

MINUTES

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

January 25, 2024

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 25, 2024. Chairman Thoene called the meeting to order at 4:03 p.m.

CALL TO ORDER

Directors in attendance:

James C. Adams
Darwin B. Anderson
Robert L. Bauer
N. Richard Hadenfeldt
Matt Lukasiewicz
Todd Nitsch
Chad J. Podolak
Henry J. Thoene, Chairman
Rick Vlach, Vice Chairman

Rollie D. Amsberry, Treasurer
Timothy E. Bartak
James Eschliman
Gary A. Kruse
Larry Mohrman, Secretary
Alan Petersen
Gerald Smith
Alexander L. Vlach

Director absent:

Randy Kauk

Thomas L. Knutson

Staff in attendance:

Russell G. Callan, General Manager
Irene F. Kreifels, Administrative Assistant
Alan Bartels, I&E Coordinator
Dell Harris, Water Resources Specialist
Jason Moudry, Water Programs Specialist
Aron Lewis, Conservation Forester
Ann Freeman, Water Programs Secretary
Harold Benton, Water Resources Technician
Ken Dawson, Water Resources Technician

Tyler Naprstek, Assistant General Manager
Kim A. Lyons, Financial Secretary
Brant Bechtold, I&E Specialist
Kevin Gustafson, District Engineer
Dan Ruterbories, Rangeland Specialist
Brian Kolar, Projects Specialist
Derek Vogt, Agronomist
Richard L. Woollen, Forester
Cheryl Hornickel, Programs Assistant

Guests in attendance:

Norm Brugger, Albion
Tim Sprunk, Platte Center
Tim Rodehorst, Columbus
Doug Geisler, Riverdale
Jon Abegglen, Columbus
Todd Luschsinger, Columbus

Diane Brugger, Albion
Leroy Sprunk, Monroe
Pete Dixon, Pleasanton
Dean Smith, Pleasanton
Mike Ebner, Columbus

VERIFICATION OF MEETING NOTICE AND ADOPTION OF AGENDA

Chairman Thoene asked for verification of the meeting notice. General Manager Russell Callan stated that the amended 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.

EXCUSED ABSENCES

Thoene stated that Directors Kauk and Knutson had asked to be excused.

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

MINUTES

Thoene asked for corrections and/or additions to the December 21, 2023, Board meeting minutes. None being heard, Thoene announced that they were approved.

TREASURER'S REPORT

Russell Callan, General Manager, highlighted expenditures totaling \$3,745.00 to various agencies for advertising; \$62,410.00 to Gateway Motors for the purchase of a new pickup; \$58,966.31 to HDR Engineering for retainage on the Columbus Recharge Project; and \$1,071.04 to Valley County Highway Department for road work at Davis Creek. Callan also noted additional expenditures of \$40,000.00 to Olsson for the GET water modeling subscription.

Smith motioned, seconded by Petersen, to approve the January 25, 2024, 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

Thoene asked for public comments. None were heard.

FORESTER'S REPORT

Aron Lewis, Conservation Forester, reported that he has been working on the tree program, doing site visits and creating tree plans. He stated that tree sales are just shy of 22,000 seedlings so far. He also reported that he did a presentation at the Ord Library on the tree program, explaining how the program works and the cost-share available.

Lewis added that he submitted a Wildland Fire Urban Interface Grant application for the District that will cover the majority of the District, except for Boone County. He stated it will be used for tree removal for firebreaks, defensible space around homes and ingress/egress access for hard-to-reach places.

Lewis also reported that he attended a Woody Grant scoring meeting in Denver and will be helping to score Wildfire Urban Interface grants next month.

Lewis reported that he went out to the Woody fire location. Contractors are currently working on restoration alongside the U.S. Forest Service. He stated he will be going once every two weeks to monitor and report what contractors have done.

NRCS REPORT

Callan stated that nobody was present to report.

INFORMATION & EDUCATION REPORT

Columbus Area Children's Museum

Alan Bartels, I&E Coordinator, reported that he is continuing to work with Heartland Studios to design the exhibit for the Columbus Area Children's Museum. He stated the exhibit will be a total of twelve feet long and seven feet high. He added that designers are going to try to incorporate an actual interactive activity, allowing kids to pretend to be soil and water technicians. He stated that the grand opening is scheduled for February 22nd at 10:00 a.m.

Washington D.C. Conference

Bartels reported that the arrangements have been made for the Washington D.C. Conference and that the group will be leaving March 17th and returning March 21st.

Website Development

Brant Bechtold, I&E Specialist, reported that the website is near completion. He stated that he and Bartels would have basic build access and that right now he is testing to make sure

things are working properly before launch. He added that, tentatively, he expects the new site to be live sometime in February.

ASSISTANT GENERAL MANAGER'S REPORT

Nitrate Sampling Result Letters

Tylr Naprstek, Assistant General Manager, reported that letters were mailed out regarding nitrate sampling results containing the last 3 years of testing information. For any site reporting over 10 ppm, additional information was included. He stated that there hasn't been much feedback so far.

Naprstek stated that the deadline for returning annual reports and soil samples was nearing. He presented the Board members with a map of the samples from 2023.

Naprstek said that over 2,700 letters showing the last 5 years of nitrate samples on all samples taken by staff this year were also mailed out. A nitrate map from 2023 showcases that northern Platte County, northeast Nance County, Wheeler County, and areas around Merna and Broken Bow still stick out.

Naprstek added that flow meter letters were mailed out with pumping readings from this year, as well as county averages.

Regular meeting was suspended at 4:15 p.m. for the Public Hearing on Proposed Changes to the LLNRD Rules and Regulations.

The following is an excerpt from the transcription completed by Christine M. Salerno, RPR from Thomas & Thomas Court Reporters & Certified Legal Video, LLC. Full meeting transcription is on file at the Lower Loup NRD Headquarters.

MR. HENRY THOENE: Yes, it's 4:15. So we'll start this public hearing. I'm Henry Thoene, chairman of the board of directors of the Lower Loup National Resource District. Our purpose of this hearing is -- this afternoon is to receive public comments on the proposed changes to the Lower Loup Natural Resource District's rules and regulations.

Notice of this public hearing has been published according to law in the Grand Island Independent. Additionally, the proposed rules and regulations were posted to the Lower Loup NRD website on December 29th.

The time is 4:16 p.m. I will formally open this hearing.

The order of this -- of the meeting today will be first we'll ask for exhibits to be submitted by the Lower Loup NRD,

then we will ask for testimony from the Department of Natural Resources and the Department of Environment and Energy.

Then I will ask for testimony by any holders of incidental or intentional recharge permits, specifically the Middle Loup Public Power and Irrigation District, or the North Loup River Public Power Irrigation District.

Then I will ask for public testimony starting with those in favor, then those that will be giving neutral testimony, and finally those opposed to the proposed rule changes. Finally, I will ask for comments from the Lower Loup Natural Resource District board of directors.

For recording purposes, I will ask that no questions or comments be made by the audience and that questions from persons testifying be directed to the hearing officer, myself, and not to anyone else in the audience.

I ask that anyone testifying today begin by giving their name and address and who they are representing, if other than themselves. All testimony will be limited to five minutes. A yellow card will indicate one minute remaining. Once the red card is shown, testimony must cease.

I will now call for exhibits from the Lower Loup Natural Resources District and all written testimony that was received by 5 p.m. on January 24th, 2024, to be entered into the record.

MR. TYLR NAPRSTEK: My name is Tylr Naprstek, assistant general manager of the Lower Loup Natural Resources District. I am entering the following documents into the record: The Lower Loup Natural Resource District's manag - Groundwater Management plan, the Lower Loup Natural Resource District revision to the water quality section of the groundwater management plan, and the Lower Loup Natural Resources District rules and regulations for the enforcement of the Nebraska Groundwater Management and Protection Act.

This is denoted Exhibit 1.

(Exhibit No. 1, marked for identification.)

MR. TYLR NAPRSTEK: Copies of letters sent requesting testimony as outlined in the Nebraska Groundwater Management and Protection Act to each of the following entities: Tom Riley with the Department of Natural Resources, Jim Macy with the

Department of Environment and Energy, and to the Middle Loup Public Power and Irrigation District and North Loup River Public Power and Irrigation District as required as holders -- as required for holders of incidental or intentional recharge permit.

Denoted as Exhibit 2.

(Exhibit No. 2, marked for identification.)

MR. TYLR NAPRSTEK: Posted notice of publication and affidavits of publication were published in accordance to law in the Grand Island Independent.

Exhibit 3.

(Exhibit No. 3, marked for identification.)

MR. TYLR NAPRSTEK: A copy of the draft rules and regulations which I was originally posted on 18 the Lower Loup NRD website on December 29th, 2023.

Exhibit 4.

(Exhibit No. 4, marked for identification.)

MR. TYLR NAPRSTEK: A copy of the announcement for the drought impact meetings held at the Monroe gymnasium on November 14 at 4 p.m. at the Pleasanton Community Center on November 15th at 4 p.m., originally posted to the Lower Loup NRD website on November 3rd, 2023; and announcement was also posted in the Columbus Telegram, Kearney Hub, Ravenna News, Nance County Journal and Genoa Leader Times. Proof of newspaper posting is included.

Exhibit 5.

(Exhibit No. 5, marked for identification.)

MR. TYLR NAPRSTEK: No written testimony was received at the Lower Loup NRD office by January 24th, 2024.

MR. HENRY THOENE: Thank you. I will now ask for testimony by the Nebraska Department of Natural Resources.

MR. TYLR NAPRSTEK: A letter was provided on January 19th, 2024, sent via electronic mail to Russell Callan via Tom Riley. Each of the board members should have a copy in front of them.

MR. HENRY THOENE: Okay. I will now ask for testimony by the Department of Environment and Energy.

MR. TYLR NAPRSTEK: A letter was sent dated January 16th, 2024, received by the NRD on January 22nd, 2024, addressed to General Manager Russell Callan from Laura Johnson, division administrator drinking water and groundwater division of the Nebraska Department of Environment and Energy. Again, a copy is provided for all of the board members.

MR. HENRY THOENE: Thank you. I will now ask for testimony by any holders of incidental or intentional recharge permits specifically the Middle Loup Public Power and Irrigation District, or the North Loup River Public Power and Irrigation District.

MR. RUSSELL CALLAN: They were properly noticed but did not turn in any testimony.

MR. HENRY THOENE: Okay. I will now ask for testimony from those who are proponents in favor of the rule changes. I ask that you give your name, legal residence and whom you represent.

Anyone?

(No response.)

MR. HENRY THOENE: Hearing none, I will move on. I will now ask for neutral testimony on the proposed rules, please give your name, legal residence and whom you represent.

(No response.)

MR. HENRY THOENE: Hearing none, I'll move to the next. I will now ask for opposition testimony on the proposed rules. Again, give -- please give your name, legal residence, and whom you represent.

(No response.)

MR. HENRY THOENE: None, I will move to the next. I will now ask for comments from the directors of the Lower Loup Natural Resources District.

(No response.)

MR. HENRY THOENE: Hearing none. Is there anyone who has not had a chance to testify?

(No response.)

MR. HENRY THOENE: Hearing none, this is the final opportunity for comments for this hearing.

MR. JOHN ABBEGLEN: John Abbeglen, Columbus, Nebraska.

(Discussion off the record.)

MR. JOHN ABBEGLEN: Sorry to interrupt, I just want to make sure I'm clear on where we're at on the agenda, you're looking for comments on what subject?

MR. RUSSELL CALLAN: This is the hearing to put 18 and 20 in the groundwater management area and the rules to -- for the improper irrigation runoff.

MR. JOHN ABBEGLEN: This is improper runoff only that you're speaking of now?

MR. RUSSELL CALLAN: No.

MR. JOHN ABBEGLEN: This is the quantity metering in Area 20.

MR. RUSSELL CALLAN: Yes.

MR. JOHN ABBEGLEN: Okay, so if I may. I -- my comments then are between neutral and against, but I feel that this is a little bit premature in - in the quantity metering part of it. I don't know if there's been data received as of late if the water table is recharging, as it should -- there's been a lot of de-watering going on in Area 20 and so that's a concern of mine with the dewatering that's been going on for commercial purposes, if that's having an effect on the water table itself that we need to de-water -- we need to be looking at quantity metering on agriculture because of the commercial de-watering, if that's had an effect on the water table?

So I guess it's a question as much as a statement is have we looked into the effects of the de-watering that has been -- that has been done, and also if the groundwater has recharged

since we've had some moisture and some time since the last irrigation season.

MR. RUSSELL CALLAN: So you asked to look at the de-watering, there's a permit process we go through and keep track of where that's going and whose doing it and then quantities.

As far as the -- whether it's rebounded or not, we do a fall measurement. It might rebound, and that's not really the topic we're on today. We're talking about drought situation where we've seen that during drought we see drops in the water table. It could rebound, but that doesn't mean it sh -- that it changes the drought plan and the actions for it. It just means that if it does rebound, we don't go to an allocation period or something like that.

Does that kind of answer it? Close?

MR. JOHN ABEGLEN: Understood.

MR. RUSSELL CALLAN: Okay.

MR. JOHN ABEGLEN: This is -- this is the process that has been started in motion because of the triggers that have been -- are we still in that trigger area on the drought part of it? We've -- the first -- one of the triggers was we had to be in 22 extreme drought to trigger this; is that correct?

MR. RUSSELL CALLAN: Yes.

MR. JOHN ABEGLEN: And now we're just severe, if I --

MR. RUSSELL CALLAN: I don't know what we're in today, no. I mean, I don't have it in front of me, so.

MR. JOHN ABEGLEN: Sure. What I looked, if my -- what I hooked up, if I hooked up the right thing on the UNL, we were in severe drought now and not -- what is there, severe, exceptional and?

MR. RUSSELL CALLAN: Extreme.

MR. JOHN ABEGLEN: Extreme and we had backed off one notch. And so with that being said, does that change what's happened, or once the trigger hits, the trigger hits, there's no changing going back even though we haven't made it to that point yet?

MR. RUSSELL CALLAN: Yeah, the trigger was hit so that's why we're -- we're at this part.

MR. JOHN ABBEGLLEN: So my comment would be: Because we're not as in an extreme situation anymore, if we would -- it's not that I'm totally against all of this trying to take measure of -- of, you know, watching our resources, it's more the fact that it's going to take at least a year, maybe two, to get all this implemented and it's going to take a lot of tax dollars and a lot of manpower to get all these meters in place.

And then obviously we're not looking at quantity -- we're looking at quantity metering, but we're not putting a line in the sand saying you only get this many acres -- or this many acre inches. But it's the first step.

So my concern is if we're not to that extreme point yet, if -- if it's what this board decides, if we want to stick that much money and manpower into something that isn't a complete problem yet. Obviously it's -- monitoring is huge. It's my feeling that we need more information before we put the tax dollars and the manpower into the whole process.

If there's a way that we can table this for one month, or two months even, to get more data on -- on the situation where -- where we're at, how much this is going to recharge?

MR. RUSSELL CALLAN: Uh-huh.

MR. JOHN ABBEGLLEN: So that takes care of what I have to say, I guess. I appreciate your time and hope everybody takes that into consideration that I don't feel that we're in that dire straights yet and there's more information could be taken into consideration before we go and jump into this and say we're going to throw all this money and all this manpower and ruffle a lot of feathers about all this without enough information to do so.

Thank you.

MR. HENRY THOENE: Okay, thank you. I'm going to ask again, is there anyone else wishing to speak?

MR. DEAN SMITH: Dean Smith, S-M-I-T-H, Pleasanton, Nebraska. Just representing myself.

So you as an elected board, all of you have your packets that come to you monthly, I assume, or every two weeks, the rules you're proposing approving and as those of us sitting in the audience here today are witness to, if I understand correctly, were posted on your website December 29th; is that correct, Henry?

MR. HENRY THOENE: I believe that's right.

MR. RUSSELL CALLAN: That's the right dat -- apparently that's the right date, yes.

MR. DEAN SMITH: So these rules that you're proposing approving in a public hearing here were presented to us, the general public, December 29th. I would echo my counterpart in the audience asking for another month for us to review your proposals. Because as you stated earlier, we've all dug out from a blizzard. It's not easy to learn and read about, hear about the public hearing itself, let alone be -- go through the read rules and regs and actually understand 'em from landowners and irrigators in the audience.

So my comment would be let us review this, come back with a little bit more time 'cause these do have implications for family livelihood, and that's all I have today.

Thank you.

MR. HENRY THOENE: Thank you. We'll take that into consideration. Is there anyone else wishing to make comments? I want to give everybody an opportunity?

(No response.)

MR. HENRY THOENE: No response. If there's no further comments, I will close this hearing at 4:32. Thank you.

Regular meeting was resumed at 4:32 p.m., following the Public Hearing.

Thoene stated that motions would be needed to implement the rules changes, as well as the flow meter implementation in Areas 18 & 20.

Kruse asked if there would be a problem holding off another month to allow more time to review the process. Callan replied that it is the Board's decision to implement any changes; it would just be added to the next agenda.

Dean Smith asked if there would be time for the public to address the Board during the next general meeting. Callan replied that it would be up to the Chairman, because the Public Hearing, the time set for comments on the changes, had just ended. However, “Public Comments” are on the agenda every month, but not every topic gets to be talked on repeatedly. Thoene added that he would allow some comments, but it would have to be kept short.

Mohrman commented that it might be fine for the Board to table a decision; however, this wasn’t sprung on anybody. He stated that informational meetings were held that explained why these areas were triggered and there was plenty of time for the public to give input. He added that we aren’t at this point because it almost triggered, we are here because it has triggered, and we are following the plan that has been laid out. He stated that he doesn’t feel that we will get any more information in the next month that would change anything.

Podolak asked how this information was communicated to the public. Callan stated that the entire drought mitigation process started several years ago and there is a stakeholders group established that sent out invitations and public notices for meetings where input could be expressed. He added that it has also been discussed at Board meetings several times. Callan stated that when we decided that the areas had triggered, something needed to be done. He explained that staff began double-checking all the data to be sure it was correct and then informational meetings were held discussing the designation of Areas 18 & 20.

Callan added that the rules that govern what happens when these areas are designated have been a part of the NRD’s rules for a long time, it’s just a lengthy process putting them in. He stated that information has also been put on the website and Facebook regarding the designation.

Callan stated that as far as the runoff rules, they have been in statute for a long time and were in NRD rules until 2019 when they were inadvertently omitted in a re-draft of the rules, so they are just going back in, but we had to follow the proper process to do it.

Callan clarified that there are two changes being discussed -- one is the rule change and the other is the designation of Areas 18 & 20.

Bartak motioned, seconded by Adams, to approve Order of Designation No. 2024-02. Motion carried by electronic vote, all present voting yes.

ORDER OF DESIGNATION No. 2024-02

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 25, 2024, 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 implementation of Districts rules and regulations regarding improper groundwater runoff as described in Rule 5-2;

NOW, BE IT RESOLVED, that the Board of Directors of the Lower Loup Natural Resources District adopts into its Rules and Regulations Rule 5-2 to be utilized within the boundaries of the District.

AND, THEREFORE, BE IT FURTHER RESOLVED that this Order take effect February 01, 2024.

Kruse motioned, seconded by Anderson, to table action on designation of Areas 18 & 20 until February.

Podolak asked if anything will be done to further make sure the word gets around about the designation. Callan stated it will go back on the agenda, but that all sorts of information had already been put out there for people to review. He said if producers want to contact the LLNRD and come in to discuss it, we would be glad to.

Petersen stated he doesn't think it will change anything and that he doesn't see any gain in waiting to act.

Thoene stated we do want to give everyone a chance to make comments.

Mohrman stated we would be giving them another 30 days to comment, but asked what could happen in the next 30 days to un-trigger it.

Eschliman added that he agreed that the data isn't going to change in 30 days.

Vote was held. Motion failed. Directors voting yes: Amsberry, Anderson, Kruse, Thoene, A. Vlach. Directors voting no: Adams, Bartak, Bauer, Eschliman, Hadenfeldt, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Vlach. Directors absent: Kauk, Knutson.

Adams motioned, seconded by Bartak, to approve Order of Designation No. 2024-01. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Eschliman, Hadenfeldt, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thoene, A. Vlach, R. Vlach. Director voting no: Kruse. Directors absent: Kauk, Knutson.

ORDER OF DESIGNATION No. 2024-01

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 25, 2024, 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 Quantity Management Sub-Area Rules and Regulations to ensure conformity with Nebraska law and internal consistency; and

WHEREAS, the Lower Loup Natural Resources District has the development and management of groundwater and surface water for beneficial uses as one of its goals in the District's Master Plan and adopted water quantity as a priority in the District's Long-Range Implementation Plan; and

WHEREAS, the Lower Loup Natural Resources District has recorded water level data records documenting more than 50% quantity sampling results at or below 10% of the wells measured over the last 25 years. Sub-Area 18 encompasses all area South of the South Loup River within the Lower Loup Natural Resources District boundary in Buffalo County, Nebraska. Sub-Area 20 includes all area South of the Loup River East of and including Sections 8, 18, and 19 of Township 16 North, Range 05 West of the 6th Principle Meridian in Nance County, Nebraska, all area South of the Loup Public Power Canal, and all area east of the Loup Public Power Canal in Townships 17 and 18 North, Range 01 East, Platte County, Nebraska, within the Lower Loup Natural Resources District Boundary.

WHEREAS, the implementation of District's Rules and Regulations provides for the requirement of flow meters and reports of usage as an option for control in Groundwater Quantity Management Areas.;

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the Lower Loup Natural Resources District designate the creation of a Groundwater Management Areas 18 and 20 in the Groundwater Quantity Management Sub-Areas 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 February 1, 2024.

Davis Creek Recreation Area – 2023 Numbers

Naprstek reported on the totals received from Davis Creek Recreation Area for 2023. He stated that shutting down in October for road repairs did have an impact on attendance totals. He added that there was a large number of different states represented this year, including Florida. He said that over 200 nights were already booked for the 2024 season.

Flow Meter Maintenance

Naprstek reported that Seim Ag from Chapman has completed the flow meter maintenance work scheduled for Areas 28, 29, and 30. He said that some meters were found to have installation errors. He added that all of Area 29 is done and that the remaining one-third of Area 28 and other one-half of Area 30 will be completed next year.

Drought Monitoring

Naprstek stated that the statuses have backed off some, but there is currently still some “Severe”; however, no “Extreme” in the State of Nebraska. He added that Areas 18 & 20 are still showing as susceptible to drought.

Anderson asked if the Davis Creek Recreation Area road will be fixed this year. Naprstek stated that it will be rebid to be completed this fall.

WATER RESOURCES COMMITTEE

DNR Basin Evaluation – 2024 Appropriation Status

Naprstek reported that he and Callan had reviewed the appropriation status for the Lower Platte River Basin. He stated that they and other staff had walked through the entire process of determining how many available days of diversion there were, based on the most junior water right in the Loup Basin, which is a subsidiary of the Lower Platte River Basin. He stated that the seven NRDs involved, along with DNR, developed the Coalition report that we give. He added that the prior year’s information is due March 1st for depletion tracking and accreditations. Naprstek stated that the Lower Platte River Basin is not fully appropriated for 2024. He added that the report is available online.

Water & Energy Efficiency Grant

Naprstek reported that a federal grant was found that will allow cost-share for flow meters. He said that the grant requires an order and a local match at 50%. He added that it is federal money, so we would be competing against the entire United States but, if received, can be used for the flow meters in Areas 18 & 20.

Resolution No. 2024-01 was introduced as follows:

RESOLUTION TO DEVELOP A WATER AND ENERGY EFFICIENCY GRANT APPLICATION

WHEREAS, the Lower Loup Natural Resources District has adopted a Drought Management Plan during the Lower Loup Natural Resources District – Board of Directors Meeting on November 17, 2022; and

WHEREAS, the Lower Loup Natural Resources District Drought Management Plan identifies flow meters as a viable measuring device for irrigation metering; and

WHEREAS, the United States Department of Interior, Bureau of Reclamation, has announced the Water SMART Opportunity for the Fiscal Year 2024 Water & Energy Efficiency Grant Projects to provide financial assistance to entities responsible for water management; and

WHEREAS, Lower Loup Natural Resources District has a present need to provide funding for cost share in order to implement irrigation flow measurements necessary under the authority of the Nebraska Groundwater Management and Protection Act.;

NOW, THEREFORE BE IT RESOLVED that the Lower Loup Natural Resources District Board of Directors agree to and authorize its staff to develop a proposal to be submitted to the United State Department of Interior. The Lower Loup Natural Resources District can provide 50% of the cost share funding needed for match for the Water SMART Grant; and, if selected for a Water SMART Grant, Lower Loup Natural Resources District will work with the Reclamation to meet the established deadlines for entering into a cooperative agreement.

Smith motioned, seconded by Eschliman, to adopt Resolution 2024-01 and apply for the Water & Energy Efficiency Grant.

Eschliman asked when the grant would be awarded. Naprstek stated the application deadline is February 22nd, and he isn't sure when it would be awarded. Lukasiewicz added that he has heard from Bureau officials that they are expecting a May announcement on award.

Motion carried by electronic vote, all present voting yes.

Soil Sample Sites – Flow Meter Installation

Naprstek reported that we are missing flow meter data on our ten vadose soil sampling sites, and it would be beneficial to know how much irrigation is taking place throughout the season, how often they are irrigating and what effect that has on the movement, as well as what impact irrigation has as a whole. He stated that Ed Drozd, NRD Technician in Columbus and Jason Moudry, Water Programs Specialist, have visited with the tenants about flow meters, and most would be willing to put on meters if assistance was offered.

Smith motioned, seconded by Bauer, to pay, in full, for the ten flow meters at our vadose soil sampling sites.

Mohrman asked how soon they would be put on. Naprstek replied that he hopes to have them installed before irrigation starts this season.

Motion carried by electronic vote, all present voting yes.

City of Fullerton – Well Decommissioning Request

Naprstek reported that Fullerton has put in a request for assistance with well decommissioning. He stated that we originally had assisted with our AEM data because of their nitrates and selenium issues. He added that they do have to decommission a well and it is an extensive process because it is a multi-layered, multi-screened well. Callan added that there will be more to come on this request.

Irrigation Violation – Cease-and-Desist

Naprstek stated this item has a spot later on the agenda.

Naprstek added that there are approximately 80 violations that he and Harris are reviewing and that 51 of them are three acres and larger. He stated he hopes to have more information for the next Committee meeting.

Water Quality Report

Naprstek stated he gave the Committee a report on the 2,700 samples taken. He provided the Directors with maps of where the samples were taken and reported on what was being sent to producers.

Naprstek added that there will be a Nitrate Certification Training held in Wheeler County at the Wheeler Central school in Bartlett from 2-5 p.m. on February 29th. He stated that he will be talking about water management associated with the designation of water quality management areas. NRCS will be talking about the cost-share available for nutrient management programs and Dan Snow will be on hand to discuss isotope analysis.

Naprstek stated that he, Moudry, Cacey Wilken, Water Modeling Coordinator, Harold Benton, Water Resources Technician, and Derek Vogt, Agronomist, were working on the new water quality report, revising the old standard trend analysis, and working on different technology and methodology.

Columbus Recharge Project

Naprstek reported that Brian Kolar, Projects Technician, had passed out the proposed recharge project totals in a report reviewed by the Committee.

PROGRAMS & PROJECTS COMMITTEE

Scrap Tire Project

Kruse reported that Howard County received a grant for Waste Reduction and Recycling for a tire collection program. He stated this was the first for Howard County and that the grant was received for \$26,250. He added that they are requesting a possible \$3,750 from the NRD if the total tonnage of scrap tires is over 175 tons.

Kruse motioned, seconded by R. Vlach, to participate in the Howard County Scrap Tire Project with a contribution of \$150 per ton, not to exceed \$3,750.00.

Callan added that they are trying to stop at the total grant money, but that's hard to do, so they are asking for assistance to cover any overage. He stated that is what was done before with these projects, but they were able to get additional grant money in the past to cover it.

Motion carried by electronic vote, all present voting yes.

St. Edward BRIC Grant

Kruse reported that St. Edward has applied for a grant for a flood project on the west side of Beaver Creek. He said they will be selecting a new consultant, as they are no longer using Kirkham Michael. Callan stated that Kolar has been in communication with them. Callan has provided a letter of support for the grant.

Potential Recharge Projects

Kruse reported that there has been discussion on potential recharge projects and that last month sites in Platte County along the Loup Power Canal were discussed.

Naprstek added that ten wetland reserve areas were identified that could potentially serve as offset recharge and that Olsson would be providing various scenarios. More information will be provided later.

Mud Creek WFPO – Ansley

Kruse reported that a meeting was scheduled for January 8th but had been delayed until February 5th, due to the weather.

Mira Creek WFPO – North Loup

Kruse reported that the NRCS review was completed and that comments have been received.

Sargent Flood Project

Kruse reported that proposals were due January 26th for design, so there should be information available for review at the February meeting.

IRRIGATED ACRES VIOLATION – CEASE AND DESIST

Callan gave background information, reporting that there was a violation that happened a year ago and then happened again. He stated that cease and desist is for acres that are not certified for irrigation. He said it would consist of a cease and desist on the action of irrigating the acres that were not certified. He said that they wanted to come in and talk about what a potential penalty would look like.

Callan added that next month there would be a hearing at the meeting to decide what the penalty would be.

Norman Brugger of Albion addressed the Board and provided a handout with photos of his pivot. He stated he talked to Naprstek prior about taking off the end gun and shutting off the sprinkler; however, at irrigation time he couldn't get it to shut off, so the booster pump was disabled, and a valve was taken out so the end gun wouldn't spray. He stated that something got in the piping and the end gun was flowing from the pressure, so that caused the violation. He explained that in the photos he provided, there is one of his fields that he wanted to potentially move acres from to the field where the system is. However, he missed the deadline to do so. He also provided pictures of another field that didn't get watered last season. He asked that that be taken into consideration when considering penalties.

Eschliman asked when the penalty would be assessed. Thoene replied it would be discussed next month.

Eschliman motioned, seconded by Mohrman, to issue the cease and desist order for Brugger. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Eschliman, Hadenfeldt, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thoene, R. Vlach. Director abstaining: A. Vlach. Directors absent: Kauk, Knutson.

ENGINEER'S REPORT

Davis Creek Paving Project

Kevin Gustafson, District Engineer, reported on the Davis Creek paving project. He stated that we are planning on concrete and that dates will be set for February or early March for bidding, with construction planned for after Labor Day. He added that we are looking to get Phase 1 completed with the same funds that we had available last year.

4-States Irrigation Conference

Gustafson reported that he and Harris had attended the conference held in Fort Collins last week. He said there were sessions that were interesting, such as the Family Farm Alliance, which talked about being involved with the streamlining of the NRCS watershed program. He added that this group are advocates for water within the 17 western states.

He also stated that the Bureau of Reclamation was present and had discussion on the Water SMART funding opportunities that offer financial assistance for energy and efficiency, drought resiliency, and planning and design.

NARD Conference

Gustafson added that the Nemaha NRD was present and discussed the increasing costs of operation maintenance for dams. He said that is something the Board will need to keep in mind as Mud Creek and Mira Creek progress, as the NRD will be responsible for maintenance for the evaluated life of the structures and projects. Some are now being evaluated at 100 years.

Gustafson also mentioned the in-lieu fee stream and wetland mitigation that is approved by the Corps of Engineers. He said it can be used for mitigation of wetland and related losses on projects and credits that can be sold back on other projects if unused.

LLNRD BOARD VACANCY – SUBDISTRICT #9

Callan reported that Justin King had sent a letter of interest in the Board vacancy in Subdistrict #9 but was unable to attend the meeting. He said the letter was on the agenda for Board members to review. Bauer stated he had also heard from King who wanted to be at the meeting but had other obligations. Thoene asked if anyone had any questions or wanted to wait to visit with King. Kruse stated King had visited with the Board a couple months ago.

Kruse motioned, seconded by Bauer, to appoint Justin King to fill the Subdistrict #9 Board member vacancy.

Smith asked how long the term was for. Kruse stated it would be 2 more years before reelection to that position.

Vote was held. Motion carried by electronic vote, all present voting yes.

MANAGER'S REPORT

Water Strategies Contract

Callan reported that he has visited with Water Strategies LLC, which has lobbyist capabilities, coordinate meetings and has contacts at the federal level. He stated that right now we have three federal grants and we're looking into other federal opportunities. He reported that the proposal was presented to the Executive Committee a few weeks ago and that staff is

proposing that we enter a contract with Kris Polly and his group to do coordination lobbying activities to help get us into those grants and keep the projects we have moving forward. He stated that right now we have about \$24 million in federal grants. He stated the contract is for \$5,000 a month, \$60,000 a year and that it is a one-year contract that can be reviewed at the end of that term. He directed the Board to the supplemental agenda containing information on the services that would be included, including monthly Board reports.

Kruse motioned, seconded by Adams, to enter a one-year contract with Water Strategies, LLC.

Adams stated he thought it was a good idea to see what they can do in a year. Smith added that the group is always part of the DC Conference. Mohrman asked if there would be Board updates provided. Callan replied that updates would be provided monthly.

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

Litigation Update

Callan stated that the Platte Republican Diversion was still in DNR's office. He said the NRD lost the appeal to have standing, so we don't get a say.

Callan stated there are several bills to keep an eye on but doesn't know if any will go anywhere. These include nitrate bills, weekly inspection activities, and some tax bills.

New Hires

Callan reported that Laura Barber has been hired to fill the field office secretary position in Spalding and will be starting on February 12th.

Non-action Reports

Callan stated he will start advertising for the open Board position left by Coffey.

NARD REPORT

Eschliman reported that the retirement plan was discussed and, at first, they thought it had to be unanimous. However, they found it could be simple majority, so will pass as of now. He added that if an NRD doesn't want to participate, they are out of the retirement plan. He said there will be a vote next month.

Mohrman asked what the opposition has been for those not interested. Eschliman replied that they are concerned that it would hurt the employees on the lower end of the scale and are afraid it would hurt them taking another 1% out of their take-home pay.

NRC REPORT

Amsberry reported that there will be a meeting February 27th and that they have heard that funding may be cut. Callan added that there is a bill that would take \$8 million away from the \$11 million that the Water Sustainability Fund is given currently. Hadenfeldt added that they never had the full \$11 million because 10% goes to Omaha CSO and 10% goes to small projects.

Lukasiewicz asked if there has been discussion regarding the vacancies on the NRC Board and why the positions are still open. Hadenfeldt stated that there are several people that could qualify, but he doesn't know what the holdup is. He added that it is appointed by the Governor's office.

ANNOUNCEMENTS/FUTURE MEETING TOPICS

Callan announced that the Board Retreat will be February 28th.

Thoene made an announcement that he would be reviewing Committee members and urged anyone interested in being on a Committee to visit with him. He said he will visit with everyone before appointments are made, after the Board Retreat. He said they will stay as they are until then; except he is having Eschliman take his Chair on the Variance Committee until the final decision is made.

ADJOURNMENT

With no further business before the Board, Chairperson Thoene declared the meeting adjourned at 5:41 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 22, 2024, at 4:00 p.m., at the Headquarters Office in Ord, Nebraska.

Larry Mohrman
Secretary