

**UPPER ELKHORN NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
November 22, 2021 -- 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 2:38 P.M. by Chairman Michael Moser.

DIRECTORS PRESENT:

Cody Frank	Marv Fritz	Curtis Gotschall	Keith Heithoff	Gene Kelly
Michael Moser	Aaron Rice	Roy Stewart	Art Tanderup	Chip Whitaker

DIRECTORS ABSENT:

Gary Bartak	Kevin Blair	Chris Dierks	Jim Keller	John Vogel
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STAFF PRESENT:

Dennis Schueth - General Manager
Joslynn Vanderslice - Water Resources Manager
Kelly Kloppenborg - Water Resources Technician
Wayne Frederick - Water Resources Technician
Brett Sholes – Agronomy Resources Technician
Beth Walsh - Information & Education/Chemigation Coordinator
Krissey McClintic – Administrative Secretary

GUESTS PRESENT:

Aaron Romesser – Resource Conservationist, NRCS Office – O'Neill
Donita Pokorny, Dana F Cole – O'Neill

AGENDA:

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

TREASURERS REPORT:

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

2020-2021 AUDIT REPORT - DANA F. COLE:

Donita Pokorny, Dana F Cole, attended the board meeting. She reviewed the audit with the Directors and answered questions. Donita reviewed the audit report explaining the different aspects of the audit. She reported that they did not find any deficiencies while conducting the audit. ⇒ **It was moved by Curtis Gotschall and seconded by Keith Heithoff to approve the 2020-2021 Audit Report. AYE: Frank, Fritz, Gotschall, Heithoff, Kelly, Moser, Rice, Stewart, Tanderup & Whitaker. NAY: None. ABSTAIN: None. ABSENT: Bartak, Blair, Dierks, Keller & Vogel. MOTION CARRIED.**

PUBLIC FORUM-INPUT:

None

AGENCY & STAFF REPORTS:

NARD Report: Gene Kelly attended the NARD meeting November 7 & 8 in Chadron. Gene reviewed the financial report and NARD Foundation expenditures which were approved for the upcoming year. Following the NARD Board Meeting, they held a Risk Pool meeting. The Risk Pool audit is completed and it was noted that the risk pool is showing a loss at this time which is somewhat normal for this time of the year. Other items discussed were a switch in the Retirement Fund companies due to unsatisfactory performance; the Executive Travel cost share for tree planting; and, Water Quality Healthy Soils convention. Gene also provided a list of upcoming events for the board members.

DNR Report: No Report.

NRCS Report: Brandon Peterson's report was mailed out to the Directors. Aaron Romesser, Resource Conservationist, in the O'Neill NRCS Office attended the meeting. Aaron introduced himself and gave an update on the EQIP, CSP and CRP programs. He also reported that NRCS offices in Nebraska are in various stages of Covid protocol. The Neligh office is at 75% capacity while the O'Neill office has dropped to 25% capacity.

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 there is a sign-up sheet for 50th NRD Anniversary apparel in the Directors folders. Directors should review the form and select the apparel item they would like. Forms should be filled out at the board meeting and left in their folders due to the NARD order deadline. A sign-up sheet was passed around to those in attendance for the 2022 Legislative Conference scheduled for January 25-26, 2022 at the Embassy Suites in Lincoln. Registration will be confirmed at the December meeting so it can be submitted before the deadline. Beth also reported that there was an error in the Chemigation report; and, the average nitrogen being applied per acre should have been 129.29 pounds not 307.92 which was in her report.

Water Resources Report: Joslynn VanDerslice's report was mailed out in the Director's packets. Brett Sholes gave an update on the soil sampling for the Phase III area. He is a quarter of the way done sampling and has 1 new field triggering and 2 fields dropping off. He also reported that he has had several conversations with landowners regarding nitrogen alternatives. Joslynn reported that the static water measurements have been completed and the data is being compiled. Joslynn reviewed the 2021 Nitrate Water Sampling study handed out at the board meeting. Nitrogen letters have been sent out to both the landowner and operator as well as the Phase II reminders.

Bazile Groundwater Management Area Report: Connor Baldwin and Jeremy Milander's reports were mailed out in the Director packets.

UNL Extension – Amy Timmerman: No Report.

EXCUSED ABSENCES:

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

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 brought up a question regarding the pickup registration fee and noted that the accounts receivable looked good.

1. **Action on Current Bills and Cost share Requests:** ⇒ It was moved by Roy Stewart and seconded by Art Tanderup to pay the current bills. **AYE:** Frank, Fritz, Gotschall, Heithoff, Kelly, Moser, Rice, Stewart, Tanderup & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Blair, Dierks, Keller & Vogel. **MOTION CARRIED.**

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

1. **Action on October Groundwater Acre Expansion Applications, update on Acre Certification and Groundwater Acre Transfers:** The Committee reviewed a Groundwater Irrigated Acre Transfer for 18 acres. This transfer met all the criteria. ⇒ It was moved by Aaron Rice and seconded by Cody Frank to approve the Groundwater Irrigated Acre Transfer. **AYE:** Frank, Fritz, Gotschall, Heithoff, Kelly, Moser, Rice, Stewart, Tanderup & Whitaker. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Blair, Dierks, Keller & Vogel. **MOTION CARRIED.** The Committee reviewed the Expansion of Groundwater Irrigated Acre applications, rankings and maps. There were several issues surrounding this year's applications and the Committee has requested further information. Since the UENRD has 60 days to approve the applications, the WRWS Committee is planning a mid-month meeting to further review the issues and bring their recommendation to the board in December.
2. **November 1st Canceled-Postponed to November 18th Meeting with Senator Tim Gregart & Jim Macy Ex Director – NDEE:** Dennis Schueth reported on the meeting held with Senator Gregart, Nebraska Department of Ag, Nebraska Department of Environment and Energy, L&CNRD, Lower Elkhorn NRD and NARD. The nitrate-nitrogen issue in Nebraska is moving toward the forefront of many discussions. Comments from the meeting included one that NRDs have the tools to correct nitrate contamination. The NRDs were formed to create local solutions to local problems; however, the NRDs are only tasked with groundwater. What is being done regarding surface water or point source contamination? It was decided that the group should meet quarterly to continue to address these issues.
3. **Tiling-Lift Station Updates:** Dennis Schueth spoke with Don Blankenau regarding lift stations associated with tiling. There is proposed legislation being drafted regarding this issue for the upcoming legislative session, so the recommendation is to wait and see if this legislation will help define the issue. Since this is an ongoing issue in the UENRD, it is being referred to the WRWS Committee for further review and action.
4. **UENRD – Data Management Update – Longitude 103:** The Committee has not reviewed and discussed this information.

UPPER ELKHORN NRD – REDISTRICTING OF BOARD OF DIRECTORS SUB-DISTRICTS:

Following the 2020 Census update, the Upper Elkhorn NRD has been working with Jess Mintken with the Central Platte NRD regarding our NRD sub-districting. Moving forward the UENRD needs to be within 5% of a 1-1 ratio. The redistricting maps showing options of 7, 6 and 5 sub-districts were provided to the Board at the board meeting. Because of the population shifts, these three options were presented. The 7 sub-district option should maintain the current board members; while, the 6 and 5 sub-district options would reduce the number of board members. ⇒ **It was moved by Gene Kelly and seconded by Keith Heithoff to adopt the 7 sub-district certification for the election of Upper Elkhorn NRD board members. AYE: Frank, Fritz, Gotschall, Heithoff, Kelly, Moser, Rice, Stewart, Tanderup & Whitaker. NAY: None. ABSTAIN: None. ABSENT: Bartak, Blair, Dierks, Keller & Vogel. MOTION CARRIED.**

COALITIONS UPDATE:

Niobrara River Basin Alliance: Dennis Schueth reported that the federal government has come out with a recommendation for the Niobrara River basin. The boundary that is being impacted includes the Upper Niobrara White, Middle Niobrara and Lower Niobrara NRD and is offering 60 acres of water over the next 100 years for development. These NRDs do not agree with the assessment.

Lower Platte River Basin Water Management Plan Coalition: Joslynn VanDerslice reported that the Technical and Management Committees have reviewed the current numbers regarding water availability supplied by the consulting group. These are the numbers that will be used during the next five year increment of the plan. A recommendation will be taken to the full board in April.

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

Nebraska Ground Water Management Coalition: No Report

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 that his comments regarding the Phase II and Phase III issues were only met to provide information for the board of directors. There were no other motivations to these comments which were discussed by Aaron Rice in committee.

NEXT BOARD MEETING -DECEMBER 27, 2021:

The next regular meeting of the UENRD will be held December 27, 2021 at 2:30 PM.

⇒ **It was moved by Gene Kelly and seconded by Keith Heithoff to adjourn the board meeting at 4:54 PM.**

AYE: Frank, Fritz, Gotschall, Heithoff, Kelly, Moser, Rice, Stewart, Tanderup & Whitaker. NAY: None.

ABSTAIN: None. ABSENT: Bartak, Blair, Dierks, Keller & Vogel. MOTION CARRIED.

There being no further business to come before the Board, the meeting was adjourned at 4:54 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 22, 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.

Gene Kelly, Secretary/Treasurer