

**UPPER ELKHORN NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
October 25, 2021 -- 7:00 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 7:00 P.M. by Chairman Michael Moser.

**DIRECTORS PRESENT:**

Gary Bartak	Kevin Blair	Chris Dierks	Cody Frank	Marv Fritz
Keith Heithoff	Jim Keller	Gene Kelly	Michael Moser	Roy Stewart
Art Tanderup	John Vogel	Chip Whitaker	Curtis Gotschall (arr. 7:02)	

**DIRECTORS ABSENT:**

Aaron Rice

**STAFF PRESENT:**

Dennis Schueth, General Manager  
Joslynn Vanderslice, Water Resources Manager  
Brett Sholes, Agronomy Resources Technician  
Aron Lewis, Forestry, Wildlife & Resource Conservationist  
Krissey McClintic, Administrative Secretary  
Beth Walsh, Information & Education/Chemigation Coordinator

**GUESTS PRESENT:**

Brandon Peterson – NRCS – O'Neill, NE  
Kurt Rakow – Neligh, NE  
Tom Rakow – Pleasant Dale, NE  
Whitney Gappa – BGMA Coordinator – Norfolk, NE

**AGENDA:**

⇒ It was moved by Jim Keller seconded by Keith Heithoff to approve the agenda. **AYE:** Bartak, Blair, Dierks, Franks, Fritz, Heithoff, Keller, Kelly, Moser, Stewart, Tanderup, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Gotschall & Rice. **MOTION CARRIED.**

**MINUTES:**

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

**TREASURERS REPORT:**

⇒ It was moved by Jim Keller and seconded by Gene Kelly to approve the September Treasurers Report. **AYE:** Bartak, Blair, Dierks, Franks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Stewart, Tanderup, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Rice. **MOTION CARRIED.**

## **PUBLIC FORUM – INPUT / COMMENTS:**

Kurt Rakow and Tom Rakow attended the meeting to discuss a drainage issue occurring in their area that is adversely affecting their pasture ground. They report that another landowner has tiled their field and is draining it into a vertical tube which collects the runoff and is then pumped out and into a ditch. The additional runoff is now affecting their ground. The Rakow's would like to know what their options are in this situation. One question is whether or not the landowner doing the tiling has a permit and/or has been reviewed by NRCS. The Upper Elkhorn NRD does not currently have any rules and regulations in place to address this issue. The Board can review the issue and develop rules and regulations defining the process and whether or not this process could be defined as a groundwater well. This issue will be referred to the Water Resources and Watershed Committee for further discussion and possible action. One landowner should not be allowed to incorporate a practice that causes harm to another landowner or landowners.

## **AGENCY & STAFF REPORTS:**

**NARD Report:** Gene Kelly reported that they met following the annual conference in Kearney. The Association Board reviewed the audit and risk pool finances. The NARD Foundation assets have increased and the Envirothon Budget has been adequate to date for the expenses associated with the National Competition held virtually in July. The NARD has been approached by Executive Travel regarding tree planting across Nebraska to earn carbon credits. The Association is also running tree promotions and planning for the 50<sup>th</sup> anniversary. Gene also reported that the 30 x 30 resolution passed with the Association keeping track of any developments. The next Association meeting will be November 7.

- **Annual Conference:** Jim Keller reported that he found the Basin Meeting very interesting. The reports from the other basin NRDs were very interesting. Roy Stewart commented on the presentation regarding the Nebraska Land Trust and questioned the sponsoring agencies listed in their presentation.

**DNR Report:** No Report.

**NRCS Report:** Brandon Peterson's report was mailed out to the Directors. Brandon reported on the cut-off dates for EQIP and CSP. He also reported on the various programs and the amount of acres and funding they have received. There is also a new initiative regarding the preservation of Grasslands and the removal of brush. There is a million dollars allocated for this year and the area runs from North Dakota to Texas. Brandon also noted that NRCS employees will have to be vaccinated for Covid 19.

### **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 she has been busy with groundwater irrigated acre expansions. An update regarding the sign-up was available for the Directors.

**Water Resources Report and ELM Update:** Joslynn VanDerslice's report was mailed out in the Director's packets. Joslynn reported that the Phase III soil sampling letters have been sent out to both the landowner and operator. Brett Sholes has begun soil sampling and has 11 fields done. Wayne Frederick, Kelly Kloppenborg and Aron Lewis are in the process of collecting fall static water level readings and are approximately half done. Most of the nitrate data is in and Joslynn is working on the fall report and will hopefully have that available in November. Joslynn also handed out the cooperators results from the Bazile field day.

**Bazile Management Area:** Whitney Gappa and Jeremy Milander's reports were mailed out in the director packets. Whitney attended the meeting and reported that she has been busy with NRCS training; working on NWQIs for the Bazile area; field day summary sheet; and, developing her contact list for producers. She also received word that the Bazile Groundwater Management Project PIP plan was approved by the EPA.

**Holt County Extension Agent – Amy Timmerman:** No Report.

**EXCUSED ABSENCES:**

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

**COMMITTEE REPORTS:**

**Legislative, Budget and Finance Committee:** The Legislative, Finance and Planning Committee met prior to the Board meeting.

1. The Committee reviewed the current bills, bank statements and accounts receivable. ⇒ It was moved by Roy Stewart and seconded by Gene Kelly to approve the current bills for payment. **AYE:** Bartak, Blair, Dierks, Franks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Stewart, Tanderup, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Rice. **MOTION CARRIED.** There were no cost share applications to review. Dennis Schueth reported that he has been addressing an issue with our telephone provider which would have lowered our monthly fee but adversely affected our internet capabilities.

**Water Resources & Watershed Committee:** The WRWS Committee met prior to the board meeting and reviewed the update on acre expansion; discussed the tiling and drainage issue in Antelope County; and, the upcoming meeting with Senator Gragert and NDEE Director Jim Macy. The meeting will be a chance to discuss water quality issues and how the agencies can work better together. Statewide we are seeing more interest regarding high nitrates in groundwater and the safety concerns this creates.

**AGREEMENTS TO REVIEW AND TAKE ACTION:**

**Interlocal Agreement for Obtaining Seedling Trees and Shrubs – NARD/NRD:** The interlocal agreement between the NARD and NRDs for obtaining conservation seedlings was included in the board packets. This is the agreement we have for purchasing seedlings from the Bessey Nursery. ⇒ It was moved by Gene Kelly and seconded by Jim Keller to approve the Interlocal Agreement for Obtaining Seedlings and Shrubs between participating NRDs and the NARD. **AYE:** Bartak, Blair, Dierks, Franks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Stewart, Tanderup, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Rice. **MOTION CARRIED.**

**United State Department of the Interior – Elkhorn River Stream Gage (Ewing):** This agreement was sent out in the Directors packet for their review. ⇒ It was moved by Art Tanderup and seconded by Jim Keller to approve the agreement for the stream gage at Ewing. **AYE:** Bartak, Blair, Dierks, Franks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Stewart, Tanderup & Whitaker. **NAY:** Vogel. **ABSTAIN:** None. **ABSENT:** Rice. **MOTION CARRIED.**

**Executive Travel Inc. – Additional Funds for Tree Planting:** The NARD has been approached by Executive Travel Inc. which would like to offer cost share funding for the planting of conservation tree seedlings by the NRDs. The Association is still working out the details of this one year agreement.

**COALITION/TASK FORCE UPDATE:**

**Niobrara River Basin Alliance:** Dennis Schueth reported that he has received the report regarding the transfer of water use from NPPD to the Alliance which consists of two large three ring binders. It is available for any Directors who would like to review the information.

**Lower Platte River Basin Water Management Plan Coalition:** There will be a meeting of the technical committee in November.

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

**Nebraska Ground Water Management Coalition:** No Report.

**ADMINISTRATIVE REPORT:**

Dennis Schueth's report was mailed out to the directors prior to the board meeting in their packets. A copy is included with the official copy of the minutes in the office. Dennis reported that he received a letter from the NCF Envirothon thanking the NRD for their support of the 2021 national event.

**NOVEMBER BOARD MEETING:**

The next regular board meeting of the Upper Elkhorn NRD will be held November 22, 2021 at 2:30 PM at the O'Neill office.

⇒ It was moved by Roy Stewart and seconded by Gene Kelly to adjourn the Board meeting at 8:14 PM. **AYE:** Bartak, Blair, Dierks, Franks, Fritz, Gotschall, Heithoff, Keller, Kelly, Moser, Stewart, Tanderup, Vogel & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Rice. **MOTION CARRIED.**

There being no further business to come before the Board, the meeting was adjourned at 8:14 P.M.

I, the undersigned Chairman 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 October 25, 2021 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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Gene Kelly, Secretary/Treasurer