

**UPPER ELKHORN NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
October 23, 2023 -- 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 Keith Heithoff.

DIRECTORS PRESENT:

Kevin Blair	Chris Dierks	Cody Frank	Marv Fritz	Curtis Gotschall
Trevor Gotschall	Keith Heithoff	Gene Kelly	Tony Sanderson	Roy Stewart
Art Tanderup	John Vogel			

DIRECTORS ABSENT:

Gary Bartak	Matt Beckman	Aaron Rice
-------------	--------------	------------

STAFF PRESENT:

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

GUESTS PRESENT:

Brandon Peterson – NRCS – O'Neill, NE
Lisa Lauver – Bazile Groundwater Management Area Coordinator – Norfolk, NE

AGENDA:

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

MINUTES – SEPTEMBER 18, 2023:

The minutes of the September Meeting were reviewed by the Directors. ⇒ It was moved by Marv Fritz and seconded by Chris Dierks to approve the minutes of the September Meeting. **AYE:** Blair, Dierks, Fritz, C. Gotschall, T. Gotschall, Heithoff, Kelly, Sanderson, Stewart & Tanderup. **NAY:** None. **ABSTAIN:** Frank & Vogel. **ABSENT:** Bartak, Beckman & Rice. **MOTION CARRIED.**

MINUTES – SPECIAL BOARD MEETING SEPTEMBER 27, 2023:

The minutes of the Special Board Meeting September 27, 2023 were reviewed by the Directors. ⇒ It was moved by Gene Kelly and seconded by Roy Stewart to approve the minutes of the September 27, 2023 Special Board Meeting. **AYE:** Blair, Fritz, T. Gotschall, Kelly, Sanderson, Stewart & Tanderup. **NAY:** None. **ABSTAIN:** Dierks, Frank, C. Gotschall, Heithoff & Vogel. **ABSENT:** Bartak, Beckman & Rice. **MOTION CARRIED.**

TREASURERS REPORT:

⇒ It was moved by Gene Kelly and seconded by Kevin Blair to approve the September Treasurers Report.

AYE: Blair, Dierks, Frank, Fritz, C. Gotschall, T. Gotschall, Heithoff, Kelly, Sanderson, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Beckman & Rice. **MOTION CARRIED.**

PUBLIC FORUM – INPUT / COMMENTS:

None

AGENCY & STAFF REPORTS:

NARD Report: Gene Kelly reported that NARD had a successful conference. There were no resolutions this year. The Association Board met following the conference and reviewed the audit for the general operating and foundation accounts. A motion was made and passed to pay an additional \$100,000 on the building loan from the Risk Pool funds. This can only happen when the equity in the Risk Pool is at 4 million dollars and right now it is at \$7.1 million. The Foundation approved requests of \$1,000 to the Nebraska LEAD program, \$5,000 to the Longitude 103 project and \$500 to co-sponsor the North American Invasive Species Management Association Conference. Following the board meeting the Risk Pool meeting was held. The Risk Pool audit was approved and the financial look good. The Pool did have a net profit of \$2.3 million for the fiscal year. Jennifer Swanson has a new job description since she is no longer partially funded by NDEE. She will continue to coordinate the projects she worked with before but will also be involved with working groups, organizations, the private sector and other state and federal agencies that share the goal of improving water quality. The Public Service Commission is having a hearing Thursday, the 26th, on the use of precision ag grant funds. Approximately \$500,000 is available for water management tools that facilitate judicious use of water resources. NRDs aren't eligible but producers, agronomists and cooperatives are eligible to apply.

1. **NARD Fall Conference Update:** Roy Stewart noted that he attended the conference and was recognized for 40 years of service.

DNR Report: No Report from Garry Anderson. Dennis Schueth reported that the UENRD needs to update and submit the districts Long Range Plan to the Department. The plan will be updated this month, reviewed and submitted in November.

NRCS Report: Brandon Peterson's report was mailed out to the Directors. Brandon reviewed the EQIP and CSP deadlines of November 17. Holt County will be the host site for the Area 5 range judging competition in 2024. The NRCS is still operating on a continuing resolution until November 17. Funding for certain things will be restricted until a fully funded budget has been passed. Brandon reviewed the year end program totals with the Board. The EQIP program had 35 contracts for 18,847 acres with a costshare of \$1,301,159. In the BGMA, NWQI had 3 contracts treating 615 acres for a total of \$97,509. There were 5 contracts in CSP for 8,683 acres for a total of \$434,557. NRCS also wrote 191 CRP contracts for a total of 55,402 acres.

RC&D Report:

North Central RC&D: Marv Fritz reported that the Highway 12 paper shredding event was held. They are still waiting to hear on the grant for the tire amnesty event to be held in conjunction with the MNDRD. He also reported that Kim will be stepping down from her position with the RC&D as well as their treasurer. Kim will stay on to help with the tire amnesty grant and the event itself.

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 have been 3 Expansion of Irrigated Acre applications. Two are completing a pivot with less than 15 acres and the other one is extending the pivot. There will be another application submitted this week with the deadline for signup being October 31.

Water Resources and Other Department Reports: Joslynn VanDerslice's report was mailed out in the Director's packets. Joslynn reported that the annual groundwater nitrate sampling is completed; the Phase III soil sampling locations have been selected; and, the Phase III soil sampling letters have gone out. Static water levels will also be starting within the next week. The Phase II data in Beehive has been turned over and letters for Phase II reports will be generated and sent out to the landowners and operators.

Bazile Management Area: Lisa Lauver's report was mailed out in the director packets. Lisa reported that she has been working on the Bazile Groundwater Management Area plan update and EQIP for the BGMA. There are 12 EQIP contracts currently and she has 8 more cooperators she is planning to meet with. Lisa also thanked Joslynn VanDerslice for all the work she has put in on the plan updates. Dennis Schueth handed out information on the Inflation Reduction Act Climate Smart Core Practices and Facilitation Practices eligible for funding. We need to decide if the organization should pursue a grant targeting some of these practices or chose the practices which would compliment the BGMA plan. The Board also received a copy of the current drafted goals and objectives for the Bazile Groundwater Management Plan.

Holt County Extension Agent – Amy Timmerman: No Report.

EXCUSED ABSENCES:

⇒ It was moved by Gene Kelly and seconded by Chris Dierks to excuse the absence of Gary Bartak, Matt Beckman and Aaron Rice. **AYE:** Blair, Dierks, Frank, Fritz, C. Gotschall, Heithoff, Kelly, Sanderson, Stewart & Tanderup. **NAY:** T. Gotschall & Vogel. **ABSTAIN:** None. **ABSENT:** Bartak, Beckman & Rice. **MOTION CARRIED.**

COMMITTEE REPORTS:

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

1. **Action of Current Bills and Cost Share:** The Committee reviewed the current bills, bank statements and accounts receivable. ⇒ It was moved by Tony Sanderson and seconded by Roy Stewart to approve the current bills for payment. **AYE:** Blair, Dierks, Frank, Fritz, C. Gotschall, T. Gotschall, Heithoff, Kelly, Sanderson, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Beckman & Rice. **MOTION CARRIED.**
2. **UENRD Finances/Investments:** Dennis Schueth explained that he would like to have the Boards approval to invest a portion of the District's funds to receive a better return for the investment. ⇒ It was moved by Marv Fritz and seconded by Gene Kelly to approve up to \$300,000 to investment within the Upper Elkhorn NRD financial institutions. **AYE:** Blair, Dierks, Frank, Fritz, C. Gotschall, T. Gotschall, Heithoff, Kelly, Sanderson, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Beckman & Rice. **MOTION CARRIED.** Dennis Schueth will work with Legislative, Budget and Finance Committee Chair Marv Fritz to determine the best investments for the NRD.
3. **Long Range Implementation Plan:** This was discussed under the DNR report.

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

1. **Chemigation Rules and Regulations-Preparing for Public Hearing:** The Committee has been reviewing the UENRD Chemigation Rules and Regulations which needed to be updated following the Nebraska Department of Environment & Energy updates to the state Chemigation program. The Committee also reviewed the Chemigation budget and Chemigation fee structure and are recommending changes to the fees which will be reflected in the Chemigation Rules and Regulations update. This is due in part to the Chemigation program no longer being supported by the current fees; and, to encourage Chemigators to keep up their annual renewals.

⇒ It was moved by Curtis Gotschall and seconded by Gene Kelly to move to accept the proposed Upper Elkhorn NRD Chemigation Rules and Regulations for publication and set the public hearing date for the proposed UENRD Chemigation Rules and Regulations on November 27, 2023 at 12:30 PM with the Water Resources and Watershed Committee Chair as the Public Hearing Officer or another member of the WRWS Committee. AYE: Blair, Dierks, Frank, Fritz, C. Gotschall, T. Gotschall, Heithoff, Kelly, Sanderson, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: None. ABSENT: Bartak, Beckman & Rice. MOTION CARRIED.

2. **Acre Certification and GW Acre Transfers – Applications:** None

3. **Groundwater Management Rules & Regulations:** Curtis Gotschall also noted that the Committee will be discussing the GWMP Rules and Regulations, Rule 16 and Transfers so if any board member has anything they would like addressed please contact a member of the Committee.

COALITION/TASK FORCE UPDATE:

Niobrara River Basin Alliance: Dennis Schueth reported that subordination just compensation is still being discussed and Don Blankenau may be contacted to draft subordination contracts and a possible interlocal agreement with NDNR on this issue.

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.

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 has received Caitlin Smith's letter of resignation from the Neligh office. We will need to advertise for her replacement.

NOVEMBER BOARD MEETING:

The next regular board meeting of the Upper Elkhorn NRD is scheduled for November 27, 2023 at 2:30 PM at the O'Neill office. ⇒ It was moved by Curtis Gotschall and seconded by Art Tanderup to change the Board Meeting time to 3:00 PM due to the Public Hearing being held earlier in the day and Committee Meetings.

AYE: Blair, Dierks, Frank, Fritz, C. Gotschall, T. Gotschall, Heithoff, Kelly, Sanderson, Stewart & Tanderup.

NAY: Vogel. ABSTAIN: None. ABSENT: Bartak, Beckman & Rice. MOTION CARRIED. The November Board Meeting will be held on November 27, 2023 at 3:00 PM.

⇒ It was moved by Curtis Gotschall and seconded by Gene Kelly to adjourn the Board meeting at 8:00 PM.

AYE: Blair, Dierks, Frank, Fritz, C. Gotschall, T. Gotschall, Heithoff, Kelly, Sanderson, Stewart, Tanderup & Vogel. NAY: Heithoff. ABSTAIN: None. ABSENT: Bartak, Beckman & Rice. MOTION CARRIED.

There being no further business to come before the Board, the meeting was adjourned at 8:00 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 23, 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.

Gene Kelly, Secretary/Treasurer