

**UPPER ELKHORN NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
December 18, 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. The statement of advertisement and the open meetings law posting were all noted at 2:35 P.M. by Vice Chairman Aaron Rice.

**DIRECTORS PRESENT:**

Gary Bartak	Matt Beckman	Kevin Blair	Chris Dierks	Cody Frank
Marv Fritz	Curtis Gotschall	Gene Kelly	Aaron Rice	Tony Sanderson
Roy Stewart	Art Tanderup	John Vogel	Keith Heithoff (arr. 3:12 PM)	

**DIRECTORS ABSENT:**

Trevor Gotschall

**STAFF PRESENT:**

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

**GUESTS PRESENT:**

Donita Pokorny, Dana F Cole – O’Neill, NE  
Brandon Peterson, NRCS Office – O’Neill, NE

**ADOPTION OF AGENDA:**

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

**MINUTES:**

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

**TREASURERS REPORT:**

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

**PUBLIC FORUM, INPUT OR COMMENTS:**

None

### **DANA F COLE – FY 2022-2023 AUDIT REPORT:**

Donita Pokorny, Dana F Cole, attended the board meeting. Donita reviewed the audit report explaining the different aspects of the audit and answering questions from the board. She reported that they did not find any deficiencies while conducting the audit. ⇒ **It was moved by Art Tanderup and seconded by Marv Fritz to approve the 2022-2023 Audit Report. AYE: Bartak, Beckman, Blair, Dierks, Frank, Fritz, C. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: None. ABSENT: Heithoff & T. Gotschall. MOTION CARRIED.**

Heithoff Arrived at 3:12 PM. Vice Chair Rice transferred control of meeting to Chairman Heithoff.

### **AGENCY & STAFF REPORTS:**

**NARD Report:** Gene Kelly reported that the paydown on the new NARD building was from the NARD Foundation not the Risk Pool funds. Over \$26,000 was raised for the Foundation at the annual conference in September with a total of \$136,000 being raised for the Foundation this year. Gene also listed the organizations sponsored by the Foundation and the contributions for the upcoming year. NARD has been requested to sponsor 3 Climate Smart events. It was noted that Farm Bureau is supporting the current funding status of the NRDs and not the EPIC tax funding. The NARD Board has given Dean Edson, Executive Director, the latitude to join a group of concerned organizations regarding the EPIC Tax movement and if needed be part of any formal group activity. There are a lot of questions surrounding the proposed EPIC Tax to be answered before any action is to be taken. Gene reviewed the award nomination deadlines for the Leopold Award and NARD awards. NARD has also hired a new intern who will be helping out at the office.

- The NARD Legislative Conference is scheduled for January 23 & 24, 2024 at the Embassy Suites in Lincoln. The UENRD will need to appoint voting delegates for this conference. ⇒ **It was moved by Chris Dierks and seconded by Curtis Gotschall to appoint Gene Kelly Delegate and Kevin Blair Alternate as voting delegates for the NARD Legislative Conference. AYE: Bartak, Beckman, Dierks, Frank, Fritz, C. Gotschall, Rice, Sanderson, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: Blair & Kelly. ABSENT: Heithoff & T. Gotschall. MOTION CARRIED.**
- **NARD Washington DC Trip:** Gene Kelly noted that the NARD Washington DC trip is scheduled for March 18-20, 2024.
- **GMDA Conference:** The Groundwater Management Districts Association conference will be held January 23-25, 2024 in Nashville, TN. This is the same time as the NARD Legislative Conference.

**NeDNR Report:** No Report.

**NRCS Report:** Brandon Peterson's report was mailed out to the Directors. Brandon reported that they have received 203 EQIP applications and 6 CSP applications between the two offices. They are still waiting on the national office to approve the cost list for EQIP with CSP being processed for IRA. Also, due to a lack of guidance from the national office they are no longer able to have EQIP and Grassland CRP on the same acres. Holt County has also been selected to host the Area 5 range judging in 2024. NRCS continues to operate on a continuing resolution which is set to expire January 18, 2024.

- **MOA between NRDs and NRCS:** A copy of the Memorandum of Understanding between the NRD and NRCS was distributed to the board for their review. The MOA is reviewed annually and requires partners to comply with their responsibilities. ⇒ **It was moved by Matt Beckman and seconded by Tony Sanderson to approve the Memorandum of Agreement between the NRCS and UENRD. AYE: Bartak, Beckman, Blair, Dierks, Frank, Fritz, C. Gotschall, Heithoff, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: None. ABSENT: T. Gotschall. MOTION CARRIED.**

- **Source Water Protection Position-Wellhead Protection Area:** NRCS would like to partner with the NRDs and hire Source Water Protection positions to promote conservation measures within and outside wellhead protection areas. They are looking for a 50/50 match from the NRDs. Dennis Schueth reported that he is hoping for more information on this position, coverage area and how the funding would need to occur.

#### **RC&D Reports:**

**North Central RC&D:** Marv Fritz reported that the RC&D has received the Tire Amnesty grant. The event will be held in the Newport area in April. The RC&D will be advertising for Kim's position in January. Marv also reported that he attended a Pivot Bio meeting with Dennis Schueth and he noted that the technology they are developing is very interesting.

**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. The NARD Legislative Conference is scheduled for January 23 & 24, 2024 at the Embassy Suites in Lincoln. Beth confirmed those who are planning to attend the conference and will update the reservations and send in the registration. Beth also included in the Directors folders Candidate Filing forms for those directors who will be up for election in 2024.

**Water Resources Report:** Joslynn VanDerslice's report was mailed out in the Directors packets. Joslynn reported that the deadline for Phase II reports is December 31, 2023 and the office has received approximately 800 out of the 2600 forms needed to be filed with the UENRD. Reminder letters were sent out in November. Phase III soil sampling is almost completed with only one field left to sample which should be done this week. Joslynn reviewed the Producer Connect flyer that was included in the Director's packets and handed out the 2023 Nitrate Water Sampling Summary for the Director's to review. She will go over the results at next months meeting.

**Bazile Management Area Report:** Lisa Lauver's report was included in the director's packets. The BGMA Winter Meeting is scheduled for January 30, 2024 in Orchard.

**UNL Extension:** No Report.

#### **EXCUSED ABSENCES:**

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

#### **COMMITTEE REPORTS:**

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

- **Action on Current bills and Cost Share Requests:** The Committee met prior to the Board meeting and reviewed the bills, accounts receivable and bank statements. ⇒ It was moved by Marv Fritz and seconded by Roy Stewart to approve the current bills for payment. **AYE:** Bartak, Beckman, Blair, Dierks, Frank, Fritz, C. Gotschall, Heithoff, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** T. Gotschall. **MOTION CARRIED.**

- **Long Range Implementation Plan:** Dennis Schueth reported that he and Joslynn VanDerslice have been working on the Long Range Plan. Directors received a copy of their review. Dennis highlighted the plan and the budget. This will need to be sent to the Department of Natural Resources for their approval. ⇒ **It was moved by Curtis Gotschall and seconded by Aaron Rice to approve the Long Range Implementation Plan. AYE: Bartak, Beckman, Blair, Dierks, Frank, Fritz, C. Gotschall, Heithoff, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: None. ABSENT: T. Gotschall. MOTION CARRIED.**
- **District 7 UENRD Director Vacancy:** Keith Heithoff has submitted his letter of resignation to the UENRD Board of Directors effective January 1, 2024. ⇒ **It was moved by Gene Kelly and seconded by Tony Sanderson to accept Keith Heithoff's resignation from the UENRD Board of Directors effective January 1, 2024. AYE: Beckman, Blair, Frank, Fritz, C. Gotschall, Heithoff, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. NAY: Bartak & Dierks. ABSTAIN: Heithoff. ABSENT: T. Gotschall. MOTION CARRIED.** Due to the resignation of Keith Heithoff from the UENRD Board of Directors effective January 1, 2024, the UENRD will need to advertise this vacancy in January. The board opening will be advertised in Subdistrict 7 with candidates interviewed and someone appointed to fill the remainder of Keith Heithoff's position which will expire December 31, 2024. Sub-district 7 will also be open for anyone who would like to file as a candidate in the 2024 election.
- **Christmas Holiday – December 25-26:** ⇒ **It was moved by Chris Dierks and seconded by Curtis Gotschall to close the Upper Elkhorn NRD office December 26, 2023 as part of the Christmas Holiday. AYE: Bartak, Beckman, Blair, Dierks, Frank, Fritz, C. Gotschall, Heithoff, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: None. ABSENT: T. Gotschall. MOTION CARRIED.**

#### **Water Resources and Watershed Committee Report:**

- **Certification and Groundwater Acre Transfers – Applications:** None
- **Groundwater Management Rules and Regulations:** Aaron Rice reported that the Committee met prior to the board meeting and discussed the certification of irrigated acres. They have instructed staff to get clarification of the options that the board has considering the deadlines have passed for certifying irrigated acres.
- **Discussion on Tiling:** This item was added to the agenda by a board member who feels that the UENRD should address tiling as it relates to harming another cooperator. The Committee discussed this and brought it before the board to see if there was interest in the Committee pursuing a possible inclusion in the UENRD Groundwater Management Plan. Several opinions were voiced during the meeting and the Water Resources and Watershed Committee will add this issue to its agenda.

#### **COALITIONS UPDATE:**

**Niobrara River Basin Alliance:** No Report.

**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 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 passed out information on the proposed Nebraska Mesonet program for the Directors to review. The goal is to establish 200 Mesonet weather stations across Nebraska and to find partners for funding. Dennis also sat in on a Water Resources Advisory Panel (WRAP) meeting in which they were discussing nitrogen pollution and how to address it moving forward. Presentations were given by various panel members on what is currently being done. There was discussion if this was a legacy issue and the relationship between causation versus correlation.

Following Dennis' report awards were presented to Joslynn VanDerslice for 5 Years of Service; Gene Kelly for 10 Years of Service on the UENRD Board; Keith Heithoff for his Service to the UENRD as a retiring Board Member; and, Roy Stewart for 40 Years of Service on the UENRD Board of Directors.

**JANUARY BOARD MEETING:**

Due to the NARD Legislative Conference and Martin Luther King Jr Day in January, the regular board meeting of the UENRD will need to be changed. The January board meeting date will be Tuesday, January 16, 2024 at 2:30 PM with committee meetings being held prior to the board meeting.

**ADJOURNMENT:**

⇒ It was moved by Gene Kelly and seconded by Matt Beckman to adjourn at 4:50 PM. **AYE:** Bartak, Beckman, Blair, Dierks, Frank, Fritz, C. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. **NAY:** Heithoff. **ABSTAIN:** None. **ABSENT:** T. Gotschall. **MOTION CARRIED.**

I, the undersigned Secretary/Treasurer 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 December 18, 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; and, 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