

MINUTES

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

February 25, 2021

Ord, Nebraska

The February 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 February 25, 2021. Chairman Citta called the meeting to order at 5:00 p.m.

CALL TO ORDER

Directors in attendance:

James C. Adams
Darwin B. Anderson
Joseph L. Citta, Chairman
Randy Kauk
Matt Lukasiewicz
Todd Nitsch
Dean G. Thede
Rick Vlach

Rollie D. Amsberry, Treasurer
Timothy E. Bartak
John Coffey
Gary A. Kruse
Larry Mohrman
Alan D. Petersen
Henry J. Thoene, Secretary

Directors in attendance via teleconference (voting):

Robert L. Bauer
N. Richard Hadenfeldt

Beth Boesch
Chad J. Podolak

Directors absent:

Jim Eschliman, Vice Chairman

Gerald Smith

Staff in attendance:

Russell G. Callan, General Manager
Irene F. Kreifels, Administrative Assistant
Larry D. Schultz, I&E Coordinator
Brian Kolar, Projects Technician
Richard L. Woollen, District Forester
Jason Moudry, Water Programs Specialist

Tylr Naprstek, Assistant General Manager
Kim A. Lyons, Financial Secretary
Cameron Conrad, Water Modeling Coord.
Dell R. Harris, Water Resources Specialist
Dan Ruterbories, Rangeland Mgmt. Spec.
V. Anne Freeman, Water Programs Sec.

Guests in attendance:

LeRoy Sprunk, Monroe
Brad Nagorski, Comstock

David Sprunk, Monroe
Deborah Nagorski, Comstock

Guest in attendance via teleconference:

Don Blankenau, Lincoln

NOTICE OF OPEN MEETING LAW POSTING

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

Due to Executive Order No. 20-36: Coronavirus - Public Meetings Requirement Limited Waiver, Board members were able to attend and vote via teleconference.

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 website, and in the eight field office locations.

ROLL CALL

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

EXCUSED ABSENCES

Chairman Citta stated that Eschliman and Smith had asked to be excused.

Adams motioned, seconded by Vlach, to excuse absent Directors Eschliman and Smith. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Boesch, Citta, Coffey, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Thede, Thoene. Directors not voting: Hadenfeldt, Petersen, Vlach. Directors absent: Eschliman, Podolak, Smith.

Podolak arrived via teleconference at 5:07 p.m.

MINUTES

Chairman Citta asked for corrections and/or additions to the January 28, 2021, Board meeting minutes.

Nitsch motioned, seconded by Anderson, to approve the January 28, 2021, Board meeting minutes as presented. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Boesch, Citta, Coffey, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Thede, Thoene, Vlach. Director not voting: Hadenfeldt. Directors absent: Eschliman, Smith.

PUBLIC COMMENTS

Brad and Deborah Nagorski were present to discuss a violation letter they had received on land they farm near Arcadia. Deborah explained that when they purchased the land, it was their understanding that they could run the pivot and end guns on all the corners. She explained that they were unaware that they were irrigating more than allowed. Deborah stated they were planning on selling the land and wanted to petition the violation. They were asking that if the land sells before farming begins this year that the new owners be allowed to farm the land without having to cut back any acres due to their violation. She stated if the land does not sell before they begin farming, they would take the violation and cut back their acres.

Citta suggested that the Board take their request into consideration and visit with staff regarding the violation and get back to them after further discussion is held. Kauk asked if it was irrigated by groundwater and Callan stated that it was.

TREASURER'S REPORT

Russell Callan, General Manager, highlighted expenditures of \$8,211.80 to Yanda's Music & Pro Audio for video conferencing and audio upgrades; \$16,917.76 to CMBA Architects for work on the building addition plans; \$6,400.00 to EA Engineering for work on the cover crop program; and \$41,578.97 to JEO for Mud Creek WFPO related expenses. Callan also highlighted expenditures of \$3,200.00 to EA Engineering for additional cover crop study work and \$647.25 to Valley County Highway Department for grading the Davis Creek road.

Kruse motioned, seconded by Coffey, to approve the February 25, 2021, Treasurer's Report. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Boesch, Citta, Coffey, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Thede, Thoene, Vlach. Directors not voting: Hadenfeldt, Podolak. Directors absent: Eschliman, Smith.

FORESTER'S REPORT

Richard Woollen, District Forester, reported that he was serving on the Forestry Service Committee and they had been conducting interviews to fill Assistant Conservation Forester

positions in Ord, North Platte, and Concord. He said they were hoping to have the positions filled before planting season. He reported that there were 30 applicants from Maine to Florida to Missouri and Nebraska.

Woollen also reported work was continuing to finalize the details for the Nebraska Forest Restoration Partnership and that there would hopefully be funds available for use in 2021. He said the program would be a five-year grant program funded through the NRCS Regional Conservation Partnership Program. Woollen said there were 16 NRDs across the state that would be involved with the program, which would provide cost-share for various forestry practices including windbreak renovation, tree planting, site prep, forest stand improvements and fencing to protect natural regeneration.

NRCS REPORT

NRCS personnel was not present to provide a report so Directors had to view the report included in the agenda.

INFORMATION & EDUCATION REPORT

Central Region Envirothon

Larry Schultz, Information & Education Coordinator, reported that the Central Region Envirothon was held virtually February 3-5. He said that all regional competitions were held during the same time. Schultz stated that the Ord, Burwell, and St. Paul teams from Lower Loup NRD that qualified for State, which will be held in Lake Wanahoo if conducted in person; however, it could be held virtually as well. He reported that the topic this year was Water Resources Management and that the same theme was being considered for the National Envirothon.

Schultz reported that the NRD had been running ads for tree sales in newspapers and via radio. Citta asked how tree sales were doing and Schultz informed Directors that sales were going well and we were running out of some species of trees.

Bartak asked what the planned date for National Envirothon would be and Schultz stated he would look it up and get back to him.

ASSISTANT GENERAL MANAGER'S REPORT

Davis Creek

Tylr Naprstek, Assistant General Manager, reported that he had had some contacts from people who were interested in being camp hosts and some have signed up.

Pibel Lake

No report.

Cover Crop Study

Naprstek reported that NRD staff and EA Engineering had redeployed the moisture sensor equipment and it was up and running.

Lukasiewicz asked about ice thickness at Davis Creek. Naprstek stated it was roughly 5-6 inches before the deep freeze but did not know how thick it was at the present time.

Schultz reported that the National Envirothon Contest would start on July 26, 2021, and would be held virtually.

WATER RESOURCES COMMITTEE

Genoa Area Water Quantity Issue

Naprstek reported that the Committee continued discussion on water interference issues near Genoa between LeRoy/David Sprunk and Dennis Swanson. He stated that staff had been contacted by and met with the producers involved and that both had applied for flowmeter cost-share through the NRD. A map was shown of the location of the wells and a letter was included in the supplemental agenda that was received from Swanson.

Actions that the District could take were discussed. Naprstek stated that the Water Resources Committee had a recommendation in January to allow for the producers to come in and discuss the issue further. Citta read the recommendation stating that Swanson reduce his irrigation capacity to 450 gpm and to cost-share a re-nozzle irrigation system if there were funds available.

LeRoy and David Sprunk were present at the Board meeting and they gave history of their existing well dating back to 1975 when they test drilled the well themselves and stated that they had slowed it down to 450 gpm when conditions got dry and said they are just getting by with their current pumping. They stated that after Swanson's well was installed, they lost an end gun and part of their end tower due to the reduced water availability. They said they were thinking about putting in a new well in a different quarter and running water to the existing pivot. Sprunk stated they felt they were owed compensation due to the inconvenience the well installed by Swanson had caused. They stated that they thought if the NRD did not want to cover some of the costs of a new well for them, then the NRD should grant them additional acres to irrigate a portion of the other quarter and Swanson's well may not have to be limited.

Citta asked where the other land was located. A map was shown identifying the location in relation to the current fields and wells. Kruse asked what the test was on the new well they would like to drill. LeRoy stated that they could get 800 gpm, but he thought that 600 gpm would be sufficient. Mohrman asked if they could make a full circle on the new land and Sprunk replied that they could, as there were no trees on the land. David stated they may not have to irrigate much because it was good ground. Kruse asked if there was currently a well there and Sprunk stated there was not, but they had done a test hole.

Mohrman asked for clarification on how many extra acres they were asking for. Sprunk answered they would need approximately 70 acres. Thoene asked if it was completely out of a low-yield area. Callan stated it was. Adams clarified that the location was north and to the east of the current field. Callan stated that it was in a different basin. Citta said that it may need to go back for Committee discussion before limiting someone; however, this would delay them another 30 days.

Citta stated he would suggest taking the proposals from tonight and that the Board stick with limiting wells but should have time to fully consider the options. Kruse agreed that further discussion was needed. Callan pointed out the Swanson letter and stated that the NRD would want assurance that the water issues would be over if the extra acres were given. Mohrman stated that would be good because if limiting did not fix the issues, they would be back with the same issues. Mohrman stated that maybe limiting pumping may not fix the problem.

Mohrman asked how far the water table went down after pumping. Cam Conrad, Water Modeling Coordinator, showed slides outlining the drawdown of water levels after various hours of pumping. Naprstek stated that the readings were taken when one well was pumping and the other was not. Coffey stated that it appeared that the Swanson well was as far away from the pivot as it could get.

Further discussion was held regarding Sprunk installing a new well and Callan said that the rules stated that they could put in a new well but could not have two wells. Citta stated again that he felt the Committee needed to further review all the information before a decision was made.

Adams motioned, seconded by Kruse, to table the Genoa Water Quantity issue to allow for further discussion in the upcoming Committee meeting.

Vlach asked if Sprunks were willing to throttle back their pumping if this didn't work. Sprunk stated if both landowners throttled back pumping, it could work. Mohrman asked if the NRD would have more control over a new well than the old one and Callan stated that they would. Mohrman asked if Sprunks were looking at putting in the new well regardless of the current issues. Sprunks stated that they were considering it but would be satisfied with additional acres. Bartak asked if there were limitations that could be put on the new well. Callan stated there were various limitations and restrictions that could be put on any new well. Don Blankenau, attorney with Blankenau, Wilmoth, Jarecke, confirmed that current rules allowed for limitations to be placed on any new wells.

Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Boesch, Citta, Coffey, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Thede, Thoene, Vlach. Director not voting: Hadenfeldt. Directors absent: Eschliman, Smith.

Citta stated that staff should contact Swanson and let him know what was discussed tonight and that further discussion would be held. Coffey asked what time limits were on granting new irrigated acres. Callan stated that usually in May there was discussion regarding

granting new acres. Adams stated that wells drilled in '70 or '80 should have the same rights. Callan stated that wells drilled after the Integrated Management Plan was put in place could be restricted.

Blankenau added that there was a question of what to do out of fairness and what the NRD must do as a matter of law and that Sprunks had spoken of being owed compensation. They are not, however, legally owed compensation.

Lower Platte River Basin Coalition Participation

Naprstek stated that the Lower Platte River Basin Coalition (LPRBC) was assembled out of all 7 lower Platte River NRDs and DNR to keep everyone in sync with what the other NRDs were doing. He stated the plan ran in 5-year increments and that the next 5-year increment would be starting in 2022. It was reported that the current data being used ended in 2012 and there had been a lot of impact that needed to be further discussed. He stated that DNR had said Lower Loup NRD was not in a drought; however, they could not do the full assessment themselves and would need to outsource. He stated the Flatwater Group would be taking over and there was a recommendation to proceed with a new evaluation.

Callan stated when the Committee was formed there were originally dues of \$20,000 per member to do the evaluations and create the plan and that no dues had been needed to be paid for several years, but were \$10,000 per member now. Callan stated that DNR would not be able to do the evaluations for another two years and that it would cost \$130,000 to have it completed by Flatwater Group. He stated there was still some money left from the last dues, so they were asking for \$10,000 dues from each member to complete the evaluation. Callan stated that there were some NRDs who wanted to do their own models, but this needed to be completed first. He said staff recommendation was to pay the dues so the evaluation could be completed. Callan stated the next coalition meeting would be held in April. Adams stated the LPRBC had been good for Lower Loup NRD.

Adams motioned, seconded by Coffey, to pay next year's Lower Platte River Basin Coalition dues of \$10,000. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Boesch, Citta, Coffey, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Thede, Thoene, Vlach. Director not voting: Hadenfeldt. Directors absent: Eschliman, Smith.

Bartak asked if \$10,000 was enough or if more was needed. Callan stated it was sufficient for this budget cycle.

Callan reported that he had heard from Hadenfeldt who was having connection trouble and that was why he was not voting.

Water Quality Nitrates – Well Susceptibility Model

Naprstek went over the well susceptibility model information and would get additional feedback on nitrates.

Columbus Recharge Project

Callan stated that bids for the project went out last Monday. He said it was on the contractor's website and that there had been some downloads of plans. He stated that next Thursday there would be a virtual walk-through of the project. Naprstek stated there were also full copies of the plans in the office for sale if anyone was interested.

Mohrman asked about a time frame. Callan stated he wanted to get bids back and analyzed by the next Board meeting. Callan announced that yesterday there was a change order for the contract. He stated that there were some drafting changes due to the county redraw. He stated it would cost an additional \$50,000. Coffey asked what the expected cost was of doing the work. Callan stated it was in the \$1.8 to \$2.4 million range, but is figured at \$3.2 million for the whole cost including O&M.

Bauer asked what the county had cost the NRD due to any extra work caused by them. Bauer stated he wanted to recognize that some of the partners were not as efficient as they needed to be. Callan stated that the delay had cost extra time, effort, and meetings. Bartak asked if Callan had any information on the potential new project using 3 million gallons a day going into that area. Callan stated there was not much information yet.

2020 Irrigated Acres Violations

Naprstek reported that 70 letters had been sent out and so far he had heard from all but 6. He stated that most had signed a *Plan and Schedule for Compliance* and that there had been some recertifications and boundary revisions. He reported that there were an additional 12-15 boundary revision violations that would be taken care of and that there would be more discussion at next Committee meeting.

PROGRAMS/PROJECTS COMMITTEE

North Loup Flood Mitigation

No update.

Mira Creek Watershed

Callan stated that the NRD had received the signed contract from NRCS and also received a \$545,000 grant, so the project had been sent out for proposals.

Village of Sargent Flood Project

No update.

Sargent East IPA

Kruse stated the Sargent East IPA meeting was cancelled due to weather. Callan said it may be rescheduled for some time in March.

Update on District Current Soil Health Projects/Soil Health Project (Mike McDonald)

Kruse updated the Board saying that the Committee stated they were not interested in pursuing the statewide soil health initiative.

Dan Ruterbories, Range Management Specialist, gave an update on the soil health projects the NRD was currently involved in. He went over the various projects including the Clear Creek/Pibel Lake Watershed Management Plan and also the Cover Crop Program, Area 28 Multi-Species Cover Crop Program, Cover Crop Utilization and Nutrient Management Program, No-Till Drill Program, sponsorship of Cover Crop and Soil Health conferences, the Lower Loup NRD EQIP priority areas from working with NRCS's NSWCP program, Soil and Water Conservation Program, NRD Aagaard Farm Field Day, and South Loup Water Quality Program.

Adams asked if the South Loup Water Quality Program would promote bank stabilization on the South Loup and Callan stated it would.

Amsberry asked about the Lillian Creek Project. Callan stated it had not been brought up since the seepage study, but the next step would be the geology study to see about the stability of a potential dam. Callan stated it could be added to the agenda for the next meeting. Citta stated he felt it would be good to revisit what had been done and go from there.

Building Addition

Callan stated there was an updated floor plan and drawings on the table for those who wanted to view them.

RC&D Recycling Program Funding

No one was present at the Committee meeting or Board meeting to give updates; they had asked to hold off for another month.

Platte County Flood Zone Buyout Program

No update.

VARIANCE COMMITTEE

Thoene stated the Variance Committee had two variances to review. The first was for Randy Mauler. He stated he was in the Sargent drainage area and was interested in drilling a well to draw down the high water levels. However, he was no longer interested after finding out the cost.

Thoene reported the second variance was for Tom Werner of Flying W, LLC. Thoene said he had four pivots by Ravenna that were all using one well and he wanted to use an existing livestock well and commercial well. This option for using wells that were previously drilled for a proposed dairy but were never fully developed. Thoene reported this was the first review so there would be a recommendation in March.

Kauk asked if the four pivots were running from one well. It was stated that they were. Adams said there were some commercial wells that had been capped. Citta said they were going to put in a dairy before but did not go through with it. Callan stated there were a lot of pieces to it.

Mohrman asked if they were asking for more water or more wells. Callan stated it was for more water by way of more wells and that some things still needed to be considered. Thoene stated it was sandy soil, so a lot of water was needed. Kauk asked if there was a decent amount of water in the area and Callan stated there was but there was an ethanol plant not too far from his operation and near the South Loup River.

MANAGER'S REPORT

Litigation Update

No update.

County Treasurer General Fund Resolution

Callan explained that one the counties in our District has asked for a resolution regulating the payout of the funds collected and held at the Treasurer's office. The following resolution was introduced.

RESOLUTION FY 2021-006 RESOLUTION TO DIRECT COUNTY TREASURERS TO PAY FUNDS COLLECTED ON MONTHLY BASIS

WHEREAS, the Lower Loup Natural Resources District has funds collected and held by the County Treasurer in Boone, Buffalo, Butler, Custer, Garfield, Greeley, Hall, Howard, Loup, Merrick, Nance, Platte, Rock, Sherman, Valley, and Wheeler Counties, herein referred to as "Counties;" and

WHEREAS, the Lower Loup Natural Resources District Board of Directors hereby directs the County Treasurer of each of the Counties to mail to the Lower Loup Natural Resources District, on or before the 15th day of each month, all funds he or she has collected on behalf of the Lower Loup Natural Resources District, as allowed by law; and

WHEREAS, the Lower Loup Natural Resources District Board of Directors further directs that the County Treasurer of each of the Counties shall also mail on or before the 15th

day of each month, a statement of accounts for each Fund itemizing all funds collected and/or disbursed.

NOW THEREFORE BE IT RESOLVED, that this resolution shall become part of the minutes of the Lower Loup Natural Resources District Board of Directors meeting and be maintained as a permanent record and shall remain in effect until changed by majority vote of the Lower Loup Natural Resources Board of Directors.

Dated this 25th day of February 2021.

Anderson motioned, seconded by Mohrman, to adopt Resolution FY21-006. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Boesch, Citta, Coffey, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Thede, Thoene, Vlach. Director not voting: Podolak. Directors absent: Eschliman, Smith.

New Hires

Callan stated there were no new hires; however, ads had been put out for a District Engineer and Media/Education Specialist. He reported that he had not hired anyone to seek out the engineer yet but had been making some contacts. He also said there would be a third position coming for an Assistant Conservation Forester that would be funded by the Nebraska Forest Service.

NARD REPORT

Eschliman was not present for an update. Callan stated there was not much in legislation and that things were still in the public comment period. Lukasiewicz added that there was not much until the priority bills happen.

NRC REPORT

Hadenfeldt was not present for an update. Citta stated that he attended the meeting yesterday in Kearney but there was not much other than swearing in of the new members. He said they went over what the NRC did and reviewed their website and different funds. The election of officers was held, Committee volunteers were taken, and soon the schedules for the rest of the year would be set.

RC&D REPORT

Adams stated there was information in the agenda that he, Schultz, and Janet Sanders, Executive Director of the Loup Basin RC&D, had put together to show the various activities the RC&D had been doing. He stated they were planning on attending next month but they had been busy with lots of projects and have had lots of volunteers to help them out.

It was announced that Lisa McMillan received a Range Conservationist state award.

ANNOUNCEMENTS/FUTURE MEETING TOPICS

Citta announced that it was Director Anderson's birthday.

ADJOURNMENT

With no further business before the Board, Chairman Citta declared the meeting adjourned at 6:44 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 March 25, 2021, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Henry J. Thoene
Secretary