

**MINUTES OF
LOWER ELKHORN NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING**

7:30 p.m., Thursday, December 17, 2015

Lifelong Learning Center

601 East Benjamin, Norfolk, Nebraska

The Board of Directors Meeting of the Lower Elkhorn Natural Resources District was called to order by Chairman Danny Kluthe on Thursday, December 17, 2015 at the Lifelong Learning Center, 601 East Benjamin, Norfolk, Nebraska. Chairman Kluthe informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on December 10, 2015 and the Nebraska Open Meetings Act information posted.

Roll call was taken by Administrative Assistant Vickie DeJong with 12 of 15 Directors present. Present: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Absent: Beller, Otten, Winkelbauer.

Motion was made by Loftis and seconded by Krueger *to excuse the absence of Jarvis Otten*. Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

Motion was made by Hansen and seconded by Huntley *to adopt the agenda*. Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

The reading and/or action on the minutes of the November 24, 2015 Board of Directors meeting was next on the agenda. Motion was made by Loftis and seconded by Shelton *that the minutes of the November 24, 2015 Board of Directors meeting be approved as printed*. Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

The Finance Subcommittee report was given by Treasurer Chris Carlson. Motion was made by Carlson and seconded by Shelton *to approve income in the amount of \$39,871.20 and expenses in the amount of \$95,434.78 as printed and distributed*. Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

Motion was made by Carlson and seconded by Krueger *to approve income in the amount of \$69,320.02 and expenses in the amount of \$60,126.16 for the Logan East Rural Water System as printed and distributed*. Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

Motion was made by Carlson and seconded by Schultz *to approve the income in the amount of \$4,195.97 and expenses in the amount of \$5,491.09 for the Wau-Col Regional Water System as printed and distributed*. Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

The conservation cost share report is attached to the official minutes.

The Nebraska Association of Resources Districts report was given by Bob Huntley. He reported the NARD Legislative Conference will be held January 26 and 27 in Lincoln. A Voting Delegate and Alternate were needed for the conference.

Nominated for Voting Delegate was Bob Huntley. Nominations Ceased. After ballots were counted it was announced that Director Bob Huntley was elected Voting Delegate. (Huntley - 12)

Nominated for Voting Alternate was Kurt Janke. Nominations Ceased. After ballots were counted it was announced that Director Kurt Janke was elected Voting Alternate. (Janke - 11)

No report was submitted by Garry Anderson for the Nebraska Natural Resources Commission. The next commission meeting will be held in January

A Natural Resources Conservation Service report was given by Robin Sutherland. (A copy of the report attached to the official minutes.)

Bob Huntley gave the Northeast Nebraska RC&D report and Gary Loftis gave the Loess Hills RC&D report.

The Bazile Groundwater Management Area Project report was given. (A copy of the report attached to the official minutes.)

The Administrative Report was given by the staff. General Manager Mike Sousek gave a manager's report. (A copy of the report attached to the official minutes.)

Motion was made by Shelton and seconded by Janke to approve the 2016 Board of Directors meeting schedule:

January 28 (Thursday)

February 25 (Thursday)

March 18 (Tuesday)

April 28 (Thursday)

May 26 (Thursday)

June 23 (Thursday)

July 28 (Thursday)

August 25 (Thursday)

September 22 (Thursday)

October 27 (Thursday)

November 22 (Tuesday)

December 15 (Thursday)

Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

The Logan East Rural Water System Advisory Committee report was given by Gary Loftis and RWS Manager Shawn Blahak. Motion was made by Loftis and seconded by Krueger to accept the Logan East Rural Water System minutes of December 14, 2015. Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

The Wau-Col Regional Water System Advisory Committee report was given by Joel Hansen. Motion was made by Hansen and seconded by Huntley to approve the appointment of Lee Cautrell (Coleridge), Jim Backhaus (McLean) and Sue Dyke (Magnet) to the Wau-Col Regional Water System Advisory Committee. Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

Motion was made by Hansen and seconded by Shelton to accept the Wau-Col Regional Water System Advisory Committee minutes of December 3, 2015. Aye: Carlson, Gustafson, Hansen, Huntley,

Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

The Committee of the Whole report was given by Vice-Chairman Dennis Schultz. Motion was made by Schultz and seconded by Shelton to approve the Interlocal Agreements with the City of Wayne to replace expired agreements on previously approved Recreation Area Development and Urban Conservation grants for trail development and repair. Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

Motion was made by Schultz and seconded by Huntley to approve the bid of Pruss Excavation to install rip rap on eroding shoreline in several locations of the Maple Creek Recreation Area at a total cost of \$59,9700, and waive the requirements of the purchase policy in order to expedite the necessary repairs. Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

Motion was made by Schultz and seconded by Shelton to advertise for a Public hearing to be held on January 14, 2016, to receive public testimony on proposed changes to Rule 11 of the Lower Elkhorn Natural Resources District Rules and Regulations for Management of Groundwater. Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

Motion was made by Loftis and seconded by Shelton to adjust the date flow meters would be required on all irrigation wells from January 1, 2017 to January 1, 2018 (Rule 11.3.1.). Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

Motion was made by Schultz and seconded by Shelton to approve the following additions to the Lower Elkhorn NRD Approved Meter List:

McCrometer McMag 3000 Magmeter
Senninger Flo-Wise Ag Rotor Sensor System
Seametrics AG2000 Series Magmeter
Growsmart by Lindsay IM3000 Magnetic Flow Meter

Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

Motion was made by Schultz and seconded by Shelton to keep the 2016 allocation limits equal to the 2015 limits, which are: 18 acre-inches per irrigated acre for gravity/flood irrigation systems, 13 acre-inches per irrigated acre for subsurface drip irrigation systems, and 14 acre-inches per irrigated acre for all other irrigation systems in the Eastern Madison County Quantity Subarea; and 17 acre-inches per irrigated acre for gravity/flood irrigation systems, 12 acre-inches per irrigated acre for subsurface drip irrigation systems, and 13 acre-inches per irrigated acre for all other irrigation systems in the Wayne County Quantity Subarea. Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

Motion was made by Schultz and seconded by Shelton to allow no new groundwater irrigation acres district-wide under the District's standard variance process for 2016; and under the District's expedited variance process, to allow no transfer of irrigated acres district-wide, but allow approval of

applications of 10 acres or less if the addition of the requested acres will allow the applicant's center pivot irrigation system to finish its circle and to allow for the approval of qualified good cause variances and, to approve a total of no more than 250 new irrigated acres in the hydrologically connected area and no more than 250 irrigated acres in the non-hydrologically connected area for applications located outside of the District's quantity subareas for 2016. In addition, the Board directs the staff to develop a policy to allow for the approval of supplemental wells, only in situations where the certified irrigated acres have been severed from the source of groundwater. Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: None. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

Motion was made by Schultz and seconded by Hansen to approve the changes to the Quantity Subarea Educational Requirements from an annual requirement to a multi-year required and change the educational requirement to four educational credit that would be valid for a four year period; and direct the staff to modify the language in the Groundwater Management Area Rules and Regulations to reflect this change. Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Korth, Krueger, Loftis, Schultz, Tighe, Kluthe. Nay: Shelton. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

Motion was made by Schultz and seconded by Hansen to approve the changes to the Quantity Subarea Educational Programs Policy that would grant the staff the authority to approve (for educational credits), all subarea educational events and to direct staff to modify the language in the Groundwater Management Area Rules and Regulations (if necessary) to reflect this change. Aye: Carlson, Gustafson, Hansen, Huntley, Janke, Krueger, Loftis, Schultz, Shelton, Tighe, Kluthe. Nay: Korth. Absent: Beller, Otten, Winkelbauer. MOTION CARRIED.

The meeting adjourned at 9:05 p.m.

I, the undersigned Secretary of the Lower 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 17, 2015 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.

Gary Loftis, Secretary

Others Present:

Tom Nathan, Meadow Grove

Mike Buhler, Norfolk

Travis Hazard, JEO Lincoln

Garrett Gustafson, Emerson