

## MINUTES

The meeting of the South Platte Natural Resources District Board of Directors was held Tuesday, December 12, 2023, at the South Platte Natural Resources District, 551 Parkland Drive Sidney, NE at 3:00 p.m. The public notices were published in the area newspapers. The agenda was compiled, and each member of the Board of Directors and other interested and affected persons were notified of the meeting date within the deadline.

### Board Members Present

Bill Halligan, Chair  
Tim Maas, Vice-Chair  
Jim Johnson, Secretary

Chris Meyer  
Kathy Narjes

### Board Members Absent

Marc Sprenger  
Larry Rutt

### Others Present

Julia Peetz, P.C. Rauner & Associates  
Thad Kuntz, ARI  
Kevin Derry  
Jared Derry

### NRD Staff Present

Galen Wittrock, General Manager  
Donald Davis, Administrative Manager  
Chris Kaiser, Natural Resources Conservationist

Ryan Reisdorff, Assistant Manager  
Tyler Sanders, Water Resources Coordinator

### Information Material

The following information was provided electronically prior to or during the meeting:

1. Tentative Agenda - Board of Directors Meeting, December 12, 2023
2. November 14, 2023 Minutes of the South Platte NRD (SPNRD) Board of Directors Meeting
3. November 14, 2023 Minutes of the Natural Resources Projects and Programs Committee Meeting
4. November 2023 Treasurer's Report and Accounts Payable
5. Kaiser Staff Report dated December 11, 2023
6. Davis Staff Report dated December 12, 2023
7. Keller Staff Report dated December 4, 2023
8. Reisdorff Staff Report dated December 6, 2023
9. Glanz Staff Report dated December 7, 2023
10. Hruska Staff Report dated November 30, 2023
11. Agency Reports
  - o Dickinson E-mail "NRCS Report" dated December 12, 2023
  - o 2024 NARD Legislative Conference Tentative Schedule of Events
  - o 2023 Nebraska Groundwater Quality Monitoring Report
12. Natural Resources Projects and Programs Committee
  - o Bullet Points for Board regarding upcoming Rule and IMP Changes
  - o Glanz Memo "Pooling Arrangement Information" dated December 7, 2023
  - o Red Line Draft of the Amended and Restated Districtwide Ground Water Management Area Rules and Regulations
  - o Aaron and Jason Shepard Alleged Violation and Compliance Plan dated November 16, 2023
13. District Operations Committee Meeting
  - o Amended Community Forestry Program

- UTV Bid Summary
- Wittrock Cost Share Application
- Loan Amortization Schedules from Platte Valley Bank
- 14. General Reports
  - Wittrock Memo “Director Elections and Certification of Subdistricts” dated December 12, 2023
  - Map “NRD Groundwater Quantity Regulations Across Nebraska” dated January 2023
  - Map “NRD Groundwater Quality Regulations Across Nebraska” dated January 2023
- 15. Correspondence
  - State of Nebraska Memo “Review of South Platte NRD 2023 Mater Plan (MP)” dated December 8, 2023
- 16. Per Diem Worksheet

1. Call to Order

Chair Halligan called the meeting to order at 3:00 p.m. noting that Marc Sprenger and Larry Rutt were absent and excused.

A. Nebraska Open Meetings Act

Chair Halligan stated that this meeting is subject to the Nebraska Open Meetings Act. A copy of the Act is posted in the meeting room.

B. Legal Notices

Chair Halligan acknowledged that the notice of this meeting was published in the area newspapers and the Affidavits/Proofs of Publication are included with these minutes.

2. Pledge of Allegiance

Chair Halligan led those in attendance in the United States Pledge of Allegiance.

3. Minutes

A. Minutes of the November 14, 2023 South Platte Natural Resources District (SPNRD) Board of Directors Meeting

With no corrections or additions, Maas moved to approve the November 14, 2023 minutes as distributed. A second was made by Johnson and with no further discussion a roll call vote was taken.

Aye: Meyer, Narjes, Halligan, Johnson, Maas

Nay:

Absent: Sprenger, Rutt

Motion carried.

B. Minutes of the November 14, 2023, Natural Resources Projects and Programs Committee Meeting

These minutes were approved as distributed.

4. \*Treasurer’s Report for November 2023 and Accounts Payable

Wittrock reviewed the account balances listed on the Treasurer’s Report as follows:

<u>Account Description</u>	<u>November 1, 2023</u>	<u>November 30, 2023</u>
SPNRD Checking/Repurchase	\$ 470,008.05	\$432,387.84
SPNRD Building/Property	\$ 63,958.25	\$ 63,992.42
SPNRD Vehicle/Equipment	\$ 82,804.57	\$ 82,848.81

SPNRD Machinery & Equipment	\$ 10,055.53	\$ 10,060.90
SPNRD Computer & Server	\$ 25,221.57	\$ 25,235.04
SPNRD FA/OA Project	\$ 165,469.78	\$165,558.18
SPNRD ORRA Infrastructure	\$ 62,062.34	\$ 62,095.49
Citizens' Monitoring PWCB	\$ 64,539.48	\$ 65,894.76
Citizens' Monitoring CD First Tier	\$ 84,543.57	\$ 85,591.99
SPRCC NPAIT Account	\$ 48,773.77	\$ 48,987.62

Wittrock reviewed various items listed in the accounts payable and budget review. He encouraged the board members to come to the SPNRD office at any time to review the receipts and/or disbursements or ask any questions. The total amount of accounts payable is \$78,534.56. After discussion, Johnson moved to approve the Treasurer's Report and authorize payment of the accounts payable in the amount of \$78,534.56. A second was made by Meyer and with no further discussion a roll call vote was taken.

Aye: Maas, Meyer, Narjes, Halligan, Johnson

Nay:

Absent: Sprenger, Rutt

Motion carried.

5. Preliminary Robust Review Update

Kuntz gave a preliminary robust review update stating that NeDNR plans to be at the January board meeting to review the robust review. The review this time shows the result with excess flows and without excess flows as NeDNR will only allow the excess flows to be included in the modeling if there is a model run made without excess flows to show the difference. This is due to excess flows only being available in certain years and it is currently one of the tools that the District uses to meet its requirements. The difference between in results between including and excluding excess flows is around 1,000-acre feet in depletions in the South Platte Valley which is the most concerning subarea in the District. He then reviewed depletions which included municipal industrial pumping which did add depletions of around another 100-acre feet in the South Platte Valley. Kuntz then reviewed the results in the Lodgepole Valley and the Tablelands. Kuntz stated the three options for reaching the IMP goal are retiring acres, lowering allocations, and increasing excess flows. Discussion followed.

6. \*Fiscal Year 2023 Audit Report

Julia Peetz, CPA, Rauner & Associates, PC, facilitated discussion regarding the audit. She stated this is a draft report and that the preliminary result is that no problem was found in the process of the audit, and that it is expected to be presented as a clean, unmodified audit opinion. She then reviewed various items in the audit. Peetz encouraged the board of directors to continue to review the monthly treasurer's report. Discussion followed. Following discussion, Rauner & Associates will submit the completed budget by January 1, 2024 and then will present the final audit to the board at the January 2024 meeting for final approval by the board.

7. Public Questions, Comments and Concerns

Kevin Derry requested that the District keep its pooling and transfer rules and regulations the same.

8. Director and Staff Reports

Kaiser, Davis, Keller, Reisdorff, Glanz and Hruska all submitted written reports. Wittrock stated he has attended several meetings over the last month. The staff completed CPR training on December 5<sup>th</sup>.

9. Agency Reports

A. USDA Natural Resources Conservation Service (NRCS)

1. NRCS Report

Dickinson submitted a written report from NRCS.

B. Nebraska Association of Resources Districts (NARD)

1. NARD Report

Johnson stated there will be more after the legislative conference in January 2024.

2. NARD Legislative Conference, January 23-24, 2024

Wittrock reviewed the schedule for the Legislative Conference, January 23-24, 2024.

3. \*Conference Voting Delegate and Alternate for 2024 NARD Legislative Conference

Narjes moved to nominate Johnson as the Voting Delegate and Rutt as the Alternate for the 2023 NARD Legislative Conference. A second was made by Maas and with no further discussion a roll call vote was taken.

Aye: Halligan, Johnson, Maas, Meyer, Narjes

Nay:

Absent: Sprenger, Rutt

Motion carried.

C. Nebraska Department of Natural Resources (NeDNR)

1. NeDNR Report Natural Resources Commission (NRC)

No Report

D. Board of Education Lands and Funds (BELF)

1. BELF Report

Halligan stated the forms were signed.

10. General Reports

A. Report on the SPNRD's 2024 Election Certification

Wittrock reviewed the memo he submitted to the directors outlining the directors who are up for reelection which are the odd subdistricts this year and that the date to file by for incumbents is February 15, 2024.

11. Committee Reports

A. District Operations Committee - Narjes, Chair

1. \*Discussion and Action as Desired on District's Amended Community Forestry Program

Narjes stated that the major change to the community forestry program is a cap on the cost share at \$2,500 for individual applications and \$5,000 for public owner applications. Discussion followed. Following discussion Narjes moved on behalf of the committee to approve the SPNRD's updated Community Forestry Program. A second was made by Meyer and with no further discussion a roll call vote was taken.

Aye: Johnson, Maas, Meyer, Narjes, Halligan

Nay:

Absent: Sprenger, Rutt

Motion carried.

2. \* Action on Bids/Proposals received for Consideration to Purchase a New UTV

Narjes reviewed the bids for the new UTV. Three bids were received, one from Sandberg in Gering and two from 21<sup>st</sup> Century in Sidney. The Sandberg bid was high with a low trade in allowance, so the committee only considered the two bids from 21<sup>st</sup> Century. One of those bids was for a John Deere HPX615E for \$8,060 which includes a \$7,000 trade in allowance. The other is for a John Deere XUV835E for \$11,450 which includes a \$7,000 trade in allowance. Discussion followed. Following discussion Narjes moved on behalf of the committee to approve the bid from 21<sup>st</sup> Century for a new XUV835E UTV for the amount of \$11,450. A second was made by Johnson and with no further discussion a roll call vote was taken.

Aye: Maas, Meyer, Narjes, Halligan, Johnson

Nay:

Absent: Sprenger, Rutt

Motion carried.

3. \* Action Regarding NSWCP Application

Narjes stated that the application was from Wittrock and since he is the General Manager, he wants the board of directors to vote to approve the application. The application is for the Conservation Tree planting program. Narjes moved on behalf of the committee to approve the NSWCP Tree Planting Practice Application on behalf of Galen Wittrock in the amount of \$1,694.69. A second was made by Johnson and with no further discussion a roll call vote was taken.

Aye: Meyer, Narjes, Halligan, Johnson, Maas

Nay:

Absent: Sprenger, Rutt

Motion carried.

4. \* Discussion and Action regarding Post Budget Approval for Staff to Proceed with Purchasing computer equipment

Narjes stated that the computer equipment is on a rotation plan that replaces computers every three years and is budgeted for \$15,000. This year's request will be for 3 desktop computers, 3 tablets and a laptop. With needed computer equipment updates and considering the computer equipment a unique item for the continuity with the district's file server and computer operations, Narjes moved on behalf of the committee to authorize staff to proceed with the post fiscal year 2024 budget purchase of 3 desktop computers, 3 tablets and 1 laptop computer not to exceed an amount of \$13,000. A second was made by Meyer and with no further discussion a roll call vote was taken.

Aye: Halligan, Johnson, Maas, Meyer, Narjes

Nay:

Absent: Sprenger, Rutt

Motion carried.

5. \* Discussion and Action regarding Post Budget Approval for the Manager to Proceed with making an additional payment towards Loan # 1070300049 (Main Office/Library Remodeling) held with Platte Valley Bank

Narjes reviewed the loans and making an additional payment on the current loan that is due this month. The committee decided not to make an additional payment on the current loan and wait until May 2024 to discuss the larger loan that the next payment is due in June 2024. She

reviewed the differences in principle between the loans and the percentage rates. There is \$35,000 budgeted for an extra principal payment. Discussion followed. Following discussion, it was decided to wait until May 2024 to decide if an extra payment would be made on the larger loan.

B. Natural Resources Projects & Programs Committee - Meyer, Chair

1. Discussion Regarding Possible Changes to the SPNRD GWMA Rules & Regulations and Integrated Management Plan

Reisdorff stated that the committee reviewed the red line changes to the SPNRD GWMA Rules and Regulations including the new allocation period which is 2025-2027, some clean up items to make the wording match the current rule, and the transfer of allocation wording. He then explained the transfer of allocation regarding wording that is different from the transfer of certified irrigated acres where the producer must show use the well before being able to transfer. He then discussed pooling and how it works, noting that there have not been any red line changes to the pooling's rules and regulations at this time. Reisdorff then discussed the allocations and how robust review could be part of the decision for allocations for the next allocation period. Wittrock briefly reviewed the anticipated schedule for having the Countywide Meetings and public hearing. Discussion followed.

2. \* Discussion and Action concerning Aaron and Jason Shepard Alleged Violation /Compliance Plan

Meyer reviewed the alleged violation of the rules and regulations. The Shepards submitted a corrective action plan which includes selling water out of irrigation well G-014002 and to take a self-imposed penalty of 18.08 acre-inches as that was what was withdrawn from Pine Bluffs Gravel & Excavating. Discussion followed. Following discussion Meyer moved on behalf of the committee to approve Aaron and Jason Shepard's corrective plan of action which includes not selling water out of irrigation well G-014002 and a self-imposed penalty of 18.08-acre inches. A second was made by Maas and with no further discussion a roll call vote was taken.

Aye: Johnson, Maas, Meyer, Narjes, Halligan

Nay:

Absent: Sprenger, Rutt

Motion carried.

12. Special Recognition

Halligan recognized Director Johnson for 20 years on the board and Director Rutt for 20 years on the board. Staff member Keller was presented for 10 years, and staff member Kaiser was presented for 15 years.

13. Correspondence

Wittrock advised the board to review the items in the correspondence.

Wittrock also discussed moving the January 9<sup>th</sup> board meeting to January 10<sup>th</sup> to accommodate NeDNR for their presentation on the Robust Review. The tentative schedule is to have the January board meeting on January 10<sup>th</sup>, 2024 at 3:00 p.m.

14. Upcoming Dates

December 22, 2023, SPNRD Offices Closed, Christmas Eve Holiday (Observed)  
December 25, 2023, SPNRD Offices Closed, Christmas Holiday  
January 1, 2024, SPNRD Offices Closed, New Year's Day Holiday  
January 3, 2024, Nebraska Legislature 60-Day Session Starts  
January 10, 2024, SPNRD Board Meeting (Tentative)  
January 15, 2024, SPNRD Offices Closed, Martin Luther King Jr. Day  
January 23-24, 2024, NARD Legislative Conference, Embassy Suites, Lincoln  
March 18-20, 2024, NARD Washington D.C. Conference

15. Adjourn

With no further business, the meeting adjourned at 4:11 p.m.



---

Donald Davis, Recording Secretary

\* Denotes Action Item