

# MINUTES

## LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

September 26, 2024

Ord, Nebraska

The September meeting of the Board of Directors of the Lower Loup Natural Resources District was held at the Headquarters Office, 2620 Airport Drive, Ord, Nebraska, on September 26, 2024. Chairman Thoene called the meeting to order at 5:00 p.m.

### CALL TO ORDER

#### Directors in attendance:

Rollie D. Amsberry, Treasurer  
Robert L. Bauer  
James Eschliman  
Justin W. King  
Gary A. Kruse  
Todd Nitsch  
Chad J. Podolak  
Henry J. Thoene, Chairman  
Rick Vlach, Vice Chairman

Darwin B. Anderson  
Colton R. DeBower  
Randy Kauk  
Thomas L. Knutson  
Matt Lukasiewicz  
Alan Petersen  
Gerald Smith  
Alexander L. Vlach

#### Directors absent:

James C. Adams  
Larry Mohrman, Secretary

Timothy E. Bartak

#### Staff in attendance:

Russell G. Callan, General Manager  
Irene Kreifels, Administrative Assistant  
Alan Bartels, I&E Coordinator  
Dell Harris, Water Resources Specialist  
Ann Freeman, Water Programs Secretary  
LeeAnn Smith, Water Admin. Assistant

Tylr Naprstek, Assistant General Manager  
Kim A. Lyons, Financial Secretary  
Brant Bechtold, Information Specialist  
Brian Kolar, Projects Technician  
Jason Moudry, Water Programs Specialist

#### Staff in attendance (via teleconference):

Cacey Wilken, Water Modeling Coordinator

Guests in attendance:

Bryce Bauer, NRCS, Ord

VERIFICATION OF MEETING NOTICE AND ADOPTION OF AGENDA

Chairman Thoene asked for verification of the meeting notice. General Manager Russ Callan stated that the agenda was current, and that the meeting notices were properly published in all newspapers, posted at the NRD Headquarters office in Ord, on the NRD website, and in the eight field office locations.

EXCUSED ABSENCES

Thoene stated that Directors Adams and Mohrman had asked to be excused and noted that Bartak was also absent.

**Kruse motioned, seconded by Knutson, to excuse absent directors Adams and Mohrman. Motion carried by electronic vote. Directors voting yes: Amsberry, Anderson, Bauer, DeBower, Eschliman, Kauk, King, Knutson, Kruse, Lukasiewicz, Nitsch, Petersen, Podolak, Smith, Thoene, A. Vlach, R. Vlach. Directors absent: Adams, Bartak, Mohrman.**

MINUTES

Thoene asked for corrections and/or additions to the August 29, 2024, Board meeting minutes. Hearing none, he announced that the minutes would stand as presented.

TREASURER'S REPORT

Russell Callan, General Manager, highlighted expenditures of \$11,137.67 to Big Red Printing for newsletter publication; \$11,000.00 to Water Strategies LLC for professional services; \$12,317.00 to A.M. Leonard Co. for coconut husk mats for trees; and \$33,875.00 to USGS for stream gages and monitoring wells. Callan also highlighted additional expenditures of \$21,608.00 to USGS for the vadose project; \$47,753.82 to JEO Consulting Group for WFPO work; \$5,269.02 to multiple producers for VRI cost-share; and \$31,833.47 to multiple producers for buffer strips.

**Eschliman motioned, seconded by Podolak, to approve the September 26, 2024, Treasurer's Report. Motion carried by electronic vote, all present voting yes.**

The Treasurer's Report Approval Policy states that the approved expenditures are to be published and each director who has per diem and/or reimbursement of expenses included in such financial reports, abstains from voting for the approval of his or her own per diem and/or expense reimbursement.

## PUBLIC COMMENTS

Thoene asked for public comments. None were heard.

## FORESTER'S REPORT

Callan announced that Lewis was not present and asked Directors to refer to the update in the agenda.

## NRCS REPORT

Bryce Bauer, NRCS, reported that NRCS is establishing a second District Conservationist in the Lower Loup NRD. He said that the District will be split between the east and west and that the second DC will supervise Albion, Fullerton, and St. Paul. Bauer added that this will help them to maintain a 10-1 staff/supervisor ratio. He stated that the two sections will have separate allocations based on percentage of the District each section is comprised of.

Bauer added that staff helped with the range judging contest on the 19<sup>th</sup> and that 363 students attended. He stated that they will also be helping with MUDFEST on October 10<sup>th</sup> and that he has not heard anything on the RCPP application.

Thoene asked if there was anything to add to the cedar tree presentation that Britt Weiser put on. Bauer stated that there are some online tools that can tell the tons of forage, by county, that are lost due to cedar tree infestation, or the "Green Glacier" as it is sometimes called. They are working to stop the spread by going after areas where cedar trees aren't the thickest and cut back to where they are thicker to get the areas that would be the easiest to restore to grassland first. One encouraging thing is that 95% of cedar tree seed is only viable for 2-3 years.

## INFORMATION & EDUCATION REPORT

### North Central Land Judging

Alan Bartels, I&E Coordinator, reported that the North Central Land Judging contest will be held on October 9<sup>th</sup> near Albion and that the NRD is hosting. He added that during the competition staff will train two people from other NRDs on the Scantron machine use.

### MUDFEST

Bartels reported that MUDFEST has been moved to October 10<sup>th</sup> because many schools do not have classes on the first date, and some have homecoming events. He stated that the date change has allowed for more kids to attend. He added that the same presenters we have had in the past will return for the event – Lewis & Clark NRD, Central Platte NRD, Lower Niobrara NRD, NRCS, Nebraska Extension, Garfield County, JEO, and Lower Loup NRD.

## ASSISTANT GENERAL MANAGER'S REPORT

### Recreation Areas

Tylr Naprstek, Assistant General Manager, reported that the Davis Creek water elevation has been dropped to its wintering elevation of 2,056' and added that there has been discussion about moving the wintering elevation up. He said that pumping has stopped but it will take time for the canals to drain out.

Naprstek added that beach watch samples had not turned up blue green algae or E. coli when last taken.

Naprstek also reported that the cottonwood at Pibel Lake has been named the biggest tree in the State and is also co-national champion. Preliminarily, they are still verifying numbers on national records.

Naprstek stated that Davis Creek reservations have filled up well for its last reservable weekend before road construction begins.

### Monitoring Well Sampling

Naprstek showed a map of the monitoring wells in the District. He pointed out that some belong to the NRD and that some belong to UNL and USGS. He stated that we take water samples at those sites and that most sites have more than one well, adding that many sites have shallow, medium, and deep drilled wells for more accurate readings. He said that a lot of the wells also have transducers that can be viewed in real time.

The monitoring wells are used for a wide variety of different purposes. Whenever a new site is put in, the first thing is to do a test hole with a geologist so we get a lithologic description of the material in the aquifer all the way down to where there isn't any aquifer anymore.

### Chemigation

Naprstek reported that staff has completed 1,528 inspections on about 3,500 permits. He said 89 mainline check valve failures were noted. He stated that staff is making videos to use for education on how the valves are checked and putting together information to put online. Naprstek added that renewal chemigation sites are checked every 3 years and that new chemigation sites are checked before chemical is put through the system.

Kauk asked what happens if a mainline valve fails and Naprstek replied that they are not allowed to chemigate until the valve is fixed. King asked where the check valve is located and Naprstek replied that it is usually the first thing after the well and showed a video of an inspection port location, as well as where the check valve is located.

### Infrareds

Naprstek reported that the 2024 infrared flight data has been delivered and is being uploaded to the server. He stated that flights were made between August 16<sup>th</sup> and September 3<sup>rd</sup>. Naprstek added that the data will be uploaded so techs can view and check for irrigation violations in their areas. He stated that if any violation is not remedied, a letter will be sent for a potential cease and desist. He added that this data will also be included with other reporting as well as an online map that the public can view.

### Nutrient Management Plans

Naprstek reported that Agronomist Mike Lorenz and Water Quality Technician Ryan Hellbusch have started discussions and have held meetings with four producers in high nitrate level areas. Communication from producers with medium-high levels has also been happening this year.

## ENGINEER'S REPORT

Callan stated that Kevin Gustafson, District Engineer, was not present; however, there would be updates from the Programs & Projects Committee.

## PROGRAMS/PROJECTS COMMITTEE

### Long-Range Implementation Plan

Kruse stated that the plan would be reviewed during the Water Resources Committee update.

### Clear Creek Sediment Settling Area

Kruse reported that the Board approved the purchase 79.5 acres from Niewohner. Callan added that the closing date will be October 31<sup>st</sup> and stated that staff will install a fence. He said Niewoehner will move his pivot so that it is not partially on the land that Lower Loup NRD purchases. Kruse asked if hunting access will be provided on the land. Callan stated that we can offer it but want to wait and see what construction may be taking place and also will want to review our recreation rules.

### St. Edward BRIC Grant

Kruse reported that St. Edward is still working on this project and have not asked for NRD participation at this time. Callan added that the project will need a 10% match, but he was unaware of any requests.

### Mud Creek WFPO – Ansley

Kruse reported that the project is waiting for funding approval from the NRCS Chief. Callan updated that Gustafson had communicated that the Chief had signed off on approval for funding; however, they will not have the funding until after October.

### Mira Creek WFPO – North Loup

Kruse reported that NRCS Headquarters has not given approval yet.

### Sargent Flood Project

Kruse reported that there was a project meeting held last week with landowners.

Callan added that a decent sized group showed up and that a design of the project was shown at the meeting. He stated that there was a possible design change and showed a map of the current and proposed locations. Callan added that the project is not too far out from being in the final design phase.

## WATER RESOURCES COMMITTEE

### Nance County Model

Nitsch reported that there were five proposals received for the modeling project to help develop a water budget for the area and to help Lower Loup NRD with solutions to manage it. He said that HDR was the lowest bid while still offering the most benefit.

**Smith motioned, seconded by Knutson, to approve HDR's bid of \$211,643.00 for the Nance County Model project.**

Kruse asked about the scope of the project and Naprstek replied that it will be used to develop a model and water budget. He stated that the study will look at the Nance County aquifer zone and problems with landowner interference to find a new boundary line. He added that there is not much connectivity with the aquifer and land surface in the area.

**Vote was held. Motion carried by electronic vote, all present voting yes.**

### Large Water User Rule

Nitsch reported that discussions are still being held between staff and Blankenau to finalize the rule to ensure a science-based approach is used going forward.

### Area 19, Drought Update, Public Hearing Discussion

Nitsch reported that there will be a public hearing held, possibly in February. He added that the readings taken have been the lowest levels on record. Callan stated that staff will come to the Board to set the hearing date but are working on reviewing data right now.

Nitsch reported that the area covers 39,000 acres and that sometimes several wells fee one pivot due to limited aquifer thickness.

Kruse asked how many wells are in the area. Dell Harris, Water Resources Specialist, stated there are 250 fields and Naprstek added that the number of wells varies.

Naprstek showed the drought map for the area and discussed the area's water levels. He stated that everything south of the Loup River has low water levels. He discussed the total number of fields, wells, and flow meters in the area.

### Long-Range Implementation Plan

Naprstek worked through an overview of the plan highlighting everything that the Lower Loup NRD is doing right now and how it fits into the priorities of what Directors want to see done. He stated that the priority list has been updated based on the changes from the February Director's Retreat. District financing, District valuations, total District budget, and staffing were reviewed along with projections and how they are figured.

**Eschliman motioned, seconded by Amsberry to approve the Long-Range Implementation Plan as presented. Motion carried by electronic vote, all present voting yes.**

### Nitrate Reduction Incentive Act

Nitsch reported on Senator Ibach's Nitrate Reduction Incentive Act, including different levels of payments that producers can receive per acre. He also reported that discussion was held on how DNR will administer the program. He stated it will set aside \$1 million for one year. Producers enrolled in EQIP can also qualify for this program if they reduce their nitrogen application by at least 40 lb. per acre. Amsberry said that the Act has a lot of rules and paperwork that need to be validated, but overall, it makes sense. Callan added that the Lower Loup NRD will receive about \$67,000 for cost-share.

### Vadose Study Sampling

It was reported that Moudry gave an update at the Committee meeting and that samples would be collected one more time this year. His presentation showed graphs of the high and low depth samples, and the nitrates found to be present. Smith added that it was pointed out that the nitrogen is moving fast through the soil, and that previously it was thought that it could take several years; however, samples are showing that it can move quickly within one year. It was added that NDEE will be taking deep soil samples next week.

Callan added that staff met with USGS today and they are processing the data. He expects a presentation at the November Board meeting. Podolak stated he thought it would be good to share the information with the public. Callan stated that the Board will review the information first and then it will be published in the newsletters and sent out to producers participating in the project.

## RESOLUTION FOR MAINTENANCE ASSESSMENT ON DUNCAN EAST IPA

Callan stated that the Duncan East IPA project was completed in 1988 and that a maintenance assessment is done every 2-3 years and then billed back to the landowners. He added that last year the Board approved an assessment that, for some reason, was not completed. He reported that staff was working with Platte County to re-start the process. He stated that Nebraska State Statutes set a rate of 14% interest on any past due assessment amounts and that the assessment would be delinquent at the end of November.

**King motioned, seconded by Anderson, to recognize that the Duncan East IPA Maintenance assessment was not enforced immediately following passage of Resolution FY2024-001 on July 27, 2023; and to order the Resolution effective and the assessment to be payable October 10, 2024, with a delinquent date of November 29, 2024; with any delinquent balance accruing interest at a rate of 14%, as per Statute 45-104.01.**

Smith asked if this would be enough time for the Platte County Clerk to prepare the assessment. Callan stated that we had a discussion with them today and that it would work for their schedule.

**Vote was held. Motion carried by electronic vote, all present voting yes.**

## MANAGER'S REPORT

### Water Strategies Update

Callan reported that he and Bartels were featured on the cover of the September issue of *Irrigation Leader* magazine and there was an article covering the Columbus Recharge Project.

### Litigation Update

None.

### New Hires

Callan stated there were no new hires; however, an ad was placed for a Financial Assistant.



## Non-action Reports

Lukasiewicz reported that he had heard that the Governor and Attorney General from Kansas sent a letter about the issue of Governor Pilleen opposing the Platte-Republican Transfer because they are worried about introducing invasive species.

## NARD REPORT

Eschliman reported that there were resolutions at Fall Conference to limit meetings that was pulled and another for electronic transfers of funds that passed. He stated that a senator will need to make it into a bill.

Eschliman added that another \$100,000 was paid on the building loan and that they are trying to get the balance as low as they can in the next year or so before it goes to a variable interest rate.

## NRC REPORT

Amsberry reported that the Commission will meet October 2<sup>nd</sup> in Kearney and that there are many vacancies on the Board.

## ANNOUNCEMENTS/FUTURE MEETING TOPICS

None heard.

**Smith motioned, seconded by R. Vlach to enter Executive Session at 6:25 p.m. Motion carried by electronic vote, all present voting yes.**

**Smith motioned, seconded by Amsberry, to exit Executive Session at 6:55 p.m. with no action taken. Motion carried by electronic vote, all present voting yes.**

## ADJOURNMENT

With no further business before the Board, Chairman Thoene declared the meeting adjourned at 6:56 p.m.

Roster for attendance of this meeting and tally of votes cast on motions at this meeting are being filed with the official minutes of this meeting at the Lower Loup Natural Resources District's Headquarters Office, 2620 Airport Drive, Ord, Nebraska. Publication notification of this meeting was made via a newspaper in each county within the district. The next Board of Directors meeting will be held October 24, 2024, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

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Larry Mohrman  
Secretary