

**Board of Directors Regular Meeting
February 6, 2024 at 9:00 am
511 East 5th Street, Imperial, NE**

Agendas were sent to all Board Members and others requesting agendas. Agendas were posted in the NRD Office in Imperial, the NRCS Offices in Grant and Imperial, and the FSA Office in Benkelman, and posted on the District website. The meeting was announced over KADL-Imperial, KRVN-Lexington and KOGA-Ogallala and published in area newspapers.

Board Members Present: Harry Merrihew, Terry Martin, Dave Brown, Janice Stroup, CJ Swanson, Brock Stromberger, Jay Lee, Jason Kunkel, Dean Large and Tyler Turner.

Board Member Absent: Tom Schroder.

NRD Staff: Jasper Fanning, Nate Jenkins, Julia Strand and Deb Hayes.

Others Present: Cody Schrotberger and Chad Yaw.

Information emailed to Directors:

Agenda

Variance information

Regular Board meeting minutes January 9, 2024

Information distributed at Board meeting:

Agenda

NRCS report

Regular Board meeting minutes January 9, 2024

Variance information

Financial reports

Rock Creek Augmentation Annual Report

Chairman Martin called the regular meeting to order at 9:04 a.m.

Chairman Martin announced that the Open Meetings Act was posted in the NRD Office.

Introductions of Board Members, NRD Staff and guests.

DIRECTORS ABSENCES:

Dean Large asked to be reinstated due to his absence. Chairman Martin told Mr. Large that the Board had discussed his absences at December meeting, and he had been excused by the Board.

Tom Schroder is unable to attend today's meeting due to medical reasons.

Jason asked for a motion to approve his residency status on the Board. Chairman Martin told Jason that he had asked last month if board members wanted a motion to question his residency and there was no motion, so the matter was taken care of.

MINUTES:

- Merrihew moved to approve the January 9, 2024 Regular Board meeting minutes as presented. Seconded by Brown.

Roll call vote: 9-yes, 1-absent, 1-abstain. Motion carried.

FINANCIAL REPORT:

The Financial report was presented to the Board. Jasper reported that a past due account had been turned over to our attorney and he would be contacting them. Deb reported that she had contacted others that had past due accounts and reminded them of their outstanding balances.

- Stromberger moved to accept the Treasurer's report and pay the accounts payable. Seconded by Lee.

Roll call vote: 10-yes, 1-absent. Motion carried.

NRCS REPORT:

Andy Keep was not present for the meeting but had left a written report. He reminded everyone of the Local Workgroup meeting on March 6th at 1:30 pm at the NRD office. He also explained in the report what the Local Workgroup does.

- Large moved to approve the NRCS report of planning activity dated February 6, 2024 and to include the conservation plans as signed for Chase and Perkins County. Seconded by Brown.

Roll call vote: 10-yes, 1-absent. Motion carried.

Jasper presented the NSWCP cost share limits and rates to the Board. Jasper recommended increasing the per contract cost share limit from \$5000 to \$10,000 and to increase the cost share rates on tree planting from 65% to 75%.

- Brown moved to approve the NSWCP cost share limits from \$5000 to \$10,000 and the cost share rate for trees from 65% to 75%. Seconded by Stromberger.

Roll call vote: 10-yes, 1-absent. Motion carried.

PUBLIC COMMENTS: None.

GROUNDWATER MANGEMENT/RULES AND REGULATIONS: None

VARIANCE COMMITTEE:

Brock Stromberger presented the Variance reports.

1. Kevin Schrotberger is requesting to move the well and water rights from the NE ¼ 21-9-39 and transfer those water rights to the NE ¼ 14-10-40 with no restrictions. Both legals are owned by Kevin Schrotberger. He is also asking to waive the 30-day waiting period. The well and pump have gone bad on NE ¼ 21-9-39 so need to transfer to the NE ¼ 14-10-40. The well in 21-9-39 is a nonproductive soil and 14-10-40 is a highly productive soil and can utilize those water rights more efficiently. The NE ¼ 21-9-39 has 116.5 certified acres and the 10-year average historical use is 9.5 inches. The transferable certified acres based on historical use are 88.4, with a reduction of 28.1 certified acres. The NE 21-9-39 is not pooled and has 184.32 inches of carryforward and has an SDF of 1%. The NE ¼ 14-10-40 has an SDF of .08% for a reduction of 0.92%. The distance between the NE ¼ 21-9-39 and NE ¼ 14-10-40 is eight miles.

- Swanson moved to waive the 30-day waiting period for this variance request. Seconded by Stromberger.

Roll call vote: 5-yes, 5-no, 1-absent. Motion failed.

Voting yes: Merrihew, Martin, Stromberger, Stroup, Swanson. Voting no: Brown, Kunkel, Large, Lee, Turner. Absent: Schroder.

This Variance will be an agenda item for the March 5th Regular Board meeting.

2. Kent Yaw/Triple Y Inc is requesting a variance to decertify 130.5 acres and decommission the irrigation well in SW ¼ 33-6-39 to use as offset for a new irrigation well use of 130.5 certified acres and a new irrigation well in NW ¼ 33-6-39. The soil in SW 33-6-39 is poor and very rocky and the soil in NW 33-6-39 is better quality and would be a better use of their allocation. The 10-year historical average of SW 33-6-39 is 16.5 inches, and the SW 33-6-39 is in a pool and has 70.89 inches of carryforward. The SDF in SW 33-6-39 is 53.3% and the SDF in NW 33-6-39 is 62.9% for an increase of 9.6%. The SDF increase would lead to a reduction of 12.5 acres for 118 acres available for offset. The difference between them is about .5 miles.

Brock and Jasper reported when discussing the reduction in acres due to the SDF with them and moving the well they would prefer not to lose acres and the well is still good so they are willing to pipe the water and move the acres and the well would not be moving so it would not be a variance, it would be a transfer since it is within the section. No Board action will need to be taken. We will work on the transfer in the office with Mr. Yaw.

REPORT OF DISTRICT APPLICATIONS, CONTRACTS, AGREEMENTS: None.

LEGAL COUNSEL REPORT: None.

NOTICE POLICIES REGARDING VARIANCE APPLICATIONS AND SALE OF PROPERTY:

Jasper and the Executive Committee had met about policies on variances, and they are working on a policy that within our meeting notice we would include a brief description of the variance that will be presented at the meeting and where they could get more detailed information. With the sale of property, they are working on limits and when selling something over a certain amount then notice would be provided in the paper. They are finalizing the policies and will have something in writing at the next Board meeting.

We did check to see what it would cost to publish our minutes in the paper, and it would cost about \$400 to 500 a month.

MANAGER'S REPORT:

Jasper reported that they are working with Longitude 103 on usage reports as they have been having some trouble with their system. We will be meeting with them tomorrow and working on issues and hopefully usage reports will be out soon.

Nate reported that they are working on the customer portal for customers to be able to see real time usages. They are working with Longitude 103 to get data transferred to the company that is doing the portal. This will be the last step so hopefully in a few months the portal will be up and running.

ASSISTANT MANAGER'S REPORT:

Martin opened the Public Hearing for the Rock Creek Augmentation 2023 Annual report at 9:43 am. Nate presented the report to the Board and to the public. Questions were asked about the condition of the augmentation wells. Jasper reported that repairs have been completed on all wells and there have been some issues with the radios in the Scada system. They are looking into different radios on the Scada system. Discussion was also held about the land lease.

Martin closed the Public Hearing at 9:56 am.

- Turner moved to approve the Rock Creek Augmentation 2023 Annual report. Seconded by Merrihew.

Roll call vote: 10-yes, 1-absent. Motion carried.

INFORMATION & EDUCATION: None

LEGISLATION: None

STATE ASSOCIATION:

Jasper discussed that there has been discussion with the NARD Risk pool retirement fund policy and changing the retirement plan for the employee and the matching funds by 1%.

BOARD OF DIRECTORS:

Discussion was held on the process of decertifying acres on variance request and other items.

Chairman Martin adjourned the meeting at 10:01 am.

Respectfully submitted.

CJ Swanson
Secretary/Treasurer