

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

8:45 p.m. Thursday, October 12, 2023

Lower Elkhorn NRD, 1508 Square Turn Blvd., Norfolk, Nebraska

The Board of Directors Meeting of the Lower Elkhorn Natural Resources District was called to order by Chairman Roger Gustafson on Thursday, October 12, 2023, at the Lower Elkhorn NRD, 1508 Square Turn Blvd., Norfolk, Nebraska. Chairman Gustafson informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on October 11, 2023 in addition to the Nebraska Open Meetings Act information posted on the wall.

Roll call was taken by Administrative Assistant Patty Martens with 15 of 15 Directors present. Those present were Jerry Allemann, James Aschoff, Mark Burenheide, Scott Clausen, Michael Flear, Mark Hall, Chad Korth, Kris Loberg, Gary Loftis, Jay Reikofski, Matt Steffen, Melissa Temple, Anthony Wisnieski, Rod Zohner, Roger Gustafson.

Motion was made by Korth and seconded by Flear to adopt the agenda. Aye: Allemann, Aschoff, Burenheide, Clausen, Flear, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Discussion and action regarding the Lower Elkhorn Natural Resources District Standard Variance process for new groundwater irrigated acres was next on the agenda.

Motion was made by Korth and seconded by Clausen to lower the previous minimum soil score from 85 to 80 for new groundwater irrigation development in the 10/50 & non 10/50 areas. Aye: Allemann, Aschoff, Clausen, Flear, Hall, Korth, Loberg, Loftis, Reikofski, Temple, Wisnieski, Zohner. Nay: Burenheide, Steffen, Gustafson. Absent: None. Motion carried.

Motion was made by Reikofski and seconded by Aschoff to open the entire Phase 3 Area to future groundwater irrigation development. The Phase 3 parcels were previously excluded from groundwater irrigation development. Aye: Allemann, Aschoff, Clausen, Flear, Hall, Korth, Loberg, Reikofski, Wisnieski, Zohner, Gustafson. Nay: Burenheide, Loftis, Steffen, Temple. Absent: None. Motion carried.

Motion was made by Loftis and seconded by Korth to amend the LENRD Variance score sheet to apply a deduction of 1,000 points for any acres that are currently in a Phase 3 area and have not been in crop production within the last 4 years (2020 – 2023), with the exception of an Expedited Variance. Aye: Burenheide, Hall, Korth, Loftis, Temple, Gustafson. Nay: Allemann, Aschoff, Clausen, Flear, Loberg, Reikofski, Steffen, Wisnieski, Zohner. Absent None. Motion failed.

Motion was made by Aschoff and seconded by Reikofski to allow geographic eligibility for Standard Variances in the LENRD to all portions of the District, except for the LENRD Quantity Management Subareas. Aye: Aschoff, Reikofski. Nay: Allemann, Burenheide, Clausen, Flear, Hall, Korth, Loberg, Loftis, Steffen, Temple, Wisnieski, Zohner, Gustafson. Absent: None. Motion failed.

Motion was made by Steffen and seconded by Korth to utilize a composite of the previously utilized geographic eligibility map along with Map Version #7 as provided by LRE Water to determine locations that are eligible to submit applications in the next variance sign-up period of November 1<sup>st</sup> through December 1<sup>st</sup>, 2023. Any location that was geographically eligible for the most previous Standard Variance sign-up period will remain eligible for the upcoming sign-up period. Aye: Allemann, Aschoff, Burenheide, Clausen, Fleer, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Wisnieski, Zohner, Gustafson. Nay: Temple. Absent: None. Motion passed.

Motion was made by Loftis and seconded by Korth to allow up to 295.00 Acre Feet of new stream water depletions for new groundwater irrigation development in the Hydrologically Connected Area and allow up to 2,500 acres of new groundwater irrigation development in the Non Hydrologically Connected Area in the Lower Elkhorn NRD under the District's Standard Variance process for the upcoming sign-up period. Aye: Allemann, Aschoff, Burenheide, Clausen, Fleer, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Wisnieski, Zohner, Gustafson. Nay: Temple. Absent: None. Motion passed.

Motion was made by Loftis and seconded by Korth that the allocation for any new irrigation well, constructed under an approved Standard, Good Cause, and Expedited Variance, shall be 33 acre inches that may be utilized over a three-year term, with an annual maximum withdrawal of 14 acre inches. This allocation amount shall replace and will apply to all previously constructed irrigation wells that have been subject to a Conditional Approval Policy in the Lower Elkhorn Natural Resource District that are not currently subject to the Imposition of a Penalty for non-compliance.

Discussion followed.

Motion was made by Clausen and seconded by Allemann to amend the previous above proposed motion replacing 33 acre inches with 39 acre inches so that the motion reads "the allocation for any new irrigation well, constructed under an approved Standard, Good Cause, and Expedited Variance, shall be 39 acre inches that may be utilized over a three-year term, with an annual maximum withdrawal of 14 acre inches. This allocation amount shall replace and will apply to all previously constructed irrigation wells that have been subject to a Conditional Approval Policy in the Lower Elkhorn Natural Resource District that are not currently subject to the Imposition of a Penalty for non-compliance." Aye: Allemann, Burenheide, Clausen, Fleer, Gustafson. Nay: Aschoff, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner. Absent: None. Motion failed.

Motion was made by Korth and seconded by Clausen to amend the original motion to read the allocation for any new irrigation well, constructed under an approved Standard, Good Cause, and Expedited Variance, shall be 14 acre inches annually. This allocation amount shall replace and will apply to all previously constructed irrigation wells that have been subject to a Conditional Approval Policy in the Lower Elkhorn Natural Resource District that are not currently subject to the Imposition of a Penalty for non-compliance. Aye: Allemann, Aschoff, Clausen, Fleer, Hall, Korth, Loberg, Reikofski, Wisnieski, Zohner, Gustafson. Nay: Burenheide, Loftis, Steffen, Temple. Absent: None. Motion passed.

For clarification of the previous approved motion and assuring the Board fully understood that motion, the board opted for a re-vote. Motion was made by Fler and seconded by Korth that the allocation for any new irrigation well, constructed under an approved Standard, Good Cause, and Expedited Variance, shall be 14 acre inches annually. This allocation amount shall replace and will apply to all previously constructed irrigation wells that have been subject to a Conditional Approval Policy in the Lower Elkhorn Natural Resource District that are not currently subject to the Imposition of a Penalty for non-compliance. Aye: Allemann, Aschoff, Clausen, Fler, Hall, Korth, Loberg, Reikofski, Wisnieski, Zohner, Gustafson. Nay: Burenheide, Loftis, Steffen, Temple. Absent: None. Motion passed.

Motion was made by Fler and seconded by Korth to authorize staff to advertise and prepare application materials for a sing-up period which would extend from November 1, 2023 through December 1, 2023 for receipt of Standard Variance requests. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Wisnieski, Zohner, Gustafson. Nay: Temple. Absent: None. Motion carried.\

Following tonight's discussion and motions, General Manager Brian Bruckner announced the new Assistant Manager for the Lower Elkhorn NRD will be Projects Manager Curt Becker.

Meeting adjourned at 10:22 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 October 12, 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.

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Jay Reikofski, Secretary