

**UPPER ELKHORN NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
March 27, 2023 -- 2:30 P.M.  
O'Neill, Nebraska**

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

The regular meeting of the Board of Directors was called to order at 2:32 P.M. by Chairman Keith Heithoff. The public notice and Open Meetings Act were all noted by the Chairman.

**DIRECTORS PRESENT:**

Gary Bartak	Kevin Blair	Matt Beckman	Chris Dierks	Cody Frank
Marv Fritz	Curtis Gotschall	Keith Heithoff	Gene Kelly	Aaron Rice
Tony Sanderson	Roy Stewart	Art Tanderup		

**DIRECTORS ABSENT:**

Trevor Gotschall      John Vogel

**STAFF PRESENT:**

Dennis Schueth - General Manager  
Joslynn VanDerslice - Water Resources Manager  
Beth Walsh - Information & Education Coordinator/Chemigation Coordinator  
Kelly Kloppenborg - Water Resources Technician  
Wayne Frederick - Water Resources Technician  
Brett Shoes - Agronomy Resources Technician  
Jeff Langan - Administrative Secretary

**GUESTS PRESENT:**

Brandon Peterson – NRCS O'Neill Office

**ADOPTION OF AGENDA:**

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

**MINUTES:**

The minutes of the February Board Meeting were reviewed by the Directors. It was noted that the amendment made at the February board meeting to the January minutes was not needed. ⇒ It was moved by Chris Dierks and seconded by Curtis Gotschall to approve the original minutes of the January Meeting. **AYE:** Bartak, Blair, Beckman, Dierks, Frank, Fritz, Curtis Gotschall, Heithoff, Kelly, Rice, Sanderson, Stewart & Tanderup. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Trevor Gotschall & Vogel. **MOTION CARRIED.** ⇒ It was moved by Marv Fritz and seconded by Gene Kelly to approve the minutes of the February Meeting as corrected. **AYE:** Bartak, Blair, Beckman, Dierks, Frank, Fritz, Heithoff, Kelly, Rice, Sanderson, Stewart & Tanderup. **NAY:** None. **ABSTAIN:** Curtis Gotschall. **ABSENT:** Trevor Gotschall & Vogel. **MOTION CARRIED.**

**SPECIAL POLICY MEETING MINUTES:**

The minutes of the February Board Meeting were reviewed by the Directors. ⇒ It was moved by Roy Stewart and seconded by Matt Beckman to approve the minutes of the March 15, 2023 Special Policy Issues Meeting.

**AYE:** Blair, Beckman, Dierks, Fritz, Curtis Gotschall, Heithoff, Kelly, Rice, Sanderson, Stewart & Tanderup.

**NAY:** None. **ABSTAIN:** Bartak & Frank. **ABSENT:** Trevor Gotschall & Vogel. **MOTION CARRIED.**

**TREASURERS REPORT:**

The February treasurers report was reviewed by the Directors. ⇨ **It was moved by Gene Kelly and seconded by Marv Fritz to approve the February Treasurers Report.** **AYE:** Bartak, Blair, Beckman, Dierks, Frank, Fritz, Curtis Gotschall, Heithoff, Kelly, Rice, Sanderson, Stewart & Tanderup. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Trevor Gotschall & Vogel. **MOTION CARRIED.**

**PUBLIC FORUM – INPUT:**

None

**AGENCY & STAFF REPORTS:**

**NARD Report:** Gene Kelly reported on the March NARD board meeting held in Lincoln earlier in the month. Gene reported that they reviewed the operating budget, the Foundation budget and Foundation requests. Gene noted that Dean Edson, NARD Executive Director, has requested a three year contract with 1 year renewal contracts beginning at the end of his current contract. Dennis Schueth noted that the reason for this change is that Dean may be considering retirement. When this does occur, the Association is hoping for a seamless transition as with any of the positions at the Association level. Gene reported that there will be a couple new line items in the operating budget relating to dam renovation and nitrogen education. Officers were elected with Orval Gigstad, President, Martin Graff, Vice President and Ryan Reuter, Secretary/Treasurer. The next NARD Board Meeting will be held June 11 & 12 prior to the NRD Basin Tour in the Central Platte NRD. Dennis Schueth reported that he sent out Dean Edson's Legislative Summary and reviewed a portion of it as it relates to possible nitrate sampling by NDEE; and, mentioned some relationship issues which have emerged between the NRDs and NDEE. He also noted that there are still some Senators in the Legislature who are not supporters of the NRDs and can be critical of issues the NRDs are trying to work out or manage.

**DNR Report:** A copy of the February 15, 2023 minutes were sent out in the Directors packet.

**NRCS Report:** Brandon Peterson's report was mailed out to the Directors. Brandon reported that they are busy working on EQIP contracts. There is a total of \$1.1 million available so far and there could be more due to the Inflation Reduction Act. There are currently 42 CSP applications in the UENRD and packets have been sent out to producers. The general signup for CRP is February 27 through April 7. Brandon also reported that there is an additional signup for the Bazile Groundwater Management Area fund pool in EQIP which runs from now until May 1. The Local Workgroup met March 23 and had some suggestions which will be forwarded on to the state office. A question regarding drainage issues between neighbors was asked and the only way to proceed with a complaint from the NRCS standpoint is to file a whistleblower complaint with the FSA.

**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 Directors packets.

**Water Resources Report:** Joslynn VanDerslice's report was mailed out in the Directors packets. Joslynn reported that Phase II non-compliant lists were available in the Director folders for their review. There are 142 Phase II fields which have still not been reported on and another non-compliant letter has been sent out. Joslynn reviewed the attendance and survey results from the 2023 Nitrogen Certification classes. Cooperators were also asked about what kind of practices they would like costshared and those results were also handed out and reviewed. Joslynn distributed the UENRD's report for the annual Lower Platte River Basin Coalition Basin Wide Water Management Plan report and reviewed it with the Board as well as the Surface Water Pump Site monitoring conducted by NeDNR. The annual meeting of the LPRBC will be held in April. Joslynn also noted that 2 public water supplies in the UENRD will have to monitor their wells quarterly because they tested over 5 parts per million for nitrate-nitrogen.

**UENRD Staff Vacancy – Administrative Secretary:** The new UENRD Administrative Secretary, Jeff Langan, was introduced to the Board of Directors. Jeff started March 20, 2023.

**Bazile Management Area:** Jeremy Milander's and Lisa Lauver's report was mailed out in the Directors packets. Dennis Schueth

**UNL - Holt County Extension:** No Report.

#### **EXCUSED ABSENCES:**

⇒ It was moved by Chris Dierks and seconded by Gene Kelly to excuse the absence of Trevor Gotschall and John Vogel. **AYE:** Bartak, Blair, Beckman, Dierks, Frank, Fritz, Curtis Gotschall, Heithoff, Kelly, Rice, Sanderson, Stewart & Tanderup. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Trevor Gotschall & Vogel.

**MOTION CARRIED.** It was at this time Keith Heithoff brought up changing the winter meeting time from 2:30 PM to either morning or later afternoon because he felt like it was an inconvenient time for anyone choring. Keith asked for a motion to vote on a time change. Aaron Rice made a motion to change the time to 4:00 PM with a second by Marv Fritz. A vote was taken; however, Curtis Gotschall pointed out that since this item was not on the agenda there should be no action taken. Keith Heithoff requested that the winter time of the NRD board meetings be put on the April agenda.

#### **COMMITTEE REPORTS:**

##### **Legislative, Finance and Planning:**

- 1. Action on Current bills and Cost Share Requests:** The Committee met prior to the board meeting and reviewed the current bills, bank statements and accounts receivable. Marv Fritz questioned the Beehive bill and the migration fee bill. We are maintaining our Beehive account until Longitude 103 can set up a cooperator portal. The migration fee was expected and is \$10,000 less than it would have been due to grant funding through NeDNR. ⇒ It was moved by Marv Fritz and seconded by Roy Stewart to approve the current bills for payment. **AYE:** Bartak, Blair, Beckman, Dierks, Frank, Fritz, Curtis Gotschall, Heithoff, Kelly, Rice, Sanderson, Stewart & Tanderup. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Trevor Gotschall & Vogel. **MOTION CARRIED.** Marv Fritz reviewed 2 cost share applications reviewed by the Committee. One they had further questions regarding the well and cross fencing placement. ⇒ It was moved by Marv Fritz and seconded by Roy Stewart to approve the cost share application for Grosserode if they will re-consider the placement of the well and cross fencing. **AYE:** Bartak, Blair, Beckman, Dierks, Frank, Fritz, Curtis Gotschall, Heithoff, Kelly, Rice, Sanderson, Stewart & Tanderup. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Trevor Gotschall & Vogel. **MOTION CARRIED.** ⇒ It was moved by Marv Fritz and seconded by Gene Kelly to approve the NSWCP application for Brookhouser. **AYE:** Beckman, Dierks, Frank, Fritz, Curtis Gotschall, Heithoff, Kelly, Rice, Sanderson & Tanderup. **NAY:** Bartak & Stewart. **ABSTAIN:** Blair. **ABSENT:** Trevor Gotschall & Vogel. **MOTION CARRIED.**

2. **March 15 Special Policy Issues Meeting Update:** Dennis Schueth handed out conflict of interest forms, which were discussed during the Policy Issues meeting, for any Directors who may need them now or in the future.

**Water Resources & Watershed:** Aaron Rice reported that the committee met prior to the board meeting to discuss issues brought up at the Policy meeting as well as possible changes to the UENRD transfer process, rules and regulations, phase updates, water uses and Chemigation fees.

1. **Groundwater Acre Expansion/Certification/Transfer Applications:** None

2. **Phase II Reports Update-Late Reports, Registered Letters-further board direction:** This was covered under the Water Resources Manager report.

#### **COALITION/TASK FORCE UPDATE:**

**Niobrara River Basin Alliance:** No Report

**Lower Platte River Basin Water Management Plan Coalition:** The Technical committee met March 6 in Kearney. The Managers will be meeting March 30<sup>th</sup> in Ord with the full board meeting April 12<sup>th</sup> in Lincoln.

**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 and a copy is kept on file at the NRD office. Dennis handed out information regarding a potential grant opportunity for the Bazile Groundwater Management Area and discussed the possibilities. Dennis also handed out a news article regarding the state of Oregon and the EPA wanting them to clean up groundwater pollution.

#### **APRIL BOARD MEETING:**

The next meeting of the Upper Elkhorn NRD Board of Directors is April 24, 2023 at 7:30 PM.

⇒ It was moved by Gene Kelly and seconded by Chris Dierks to adjourn at 4:12 PM. **AYE:** Bartak, Blair, Beckman, Dierks, Frank, Fritz, Curtis Gotschall, Heithoff, Kelly, Sanderson, Stewart & Tanderup. **NAY:** Rice. **ABSTAIN:** None. **ABSENT:** Trevor Gotschall & Vogel. **MOTION CARRIED.**

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 March 27, 2023 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