

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

6:00 p.m., Thursday, December 15, 2016

Lower Elkhorn NRD

601 East Benjamin, Norfolk, Nebraska

The Board of Directors Meeting of the Lower Elkhorn Natural Resources District was called to order by Chairman Danny Kluthe on Thursday, December 15, 2016 at the Lower Elkhorn NRD, 601 East Benjamin, Norfolk, Nebraska. Chairman Kluthe informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on December 9, 2016 and the Nebraska Open Meetings Act information posted.

Roll call was taken by Administrative Assistant Vickie DeJong with 13 of 15 Directors present. Present: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Loftis, Noonan, Schultz, Shelton, Kluthe. Absent: Otten. Absent, Present Later: Krueger.

Motion was made by Hansen and seconded by Shelton *to adopt the agenda*. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Krueger, Otten. MOTION CARRIED.

A Public Hearing was held at 6:00 p.m. regarding amendments to the Groundwater Management Area Rules and Regulations. The Public Notice for the hearing was in the Norfolk Daily News on November 25, 2016, December 1, 2016 and December 8, 2016.

It was noted the proposed amendments will amend the groundwater quality control section of the District's Rules, adding controls to both Phase 2 and Phase 3 Areas, and create a provision that would enable the Board to form a new groundwater quality management area to be called a "Phase 4 Area."

Motion was made by Korth and seconded by Shelton *to close the public hearing*. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED. Public Hearing closed at 6:08 p.m.

Motion was made by Schultz and seconded by Shelton *to adopt the "Order of Designation" which will be attached to the minutes of this Board meeting and approve the proposed amendments to the Lower Elkhorn NRD Groundwater Management Area Rules and Regulations, and to make the amended Rules and Regulations effective January 11, 2017*. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: Korth. Absent: Otten. MOTION CARRIED.

The reading and/or action on the minutes of the November 22, 2016 Board of Directors meeting was next on the agenda. Motion was made by Loftis and seconded by Huntley *that the minutes of the November 22, 2016 Board of Directors be approved*. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

The Finance Subcommittee report was given by Treasurer Bob Huntley. Motion was made by Huntley and seconded by Shelton *to approve income in the amount of \$43,881.07 and expenses in the amount of \$121,112.91 as printed and distributed*. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

Motion was made by Huntley and seconded by Schultz to approve income in the amount of \$62,721.26 and expenses in the amount of \$29,027.22 for the Logan East Rural Water System as printed and distributed. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

Motion was made by Huntley and seconded by Shelton to approve the income in the amount of \$2,121.29 and expenses in the amount of 5,354.877 for the Wau-Col Regional Water System as printed and distributed. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

The conservation cost share report was given by Assistant Manager Ken Berney. A copy of the report is attached to the official minutes.

The Nebraska Association of Resources Districts report was given by Kurt Janke. He report on the November NARD meeting in Chadron and the Legislative Conference that will be held in Lincoln on January 24 & 25.

The Nebraska Natural Resources Commission report was given regarding the meetings held prior in the week.

A Natural Resources Conservation Service report was given by Robin Sutherland. (A copy of the report attached to the official minutes.)

Bob Huntley gave the Northeast Nebraska RC&D report and Gary Loftis reported on the Loess Hills RC&D.

The Bazile Groundwater Management Area Project written report was received from Tanner Jenkins, Bazile GMA Project Coordinator. (A copy of the report is attached to the official minutes.)

The Administrative Report was given by the staff. General Manager Mike Sousek gave a manager's report. (A copy of the report attached to the official minutes.)

The Certification of Acres Public Hearing began at 6:30 p.m. The minutes of the Certification of Acres Public Hearing are attached to the official minutes.

Motion was made by Schultz and seconded by Noonan to approve the 2017 Board of Directors meeting schedule:

January 26 (Thursday)	July 27 (Thursday)
February 23 (Thursday)	August 24 (Thursday)
March 23 (Thursday)	September 28 (Thursday)
April 27 (Thursday)	October 26 (Thursday)
May 25 (Thursday)	November 21 (Tuesday)
June 22 (Thursday)	December 21 (Thursday)

Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

The Logan East Rural Water System Advisory Committee report was given by Gary Loftis. Motion was made by Loftis and seconded by Shelton to accept the Logan East Rural Water System Advisory Committee Minutes of December 12, 2016. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol,

Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

The Wau-Col Regional Water System Advisory Committee report was given by Joel Hansen. Motion was made by Hansen and seconded by Shelton to approve the Maguire iron contract for the water tower inspection in the amount of \$1850.00. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

Motion was made by Hansen and seconded by Shelton to accept the Wau-Col Regional Water System Advisory Committee minutes of December 1, 2016. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

The Committee of the Whole report was given by Vice-Chairman Dennis Schultz. Motion was made by Schultz and seconded by Shelton to approve a proposal from Olsson Associates, at a cost of \$14,698, to design and provide specifications for bidding for necessary additional pressure relieve wells at Willow Creek dam. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: Korth. Absent: Otten. MOTION CARRIED.

Motion was made by Schultz and seconded by Huntley to approve a bathymetric survey of Willow Creek Reservoir, with data collection done by Nebraska Game & Parks commission and a map produced by BioBase, at a cost of \$1,175 Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

Motion was made by Schultz and seconded by Shelton To set the 2017 allocation amounts for the LENRD Quantity Management Subareas at: 18 acre-inches per irrigated acre for gravity/flood irrigation systems, 13 acre-inches per irrigated acre for subsurface drip irrigation systems, and 14 acre-inches per irrigated acre for all other irrigation systems in the Eastern Madison County Quantity Subarea; and 17 acre-inches per irrigated acre for gravity/flood irrigation systems, 12 acre-inches per irrigated acre for subsurface drip irrigation systems, and 13 acre-inches per irrigated acre for all other irrigation systems in the Wayne County Quantity Subarea. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

Motion was made by Schultz and seconded by Shelton to approve the addition of flow meter models: Seametrics AG3000 and Valley 3000 to the Lower Elkhorn NRD Approved Flow Meter list. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

Motion was made by Schultz and seconded by Huntley to schedule and advertise as necessary; a Public Hearing for Certification of Acres hearing date for March 23, 2017. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

Motion was made by Schultz and seconded by Krueger To change ByLaws Article IV, Paragraph 1, dealing with the composition of the Executive Board to the following:

*The Executive Board shall be composed of the officers of the Board and the immediate past chairman. If the immediate past chairman is unavailable, the board will fill that position with a current board member through nominations and a vote of the board.*  
Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

The Groundwater Management Area Amendments Public Hearing was held at 7:30 p.m. regarding amendments to the Groundwater Management Area. The Public Notice for the hearing was in the Norfolk Daily News on November 26, 2016, December 1, 2016 and December 8, 2016.

The District is considering amending its Groundwater Management Plan to require flow meter installation to measure groundwater withdrawals from each active public water supply, commercial/ industrial and livestock well or series of wells designed to pump more than 50 gallons per minute.

Motion was made by Korth and seconded by Shelton to close the hearing. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED. Public Hearing closed at 7:41.

Motion was made by Korth and seconded by Shelton to approve the proposed amendments to require flow meter installation to measure groundwater withdrawals from each active public water supply, commercial/industrial and livestock well or series of wells designed to pump more than 50 gallons per minutes, to the Lower Elkhorn Natural Resources District Groundwater Management Plan. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

Motion was made by Krueger and seconded by Shelton to enter Executive Session for the protection of reputation for the General Manager evaluation. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

Moved into Executive Session at 7:44 p.m. for the protection of reputation.

Motion was made by Shelton and seconded by Huntly to return to open session. Aye: Barr, Gustafson, Hall, Hansen, Huntley, Janke, Kathol, Korth, Krueger, Loftis, Noonan, Schultz, Shelton, Kluthe. Nay: None. Absent: Otten. MOTION CARRIED.

Returned to open session at 7:57 p.m.

The meeting adjourned at 7:57 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 December 15, 2016 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.

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Gary Loftis, Secretary

Others Present:  
Doug Hall