

**UPPER ELKHORN NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
November 23, 2020 -- 2:30 P.M.
O'Neill, NE**

CALL TO ORDER, STATEMENT OF ADVERTISEMENT AND OPEN MEETING LAW NOTIFICATION:

The regular meeting of the Board of Directors was called to order. The statement of advertisement in the Holt County Independent and the open meetings law posting were all noted at 2:34 P.M. by Chairman Michael Moser.

DIRECTORS PRESENT:

Gary Bartak	Kevin Blair	Mark Carpenter	Chris Dierks	Curtis Gotschall
Keith Heithoff	Ted Hughes	Jim Keller	Gene Kelly	Michael Moser
Roy Stewart	John Vogel	Chip Whitaker		

DIRECTORS ABSENT:

Marv Fritz (monitored via zoom) Aaron Rice

STAFF PRESENT:

Dennis Schueth - General Manager
Beth Walsh - Information & Education Coordinator
Joslynn Vanderslice - Water Resources Manager
Kelly Kloppenborg - Water Resources Technician
Wayne Frederick - Water Resources Technician (via zoom)
Aron Lewis - Forestry, Wildlife & Resource Conservationist (via zoom)
Andrea Fisher – Administrative Secretary (via zoom)

GUESTS PRESENT:

Brandon Peterson, NRCS Office – O'Neill
Art Tanderup – Neligh, NE – Director Elect
Donita Pokorny, Dana F Cole – O'Neill (via zoom)

AGENDA:

⇒ It was moved by Ted Hughes and seconded by Chris Dierks to adopt the agenda. **AYE:** Bartak, Blair, Carpenter, Dierks, Gotschall, Heithoff, Hughes, Keller, Kelly, Moser, Stewart, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Fritz & Rice. **MOTION CARRIED.**

MINUTES:

The minutes of the October Meeting were reviewed by the Directors. ⇒ It was moved by Gene Kelly and seconded by Chris Dierks to approve the minutes of the October Meeting. **AYE:** Blair, Carpenter, Gotschall, Heithoff, Hughes, Kelly, Moser, Stewart & Vogel. **NAY:** None. **ABSTAIN:** Bartak, Dierks, Keller & Whitaker. **ABSENT:** Fritz & Rice. **MOTION CARRIED.**

TREASURERS REPORT:

⇒ It was moved by Roy Stewart and seconded by Marv Fritz to approve the October Treasurers Report. **AYE:** Blair, Carpenter, Dierks, Gotschall, Heithoff, Hughes, Kelly, Moser, Stewart, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** Bartak & Keller. **ABSENT:** Fritz & Rice. **MOTION CARRIED.**

PUBLIC FORUM-INPUT:

UENRD Election Results: Dennis Schueth reviewed the UENRD election results and introduced Art Tanderup who will be replacing Ted Hughes in January. Cody Frank was elected in Sub-district 5 and will replace Mark Carpenter in January. Dennis has planned to meet with the new Directors on December 8, 2020 and provide them with an overview of the UENRD.

TRENTON FRANZ-ASSOCIATE PROFESSOR, HYDRO GEOPHYSICIST:

Trenton Franz joined the meeting via Zoom to present Opportunities and Challenges for Incorporation of Remote Sensing, Proximal Sensing and In-Situ Sensors in Production Agriculture. Mr. Franz reviewed the progression of technology and state of remote sensing. A handout of his presentation was distributed to the board members for their review.

2019-2020 AUDIT REPORT - DANA F. COLE:

Donita Pokorny, Dana F Cole, attended the board meeting via Zoom to review the audit with the Directors and answer any questions. Donita reviewed the audit report explaining the different aspects of the audit. She reported that they did not find any significant issues while conducting the audit. ⇒ **It was moved by Curtis Gotschall and seconded by Chris Dierks to approve the 2019-2020 Audit Report. AYE: Bartak, Blair, Carpenter, Dierks, Gotschall, Heithoff, Hughes, Keller, Kelly, Moser, Stewart, Vogel & Whitaker. NAY: None. ABSTAIN: None. ABSENT: Fritz & Rice. MOTION CARRIED.**

AGENCY & STAFF REPORTS:

NARD Report: Ted Hughes attended the NARD meeting in early November. Ted reported that NARD has purchased the old Pioneer building. Funds were used from the NARD general fund, foundation and risk pool. The risk pool funds will be paid back on a schedule; and, part of the building is being rented which will generate additional funding. NARD Foundation expenditures were also approved for the upcoming year that include FFA activities, ACE Camp and Envirothon. Following the NARD Board Meeting, they held a Risk Pool meeting. It was noted that the risk pool is showing a loss at this time which is somewhat normal for this time of the year. Ted was also recognized with an Eagle award from NARD for his service to the organization.

DNR Report: Garry Anderson's report was handed out at the board meeting.

NRCS Report: Brandon Peterson's report was mailed out to the Directors. Brandon gave an update on the EQIP and CSP programs. The state is in the process of acquiring new LiDAR data making flights across Nebraska. The new data should be available in 6 months to a year. They have an unfunded cooperator agreement refresher training coming up so they will not begin work on the agreements until after the training. Brandon also noted that NRCS is doing more telework in response to the increased number of Covid-19 cases. Even though employees are working from home they are available. NRCS leader, Craig Derickson, has announced his retirement effective December 31, 2020.

RC&D Report:

North Central RC&D: No Report.

Loup Basin RC&D: No Report.

Northeast RC&D: No Report.

Information & Education Report: Beth Walsh's report was mailed out in the Director's packets. Beth reported that they are planning to hold the Legislative Conference January 26-27, 2021 at the Embassy Suites in Lincoln. A sign-up sheet was passed around to those in attendance. Registration will be confirmed at the December meeting so it can be submitted before the deadline. A list of the Landowners who were sent out final groundwater irrigated acre certification letters were distributed to the board members. Brief discussion was held regarding landowners who don't comply with the certification.

Water Resources Report: Joslynn VanDerslice's report was mailed out in the Director's packets. Joslynn reported that the static water measurements have been completed and the data is being compiled. Brett Sholes has 42 out of 117 soil sampling sites completed for Phase III. We have also been working with Beehive to get the site turned over for the 2020 season; and, we are waiting for them to update the query needed to send out the Phase II and Phase III letters.

Bazile Groundwater Management Area Report: Connor Baldwin and Jeremy Milander's reports were mailed out in the Director packets. The demonstration plot crops have been harvested and data is being compiled. Cover crops are in and Dan Snow is conducting a carbon injection project in the area. Community meetings have been scheduled for December 8 from 1-3 in Creighton; and, 6:30 -8:30 in Osmond.

UNL Extension – Amy Timmerman: No Report.

EXCUSED ABSENCES:

⇒ It was moved by John Vogel and seconded by Chris Dierks to excuse the absence of Marv Fritz & Aaron Rice. **AYE:** Bartak, Blair, Carpenter, Dierks, Gotschall, Heithoff, Hughes, Keller, Kelly, Moser, Stewart, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Fritz & Rice. **MOTION CARRIED.**

KXL PIPELINE-HOLT COUNTY BOARD OF ADJUSTMENTS:

Dennis Schueth reported that he attended 2 informational meetings discussing views on the KXL pipeline. He noted that one individual reported on 19 points that KXL should have to adhere too before being granted a permit. Most of the points have been met; however, some need clarification. One refers to the NRD when it should actually be handled through the NRCS. It is now in District court waiting for a ruling.

COMMITTEE REPORTS:

Legislative, Budget and Finance Committee: The Legislative, Finance and Planning Committee met prior to the Board meeting and reviewed the current bills, accounts receivable and bank statements. Roy Stewart noted that the accounts receivable looked very good.

- 1. Action on Current Bills and Cost share Requests:** ⇒ It was moved by Roy Stewart and seconded by Gene Kelly to pay the current bills. **AYE:** Bartak, Blair, Carpenter, Dierks, Gotschall, Heithoff, Hughes, Keller, Kelly, Moser, Stewart, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Fritz & Rice. **MOTION CARRIED.** Stewart also reported that there were no cost share applications to review at this time.

Water Resources & Watershed Committee: The Water Resources & Watershed Committee met prior to the Board meeting.

- 1. 2020-October Groundwater Expansion of Acres Applications:** The Committee reviewed the Expansion of Groundwater Irrigated Acre applications and ranking. There was a request from the Board of Educational Lands and Funds for an extension regarding the compliance of Groundwater Irrigated Acre Certification; and, Phase II reporting. Expansion of Groundwater Irrigated Acre Applications are disqualified if landowners do not have their irrigated acres certified; or, if they have not submitted their Phase II reports. Landowners with missing information on the criteria sheet are given the month of October to become compliant; however, the Board of Educational Lands and Funds did not make any attempt to submit their Phase II forms. The Committee did not take any action on the request; and, chose to follow the current rules and regulations for the Expansion of Irrigated Acres ranking process. ⇒ It was moved by Mark Carpenter and seconded by Jim Keller to approve the Expansion of Groundwater Irrigated Acre Applications which ranked over the minimum score of 140 points, excluding #20-17, for a total of 904.03 new groundwater irrigated acres. **AYE:** Bartak, Blair, Carpenter, Dierks, Gotschall, Heithoff, Hughes, Keller, Kelly, Moser, Stewart & Whitaker. **NAY:** Vogel. **ABSTAIN:** None. **ABSENT:** Fritz & Rice. **MOTION CARRIED.**

2. **Update/Action on Groundwater Irrigated Acre Transfers:** Dennis Schueth reported that he has received a request for a transfer between the UENRD and LENRD. Both NRDs would have to agree to the transfer; and, it would have to meet all the LENRD criteria. We have received a request like this in the past but did not allow it. The County offices are not in support of these requests. Dennis also reviewed a couple of issues regarding landowners not being able to document the amount of transfer acres they requested as watered. Everyone who requests a transfer is made aware that they will only be allowed to certify the acres that are watered not the amount that is transferred, so they need to be very specific with their transfer. Dennis also reviewed the number of acres that have been transferred and expanded within the UENRD. The UENRD has approved 331 applications to expand 16,489 irrigated acres since October 2009; and, approved 286 transfers for 9,880 acres.
3. **Discussion on livestock lagoon waste distributed through Center Pivot, Acre Expansion:** Dennis Schueth was informed by a cooperator that they are planning to put up a pivot to distribute liquid lagoon waste. The center pivot will be applying the waste to acres that have not been water before but will be a part of their lagoon waste distribution. Since they are not using any groundwater there is no need for action from the UENRD.

Jim Keller departed at 4:00 PM

COALITIONS UPDATE:

Niobrara River Basin Alliance: Dennis Schueth handed out a draft report regarding the application to transfer water rights at the Spencer Hydropower facility put together by the NRBA, NG&P and Blankenau & Wilmoth.

Lower Platte River Basin Water Management Plan Coalition: No Report.

Nebraska Habitat Conservation Coalition (Piping Plover): No Report.

Nebraska Ground Water Management Coalition: No Report

Curtis Gotschall departed at 4:17

ADMINISTRATIVE REPORT:

Dennis Schueth's report was mailed out in the Director's packets prior to the board meeting. A copy is included with the official copy of the minutes in the office. Dennis commented on the elections noting that this was the first time Directors were elected by sub-district. There was a glitch in Holt County regarding sub-district 5 which was corrected. Dennis also reported that two individuals that the district has worked closely with from the Department of Environment and Energy will be leaving. Marty Link will be retiring from Department of Environment and Energy (NDEE); and, Carla McCullough will be leaving DEE for other opportunities. Dennis has scheduled a new director seminar with Cody Frank and Art Tanderup, December 8 in Neligh.

NEXT BOARD MEETING -DECEMBER 23, 2019:

The next regular meeting of the UENRD will be held December 28, 2020 at 2:30 PM.

⇒ **It was moved by Mark Carpenter and seconded by Gene Kelly to adjourn the board meeting at 4:35 PM.**

AYE: Bartak, Blair, Carpenter, Dierks, Gotschall, Heithoff, Hughes, Keller, Kelly, Moser, Stewart, Vogel & Whitaker. NAY: None. ABSTAIN: None. ABSENT: Fritz & Rice. MOTION CARRIED.

There being no further business to come before the Board, the meeting was adjourned at 4:35 P.M.

I, the undersigned Secretary of the Upper 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 November 23, 2020 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.

Gene Kelly, Secretary/Treasurer