

**LOWER BIG BLUE NATURAL RESOURCES
DISTRICTBOARD MEETING
April 11, 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, Fairbury Journal-News and Wymore Arbor State. 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, Steve Kelley, Bob Lorenz, Duane Parde, Jason Pohlmann, Dean Roehr, Jason Sand, Rodney Skleba, 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, Brandy Scholl, Administrative and Programs Assistant.

Directors Absent: Darrell Rains, Brent Katz

Others Present: Brian Horky, Dan Pavlish, Roger Stewart, Neal Pavlish, Randy Weise, Calvin Katz, Justin Niederklein, Kelli Evans.

CONSIDERATION OF EXCUSED ABSENCES

Scott reported that Darrell Rains and Brent Katz have asked to be excused from the April 11, 2024 board meeting.

MOTION #1 was made by Ryan Birkett, seconded by Doug Stokebrand, to excuse Darrell Rains and Brent Katz from the April 11, 2024 board meeting. Motion Carried

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

APPROVAL OF APRIL 11, 2024 CONSENT AGENDA

MOTION #2 was made by Steve Kelley, seconded by Duane Parde, to adopt the Consent Agenda for the April 11, 2024, board meeting which includes: adoption of the agenda as submitted, approval of the March 14, 2024, meeting minutes, financial status report dated March 31, 2024, March 2024 bills payable, March 2024 revenues, monthly bank account summary and Beatrice West and Wymore Rural Water Financials. Motion carried.

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

OPEN PUBLIC COMMENTS

None

WATER COMMITTEE REPORT

Chad Weichel reviewed the minutes from the March 28th Water Committee meeting.

Nick presented data from the spring water level readings, conducted the 1st week of April. Staff measured 172 wells with a district wide average decline of 1.33 feet from Spring 2023 to Spring 2024 and average decline of 3.64' from baseline.

A summary of proposed changes to the Groundwater Rules and Regulations was discussed. These include a definition for historically irrigated acres, installation of flowmeters district wide, designation of sub areas, the use of average water levels in sub area monitoring wells for phased management, groundwater use reporting, cost share and provisions for determining allocations if needed.

Directors were asked to review the proposed rule changes and report their comments to water committee members or staff in 10 days. A draft of the rules will be presented at the May board meeting.

WELL PERMITS, APPLICATION FOR VARIANCES, IRRIGATION AGREEMENTS

Ryan reviewed a variance for Justin Niederklein in section 2-4-1. This variance is requesting to add approximately 42 acres through a pivot. Justin spoke on behalf of his variance stating that he was unaware of the moratorium on expansion of acres and has purchased and installed a pivot for the project. Because this well falls within 3 miles of well in its second year at the phase II level, and because monitoring wells around the area show declining water levels, the water committee has previously recommended denying this variance application.

MOTION #3 was made by Ryan Birkett, seconded by Jason Pohlmann, to approve the variance for Justin Niederklein as presented. Motion Failed.

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

Ryan presented a variance for Randy Wiese in section 2-3-3. This variance is requesting to add approximately 70 acres through a pivot. The well last irrigated 42 acres in 2012. Randy spoke on behalf of his variance stating that he would like to be able to use this existing well. Because this well falls within 3 miles of a current phase 2 well and because monitoring wells around the area show declining water levels, the water committee has previously recommended denying this variance application.

MOTION #4 was made by Jason Pohlmann, seconded by Ryan Birkett, to approve the variance for Randy Wiese to irrigate an additional 63.9 acres. Motion Failed.

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

Ryan reviewed a variance for Calvin Katz in section 4-2-4. This variance is requesting to add approximately 125 acres through a pivot. Calvin spoke on behalf of his variance stating that the well was last used in 1997. It was originally registered in 1968 at 650 gallons per minute and irrigated 100 acres. Calvin stated that he measured the static water level at 114' feet on March 13, 2024, up 4' feet from the original static water level. Because this well falls within the 3-mile radius of several current phase 2 wells and because of monitoring wells in the area showing water level declines, the water committee has previously recommended denying this variance application.

MOTION #5 was made by Jason Pohlmann, seconded by Ryan Birkett, to approve the variance for Randy Wiese to irrigate an additional 100 acres. Motion Failed.

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

Ryan presented a variance for Neil Pavlish in section 26-6-3. This variance is requesting to add approximately 20 acres using a corner system. Niel spoke on behalf of this variance stating that he purchased and installed a corner system last year while unaware on the moratorium on expansion of irrigated acres. Last season, he removed the end gun and disabled part of the system so no additional acres were added. He would like to use the full system this year. The well currently irrigates 134.46 acres. Neil also reviewed water levels noting minimal declines in his area, and stated he believes that corner systems with drop nozzles are a more efficient use of water than the additional acres irrigated by end guns. Because this well falls within the 3-mile radius of a current phase 2 well and because of concerns about the sustainability of the aquifer in sub-area 2, the water committee has previously recommended denying this variance application.

MOTION #6 was made by Dean Roehr, seconded by Ryan Birkett, to approve the variance for Neal Pavlish as presented. Motion Failed.

YEA:, Birkett, Roehr **NAY:** Barta, Kelley, Lorenz, Parde, Pohlmann, Roehr, Sand, Skleba, Stokebrand, Weichel **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 acres irrigated by flood. 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. Dan Pavlish, who owns the ground, also spoke on behalf of the variance.

MOTION #7 was made by Ryan Birkett, to approve the variance for Brian Horky as presented. Motion Failed due to lack of second.

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. No action was taken on this variance.

Tyler presented a replacement well permit for Ralph Snyder in the Southeast quarter of section 14-2-5. The permit meets all current requirements of a replacement well and was used during the last growing season. Discussion was held on the permit.

MOTION #8 was made by Jason Pohlmann, seconded by Steve Kelley, to approve the replacement well for Ralph Snyder. Motion Carried.

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

Ryan discussed several irrigation agreements which come due this year. new irrigation agreements from District owned structures are up for renewal every five to ten years. This gives the NRD a chance to evaluate agreements at renewal.

The first agreement is with Andrew Sisco. No changes were proposed to the agreement.

MOTION #9 was made by Steve Kelley, seconded by Larry Barta, to enter into a 10 year irrigation agreement with Andrew Sisco to irrigate 122.12 acres with 69.30 acre feet of water from Plum 4B. Motion Carried.

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

Irrigation agreements for Swan 20 were presented. Two landowners currently use the structure to irrigate. Discussion was held on the agreements.

MOTION #10 was made by Doug Stokebrand, seconded by Jason Pohlmann, to enter into a 10 year irrigation agreement with Bonita Zoubek to irrigate 51 acres of with 51 acre feet of water from Swan 20. Motion Carried.

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

MOTION #11 was made by Doug Stokebrand, seconded by Jason Pohlmann, to enter into a 10 year irrigation agreement with Brad Roesler to irrigate 220.19 acres with 177 acre feet of water from Swan 20. Motion Carried.

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

Ryan presented an agreement for Ron and Jeff Miller. Ron now owns 100% of the permanent pool of Clatonia 4A. He is not requesting to add any additional acres of irrigation at this time. Since Ron supplements the reservoir with groundwater, requiring metering both in and out of the structure was discussed.

MOTION #12 was made by Dean Roehr, seconded by Steve Kelley, to enter into a 10 year irrigation agreement with Ron Miller and Jeff Miller to irrigate 115.7 acres with 115.7 acre feet of water from Clatonia 4A with the stipulation that flow meters be installed at both the well and pumping location. Motion Carried.

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

Tyler discussed a transfer permit for Tallgrass Energy. The company plans to use water to pressure test the pipe. Water will be pumped from an irrigation well owned by Mary Sasse under a temporary change of use. The water will be deposited back into the source section.

MOTION #13 was made by Doug Stokebrand, seconded by Duane Parde, to approve the transfer permit with Tallgrass Energy. Motion Carried.

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

Scott stated that the route of the Tallgrass pipeline will cross the flood pool easement area of Big Indian 10A. The company has drafted a crossing agreement which has been reviewed by the Districts legal counsel.

MOTION #14 was made by Larry Barta, seconded by Steve Kelley, to sign the crossing consent agreement with Tallgrass Energy for Big Indian 10A Motion Carried.

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

BUILDING COMMITTEE REPORT

Dean reported that Skyline has finished work on the current office building. The remaining cost should be covered by insurance.

Dean reviewed the building committee minutes from April 10th. The committee has identified several changes to the building which could add around \$5,000 to the cost of design. Discussion was had the list of proposed changes. Comments on the proposed list should be forwarded to the building committee or staff. The final changes will be sent to Fakler architects next week. A bid letting for the project will likely be held in the fall of 2024.

PERSONNEL AND EQUIPMENT COMMITTEE

Jason Sand presented minutes from the April 10th meeting. A proposed partnership between NRCS and the NRD would fund a conservation position with a focus on conducting outreach and providing technical assistance for Source Water Protection (SWP) areas, Turkey Creek NWQI Area and all other SWP Initiative areas associated with phase 1 and phase 2 groundwater quality and quantity. The employee will be under the supervision of the NRD and housed at the NRD office. The partnership will provide cost share funding from the USDA/NRCS to the NRD for three years and possibly up to five years at a rate of 50 percent for employee salary, benefits, travel, I&E activities, and indirect costs in the estimated amount of \$125,000 per year. The NRCS is asking to commit to the employee partnership by May 1, 2024, with anticipated agreements in place and advertising for the position expected by the fall of 2024. This position will focus on one-on-one outreach with landowners, operators, and stakeholders. Staff has met with the NRCS to discuss the position and plans to continue to meet before the end of the month to finalize the purpose, objectives, responsibilities, deliverables, and budget for the employee.

MOTION #15 was made by Rodney Skleba, seconded by Steve Kelley to enter into a NRCS/NRD 3-to-5-year shared employee partnership agreement to hire an individual to work with landowners in the Turkey Creek NWQI and all Source Water Protection Initiative water quality and quantity areas in the District. Motion Carried.

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

Summer help needs were also reviewed. Staff also plans to purchase a new air compressor and wire welder which can be moved to the new shop.

Scott also stated that he is working with NRCS to have Brandy at the NRD office more often to assist with NRD programs.

NRD ACTIVITIES

Scott Theis shared that the lining of Cub 10-C has been completed.

Scott Sobotka noted that Swan 31 has been listed as high hazard due to a home that is within the breach area.

Tyler stated that he attended the Blue River Compact quality meeting on April 10th. The Compact quantity meeting is set for May 8 in Manhattan, KS.

Scott reported that the Dry Creek meeting in March was well attended.

Scott Theis mentioned that recreation areas have been opened for the season.

The Fishing derby is planned for May 18th at Willard Meyer.

LEGISLATIVE UPDATE AND WASHINGTON D.C. ANNUAL MEETING

Scott Theis, Adam and Doug shared their experience at the Washington D.C. annual meeting this year.

LITTLE INDIAN WFPO PROJECT UPDATE

Scott reported that comments were received on the application. JEO is working on those comments. Staff plans to meet with state NRCS officials on April 18th.

LEGISLATIVE UPDATE AND NARD WASHINGTON D.C. ANNUAL MEETING

Adam stated that he has applied for a Federal appropriation from senator Fischer’s office in the amount of \$1,300,000. The grant would be used to construct an emergency main for the Wymore Rural Water project. The NRD would need to commit to 20% match or \$260,000.

Scott Sobotka reported that Adam, Scott Theis and Doug Stokebrand will be attending the meetings in Washington D.C.

AGENCY REPORTS

NRCS

Kelli reported on the activities of NRCS including design work, CSP and CRP contracts three Turkey Creek NWQI applications and FSA status reviews.

EXTENSION

Scott reminded the Board that producers in Gage county will be charged a \$40 fee for site visits from Nathan Mueller.

NRC

Steve reported on the NRC meeting held April 3rd. Scott reported on the Turkey Creek NRDF project and Little Indian Water Sustainability Fund application.

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

- April 24th - State Envirothon Ponca State Park
- April 26th - Arbor Day
- May 8th - Blue River Compact Meeting – Water Quantity
- May 18th - Free Family Fishing Day, Willard Meyer
- May 9th - LBBNRD Board Meeting 7:00 p.m.

Being no further business, Chairperson Larry Barta adjourned the meeting at 10:03 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 April 11, 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.

:amk