

**UPPER ELKHORN NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
February 26, 2024 -- 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 2:32 P.M. by Chairman Chris Dierks.

**DIRECTORS PRESENT:**

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

**DIRECTORS ABSENT:**

None

**STAFF PRESENT:**

Dennis Schueth, General Manager  
Wayne Frederick, Water Resources Technician  
Joslynn VanDerslice, Water Resources Manager  
Jeff Langan, Administrative Secretary

**GUESTS PRESENT:**

Brandon Peterson – NRCS O'Neill  
Amy Timmerman – UNL Extension Service

**ADOPTION OF AGENDA:**

⇒ It was moved by Matt Beckman and seconded by Gene Kelly to adopt the amended agenda. **AYE:** Bartak, Beckman, Blair, Frank, Fritz, T. Gotschall, C. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. **NAY:** None. **ABSTAIN:** None. **MOTION CARRIED.** Chairman Dierks not voting.

**MINUTES:**

The minutes of the January Meeting were reviewed by the Directors. ⇒ It was moved by Curtis Gotschall and seconded by Roy Stewart to approve the minutes of the January Meeting. **AYE:** Bartak, Blair, Frank, Fritz, T. Gotschall, C. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup, & Vogel. **NAY:** None. **ABSTAIN:** Beckman. **ABSENT:** None. **MOTION CARRIED.** Chairman Dierks not voting.

**Minutes of Special Policy Meeting:**

The minutes of the February 6, 2024 Special Policy meeting were reviewed by the directors. ⇒ It was moved by Art Tanderup & seconded by Tony Sanderson to approve the minutes of the Special Policy Meeting. **AYE:** Bartak, Beckman, Blair, Frank, Fritz, C. Gotschall, T. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup, & Vogel. **NAY:** None. **ABSTAIN:** None. **ABSENT:** None. **MOTION CARRIED.** Chairman Dierks not voting.

### **TREASURERS REPORT:**

The January treasurers report was reviewed by the Directors. ⇒ It was moved by Roy Stewart and seconded by Marv Fritz to approve the January Treasurers Report. **AYE:** Bartak, Beckman, Blair, Frank, Fritz, C. Gotschall T. Gotschall, Kelly, Rice, Sanderson, Stewart & Tanderup. **NAY:** None. **ABSTAIN:** Beckman. **ABSENT:** None. **MOTION CARRIED.** Chairman Dierks not voting.

### **PUBLIC FORUM-INPUT:**

- **Memorial for Don Couette family:** ⇒ It was moved Roy Stewart and seconded by Trevor Gotschall to send a memorial to the family. **AYE:** Bartak, Beckman, Blair, Frank, Fritz, C. Gotschall, T. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup, & Vogel. **NAY:** None. **ABSENT:** None. **MOTION CARRIED.** Chairman Dierks not voting.
- **Board of Director Filings:** Gary Bartak and Roy Stewart did not re-file for their positions on the board. There was discussion on replacements for all 3 open board positions. Gary Bartak solicited Allen Schueth to run for the NRD board and Allen has filed.

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

**NARD Report:** Gene Kelly reported that the legislative conference went well. The bills concerning natural resources in front of the legislature were discussed. The Nebraska L.E.A.D. program banquet will be March 15<sup>th</sup> if you wish to go contact Dean or Jeanne at the NARD office. NARD has approved up to \$1350.00 for the EPIC tax study group. The Flexible Savings Account plan was amended and approved in January.

**DNR Report:** No Report.

**NRCS Report:** Brandon Peterson's report was mailed out to the Directors. Brandon Peterson reported that the initial EQIP/IRA funds is \$1.1 million. They are about 75% done writing contracts. Received additional \$500,000.00 for EQIP. IRA for the UENRD area will be \$1.6 million. Currently writing contracts for the CRP/IRA's. CRP is ongoing. September 19th will be the date for Holt county range judging. Currently operating under a continuing resolution until March 1st. Farm bill has been extended until September 30. Discussion was held on source water protection position and wellhead protection areas. After discussion, the UENRD is not currently interested in funding a source water protection area position since an agronomist position has been opened in the O'Neill NRCS office.

### **RC&D Report:**

**North Central RC&D:** Marv Fritz reported the tire recycling will be April 1<sup>st</sup> through the 3<sup>rd</sup> in Newport.

**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 Department Reports:** Joslynn VanDerslice's report was mailed out in the Directors packets. There are 378 Phase II reports that have not been turned in yet, that includes 165 landowners and 100 operators. She also talked about nitrogen certification. The water conference will be held in Kearney on March 4-5, 2024.

**Bazile Groundwater Management Area Report:** Lisa Lauver's report was mailed out in the Directors packet.

**UNL Extension:** Amy Timmerman reported on nitrogen certification. She gave chemigation training dates: O'Neill March 7th, Verdigre March 12th, and Ericson March 13th. Pesticide training date in O'Neill will be March 7th at 1:30. Amy also discussed EPA rulings on nitrates and the use of dicamba products.

**EXCUSED ABSENCES:** None.

**COMMITTEE REPORTS:**

**Legislative, Finance and Planning:**

1. **Action on Current bills:** The Committee met prior to the Board meeting and reviewed the current bills 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, Frank, Fritz, C Gotschall, T. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: None. ABSENT: None. MOTION CARRIED. Chairman Dierks not voting.**
2. **Mid-Month Policy – Paying Bills – Operations Policy F-3, F-4:** It was discussed in committee to amend the operating policy to address how to pay bills in months where mid-month meetings are held. The Committee offered the following amendment to the Operations Policy: In the event board meetings are scheduled earlier than the fourth Monday of the month due to conflicts such as: observed holidays, conferences, special meetings or other foreseen circumstances the following procedure shall be followed. Staff will prepare a list of expenditures that are received after the scheduled monthly board meeting due to such conflicts as listed and forward that list to the Chairman of the Board and to the Legislative, Budget and Finance Committee for approval to pay those bills in an effort to forgo any late payments or finance charges. ⇒ **It was moved by Marv Fritz and seconded by Roy Stewart to adopt the amendment. AYE: Bartak, Beckman, Blair, Frank, Fritz, C Gotschall, T. Gotschall, Kelly, Rice, Sanderson, Stewart, Tanderup & Vogel. NAY: None. ABSTAIN: None. ABSENT: None. MOTION CARRIED. Chairman Dierks not voting.**
3. **Neligh Riverside Park Inclusive Playground Request:** The request from the City of Neligh for a donation for their park was moved to the March board meeting.

Gary Bartak departed the meeting at 4:00 PM

**Water Resources & Watershed:** The Committee met prior to the Board meeting and discussed acre transfers and the UENRD GWMP Rules and Regulations. ⇒ **It was moved by Aaron Rice and seconded by Gene Kelly to move that the Board direct staff to enforce its adopted rules and accept no new applications for the certification of groundwater irrigated acres. Staff shall, however, proceed to process all pending applications for certified irrigated irrigated acres.** Discussion was then held on the motion. Director Vogel expressed his concern that this would lead to no more land being able to be certified. It was also clarified that expansion of new groundwater irrigated acres can be allowed. This motion is to address groundwater acres that have not been certified. ⇒ **A motion was made by Trevor Gotschall and seconded by Gene Kelly to call the question: AYE: Beckman, Blair, Dierks, Frank, C. Gotschall, T. Gotschall, Kelly, Rice, Sanderson, Stewart, & Tanderup NAY: Fritz & Vogel. ABSTAIN: None. ABSENT: Bartak. MOTION PASSED WITH 2/3 MAJORITY. Vote on Original Motion: AYE: Blair, Fritz, C. Gotschall, T. Gotschall, Kelly, Rice, Sanderson, Stewart, & Tanderup. NAY: Beckman, Frank & Vogel. ABSTAIN: None. ABSENT: Bartak. MOTION CARRIED.**

1. **Certification and GW Acre Transfers-Applications:** None.
2. **UENRD-LNNRD WATER COMMITTEE MEETING UPDATE-FEBRUARY 12:** The UENRD Water Resources and Watershed Committee and Lower Niobrara NRD Water Committee met and discussed different water related issues pertaining to both districts.

John Vogel departed the meeting at 4:15 PM

### **RULES & REGULATIONS; RULE 16 TRIGGERING MECHANISMS FOR STATIC WATER LEVELS:**

As carry over discussion from the policy issues meeting the board discussed Rule 16. Each member present was given the opportunity to voice their opinion on Rule 16, which pertains to the triggering mechanisms for groundwater levels. Other methods of limiting groundwater use were discussed, including: moisture probes and telemetry units. No motion or vote was held on this matter.

Cody Frank departed the meeting at 4:55 PM

Kevin Blair departed the meeting at 5:00 PM

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

**Niobrara River Basin Alliance:** Dennis Schueth, Chris Dierks and Joslynn Vanderslice attended the NRBA meeting in Valentine on February 14<sup>th</sup> to discuss subordination agreements.

**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 Directors packets and a copy is kept on file at the NRD office. Dennis reported on the subject of designating an assistant manager, he felt that there was no need for one at this time and that it would be better to appoint an Interim Manager in his absence. No action was taken on this issue.

### **MARCH BOARD MEETING:**

The next Upper Elkhorn NRD Board Meeting will be held on March 25, 2024 at 2:30 PM.

⇒ It was moved by Gene Kelly and seconded by Matt Beckman to adjourn at 5:05 PM. **AYE:** Beckman, Fritz, C. Gotschall, T. Gotschall, Kelly, Rice, Sanderson, Stewart & Tanderup. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Blair, Vogel, Frank & Bartak. **MOTION CARRIED.** Chairman Dierks not voting.

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 February 26, 2024 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