

**LOWER BIG BLUE NATURAL RESOURCES
DISTRICTBOARD MEETING
May 09, 2024
7:00 PM**

Notice of the meeting was published in accordance with Section 84-1411, Nebraska Statutes, in the Beatrice Daily Sun and the Wilber Republican. Notice was also sent to Radio Station KWBE, Crete News, and Fairbury Journal-News.. In accordance with the Nebraska Open Meetings Act, the Open Meetings Act is posted on the north wall of the meeting room for public viewing.

The meeting was called to order by Chairperson Larry Barta at 7:00 p.m.

Directors Present: Larry Barta, Ryan Birkett, Brent Katz, Steve Kelley, Duane Parde, Jason Pohlmann, Dean Roehr, Jason Sand, Doug Stokebrand, Chad Weichel.

Staff Present: Scott Sobotka, Manager; Adam Kimmerling, Office Administrator; Ryan Thomas, Resources Specialist, Scott Theis, Operations Supervisor; Nick Schroeder, GIS/IT/Data Specialist, Tyler Weishahn, Assistant Manager

Directors Absent: Darrell Rains, Bob Lorenz, Rodney Skleba

Others Present: Brian Horky, Roger Stewart, Kelli Evans.

APPROVAL OF MAY 9, 2024 CONSENT AGENDA

MOTION #2 was made by Duane Parde, seconded by Chad Weichel, to adopt the Consent Agenda for the May 9, 2024, board meeting which includes: adoption of the agenda as submitted, approval of the April 11, 2024, meeting minutes, financial status report dated April 30, 2024, April 2024 bills payable, April 2024 revenues, monthly bank account summary and Beatrice West and Wymore Rural Water Financials. Motion carried.

YEA: Barta, Birkett, Kelley, Katz, Parde, Pohlmann, Rohr, Sand, Stokebrand, Weichel.
NAY: None **ABSTAIN:** None

OPEN PUBLIC COMMENTS

None

WATER COMMITTEE REPORT

Chad Weichel reviewed the minutes from April 25th, May 3rd and May 7th subcommittee meetings. The primary areas of focus were management tools and well permitting within subareas, the districtwide flow meter installation approach and allocations, requirements by phase designation, a few definitions and the overall process and timeframe for reviewing the rules and regulations and setting a public hearing.

A summary of proposed changes was reviewed and discussion on those changes was held. Possible revisions are:

- A four-year, quarter-section-by-quarter-section approach to installing flow meters districtwide with deadlines of **December 31, 2025** for any high-capacity well located in the **northeast quarter** of a section, **December 31, 2026** for any high-capacity well located in the **northwest quarter** of a section, **December 31, 2027** for any high-capacity well located in the **southwest quarter** of a section.

quarter of a section, and **December 21, 2028** for any high-capacity well located in the **southeast quarter** of a section.

- A districtwide, Phase 1 allocation of 48 inches over three years.
- Keeping the ‘irrigation method credit’ component the same in the scoring system for new well permits (i.e. 0 points for gravity, 25 points for center pivot, 50 points for subsurface drip).
- Adjusting the criteria for when a hydrogeologic study is required for a new large water user from over 500 acre-feet per year to over 400 acre-feet per year and setting a maximum annual allocation for new commercial and industrial water users at 400 acre-feet per year.
- Increasing the minimum required score for well permits in the remaining area and subareas 3, 6, 7, 8 and 9 to 225 points (still 200 points everywhere else).
- Implementing a 24-hour pump test option for any well permit that does not meet the scoring criteria that would be required to be conducted during August through September and maintain 500 gallons per minute (gpm).
- Adding a definition and process for ‘certified expanded acres,’ whereby a producer could irrigate acres not originally certified, but located in the same tract, however the total allocation for that tract would be based on those original certified acres and remain the same regardless of any expanded acres.

Regarding the process and timeframe for moving forward with the rules and regulations revisions, including noticing, it was noted that a public hearing could be scheduled by the July Board meeting, but the growing season is a busy time of year, and the entire Board needs time to review the revisions.

The Committee also reviewed variance applications and recommended denying any variance applications during this moratorium.

WELL PERMITS, APPLICATION FOR VARIANCES, IRRIGATION AGREEMENTS

Tyler reviewed a replacement well permit for Kastanek Revocable Trust. The well is located in the Northeast Quarter of Section 30-T4N- R4E. The permit meets all requirements for a replacement well.

MOTION #3 was made by Jason Pohlmann, seconded by Brent Katz, to approve the replacement well permit for Kastanek Revocable Trust. Motion Passed.

YEA: Barta, Birkett, Kelley, Katz, Parde, Pohlmann, Rohr, Sand, Stokebrand, Weichel.
NAY: None **ABSTAIN:** None

Ryan presented a variance for Brian Horky in the Northwest quarter of section 10-6-4. Brian wishes to add irrigated acres through the use of a new pivot. Currently, there are 42.44 certified acres of flood irrigation. The new pivot would irrigate 62 acres. Brian spoke on behalf of the variance stating that they would be using less water through the pivot even with the additional acres.

MOTION #4 was made by Ryan Birkett, seconded by Brent Katz, to approve the variance for Brian Horky as presented. Motion Carried.

YEA: Barta, Birkett, Katz, Roehr, Pohlmann, Sand **NAY:** Kelley, Parde, Stokebrand, Weichel. **ABSTAIN:** None

Ryan presented a variance for Roger Stewart in section 31-4-2. Roger is requesting to add irrigated acres with a new pivot. A well was drilled in 1981, however, it hasn’t been used since it

was drilled. Roger is requesting to add approximately 135 acres. Roger spoke on behalf of his variance request.

MOTION #5 was made by Jason Pohlmann, seconded by Ryan Birkett, to approve the variance for Roger Stewart to irrigate 130 acres. Motion Failed.

YEA: Birkett, Pohlmann, Sand. **NAY:** Barta, Katz, Kelley, Roehr, Parde, Stokebrand, Weichel **ABSTAIN:** None

CONSIDERATION OF EXCUSED ABSENCES

Scott reported that Darrell Rains, Rodney Skleba and Bob Lorenz have asked to be excused from the May 9, 2024 board meeting.

MOTION #6 was made by Dean Roehr, seconded by Duane Parde, to excuse Darrell Rains, Rodney Skleba and Bob Lorenz, from the May 9, 2024 board meeting. Motion Carried

YEA: Barta, Birkett, Kelley, Katz, Parde, Pohlmann, Rohr, Sand, Stokebrand, Weichel. **NAY:** None **ABSTAIN:** None

BUILDING COMMITTEE REPORT

Dean reported that the final check for the insurance claim was received from Inspro this week. The final bill from Skyline construction was also received. Payment of the Skyline invoice will close out the project.

Dean reviewed the list of proposed changes to the current plan. Fakler Architects has proposed an additional cost of \$6,800 to implement the changes to the design. That price also includes a review of the Mechanical, Electrical and Plumbing (MEP) plan to ensure concurrence with updated electrical codes adopted by the State of Nebraska. Michael has recommended setting a bid letting for the December 2024.

MOTION #7 was made by Duane Parde, seconded by Steve Kelley, to approve the \$6,800 proposal to implement the requested design changes and review the MEP plan to conform to new electric codes. Motion Carried

YEA: Barta, Birkett, Katz Kelley, Parde, Roehr, Pohlmann, Sand, Stokebrand, Weichel. **NAY:** None **ABSTAIN:** None

LEGISLATIVE UPDATE

Scott reported on the outcomes of various bills of interest to the NRDs.

NRD ACTIVITIES

Scott reported on the Blue River Compact meeting held May 8th in Manhattan, KS.

Tyler reported on stream sampling taking place for listed impairments in the Turkey Creek Watershed.

Scott Theis reviewed the tree sales from 2024. The District sold almost 12,000 trees this year, up approximatley 1,500 from last year.

Scott Theis stated that the Fishing derby is planned for May 18th at Willard Meyer Recreation Area.

Adam reviewed results of the State Envirothon. Concordia Lutheran will represent Nebraska at the National competition in White Plains, NY.

Staff are working with the landowner of Swan 20 to remove farm equipment from the spillway and reseed vehicle paths noted during a state inspection.

The latest edition of the Blue Buzz was distributed to the Directors.

Scott reviewed several award nominations that have been submitted to the NARD for possible recognition at the Fall conference in Kearney.

LITTLE INDIAN WFPO PROJECT UPDATE

Scott reported that he met with JEO and state NRCS officials on April 18th.

BUDGET COMMITTEE MEETINGS

Scott reviewed possible dates for committee meetings.

AGENCY REPORTS

NRCS

Kelli reported on the activities of NRCS including design work, NSWCP, CSP and CRP contracts and FSA status reviews.

EXTENSION

No Report

NRC

Steve reported that he will be on the scoring committee for Water Sustainability Fund Applications this year.

NARD

Steve stated that their next meeting will be during the June basin tour in McCook. Directors should let Adam know if they wish to attend.

Announcements, Upcoming Meetings & Activities

May 18 th	-	Free Family Fishing Day, Willard Meyer Recreation Area
June 4 th – 5 th	-	NRD Managers Meeting
June 10 th 11 th	-	NARD Basin Tour – Republican River Basin
June 13 th	-	Board Meeting

Being no further business, Chairperson Larry Barta adjourned the meeting at 8:30 p.m.

Secretary, Jason Sand

I, the undersigned, Secretary of the Lower Big Blue Natural Resources District, hereby certify that these are true and correct minutes of the meeting of the Board of Directors of the District held May 9, 2024, that all of the subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting for said body; and that all news media requesting notification of the meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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