

**MINUTES OF
LOWER ELKHORN NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING**

and

**Lower Elkhorn NRD Groundwater Management
Area Rules and Regulations Public Hearing**

7:30 p.m. Thursday, March 28, 2024

Lower Elkhorn NRD, 1508 Square Turn Blvd., Norfolk, Nebraska

The Board of Directors Meeting of the Lower Elkhorn Natural Resources District was called to order by Chairman Roger Gustafson on Thursday, March 28, 2024, at the Lower Elkhorn NRD, 1508 Square Turn Blvd., Norfolk, Nebraska. Chairman Roger Gustafson informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on March 20, 2024 and the Nebraska Open Meetings Act information posted on the wall.

Roll call was taken by Administrative Assistant Patty Martens with 12 of 15 Directors present. Members present were Jim Aschoff, Scott Clausen, Michael Fler, Mark Hall, Chad Korth, Kris Loberg, Gary Loftis, Jay Reikofski, Matt Steffen, Melissa Temple, Anthony Wisnieski, Roger Gustafson. Directors absent were Jerry Allemann, Mark Burenheide, and Rod Zohner.

Motion was made by Clausen and seconded by Wisnieski *to excuse the absences of Allemann, Burenheide, and Zohner*. Aye: Aschoff, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Gustafson. Nay: None. Absent: Allemann, Burenheide, Zohner. Motion carried.

Motion was made by Loftis and seconded by Temple *to adopt the agenda*. Aye: Aschoff, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Gustafson. Nay: None. Absent: Allemann, Burenheide, Zohner. Motion carried.

At 7:33 p.m., Chairman Gustafson opened the Lower Elkhorn NRD Groundwater Management Area Rules & Regulations Public Hearing. The hearing notice was published on March 6th, 13th, and 20th of 2024 in the Norfolk Daily News. The purpose of the hearing was to add proposed amendments to Rules 2, 12, 15, and 17 which adds definitions, provides clarification for the trigger for a Phase 4 Area, and proposes amendments to Rule 17 to provide flexibility within any LENRD Quantity Management Subarea. Geographic locations impacted are the LENRD Quantity Management Subareas and LENRD Groundwater Management Area. Any proposed changes or modifications will be presented for open discussion at a later date. After the District's four exhibits were presented, Gustafson asked for additional testimony and exhibits from Staff. Staff presented two additional exhibits. The request for oral testimony was presented. There was none. The request for testimony or documentation was presented to the Public. There was none. The hearing concluded at 7:37 p.m.

The reading and/or action on the minutes of the February 22, 2024 Board of Directors meeting was next on the agenda. Motion was made by Clausen and seconded by Hall *that the minutes of the February 22, 2024 Board of Directors meeting be approved*. Aye: Aschoff, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Gustafson.

Nay: None. Absent: Allemann, Burenheide, Zohner. Motion carried.

The Finance Subcommittee report was given by Mark Hall. Motion was made by Hall and seconded by Clausen to approve income in the amount of \$271,822.37 and expenses in the amount of \$449,708.96 for the Lower Elkhorn Natural Resources District. Aye: Aschoff, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Gustafson. Nay: None. Absent: Allemann, Burenheide, Zohner. Motion carried.

Motion was made by Hall and seconded by Wisnieski to approve income in the amount of \$8,950.16 and expenses in the amount of \$6,249.80 for the Wau-Col Regional Water System. Aye: Aschoff, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Gustafson. Nay: None. Absent: Allemann, Burenheide, Zohner. Motion carried.

Motion was made by Hall and seconded by Loftis to approve income in the amount of \$87,185.73 and expenses in the amount of \$36,261.49 for the Logan East Rural Water System. Aye: Aschoff, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Gustafson. Nay: None. Absent: Allemann, Burenheide, Zohner. Motion carried.

The conservation cost share report was given by Project Manager Curt Becker. A copy of the report is attached to the official minutes.

The Nebraska Association of Resources Districts March 11, 2024 meeting report was given by Mark Hall. Among topics discussed at the meeting were the budget and NARD Risk Pool updates.

There was nothing to report for The Nebraska Natural Resources Commission as Garry Anderson was not in attendance.

The Natural Resources Conservation Service report was given by Resource Conservationist Miles Anderson. A copy of the report is attached to the official minutes.

The Nebraska Loess Hills RC&D report was next on the agenda. Loftis noted that the Loess Hills Board of Directors will hold three household hazardous waste collections in 2024. Dates have yet to be announced. The Northeast Nebraska RC&D report was given by Mark Hall. Hall reported they did not receive a household hazardous waste grant this year.

The Bazile Groundwater Management Area report was referenced in Dropbox by General Manager Brian Bruckner as Lisa Lauver was not in attendance. A copy of the report is attached to the official minutes.

The Administrative Report was given by General Manager Brian Bruckner. A copy is attached to the official minutes. During Bruckner's report, Melissa Temple and District Conservationist Jim Olson reported on their attendance at the NRD Annual Washington DC conference which was held on March 16th through the 20th.

Motion was made by Loftis and seconded by Korth to approve the minutes of the March 11, 2024 Logan East RWS Advisory Meeting. Aye: Aschoff, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Gustafson. Nay: None. Absent: Allemann,

Burenheide, Zohner. Motion carried.

Motion was made by Reikofski and seconded by Wisnieski to approve the minutes of the March 7, 2024 Wau-Col RWS Advisory Meeting. Aye: Aye: Aschoff, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Gustafson. Nay: None. Absent: Allemann, Burenheide, Zohner. Motion carried.

The Information, Planning, Programs, Projects, Equipment & Legislation Committee of the Whole report was given by Matt Steffen.

City Administrator Wes Blecke and Mayor Cale Giese presented information for the Board's consideration for possible future support for the City of Wayne Prairie Park Project.

Nebraska Game and Parks District Manager Scott Wessel presented future options and ideas for the partnership between Game and Parks and the Lower Elkhorn NRD.

Motion was made by Steffen and seconded by Korth to extend the participation agreement on the Pierce County Pilot Project with Dan and John Schmit for an additional five years (2024, 2025, 2026, 2027, and 2028 growing seasons), with a continuation of the soil and water monitoring protocol, and an annual presentation and review of yield and monitoring data to the Board of Directors. Aye: Aschoff, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Gustafson. Nay: None. Absent: Allemann, Burenheide, Zohner. Motion carried.

Enforcement Options for flow meters was next on the agenda. All reports were received at the time of the board meeting. No action was needed.

Motion was made by Steffen and seconded by Korth to instruct staff to issue Notices of Violation to farm operators who have failed to obtain Nitrogen Certification as required by Section 12.2.2.2 of the LENRD Groundwater Management Area Rules and Regulations. Aye: Aschoff, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Gustafson. Nay: None. Absent: Allemann, Burenheide, Zohner. Motion carried.

Motion was made by Steffen and seconded by Korth to instruct staff to issue Notices of Violation to farm operators who have failed to submit annual field reports as required by Section 12.2.2.5 of the LENRD Groundwater Management Area Rules and Regulations. Aye: Aschoff, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Gustafson. Nay: None. Absent: Allemann, Burenheide, Zohner. Motion carried.

Motion was made by Steffen and seconded by Korth to approve the policy for the inter-district transfer of groundwater to facilitate approval of standard variances for new irrigated acres. Aye: Aschoff, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Gustafson. Nay: None. Absent: Allemann, Burenheide, Zohner. Motion carried.

Motion was made by Steffen and seconded by Korth to instruct staff to work with the UNL Board of Regents, Lewis and Clark NRD, and Upper Elkhorn NRD on an amended Memorandum of Understanding for the Extension Educator for the Bazile Groundwater Management Area. Aye: Aschoff, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen,

Temple, Wisnieski, Gustafson. Nay: None. Absent: Allemann, Burenheide, Zohner. Motion carried.

Meeting adjourned at 10:00 p.m.

I, the undersigned Secretary of the Lower Elkhorn Natural Resources District hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Board of Directors on March 28, 2024 that all of the subjects included in the foregoing proceedings were contained in the agenda for at least twenty-four hours prior to said meeting, the minutes of the Chairman and the Board were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body, that all news media requesting notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Jay Reikofski,