

# MINUTES

## LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

January 23, 2020

Ord, Nebraska

The January 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 January 23, 2020. Chairman Citta called the meeting to order at 5:01 p.m.

### CALL TO ORDER

#### Directors in attendance:

James C. Adams  
Darwin B. Anderson  
Robert L. Bauer  
John Coffey  
Randy Kauk  
Matt Lukasiewicz  
Todd Nitsch  
Chad J. Podolak  
Dean G. Thede

Rollie D. Amsberry, Treasurer  
Timothy E. Bartak  
Joseph L. Citta, Chairman  
Jim Eschliman, Vice Chairman  
Gary A. Kruse  
Larry Mohrman  
Alan D. Petersen  
Gerald Smith  
Rick Vlach

#### Director absent:

Beth Boesch  
Henry J. Thoene, Secretary

N. Richard Hadenfeldt

#### Staff in attendance:

Russell G. Callan, General Manager  
Irene F. Kreifels, Administrative Assistant  
Larry D. Schultz, I&E Coordinator  
Brian Kolar, Projects Technician  
Dell R. Harris, Water Resources Specialist  
Cam Conrad, Water Modeling Coordinator  
Jane Klanecky, Receptionist

Tylr Naprstek, Assistant General Manager  
Kim A. Lyons, Financial Secretary  
Cheryl Hornickel, Programs Assistant  
LeeAnn Smith, Water Programs Assistant  
Richard L. Woollen, District Forester  
V. Anne Freeman, Water Programs Sec.

#### Guests in attendance

Bryce Bauer, Liaison DC, NRCS, Ord  
Louis Brim, Sargent  
Dick Grint, Sargent

Tom Gauk, SID #7, Columbus  
Jerry Davenport, Sargent  
Daniel Sasek, Sargent

Bill Hart, Sargent  
Mike Skeen, Kearney

Vicky Hart, Sargent

## NOTICE OF OPEN MEETING LAW POSTING

Chairman Citta referred those in attendance to the open meeting law information posted in the Board room and said that meeting material was available at the entrance to the Board room.

## VERIFICATION OF MEETING NOTICE AND ADOPTION OF AGENDA

Chairman Citta 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 newspapers, posted at the NRD Headquarters office in Ord, on the NRD web site, and in the eight field office locations.

## ROLL CALL AND EXCUSED ABSENCES

Roll call was conducted. Directors present: Adams, Amsberry, Anderson, Bartak, Bauer, Citta, Coffey, Eschliman, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thede, Vlach. Directors absent: Boesch, Hadenfeldt, Thoene.

Citta stated that Directors Boesch, Hadenfeldt, and Thoene had asked to be excused.

**Smith motioned, seconded by Anderson, to excuse absent directors. Motion carried by roll call vote, all present voting yes.**

## MINUTES

Chairman Citta asked for corrections and/or additions to the December 19, 2019, Board meeting minutes. None were heard.

**Adams motioned, seconded by Anderson, to approve the minutes of the December 19, 2019, Board meeting as presented. Motion carried by roll call vote, all present voting yes.**

## TREASURER'S REPORT

Russell Callan, General Manager, highlighted expenditures on the Treasurer's Report of \$40,000.00 to Olsson Associates for the GET modeling program; \$25,888.00 to EA Engineering for the cover crop study, \$28,847.66 to HDR Engineering for Columbus Recharge Project; cover crop cost-share for Clear Creek Watershed and Area 28; and \$18,445.05 to HDR Engineering for pipe replacement at Pibel Lake.

Coffey asked how much of the Pibel Lake project details could have been done in-house if the NRD had an engineer on staff. Callan replied that some oversight could have been done in-house, but most of the project would have had to be bid out. He said the NRD was involved in

other projects that could benefit from having an engineer on staff. Callan said the NRD has advertised for an engineer and any individual hired would be very busy.

Kauk asked about last month's approval of JEO and Olsson expenditures for the North Loup and Sargent projects and asked if the bills would come in phases. Callan stated that the contractors are getting ready to start and would submit bills once tasks are completed on projects.

Eschliman suggested that the number of acres be included with cost-share expenditures.

**Vlach motioned, seconded by Kruse, to approve the January 23, 2020, Treasurer's Report and pay all bills. Motion carried by roll call 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

There were no public comments.

## PUBLIC HEARING – SARGENT EAST IPA – 5:15 p.m.

Tylr Naprstek, Assistant General Manager, presented history on the Sargent East IPA dating back to 1973 and presented a slideshow outlining the process thus far. Citta asked for questions from the Board on the IPA project before the hearing commenced.

Lukasiewicz asked for specific details on the issue wherein the landowners and the Corps of Engineers couldn't come to the table. Callan said that the Corps wanted alternate things to happen with the IPA that didn't fit the vision of what the landowners wanted to happen. He said the Corps was concerned about wetland disturbance then and that it would be a concern now, also. He said the Corps would allow some mitigation, but it would still be an uphill battle. Callan said that some of the wetlands were naturally created. Citta said the Corps of Engineers would be significantly involved in the mitigation and that it would have to be included in the design and agreed to by the landowners.

Vlach asked if there had been a big turnover of landowners since the process began and Callan said most of the same families were still involved.

Adams stated that he felt progress had been made since many landowners had signed the petition and was optimistic about the project.

Podolak asked what the difference was now from previous efforts to form an IPA and Callan stated that flooding was more severe in 2019 than previous floods and felt that there was a different attitude in the current leadership of the Corps of Engineers regarding mitigation. He said it wouldn't be cheap or easy.

Citta opened the hearing at 5:24 p.m. and explained the hearing process and the IPA requirements.

Naprstek gave testimony on behalf of the Lower Loup NRD. During his testimony he reviewed the State Statutes regarding IPA formation. He also highlighted the affidavits of publication for the hearing notices and the dates published, notice published on the NRD website, the petition of landowners, and the problem statement. Naprstek read the petition in its entirety. The full petition can be viewed in its entirety at the Lower Loup Natural Resources District Headquarters during regular business hours.

Naprstek stated that no written testimony was received.

Upon conclusion of Naprstek's testimony, Citta asked for testimony from those who were proponents of the Sargent East IPA.

Bill Hart, Sargent, testified that he had passed around the petition and had discussed the issues with several people in the vicinity and found that the problem they were addressing had existed for over 40 years and wasn't getting any better. He felt that everyone involved should benefit from the project.

John Cox, Sargent, testified that he had a quarter of ground in the midst of the proposed area and was not able to plant a crop this past season. He said he could not get into his property because of the high water table and standing water. He stated that four years ago he was able to harvest over 200 bushel corn. He said the value of his land had dropped considerably in the last two years and he wanted to help save his ground.

Dan Sasek, Sargent, testified that he lived two miles east of Sargent and said that on the east end of his land the water met and, instead of going south, the water went across the Ord-Sargent road before continuing south. He stated there was a drain that was full of debris and trees and that last March the water level was higher than his four-wire fence for seven to eight days. He stated that cleaning the drain may help alleviate some of the water problems.

Martin Riddle, Sargent, testified that he was in favor of the project. He said that the water table had come up and water was standing around, not able to get away. He said the water needed to be divided into different waterways to get it moving so it's not saturating the ground. He said the water needs to get out of the area.

Dick Grint, Sargent, testified that he was for the project and had a problem with the east part of the drain. He stated that the Corps of Engineers said that the other drain where excess water could maybe go was overtaxed right now and that the drain currently in place would not handle the water flows coming down. He said if the drain was put in where proposed, it would alter his hay meadow. Grint said he was in favor of a drainage project, but a different route of drainage. He also stated that the east part of the drain could do him and one of the neighbors a lot of damage, so he thought it needed to be taken down the ditch to prevent further damage.

Louis Brim, Sargent, testified that there needed to be drainage east of Sargent. He said he was at the bottom end of the airport wasteway and the water floods his pasture. He stated that the Bureau told him it was a "restricted flow wasteway" and last spring, water was going across the

road out of the ditch by the airport. He said that there was too much water and not enough capacity for it. He said a drain needed to be added but he didn't think adding it to the airport right-of-way was the right solution.

Citta asked for more testimony in favor of the project. None heard.

Citta asked for testimony opposing the formation of the Sargent East IPA. None heard.

Citta asked for neutral testimony on the formation of the Sargent East IPA. None heard.

Citta asked for comments from the Directors regarding the formation of the Sargent East IPA.

Mohrman stated that he hadn't heard any negative testimony; however, quite a few have stated that something needed to be done, but not on their ground. He reminded everyone that the IPA procedure had come to this point before, but didn't move forward because parties were not willing to give a little bit to make it work.

Adams stated that there needed to be a plan of some sort to see if there could be more efficient drainage for the landowners and get it away from as much cropland as possible. He felt that some would be willing to give up access to a route around it. Citta said the Corps of Engineers would require certain things.

Eschliman stated that there had been attempts at establishing an IPA since the 1970s and said if something isn't done, the problem would still be there in the future. He said the project will already cost more than it would have 45 years ago.

Coffey stated that there would still be issues working with the Corps of Engineers and it could be such a thing that the plan could be designed that ditches are formed to dry things up. He said maybe a ditch could be extended a little further.

Kauk stated he understood the concerns of the landowners, but nothing was set in stone yet.

Citta said that during the design phase there would be a lot of communication with the landowners. Callan stated that there were several processes to go through yet and there would be more hearings on design and benefits.

No other comments were heard.

Citta closed the hearing at 5:48 p.m.

Citta asked the Board for direction following the testimony just heard.

**Adams motioned, seconded by Amsberry, to move forward with the formation of the Sargent East IPA.**

Callan stated staff would be looking for help with the engineering part of the project. He would like direction from the Board to send out requests for proposal to get started. He said SCS had previously begun the engineering work on the project and former NRD engineers had also helped. Callan said he had requested engineering assistance from NRCS, which would save money on the project.

Callan said that the engineering is the next phase and that would determine what happens where. He said benefits would be assigned, meaning whoever gets the most benefit from the project will pay the most. He said that, by statute, anyone within the boundary would have at least one benefit. He said if a big ditch goes right through a landowner's pasture and he gets a detriment, he may not have to pay anything because he would be giving up for the project. He said all that would have to be determined after the preliminary design is completed. He said two more hearings would be held and at any time, it can be decided whether to continue with the project or not.

Adams asked if the NRD would be responsible for engineering costs. Callan stated that, at this time, the NRD was not paying for anything except the NRD's administration costs such as public hearing notices, RFPs, etc. Callan said the Board could decide later if the NRD should pick up some engineering costs, but that he was talking with NRCS in Grand Island to see if they would assist with the engineering. He said everything but administration costs would get billed back to the project. Callan said with the Duncan East IPA project, there was a 15-year note.

Eschliman asked what it would take for the landowners to back out. Callan stated that the majority could decide not to do it, but stated that the Board continues the project forward and establishes the criteria. Vlach asked who determined the benefits and detriments. Callan stated that the landowners determine the benefits. Callan said he would propose that, in the Requests for Proposal, the consulting firm keep things moving, such as permitting, working with the Corps, and that the consulting firm work on a method to assess benefits. That would come in draft form and the landowners would decide if it was favorable or not and if some items needed to be adjusted. He said the landowners would definitely have input.

**Motion carried by electronic vote, all present voting yes.**

## FORESTER'S REPORT

Richard Woollen, District Forester, discussed the reforestation effort in Niobrara Valley and Pine Ridge. He stated that this was the third year it had been offered to reforest the burned area. Woollen also reported that there were about 50,000 extra seedlings, but all had been spoken for. He stated this would be the last year for the project. Woollen also reported that tree orders were coming in and that the Forest Service was working on a management project for Eastern redcedars and forest stand improvement.

## NRCS REPORT

Bryce Bauer, NRCS, reported that he had met with Callan and Ruterbories and that there would be a 2020 EQIP local Work Group held February 25<sup>th</sup> in the LLNRD Board room. He said priorities would be determined at the meeting and discussion about where the EQIP program needs to go. Bauer reported that they are currently working on buffer strip reenrollments and the

deadline would be in March or April. He stated there was a new mapping and ranking system and applications are still being accepted. Bauer reported that they were having limited interest in CRP due to the money for Mid-Contract Management going away. He said 4 million more acres were authorized for CRP, but no more money. Bauer stated that, at a minimum, he thought NRCS could do the wetland determinations on the Sargent East IPA project, if the requests come from the landowners.

Callan said that, at the EQIP Work Group meeting, Woollen would be giving a talk on windbreak renovation and information would be presented on water quality high priority areas.

## INFORMATION & EDUCATION REPORT

### Hazard Mitigation Plan

Larry Schultz, Information & Education Coordinator, reported that the NRD had received notice that the Hazard Mitigation Plan grant application was received which allows the NRD to get funding for the plan. He said the cost of the project was \$140,000 and the NRD would have to cover about 25% (\$35,000) of the cost for redoing the plan. He said JEO was the consultant for the project.

### Land Judging & Envirothon Contests

Schultz reported that Lower Loup NRD and NRCS would be hosting the North Central Land Judging Contest in October, the Central Region Envirothon would be March 3<sup>rd</sup> in Columbus, the State Envirothon would be held April 29<sup>th</sup> at Lake Wannaho in the Lower Platte North NRD, and the NCF International contest was coming up July 26-31 with a team from China participating. He said volunteers would be sought for the contest. Schultz reported that he was on the entertainment committee for the contest and would oversee the closing ceremonies. He reported that funding was received from NRCS to help with some costs.

## WATER QUALITY SUBAREA 30 DESIGNATION

Naprstek read the following proposed Order of Designation:

**ORDER OF DESIGNATION  
SubArea 30  
No. 2020-01**

**WHEREAS, the Lower Loup Natural Resources District has adopted proposed Rules and Regulations for the implementation of the Lower Loup Natural Resources District's Groundwater Management Area; and**

**WHEREAS, a Public Hearing was held on January 07, 2020, in accordance with NEB. REV. STAT. § 46-743; and**

**WHEREAS, the District deems it to be in the best interest of the District and its citizens; and**

**WHEREAS, the District has existing Groundwater Management Area Rules and Regulations to ensure conformity with Nebraska law and internal consistency; and**

**WHEREAS, the Lower Loup Natural Resources District has had water sample data records documenting median water quality sampling results above 8.5 milligrams per liter for nitrates in groundwater over the last four consecutive years in SubArea 30 which encompasses all of Sections 32, 33, 34, 35, 36 in Township 18 North, Range 01 East, as well as all of Sections 1, 2, 3, 10, 11, 12, 13 in Township 17 North, Range 01 East, and the portions of Sections 4, 5, 9, 14, 15 which lie to the North and/or to the East of the Loup Public Power Canal, located in Township 17 North, Range 01 East of the 6<sup>th</sup> Principal Meridian, Platte County, Nebraska, as more particularly described in *Appendix A*, attached hereto.**

**WHEREAS, the implementation of District's Rules and Regulations regarding a water quality sub-area designation, water quality control phases with nitrate-nitrogen level parameters and the use of flow meters in designated areas has prepared the District to proactively provide groundwater quality;**

**NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Lower Loup Natural Resources District designate SubArea 30, as described by the boundary defined herein;**

**AND, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Directors of the Lower Loup Natural Resources District designate the creation of a PHASE III Groundwater Quality Management Area in SubArea 30, and adopt its Rules and Regulations to be utilized within the boundaries as described in such Rules and Regulations, and will include all irrigation water and aquifers lying below such land surface as described.**

**AND, THEREFORE, BE IT FURTHER RESOLVED that this Order take effect January 23, 2020.**

**Approved January 23, 2020**

Citta reminded the Board that the public hearing for the proposed SubArea 30 was held in Columbus on January 7<sup>th</sup> and that a transcript was included in the agenda.

**Smith motioned, seconded by Adams, to approve the Order of Designation and creation of Water Quality SubArea 30.**

Adams asked about attendance at the public hearing and Schultz said that 12 from the public attended. Petersen asked how many acres would be put in the new area. Naprstek replied that there were approximately 7,000 acres and that nearly 70% was irrigated ground.

**Motion passed by electronic vote, all present voting yes.**

Callan stated that some things such as soil sampling may not be fully enforced immediately due to timing. He stated that flowmeter installation would begin right away, but landowners would have three years to get them installed. Citta stated that the Board would address cost-share for the new area. Callan stated that letters would be sent out regarding rules and a schedule. Naprstek predicted that estimating yield and integrating the historical records the NRD had with SubArea 30 would be the most difficult tasks. He said soil samples would now be due each fall and water samples due in the summer.

## ASSISTANT GENERAL MANAGER'S REPORT

### Davis Creek Update

Naprstek reported that the camp host position had been filled for most of the summer by two hosts. He also reported on the 2019 reservations. He said that Reserve America generated \$25,864 including electrical/non-electrical sites and picnic shelters; walk-ins brought in \$24,030 including electric/non-electric; showers generated \$1,524; and tips were \$293, for a total of \$51,711.17. He reminded the Board that most of last season's rates were \$6/night for non-electric and \$19/night for electric, but rates had been increased to \$25 since all sites are now electrical. Callan stated that the Valley County Economic Board had noticed an increase in lodging tax coming into Valley County Tourism, attributed to Davis Creek and the Trotter Event Center. Naprstek said the numbers for registered campers were 1,793 walk-ins and 2,363 through Reserve America.

Kauk asked about the new electric service coming in and stated he didn't see any new wires. Callan reported it came in underground from the west and REA reinforced the lines on the blacktop going south.

Podolak asked how numbers compared to operating costs. Naprstek reported it would be hard to calculate those numbers at this time because of all the costs associated with the different projects being completed at Davis and grants through Title 28; however, the number would be able to be better defined in the future.

## WATER RESOURCES COMMITTEE

### SubArea 30 Flowmeter Cost-Share

Naprstek reported that the Committee had addressed SubArea 30 flowmeter cost-share. He presented a powerpoint showing the number of fields in the area and that there were 68 irrigation wells, 89 certified fields, and currently 4 active flowmeters read annually. He explained that chemigation is not very prevalent in the area but the 5 that are in the area have check valves. Naprstek showed the historical flowmeter cost-share numbers. He stated that flowmeters are approximately \$2,000 each so staff made a budget recommendation of \$178,000

for flowmeters in SubArea 30. Previous flowmeter cost-share programs were at 100% the first year, 75% the second year, and 50% the third year. Naprstek said that after three years, flowmeters must be in place.

**Smith motioned, seconded by Coffey, to approve flowmeter cost-share in SubArea 30 at rates of 100% the first year, 75% the second year, 50% the third year. Motion carried by electronic vote, all present voting yes.**

#### SubArea 30 Isotope Analysis

Naprstek said there had been questions regarding the source of the high nitrates in SubArea 30 and mentioned that there were several livestock facilities in the area and also CAFO fields that area being certified for application. He reported that the NRD had completed an isotope analysis with UNL for Area 28 in 2012 to determine the source of the high nitrates. Naprstek said the process would include collecting the samples and submitting them to the water lab at UNL where they can determine approximately what the source of the nitrates are – whether organic or a commercial fertilizer. He reported that the proposal submitted would be for 20 samples analyzed with reports at a cost of \$7,128.

Mohrman asked if 20 samples were enough and Naprstek responded that 20 would give a good distribution across the area as well as focus on some hot spots. He said he and Conrad could model interpolation and what it looks like across the area. Callan stated that the NRD's rules don't require knowing where the nitrates are coming from, but it is good to know so efforts can be focused on taking care of the issue.

**Smith motioned, seconded by Adams, to complete a groundwater isotope study in SubArea 30 to determine the source of the nitrates. Motion carried by electronic vote, all present voting yes.**

#### Chemigation Report 2019

Naprstek reported that 3,149 chemigation permits were received in 2019; 3,139 approved including 2,830 renewals and 311 new; and 1,145 chemigation inspections were completed. He said the technicians did a good job coordinating all their inspections with the farmers.

#### 2019 Flowmeter Program

Naprstek reported that 931 sites are read and 688 flowmeters were cost-shared by the District. He said Seim Ag would be completing the 2020 maintenance in Area 28.

#### Columbus Recharge Project

Callan stated that staff was still working on easements and were in discussions with Christopher's Cove people about how the pipe would come into the lake. He reported that HDR was working on it.

## Other

Naprstek reported that Harris and Smith were working with him on infrared photography and indicated there would be some potential irrigated acres violations for 2019. He hoped to have a report in February.

Podolak encouraged staff to look at communicating to the people in SubArea 30 about reverse osmosis systems and educate them on using them in the high nitrate areas and to make sure everyone understands nitrates and how the system can help. Callan stated he had recently attended a nitrate strategy meeting in Lincoln to discuss nitrates and their effects on cancer in children. He said that the group was working on different ways to tackle the issue. Callan said staff makes an effort to communicate with constituents in SubArea 30 and the entire District about nitrate issues.

## PROGRAMS/PROJECTS COMMITTEE

### WFPO Grant

Kruse reported that Mud Creek requests for proposals were due the end of April. Naprstek said that since it was a 2-3 year program to get developed, more time would be allowed to submit a proposal.

### SID#7 Levee Project (Whitetail Lake Development)

Kruse reported that the NRD had previously participated in an upgrade to the levee and, with recent flooding, there was damage to the southwest corner. He reported that the organization had approached the Board for assistance with repairs.

Tom Gauk, SID trustee, gave updates on the project. He reported that repairs were nearly complete and that the seeding would be done in May. He said the levee was very successful in protecting homes during the March, 2019, flooding. Gauk reported that the project was being covered by some funds from FEMA (75%), NEMA (12.5%) and SID (12.5%). He requested an NRD contribution 30% of the local SID match for the levee repairs and engineering costs. Gauk said the original request included mitigation costs, but they had been removed.

**Kruse motioned, seconded by Petersen, that the NRD provide 30% of the local match for the SID #7 Whitetail Subdivision levee repair and engineering, not to exceed \$6,995.96.**

Kauk stated that it had been reported at a Committee meeting that there was a neighboring pasture with livestock that may have caused a trail that eroded causing the issue in the corner that washed out. He wondered if that issue would be addressed. Gauk stated that there was previously a gate to enter and exit near where the issue arose, and that the gate had since been moved away from the levee and that fencing was moved as well to eliminate any possible issues in the future.

**Motion carried by electronic vote. Directors voting yes: Amsberry, Adams, Anderson, Bartak, Citta, Coffey, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen,**

**Podolak, Smith, Thede, Vlach, Eschliman. Director abstaining: Bauer. Directors Absent: Boesch, Hadenfeldt, Thoene.**

#### North Loup Flood Mitigation

It was reported that the contract had been signed with JEO to complete the flood mitigation work for North Loup and that a preliminary hearing would be held in North Loup on February 4<sup>th</sup>. Naprstek said a stakeholder list was being developed.

#### Sargent Area Drainage Issues

##### *Sargent East IPA*

Kruse reported that Sargent East IPA had been discussed.

##### *Village of Sargent*

It was reported that the Village of Sargent representatives came to the NRD and held a video conference with the engineer to discuss the project procedures and a plan is being put together for the village to utilize in proceeding. There will be a meeting February 24<sup>th</sup> in Sargent for further discussion.

#### Platte County Flood Zone Buyout

Kruse reported that 13 individuals had thus far submitted applications to be considered for the buyout and that more information would be coming later.

#### Duncan East IPA Project

Kruse reported that the estimated cost of the project was \$93,611.00. Callan reported that FEMA had paid the NRD for their portion of the project. He said invitations to bid had been sent out and were due February 12<sup>th</sup>.

#### NGPC – Open Fields and Water Program

Kruse said that Naprstek addressed the Committee on a wildlife habitat program. He said the Open Fields and Water Program was discussed with Brian O’Conner from NGPC.

### VARIANCE COMMITTEE

Smith reported that Greg Smith had met with the Variance Committee for the second time. His variance was located west of Sargent and was asking for 150+ acres. Smith said Greg was the first one cut off during scoring for 2019 new irrigated acres allocation. Smith lowered his number of acres to 145 and met the necessary score.

**Smith motioned, seconded by Adams, to approve the Greg Smith variance request for 145 new irrigated acres in Custer County, with the stipulation not to utilize an end gun on the pivot system.**

Citta stated there were a few acres left to use from the allowable 2,500 new irrigated acres designated district-wide and once Greg Smith's application was changed, it met the score requirements. Adams stated if Smith's acres would have been less at application time, he wouldn't have needed to do a variance. Mohrman asked if Smith could come back and apply to have an end gun in the future. Callan stated he cannot apply for more acres on this field, but could on other ground.

**Motion carried by electronic vote, all present voting yes.**

## MANAGER'S REPORT

### Litigation Update

Callan reported that a hearing for the NRD's instream flow application has been requested on DNR's decision. DNR has asked the NRD to amend their record and see if a hearing was still needed. Staff and attorneys are working on their request.

Callan reported that he had not heard any updates from DNR on the Platte Republican Diversion that the NRD objected to.

### New Hires

None

### Non-action Reports

Callan presented the 2019 Directors Attendance Summary and reviewed the bills that were up for vote in the Legislature. He reported a hearing was held today on the right to use groundwater which states if you own the land that you have the right to use groundwater. Transfers would be exempt.

Citta stated there was a bonding ability bill that applied to NRDs wanting to do some work on levees in the Norfolk and Fremont area. He said NRDs do not have bonding authority except for Papio-Missouri River NRD.

Callan stated there were no bills to be majorly concerned with. He said there would be a Managers meeting on Monday so he would receive a full list of all the bills at that time and distribute them to the Board members present.

## NARD REPORT

Eschliman stated that the Legislative Conference would be next week and there would be an open house with JEO on Monday.

## NRC REPORT

Hadenfeldt was not present to give a report.

## RC&D REPORT

Adams reported that both he and Thoene were unable to attend the RC&D meeting.

## ANNOUNCEMENTS / FUTURE MEETING TOPICS

Lukasiewicz announced that NSIA was working on a video documentary entitled *Waters on the Surface*, focusing on eight major watersheds in the state. He said they may be looking for donations.

Podolak asked when the Board Retreat would be held. Callan stated it would be February 18<sup>th</sup> during the committee meetings. He said a speaker from the UNL would be giving a talk on economics and Callan had a presentation on nitrates.

Nitsch stated that Jim Nelson sent his greetings to the Board and staff. He also said that Nelson had asked about getting cell phone numbers for an early warning system for flooding along the river. Callan stated that staff had been working with emergency managers to get a formal system set up through the National Weather Service. Smith stated that Region 26 had a system in place for their coverage area.

## ADJOURNMENT

With no further business before the Board, Citta declared the meeting adjourned at 7:03 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 a newspaper in each county within the District. The next Board of Directors meeting will be held February 27, 2020, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

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Henry J. Thoene  
Secretary