

**PUBLIC HEARING ON THE LOWER BIG BLUE NRD PROPOSAL TO EXTEND THE MORATORIUM ON THE CONSTRUCTION OF NEW WELLS AND THE INCREASE OF IRRIGATED ACRES**

**May 18, 2023, 7:00PM  
DeWitt Community Building 200 N Cherry St. DeWitt, NE 68341**

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

Staff Present: Scott Sobotka, Manager; Tyler Weishahn, Assistant Manager; Nick Schroeder, GIS/IT/Data Specialist.

Others Present: Darin Weers, Diller; Bill Ripa, Wilber; Neal Pavlish, Crete; Johnny Barta, Swanton

This hearing was audio recorded and is available at the Lower Big Blue NRD Office.

Exhibits A, B, C, and E are on file at the Lower Big Blue NRD Office.

Nick Schroeder opened the public hearing at 7:00PM and provided the "Hearing Officer Opening Statement" hereby attached to these minutes.

Public testimony was then taken from those present at the hearing.

Darin Weers, a farmer from Diller spoke first. He suggested that the NRD should extend the moratorium for another 180 days. More wells going in in his area does have an impact on the current irrigators. He encouraged the NRD to be fair with those in good aquifers. Also, the NRD should consider metering irrigations wells and even developing allocations if necessary. It is important to make this water last for the next generations.

Neal Pavlish, a farmer from Crete was next to speak. He is here to learn more about the NRD process going forward. He didn't know there was a moratorium on the expansion of irrigated acres and added a corner system on to his pivot. He stated that a person could run their pivot around 50 times and still be in compliance while he added a corner system and is out of compliance. He encouraged the NRD to provide more public notice to the people across the district.

Neal Pavlish finished speaking at 7:16PM. The hearing remained open for additional speakers to arrive and provide testimony. Those present at the hearing had informal discussions with board members and NRD staff.

No additional testimony was provided, and Nick Schroeder closed the hearing at 7:56PM.

## Hearing Officer Opening Statement

I am Nick Schroeder, an employee of the Lower Big Blue Natural Resources District. I will serve as the hearing officer and will now open this public hearing on the District's proposal to extend the moratorium on the construction of new wells and the increase of irrigated acres at 7:00 p.m. This hearing is located at the DeWitt Community Building 200 N Cherry St. DeWitt, Nebraska.

This hearing is taking place as required by *Neb. Rev. Stat. §46-707(2)*, and this hearing is being audio recorded as allowed by *Neb. Rev. Stat. §84-1412* for the purpose of recording the minutes to this hearing.

The purpose of this public hearing is for the District to receive public testimony on the District's proposal to extend the moratorium on the construction of new wells designed to pump greater than 50 gallons per minute and the increase of irrigated acres.

I will now enter into the record of this public hearing that public notices have been published in accordance with *Neb. Rev. Stat. §46-743* on April 26<sup>th</sup>, May 3<sup>rd</sup>, and May 10<sup>th</sup>, 2023, in the Beatrice Daily Sun, Fairbury Journal News, and Wilber Republican newspapers. Those are exhibits A, B, and C.

I will enter into the record the minutes from the monthly Board of Directors meeting from December 8<sup>th</sup>, 2022, when the Board imposed the temporary moratorium. Exhibit E.

The District has received no written testimony to enter into the record.

I will now give a brief history of the District's proposal to extend the moratorium on the construction of new wells and the increase of irrigated acres:

Following the annual review of fall groundwater level measurements at its monthly meeting on December 8, 2022, record low static water levels, new irrigation wells being permitted in areas of groundwater level decline and marginal aquifer areas, drought conditions, and the concern for the sustainability of groundwater supplies for domestic, livestock, and crop irrigation uses, the Board of Directors as provided in *Neb. Rev. Stat. § 46-707(2)* proactively took action to impose an immediate 180-day moratorium, or stay, on the construction of new wells and increase of irrigated acres in the District. During the moratorium, the District aimed to study the different aquifer formations and establish subareas to provide a more specific approach to managing the variability of the aquifers throughout the District. Another goal was to study the criteria of the District's high capacity well permit ranking calculator to manage diverse aquifer formations in the District. The District also aimed to finalize the certification of irrigated acres that has been required since 2014 and revise its groundwater quantity rules and regulations as needed within the different aquifer formations.

Now, the District is proposing to extend the temporary district-wide moratorium on the construction of new wells and increases in irrigated acres. The annual spring groundwater levels measured in April showing declines now over the past 2 to 3 years, the continuing drought conditions, as well as the need for more time to discuss management options, review rules and regulations, evaluate the geology and aquifer characteristics of the District, and establish subareas are the reasons for considering an extension.

During this extension of the moratorium, NRD staff and directors will continue to work with Olsson, Inc. to better understand the hydrogeology and evaluate effective, area-specific groundwater management options for the District. The District will also continue to work with producers to certify their current irrigated acres with the NRD. Please contact the NRD office to make sure your irrigated acres are certified and up to date.

Finally, the NRD intends to emerge from the district-wide moratorium with a comprehensive and diverse structure for managing the use of groundwater across variable aquifer formations.

With that background information, I will now ask for testimony from the public present here this evening. Again, your testimony should remain focused towards the District's proposal to extend the moratorium. Any groundwater rules and regulations revisions will require a separate public hearing per *Neb. Rev. Stat. §46-707* prior to any changes being adopted. Also, please understand that the Board is not here to answer questions, or exchange in dialog but rather to listen to the testimony provided. As the hearing officer, I will provide limited answers and clarification during this hearing when necessary. We encourage any questions or comments and dialog to be directed to the Board members and staff to discuss in the days following this hearing. The Board will take official action on extending the temporary moratorium at its regularly scheduled meeting on June 5<sup>th</sup>, 2023 at 6:00PM at the District office in Beatrice.

To allow all participants a time to speak, a time limit of 5 minutes will be allocated to each participant. Once all participants have had a chance to speak, additional time may be allocated to those wishing to speak again.

Those wishing to speak, please sign in on the sheet. Individuals will be recognized and asked to speak in the order of which they are signed in. Before you speak, I will state your name and address for the record. Thank you.

#### **PUBLIC TESTIMONY PERIOD**

Thank you for your participation in this public hearing on the Lower Big Blue NRD's proposal to extend the moratorium on the construction of new wells and the increase of irrigated acres. Again, we encourage any questions or comments and dialog to be directed to the Board members and staff to discuss in the days following this hearing. The Board will take official action on extending the temporary moratorium at its regularly scheduled meeting on June 5<sup>th</sup>, 2023, at 6:00PM at the District office in Beatrice. I now close this public hearing at 7:56PM.