

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

7:30 p.m. Thursday, January 25, 2024

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, January 25, 2024, at the 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 January 16, 2023 and 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. Members present were Jerry Allemann, Jim 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 Loftis *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.

The reading and/or action on the minutes of the December 28, 2023 Board of Directors meeting was next on the agenda. Motion was made by Korth and seconded by Wisnieski *that the minutes of the December 28, 2023 Board of Directors meeting be approved*. Aye: Allemann, Aschoff, Burenheide, Clausen, Flear, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

The Finance Subcommittee report was given by Anthony Wisnieski. Motion was made by Wisnieski and seconded by Hall *to approve income in the amount of \$867,312.85 and expenses in the amount of \$358,712.87 for the Lower Elkhorn Natural Resources District*. Aye: Burenheide, Clausen, Flear, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Zohner, Gustafson. Nay: None. Abstain: Allemann, Aschoff, Wisnieski. Absent: None. Motion carried.

Motion was made by Wisnieski and seconded by Zohner *to approve income in the amount of \$75,953.30 and expenses in the amount of \$69,554.82 for the Logan East Rural Water System as printed and distributed*. Aye: Allemann, Aschoff, Burenheide, Clausen, Flear, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Motion was made by Wisnieski and seconded by Hall *to approve income in the amount of \$5,909.65 and expenses in the amount of \$6,509.33 for the Wau-Col Regional Water System*. Aye: Allemann, Aschoff, Burenheide, Clausen, Flear, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

The conservation cost share report was given by Project Manager Curt Becker. A copy of the report is attached to the official minutes.

The Nebraska Association of Resources Districts report was given by Mark Hall. Hall, along with Jerry Allemann and Melissa Temple, gave an account of topics discussed during the NARD Board of Directors meeting and Legislative conference that was held on January 24, 2023 in Lincoln, Nebraska.

The Nebraska Natural Resources Commission report was not given as Garry Anderson was not in attendance.

The Natural Resources Conservation Service report was given by District Conservationist Robin Sutherland. A copy of the report is attached to the official minutes.

The Nebraska Loess Hills RC&D report was next on the agenda. Director Loftis reported that the annual report, along with upcoming projects, were discussed at the Tuesday, January 23, 2024 meeting. The Northeast Nebraska RC&D meeting was postponed until February.

The Bazile Groundwater Management Area report was referenced in Dropbox by General Manager Brian Bruckner as Lisa Lauver was not in attendance. A copy of the report is attached to the official minutes.

The Administrative Report was given by General Manager Brian Bruckner. A copy is attached to the official minutes.

The Information, Planning, Programs, Projects, Equipment & Legislation Committee of the Whole report was given by Matt Steffen.

Motion was made by Steffen and seconded by Burenheide to adopt the final ranking of applications for a standard variance as presented by District staff in the Excel spreadsheets titled "Exhibit A – 10/50 Area" and "Exhibit B – Non 10/50 Area". Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Motion was made by Steffen and seconded by Allemann to allow up to 305.93 acre feet of new peak-season streamflow depletions for the District's 10/50 area, and up to 2,836.04 new groundwater irrigated acres in the District's Non 10/50 area in accordance with the District's Rules 13 and 15, and to authorize staff to issue variances for the recommended applications contained in Exhibits A and B, subject to the Lower Elkhorn Natural Resources District Conditions for Approval Policy. Approval of this motion will simultaneously instruct staff to prepare correspondence to notify all non-approved applicants of the outcome and inform them of possible opportunities to reapply in the future. Aye: Allemann, Aschoff, Burenheide, Clausen, Fler, Hall, Loftis, Reikofski, Wisnieski, Gustafson. Nay: Temple. Abstain: Korth, Loberg, Steffen, Zohner. Absent: None. Motion carried.

At this time, General Manager Brian Bruckner offered discussion on amendment updates to the Lower Elkhorn NRD Rules and Regulations for the Management of Groundwater. Bruckner has been working on modifications to Rule 17, which is the rule for the Quantity Management Subareas. A draft should be ready at the February committee meeting.

Motion was made by Steffen and seconded by Korth to authorize staff to prepare and send Notice of Violation letters to owners of high capacity wells, as necessary, who have failed to submit end of season flow meter readings which were due on December 1, 2023. Aye: Allemann, Aschoff, Burenheide, Clausen, Fleer, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

A status update on review of data and compliance with the Lower Elkhorn NRD annual groundwater allocations was given by Brian Bruckner. Bruckner is still conducting an analysis of information gathered and plans to present a final report at the February committee meeting.

Next on the agenda was a follow up discussion to questions received during the December 28, 2023 board meeting in regard to the Bureau of Reclamation WaterSMART Small-Scale Water Efficiency Projects Grant Partnership / Proposal. Julie Wragge, Grants Coordinator, offered information and fees associated with the grant.

Motion was made by Steffen and seconded by Korth to authorize staff to develop partnerships and agreements, as necessary, for the creation of a Source Water Protection Specialist position to engage in outreach and assistance with farm operators and landowners on lands located in NDEE delineated wellhead protection areas. Aye: Allemann, Burenheide, Clausen, Fleer, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: Aschoff. Absent: None. Motion carried.

Motion was made by Steffen and seconded by Wisnieski to accept the bid from Cech Excavating LLC for the Maple Creek Recreation Area Shoreline Protection Project, not to exceed \$15,032.30. Aye: Allemann, Aschoff, Burenheide, Clausen, Fleer, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

Motion was made by Steffen and seconded by Korth to provide written authorization to the Village of McLean for the connection of a new water service on a property located outside of the village boundary for the sole use of the subscriber. Aye: Allemann, Aschoff, Burenheide, Clausen, Fleer, Hall, Korth, Loberg, Loftis, Reikofski, Steffen, Temple, Wisnieski, Zohner, Gustafson. Nay: None. Absent: None. Motion carried.

The NARD Washington D.C. conference will be held March 16 thru the 20th. The Board was asked to let Brian or Roger know who is interested in attending.

Next was an update on the 2024 Nebraska Unicameral Legislative session. Bruckner gave an update and provided a summary of new legislation that could potentially impact the NRDS.

According to the By-Laws, any officer is limited to one term of two years but is immediately eligible for a different office; however, a Director is eligible for the same office after a two-year absence from that office. The current officer that has now served a term of two years is Treasurer Anthony Wisnieski. Voting was held by ballot. Ballots will be held in the headquarters office for 30 days for public review.

Nominated for Treasurer was Mark Hall and Chad Korth. After ballots were gathered and

counted, it was announced that Director Mark Hall was elected Treasurer for 2024-2025. (Hall – 11, Korth - 4)

Meeting adjourned at 9:58 p.m.

Others Present: None

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 January 25, 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.

Jay Reikofski,