

North Platte Natural Resources District
Board of Directors Regular Monthly Meeting
100547 Airport Road, Scottsbluff, Nebraska
April 14, 2022

1. Call Meeting to Order

This meeting was called to order at 3:00 p.m. by Roger Eirich. Notice of the meeting was given to the public by publishing a legal notice on April 7, 2022, in the Scottsbluff Star Herald.

2. Inform Public of Open Meetings Act

Eirich informed the meeting attendees that this meeting would be conducted in accordance with the Open Meetings Act, which is posted by the door for public inspection.

Attendance

Board of Directors Present: Gary Darnall, Ryan Reuter, Roger Eirich, Chuck Henkel, Pete Lapaseotes, Mark Westphal, Dave Deines

Board of Directors Absent: Kent Andreas, Dan Weinreis

Eirich called for a motion to excuse the absences.

A motion was made by Henkel, seconded by Westphal, to excuse the absences of Andreas and Weinreis. Motion passed.

Aye: Darnall, Reuter, Eirich, Henkel, Lapaseotes, Westphal, Deines

Nay: None

Abstain: None

Absent: Andreas, Weinreis

Others Present:

North Platte NRD Staff: Scott Schaneman, Danielle Schafer, Travis Preston, Craig Uhrig, Kyle Ann Hopkins, Lydia Hendrickson, Amanda Shepperd

Simmons Olsen Law Firm: Megan Dockery

Adaptive Resources, Inc. (ARI): Thad Kuntz

Public: Mike Wamboldt

Documentation Provided

The following documents were made available at the meeting for the Board of Directors and public review:

1. Meeting Notice

2. Agenda
3. Minutes of the March 10, 2022, Board of Directors Meeting
4. Treasurer's Report
5. Manager's Report
6. Minutes of the March 29, 2022, Water Resources Committee Meeting
7. 2022 Lease Rates – Temporary Leases Only
8. Variance Applications for Robert Cameron & Jessica Carlson (VAR-2022-16 and VAR-2022-17)
9. Minutes of the April 1, 2022, District Operations Committee Meeting

3. Approval of Minutes of Previous Meeting

The Board reviewed the minutes of the March 10, 2022, regular monthly meeting.

A motion was made by Reuter, seconded by Henkel, to approve the minutes of the March 10, 2022, regular monthly meeting. Motion passed.

Aye: Darnall, Reuter, Eirich, Henkel, Lapaseotes, Westphal, Deines

Nay: None

Abstain: None

Absent: Andreas, Weinreis

4. Treasurer's Report and Accounts Payable

Reuter reviewed the monthly expenses from the Treasurer's Report with the Board. Henkel inquired about the office equipment upgrade. Scott Schaneman explained that the District would be receiving a new printer and copier since the lease is up on the printer and the copier is due for replacement. This upgrade also included a new phone system for the District which is part of the plan to consolidate our system operations to the same company.

A motion was made by Darnall, seconded by Henkel, to accept the Treasurer's Report and pay the bills as listed. Motion passed.

Aye: Darnall, Reuter, Eirich, Henkel, Lapaseotes, Westphal, Deines

Nay: None

Abstain: None

Absent: Andreas, Weinreis

5. Comments from the Public

None.

6. Manager's Report

Scott Schaneman highlighted the following items from his Manager's Report for the Board:

The Water Department has finished their spring static water levels. District staff will be providing an update to the Board in the next couple of months with the data collected.

The Water Department has started to collect water quality data to provide information as part of the nitrate levels study that ends later this year. This information will be used in implementing the District's nitrogen management rules and the data collected will be presented to the Board at the end of the study.

District staff has started the annual budget process and Department Heads are finishing their budgets. A District budget should be presented to the Budget & Personnel Committee by the end of May.

The Tree Department has sold 30,261 trees so far and will be planting trees at 31 different sites in the District. They will also be doing eight different grass plantings, two of which are fire line reclamation projects. The dry weather and drought conditions have impacted tree sales this year.

This year's EPIC Program sign ups were much smaller than in years past, but the District has approved applications from ten producers for a total of 6,647 acre-inches over 705.7 acres. Total payments to be made to landowners in October is \$99,707.10, with \$59,824.26 being reimbursed through the Platte Basin Coalition.

A request has been made to the Platte Basin Coalition to fund the remainder of the District's permanent retirement contracts since some of these contracts were not reimbursed at the full 60% rate and some did not receive reimbursement for the life of the contract. The District is requesting a full reimbursement to cover through the final payment under these contracts. The request amounted to ~\$1.3 million.

NRCS has approved the PIFR Application the District submitted, and initial site visits have been scheduled to begin the Gering Valley Watershed rehabilitation project.

Scott Schaneman attended the Yonts Water Conference and was given the opportunity to introduce himself as the General Manager of the District during a dedicated time in the program which allowed new leaders to talk and provide information and background about themselves.

District staff has started to plan for the 2022 Water Expo, which will be held on July 16th this year to coincide with the NRD's 50th Anniversary Week.

7. NARD Legislative Bill Summary

Scott Schaneman reviewed the following Legislative Bills with the Board as they are of interest to this District:

LB 1074 – This is the infrastructure Bill proposed by Bosselman. This Bill was signed by the Governor last week and will provide a \$5 million maximum benefit per irrigation district to be used for repair or construction of any headgate, flume, diversion structure, check valve or any other physical structure used for irrigation projects. This funding will require a 10% match by the irrigation districts.

LB 1014 – This Bill will provide \$23.1 million of funding for the Gering-Ft. Laramie tunnel, which will help cover the cost of finishing the repair work following the tunnel collapse from a few years ago.

8. Report from Water Resources Committee Meeting

a. Adam Dietrich

Adam Dietrich and his father attended this meeting and explained their situation with acres they own that are not certified. The acres were not certified with the District in approximately 2009 because the previous landowner indicated that those acres were not served by the well. Dietrich would like to certify his acres for ground water irrigation to make the lands commingled, increasing the value of his property.

b. Carlson Variance Applications

The Committee reviewed the Variance Applications submitted by Robert Cameron & Jessica Carlson. Carlson received a variance from allocation in 2020 and has installed five new pivots on the lands he used to flood irrigate. Even after installing the pivots, there are still corners that cannot be irrigated with the pivot, so Carlson would like to receive a new variance on these acres to cover just the corners outside of his pivots. The Committee has made a recommendation to the Board that the Variance Applications be sent for hearing with the requirement that 9.75% of the historically irrigated acres be set aside for the duration of the current allocation period, at which time the variance would expire (2024), recognizing that a DAU or PAU could be created (per District Rules & Regulations) in the interest of combining all eligible certified ground water flood irrigated acres. The DAU or PAU would allow for set aside acres to be located at one location.

c. Telemetry

Scott explained that AMCi has reached out again and created a new proposal for upgrading our telemetry network. AMCi has reduced some of the cost of the upgrade, but the District would be looking to spend an additional \$250,000 for the upgrade. Steve Smith advised the Committee that AMCi provides no warranty for the District under their proposal and Megan Dockery recommended that if the units in the field are still operable, that the District continue to operate those units until the requirements under the DNR and NET agreements have been met. The District staff agreed, and Thad Kuntz explained the data collected is used in the Model, but not necessary.

d. Lease Rates

Scott explained that lease rates need to be reviewed and approved for 2022 because we have two leases that are a part of the Enterprise Project that will need to be renewed this year. The Committee recommends that the Board approve the 2022 lease rates at the same level as the lease rates from 2021.

e. Griffiths Reconfiguration

The District is having complications working with Bill Griffiths, a landowner in Banner County. Mr. Griffiths was previously contacted by the District's legal counsel regarding a disagreement over the 2019 EPIC Program and has since refused to speak with any District staff. Mr. Griffiths has reconfigured his lands after the installation of a pivot, which requires Mr. Griffiths to sign District paperwork updating the acres that he is irrigating. District staff and our legal counsel have attempted to reach out to Mr. Griffiths several times regarding the paperwork, but Mr. Griffiths refuses to cooperate with the District. The Committee requested that District staff and legal counsel continue to try and reach compliance with Mr. Griffiths and if he fails to comply, issue a cease and desist until compliance is met.

9. Discussion and Consideration of Lease Rates for 2022

The Board reviewed and discussed the proposed 2022 Lease Rates for Temporary Leases Only. *A motion was made by Darnall, seconded by Reuter, to approve the 2022 Lease Rates at the same level as the rates for 2021. Motion passed.*

Aye: Darnall, Reuter, Eirich, Henkel, Lapaseotes, Westphal, Deines

Nay: None

Abstain: None

Absent: Andreas, Weinreis

10. Discussion and Consideration of Setting Robert Cameron & Jessica Carlson Variances for Public Hearing

The Board reviewed and discussed the Variance Applications submitted by Robert Cameron & Jessica Carlson.

A motion was made by Reuter, seconded by Darnall, that these two Variance Applications be sent to hearing with a requirement of a 9.75% set aside of the historically irrigated acreage which were under an exemption in the previous allocation period, for the duration of the current allocation period, at which time the variance would expire (2024), recognizing that a DAU or PAU could be created (per the District's Rules & Regulations) in the interest of combining all eligible certified ground water flood irrigated acres. The purpose of a DAU or PAU is to allow all set-aside acres to be located at one location of an eligible ground water certification under exemption to the allocation. Motion passed

Aye: Darnall, Reuter, Eirich, Henkel, Lapaseotes, Westphal, Deines

Nay: None

Abstain: None

Absent: Andreas, Weinreis

11. Report from District Operations Committee Meeting

a. Erosion & Sediment Control Act Complaint #110, Terry Eittreim

The Committee was provided information from Craig Uhrig, District Water Department Head, and Georgette Jordening, NRCS District Conservationist, who scheduled an investigation of the subject property per the District's Rules & Regulations regarding these matters. The Committee reviewed the Complaint and investigative reports, options for developing a plan with the landowner and other options that may be available. Henkel confirmed that Eittreim seemed to want to come into compliance, but the landowner and tenant are having a disagreement about who has the responsibility for the tilling and blowing. Regardless, the District's Rules provide that the landowner has the responsibility. A compliance plan is necessary, but that will even prove difficult because we have had no rain or moisture. Henkel mentioned that there is some wheat coming up, but with recent winds, it may be covered again. Eirich asked Mike Wamboldt, the complainant, if he had anything else to add. Mr. Wamboldt advised he did not other than the fact that the erosion is continuing. The Committee recommended that the District move forward with further action in

accordance with Rule 12 of the Rules & Regulations for Implementing the Erosion & Sediment Control Act, based on the Committee's determination that there is a probable violation of those Rules & Regulations.

12. Adjourn

There being no further business, Eirich called for a motion to adjourn.

A motion was made by Reuter, seconded by Westphal to adjourn at 3:29 p.m. Motion passed.

Aye: Darnall, Reuter, Eirich, Henkel, Lapaseotes, Westphal, Deines

Nay: None

Abstain: None

Absent: Andreas, Weinreis