creek facilities have been winterized in preparation for the upcoming cold weather. He stated that use has dropped because of the closing but we are still receiving calls from hunters asking about availability.

Naprstek stated that the sensor would be pulled from Pibel Lake soon.

Drought Monitor

Naprstek showed the current drought map. He said that Areas 18 & 20 are still classified in the severe drought status category mainly having to do with the current static water levels. Naprstek added that staff are currently measuring static water levels. Naprstek will be comparing past Fall static water levels to see how many are at their lowest level in 2023. There are some wells in Area 20 that have registered at the lowest readings ever. He did point out some sites in the District are not considered as drought areas for the first time in 1½ years. Naprstek explained that the map still shows that drought is persistent throughout most of the state.

Naprstek showed the local surface water levels which are looking great and have held fairly steady. Long-term trends from last year to this year show that the state, as a whole, is in far better shape than it was last November, especially in the Panhandle and northern part of the state, but Nance, Platte, and Buffalo Counties are still in high drought status. Coffey asked if the information could be posted to the website. Naprstek replied that it could, possibly as an interactive map. He added that the information is already publicly available online through UNL (droughtmonitor.unl.edu) or by searching “Nebraska Drought”.

Fall Field Work

Naprstek stated there are 453 total static water level sites that would be read, and staff, as of earlier in the day, had completed 413. He reported that the information would be put into a memo, with results of Spring and Fall static water levels being sent to cooperators throughout the District. After all SWL sites are read, transducer data downloads will be completed, with a report available by next month.

Naprstek reported that staff will also begin to read the 1,156 flow meters. Flow meter information is always passed on to producers. Naprstek said that once flow meters are read, staff will work on domestic well sampling, probably starting sometime in December.

USGS Age-Dating

Naprstek reported that USGS, Projects Specialist Brian Kolar and NRD Technician Ed Drozd have collected all the age-dating nitrogen samples from our dedicated monitoring wells in Areas 28, 30, and the Columbus Recharge Project Area. He said they are now shifting to Lower Platte North.

WATER RESOURCES COMMITTEE

Flow Meters in Drought Areas 18 & 20

Jon Abegglen, Columbus, addressed the Board with questions that have arisen from several of his neighbors. He asked about the meter requirements in Area 20 and if they have passed to become a mandate and what is being done in the drought areas.

Callan stated that meters are to help with that concept; however, there is a hearing process that will take place to make it an official rule. He added that the preliminary decision has been made but final requirements are not set yet.

Abegglen asked if there will be public hearings. Callan replied that there are two informational meetings in those areas, with one of them being held November 14th in Monroe. He added that there will be a lot of information available and that the Board will set a hearing for a later date and that the required advertising process will be adhered to.

Abegglen asked if the rules will be noted in the advertisement. Callan stated that any changes that will be made to current rules will be published as part of the process. Kruse asked if the hearing would be held here in Ord. Callan stated he assumed so, because there are two different areas affected.

Abegglen asked if the advertisement would be available both in paper and online. Callan stated it would. Kruse asked how the public would be notified. Callan said that it would be conveyed in papers, Facebook, online, etc.

Abegglen asked if the requirement was set in stone at this point. Callan replied that it was not, until the hearing process was completed.

Abegglen asked if the requirement was placed on ag wells only. Callan stated yes.

Abegglen asked if industrial wells were monitored now. Callan stated that they were and that municipal wells in communities have been reporting for 6 years and commercial wells are in their 3rd year of reporting. Kruse asked if all industrial wells are being reported. Moudry stated that they are.

Abegglen stated that most of his other questions were premature, so they could wait until a later date.

Naprstek discussed the number of meters that would be required in each area, stating in Area 18 there are 480 sites including existing flow meters and new wells. In drought Area 20, he stated that the NRD is looking at between 310-315 meters, including the east half of Groundwater Management Area 28 and Groundwater Management Area 30. Callan stated it needed to be discussed if the NRD would pay for the meters or not, and that it would be good to have that information before the informational meetings.

Naprstek put together the meter cost-share status of other NRDs. He showed that other NRDs varied from \$500 per meter, to no assistance, to assistance but not on required meters. He added that most other NRDs were not offering cost-share if there is a meter requirement; however, maintenance assistance is offered. He also stated that most grants have specific clauses disqualifying required meters as being eligible. Naprstek reviewed the past cost-share Lower Loup NRD has offered and added the NRCS EQIP program has also helped in the past. Naprstek reviewed the annual cost to the NRD for maintenance on other flow meters in the District, stating it is roughly \$9-10 thousand per year.

Kruse asked if other NRDs have meters required on wells. Naprstek stated that most do, but some are just in water quality or quantity areas.

Jon Abegglen commented on potential cost-share. He said that some producers didn't put flow meters on at the time wells were installed because the specs on flow meters didn't meet the requirements at the time. He added that producers that do have them will have to start over with new meters and hopes that the Board will put money towards flow meters instead of recreation. Abegglen also said that a lot may need to be replaced because it would cost just as much to repair them as to install new ones.

Callan stated that, in the past, producers were allowed to bring their current meter up to standard or could install a new one. Anderson asked if there are a lot that aren't up to the current standards. Callan stated he didn't know. Coffey added that he had to replace one on a pivot three years after installation because it didn't meet the NRD requirements of showing acre-inches instead of gallons. Callan added that the NRD requirements do state they have to read acre-inches.

Coffey stated there are two sides to it – if they are all cost-shared it would be a big burden to taxpayers, but it is being done for water quantity, to ensure water is available for everyone. He asked if it is right that we ask taxpayers to pay for the meters and we could cut producers back on pumping, so people have water to drink. He added he isn't sure if it should go back onto the landowner to pay for the meters. He added that if we don't have the quantity, quality doesn't matter.

Kruse stated he felt that farmers and ranchers are the most important people we have in the District and that every year they pay more real estate taxes and have been paying for the NRD, so the NRD should contribute toward cost-share benefiting the District's producers. He stated that on the other side of things, the NRD is talking about putting in a road at Davis Creek to benefit fishermen and campers and that 90% of them probably aren't from our District. He added that the Water Resources Committee doesn't want to offer cost-share for the flow meters.

Coffey stated that \$75,000 has been put into the budget for walking trails and the road, but if we limit water because of the water table, the land will be turned into dry land and producers will still have to pay taxes on irrigated land.

Kruse added that we put \$500,000 in the budget for this.

Mohrman asked about the total number of meters that would be installed. Naprstek stated 310 in one area and 480 in the other. Bartak stated if there are 11,000 across the District, what happens if they all want replaced. Bartak expressed concern about setting a precedent.

Kruse stated the top priorities are water quality and quantity.

Bartak stated he would rather pay for it on his own and not through taxes.

Mohrman stated we should call it goodwill if we want the farmers to work with the NRD on everything.

Bartak stated that, in the 80's, check valves were required, and the farmer had to pay for it, considering it part of the cost of farming.

Mohrman stated that maybe we need a toll booth for the Davis Creek Road.

Bartak stated meters might be \$2,500 now but what if the price goes to \$5,000 while they are being installed?

Mohrman stated there are Seametric meters that don't have any moving parts and they cost less. He said he would be willing to work with dealers for a deal on installation and maintenance for buying bulk. He said he would like to have someone come for a talk next month to explain this and thinks the Board needs to look into the information on them.

Lukasiewicz asked if there is an approved meter list. Callan stated there is and that meters with no moving parts are not on the list because they don't work, the batteries go bad quickly. Mohrman stated there are no bearings, etc. to go bad and that he wants them on the list. Callan reiterated that they just quit. Mohrman asked who doesn't recommend them. Callan stated "staff" because they don't work. Mohrman stated he wants to see the numbers, because he has been told by the salesman that they are refined and improved. He thinks there would be substantial savings if we got a discount, so we should let them come talk.

Lukasiewicz stated any salesman will talk up his product.

Podolak asked if there was a benefit beyond the producer to have them installed and said if we are worried about declining water levels beyond irrigation, then there is more benefit at stake. Coffey stated there is benefit for the public if water is regulated and that he has had meters since 2013 and doesn't see any benefit other than getting to see how much they are pumping per minute, but he doesn't look at how much is being pumped in total.

Podolak asked about water level readings. Naprstek stated that Areas 18 and 20 are at a lower level and explained the rankings that triggered the meter requirement in those areas. He stated that a majority in the area would have to be at the lowest reading ever taken to trigger a requirement for allocation according to the drought plan. Podolak asked if anywhere is regulated by allocation. It was replied that there is not.

Lukasiewicz stated it could be roughly \$27 million to replace all the meters in the District. Mohrman stated his meters are less. Kruse added that they don't all have to be done in one year. Coffey stated even if half were done, that's still \$13 million.

Eschliman stated that chances are, if we have drought areas, it would only be part of the District at a time so, most likely, not all would be done at once. He said the Water Resources committee had a motion on recommendation.

Smith motioned, seconded by Thoene, to not offer cost-share on meters in the required areas, but to help with maintenance.

Smith added that right now when there is a transfer of acres or a supplemental or new well permit issued, there isn't cost-share but there is a meter requirement. He said at the same time some producers bought meters at their own expense and there are some that have already ordered them at their own expense because they recognize them as a necessity. Smith added that maybe it should be looked at whether we need to use our equipment longer or a pickup longer, if need be, to afford a meter.

Kruse motioned, seconded by Hadenfeldt, to amend the motion for 50% cost-share to be offered.

Bauer said that prior to water quality areas being outlined, we did cost-share on meters and asked what the basis and justification was for doing it for them and reversing course now and not offering the cost-share.

Callan stated it has always been staff recommendation not to offer cost-share on them. He added that in the past, metering has been done for quality and the effort was to meter nitrogen to reduce leaching. There was a three-year period where cost-share was offered at 100%, 75%, and 50% for each year and then the program was gone.

Bauer stated the difference then was because it was 'quality' then. Mohrman stated this is 'quantity' now and that is at the top of the list and that these are existing wells not new ones.

Thoene stated he thinks flow meters are a good tool and that producers are spending money to improve efficiency and that most probably wouldn't have a problem paying for it, he added that they pay for GIS for planters, seed technology, etc. He said he doesn't know if agronomists use them, but they would be a good tool.

Mohrman stated the difference is that those upgrades are their choice, and this is a requirement.

Kruse stated that some producers have 15-18 wells, and that's a lot of money out of their pocket.

Bauer stated that when the rules were amended before to have municipalities and industrial users have flow meters, there wasn't cost-share offered.

Moudry stated they don't all have to have flow meters; they just must report usage and that not all are metered. Bauer asked if flow and hours are then used to estimate. Callan and Moudry both stated yes.

Kruse asked if commercial wells are measured spring and fall. Callan stated no. Mohrman asked why not. Kruse stated, "Shouldn't commercial be part of the allocation, also?"

Morhman stated we want all the information we can get, so we can't say we are only going to measure 80% because we don't have the manpower. Callan stated we can measure commercial wells, but some are sealed so we physically can't. Mohrman stated they all should have meters then. Moudry stated that municipal reporting includes large water users.

Toene clarified that they know how much is used approximately then. Moudry stated they do have a good idea and that a lot of them do have meters.

Mohrman asked if ADM is metered. Callan stated that all ethanol plants are and that most municipalities are.

Podolak asked what is done with the meter data. Naprstek stated that the info is passed onto producers and used for modeling and allocation determination and most recently used with the Columbus water model and Buffalo County modeling. Callan stated the information is used for the water quality budget as well.

Podolak asked about the public communication process for the hearing. Callan stated the decision is made to enforce meter requirements and a hearing is set. He said the Board would set the hearing date. He said it will be posted in papers for 3 consecutive weeks and will also be online. He explained that the official notice in the paper lays out what is being done and, if rules are changing, the changes will be laid out in the ad.

Coffey asked if there are about 11,000 wells, how many outside of the quality management areas have meters already and stated that if there are meters on already that don't read acre-inches, but gallons instead, they shouldn't be required to have a replacement just because of the reading increment and that staff should take the gallons and divide it out to figure it out. Callan stated there are about 1,100 meters that were funded by grants but doesn't know how many there are that we didn't have a hand in or read.

Toene asked about wells with electric motors and asked if other NRDs check flows by hours. Callan stated we used to have ultrasonic meters that were used at one time; however, there was a lot of fluctuation in the readings, but it was only a one-time measurement, so it didn't show the best information.

Knutson expressed his support for the cost-share.

Toene asked about the maintenance total cost. Naprstek stated that 150 meters a year would be roughly \$10,000. Morhman stated if we used flow meters that don't need maintenance, there would be less cost.

Kauk mentioned putting hour meters on a power unit and calculating pumping that way; however, that would be based on honesty for reporting purposes. Callan stated that, in the past, some wells would have loss of volume during the season and there is no magic time to check.

Podolak stated he likes Kruse's proposal for Area 20 and feels it's a double whammy for quantity and quality, adding that we need accurate data. He stated it would be a lot of cost for some producers.

Vlach asked if it would be a three-year program and then have them on their own at the end of that time period. It was replied that the rules state they must be installed within two years. Kruse asked when the two years would start. Callan stated it would be after the hearing.

Anderson asked to call the question. Voice vote was held on whether to stop discussion and vote on amending the motion, all present voting.

Vote held to amend original motion and change to 50% cost-share with maintenance. Motion passed by electronic vote. Directors voting yes: Anderson, Bauer, Coffey, Eschliman, Hadenfeldt, Kauk, Knutson, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, R. Vlach. Directors voting no: Amsberry, Bartak, Thoene. Directors abstaining: Smith, A. Vlach. Director absent: Adams.

The vote was held on amended motion to offer 50% cost-share and maintenance on required meters. Motion was carried by electronic vote. Directors voting yes: Anderson, Bartak, Bauer, Coffey, Eschliman, Hadenfeldt, Kauk, Knutson, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thoene, R. Vlach. Director voting no: Amsberry. Director abstaining: A. Vlach. Director absent: Adams.

Sentinel Feritgation Demonstration

Naprstek stated the Committee discussed setting up plots or fields in the three water quantity management areas and will report back later.

Soil Moisture Sensor Cost-Share

Naprstek stated different kinds of sensors were discussed and that EQIP currently offers cost-share. He stated the Committee tabled the discussion until a later date.

Long-Range Implementation Plan

Naprstek reported the "Water" portion of the Long-Range Implementation Plan was approved and voting on the entire plan would be held later in the meeting.

Vadose Soil Study Update

Naprstek showed sampling photos and stated that samples are generally taken from 25-30 feet down which will show how much nitrogen residual is getting past the root profile on its way down to the aquifer. All field staff has had a part in conducting the sampling. Naprstek showed where samples had been taken so far. He stated that 91 samples had been taken but there were more to be done after harvest and fall fertilizer application. He showed a map of sites that will be done later.

Nitrogen Vulnerability Model

Naprstek stated that certified letters were sent out to 4-5 different producers on 19 fields and all but one currently have meetings set up. He stated they will start meeting with producers and working with those in the 'medium-high' range for now.

Columbus Recharge Project

Callan stated the channel is currently shut down and that matting will be put down where there has been some erosion by the outlet structure. He said the channel will be ripped as soon as possible, weather permitting. So far, the well is still pumping into Christopher's Cove, but since it's close to freezing, it will be done soon. Kruse asked if there was any information on how far the plume saturation is spread out so far. Callan stated there is data but no official analysis.

PROGRAMS/PROJECTS COMMITTEE

Callaway Pool Request

Kruse reported that the Callaway pool was presented for a second time, and they are asking for assistance with their new aquatic center. He stated the entire project is approximately \$3.6 million.

Kruse motioned, seconded by Petersen, to contribute \$20,000 to the Callaway Pool project. Motion carried by electronic vote. Directors voting yes: Amsberry, Anderson, Bartak, Bauer, Coffey, Eschliman, Hadenfeldt, Kauk, Knutson, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Thoene, A. Vlach. Directors abstaining: Smith, R. Vlach. Director absent: Adams.

Long-Range Implementation Plan

Kruse reported that the Committee voted to approve the plan.

Kruse motioned, seconded by Smith, to approve the Long-Range Implementation Plan in its entirety. Motion carried by electronic vote, all present voting yes.

Davis Creek Road Project

Kruse reported that the Davis Creek Road Project was discussed last month and approved to negotiate with the bidder.

Kevin Gustafson, District Engineer, stated that there were 3 options after discussion with the contractor – Option 1 was to complete Phase I of the road and shower house parking and remove approaches from the contract, but funding would still fall \$211,400 short. Option 2 was to do Phase I of the road only, but that funding was still \$145,000 short. Option 3 was to reject all bids and rebid the project early, possibly next spring to see if there is more competition and better pricing available.

Gustafson added that the Bureau of Reclamation will consider allowing us to request for a funding extension. The current BOR funding offer doesn't expire until April 1, 2024. Mohrman asked what amount the NRD is paying. Gustafson stated that the NRD currently has \$500,000 approved from BOR and \$300,000 in the budget for the project which includes the contract for designing the project. Callan added that he approached BOR for additional funding and they stated they were already over 50% and that is their normal cap on funding.

Anderson asked if asphalt was considered as an option. Callan stated there would be an additional redesign cost; however, it was advised previously that concrete would be the better option. Amsberry asked if combining phases would help with the cost. Gustafson advised that it was bid in different phases so we could complete as much as we had funding available for. Additional discussion was held on possible options for rebidding the project.

Kruse motioned, seconded by Knutson, to reject all current bids. Motion carried by electronic vote, all present voting yes.

Mud Creek WFPO – Ansley

Kruse reported that the Mud Creek WFPO plan was submitted to Headquarters for review and is expected back around April.

Mira Creek WFPO – North Loup

Kruse reported that Mira Creek WFPO Plan was submitted to Little Rock which is expected back around February 1st.

Knutson left at 7:00 p.m.

Valley County 911 Request

Callan stated that the NRD has been asked to help cover the cost of Valley County calls out to Davis Creek. He reported that he has reached out to Region 26 to get information about calls to the recreation area. Callan stated that staff has reviewed the usage of the rec area and has found that there are several patrons from Valley County as well as other counties.

Vlach reported that there were zero emergency responses this year and two last year to the rec area.

It will be discussed later when more information is available.

ENGINEER'S REPORT

Pibel Lake

Gustafson reported that he has been finalizing the RFP work for Pibel Lake expansion and that grant funding will be sought for the project.

Flood Risk Review

Gustafson reported that there are flood risk review meetings that will be held in Broken Bow on October 30th and in Albion on November 3rd and that he will be attending both.

VARIANCE COMMITTEE

Thoene reported that there were three variance recommendations this month.

Klug

Thoene reported that Lesley Klug has requested a supplemental well on a field in Groundwater Quality Management Area 30. He stated that the current well and property belongs to Greg Klug; however, the pivot belongs to a different producer.

Thoene motioned, seconded by Kruse, to approve the variance request by Lesley Klug for a supplemental well with meter requirement and non-transferable acres.

Kauk asked if that will shorten one of the producers if the wells are run at the same time. Thoene stated they didn't see a problem because the land is located close to both Lake North and Babcock Lake.

Motion carried by electronic vote. Directors voting yes: Amsberry, Anderson, Bartak, Bauer, Coffey, Eschliman, Hadenfeldt, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thoene, A. Vlach, R. Vlach. Director voting no: Kauk. Directors absent: Adams, Knutson.

Mueller

Thoene reported that Tyler Mueller was requesting a supplemental well in Area 30. He stated the field borders Lake Babcock and that the field and the existing pivot belongs to Mueller; however, the well belongs to Darwin Sieh, as the property rental agreement may not be extended.

Thoene motioned, seconded by Smith, to approve the variance request by Tyler Mueller with meter requirement and non-transferable acres. Motion carried by electronic vote. Directors voting yes: Amsberry, Anderson, Bartak, Bauer, Coffey, Eschliman, Hadenfeldt, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thoene, A. Vlach, R. Vlach. Director voting no: Kauk. Directors absent: Adams, Knutson.

Mac Hall Trust

Thoene reported that Mac Hall Trust is requesting the 1970 water right for 86 acres near the Middle Loup River be converted to groundwater only and is asking for 5 acres to be transferred to an adjacent section to finish the pivot. He stated there will be 9 acres benefit to the NRD with the removal of the surface water right.

Thoene motioned, seconded by Mohrman, to approve relinquishing the surface water right on 77 acres and transferring 5 acres with meter requirement and non-transferable acres. Motion carried by electronic vote, all present voting yes.

MANAGER'S REPORT

Litigation Update

Callan stated that he received the ruling on the Supreme Court's opinion on the Platte Republican Diversion. The short answer is that we lost. Basically, the court held that Central Platte NRD, Cozad Ditch, Loup Power, Lower Loup NRD, and North Platte NRD all lack standing to object to DNR's inter-basin transfer case because our allegations do not demonstrate that we have or will suffer an injury in fact, which basically means that we don't have any "skin in the game" so we cannot be an objector. Lower Loup NRD's argument has been that we are required to offset downstream depletions, so we do have "skin in the game."

The second reason that the Supreme Court denied the case is that "DNR's order had made much of the applications proposed condition to be proprietary junior to all Platte River Basin's appropriations." Callan added that when DNR makes decisions, there can be a time to appeal, but that some laws will probably need to be changed so that we have some standing. If DNR doesn't add anything to their decision, we probably won't be able to appeal.

New Hires

Callan reported that Derek Vogt has been hired for the 50/50 UNL Joint-Agronomist position.

Non- Action Reports

Callan reported that there were two cases of bank fraud last month that affected the NRD's main checking account and that after they were caught, and the account closed, a third attempt was made. He stated that the bank's fraud department is handling the case.

Callan reported that there will be changes to the FSA employee cafeteria plan and that Mid-American Benefits, our insurance carrier through NARD, will no longer be carrying the plan. He added that NARD and the NRD are looking at different avenues and that the Benefits Committee will meet about it soon.

Callan reported that there will be no committee meetings in November and that the Board meetings will be moved to a 4:00 p.m. start time.

NARD REPORT

Eschliman reported that there will be a Risk Pool meeting held Monday in Grand Island and that the regular meeting will be held November 5-6th and that Amsberry will be attending that meeting.

NRC REPORT

Amsberry reported that the next meeting will be November 27th in Kearney.

ANNOUNCEMENTS / FUTURE MEETING TOPICS

Coffey announced that he has bought a home outside of the District and will be moving in December, so he will be resigning from the Board.

ADJOURNMENT

With no further business before the Board, Chairman Eschliman declared the meeting adjourned at 6:20 p.m.

Roster for attendance of this meeting and tally of votes cast on motions at this meeting are being filed with the official minutes of this meeting at the Lower Loup Natural Resources District's Headquarters Office, 2620 Airport Drive, Ord, Nebraska. Publication notification of this meeting was made via required newspapers. The next Board of Directors meeting will be held November 16, 2023, at 4:00 p.m., at the Headquarters Office in Ord, Nebraska.

John Coffey
Secretary