

**Minutes of the
Lower Elkhorn Natural Resources District
Committee of the Whole**

Thursday, March 14, 2024 – 5:00 p.m.

Lower Elkhorn NRD

1508 Square Turn Blvd, Norfolk, Nebraska

Chairman Roger Gustafson informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on March 6, 2024, and of the Nebraska Open Meetings Act information posted on the wall.

Directors in attendance were Jerry Allemann, Jim Aschoff, Mark Burenheide, Scott Clausen, Michael Fler, Roger Gustafson, Mark Hall, Chad Korth, Kris Loberg, Gary Loftis, Jay Reikofski, Matt Steffen, Melissa Temple, Anthony Wisnieski, and Rod Zohner. There were no directors absent.

1. Water Resources

- a. Report and Annual Update on Pierce County Pilot Project – Dan and John Schmit, in conjunction with their agronomist Craig Marsh, presented crop yield, soil and water sampling, and nutrient application information as part of their annual report to the Board of Directors as part of the Pierce County Pilot Project. After presentation of the results, the cooperators fielded several questions from directors and staff. The cooperative agreement was valid for a term of five years, and can be reauthorized for a term of up to five additional years.

Recommended Motion: To extend the participation agreement on the Pierce County Pilot Project with Dan and John Schmit for an additional five (5) years (2024, 2025, 2026, 2027, and 2028 growing seasons), with a continuation of the soil and water monitoring protocol, and an annual presentation and review of yield and monitoring data to the Board of Directors.

- b. Update and Discussion on Compliance with Notices of Violation for Failure to Submit Flow Meter Reports

Recommended Motion: To instruct staff to issue cease and desist orders to owners of high-capacity wells in the Lower Elkhorn NRD who have failed to submit annual flow meter reports, as required by Section 11.11 of the LENRD Groundwater Management Area Rules and Regulations.

- c. Status Update Regarding Submittal of Phase 2 and 3 Management Area Reports and Update on Nitrogen Certification

Recommended Motion: To instruct staff to issue Notices of Violation to farm operators who have failed to obtain Nitrogen Certification as required by Section 12.2.2.2 of the LENRD Groundwater Management Area Rules and Regulations.

Recommended Motion: To instruct staff to issue Notices of Violation to farm operators who have failed to submit annual field reports as required by Section 12.2.2.5 of the LENRD Groundwater Management Area Rules and Regulations.

2. Administrative

a. NARD Washington, D.C. Annual Meeting- Brian Bruckner, LENRD General Manager, gave a brief overview of happenings and the agenda for the conference which will be held March 18th through March 20th.

b. Litigation Settlement Update

At 6:04 p.m. motion was made by Steffen and seconded by Hall to recommend to the board to enter into closed session to discuss current litigation and settlement options. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Wisnieski, Zohner, Gustafson. Nay: None. Abstain: Temple.

At 6:37 p.m. motion was made by Steffen and seconded by Hall to reenter into regular session. Aye: Allemann, Aschoff, Burenheide, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: Clausen