



LOWER REPUBLICAN NRD – BOARD MEETING MINUTES

Lower Republican NRD Meeting Room,
30 North John, Alma, NE
March 9, 2023, at 2:00pm

BOARD OF DIRECTORS MEETING:

Meeting notices were published in the Harlan County Journal and on the District Website at www.lnrnd.org. Chairperson Marlin Murdoch called the meeting of the Lower Republican NRD Board of Directors to order with an invitation to prayer at 2:00pm. The chairperson provided notice that the location of the current copy of the statute dealing with public meetings laws is located on the south wall. Guests were asked to sign the attendance roster.

Excused Absences: Don Duffy, Toby tenBensel.

Directors present: Clark Andrews, David Bartels, Lee Fintel, Troy Fletcher, Matt Harrison, Tim Kahrs, Marlin Murdoch, Nelson Trambly, Brad Wulf.

Others present: Jerry Kovarik, NRCS.

Staff present: Todd Siel, Nick Simonson, Shirlee Poyser, Kristen Heft.

MATERIAL E-MAILED OUT PRIOR TO THE MEETING & AVAILABLE AT THE MEETING

Agenda

LRNRD Board Meeting Minutes, 2/23

LRNRD/RWP Treasurer's Report, 2/23

LRNRD/NRCS Staff Report, 3/23

Motion #1 by Tim Kahrs seconded by David Bartels to approve the February minutes as presented. Motion carried. Ayes 9 Nays 0, Absent 2.

Motion #2 by Matt Harrison seconded by Nelson Trambly to approve the LRNRD and Rural Water Treasurer's reports for February. Motion carried. Ayes 9 Nays 0, Absent 2.

NRCS Staff Report: Jerry Kovarik gave the NRCS report. Jerry reported on EQIP and CSP. A full report is in the minute book.

LRNRD Staff Report: Managers Todd Siel and Nick Simonson gave the NRD staff report. Todd and Nick attended the quarterly manager's meeting in Lincoln. Todd fulfilled his duties as Chairman and handed the gavel over to Russ Callan from the Lower Loup NRD. Todd and Nick spoke with Russ on LRNRD's proposal to restrict the application of fall nitrogen; Russ stated this did not pass. As part of the Manager's meeting, Longitude 103 summarized their proposal to develop a "Producer Connect App" for the NRDs. They are currently working with 11 NRDs through their "NRDapp" and several other NRDs plan to consider the proposal.

The 30th Water Jamboree will be held April 25 and 26 at the Harlan County Lake and Camp Joy.

Rural Water Update: Manager Siel shared that the NRD will advertise in the Franklin Co. Chronicle that the LRNRD will be accepting sealed bids for the Rural Water building located at 867 20th Avenue, in Franklin. The Rural Water Conference will be held March 13 -15 in Kearney.

Motion #3 by Clark Andrews seconded by Troy Fletcher to advertise that the LRNRD will be accepting sealed bids on the Rural Water building, located at 867 20th Avenue, Franklin, NE till April 5th, 2023. Motion carried. Ayes 9 Nays 0, Absent 2.

Platte to Republican High Flow Diversion Project (PRD) Update: An Order from NeDNR granted a stay on further agency action, at least at the front end of the appeal process. It's expected that our objectors will file their briefs by the end of March. One stipulation by Tom Riley (NeDNR) was that there would be a status review following the end of 90 days.

Flag Creek Update: The monitoring well and the augmentation well have not been drilled yet due to the weather and ground conditions. Manager Simonson has been working with the Department and Olsson to

finish up the subcontract on reimbursement. Static ground water level measurements will be taken around the project area to see what recharge was occurred.

NCORPE Update: The legislative hearing for LB396 was held on March 1st. Senator Erdman's bill proposes to change Nebraska statute to force the sale of the "overlying surface interest" while retaining the right to the "reasonable and beneficial use of ground water" located beneath the property of an augmentation project. Erdman's bill is similar in nature to the multiple bills introduced by former state senator Mike Groene over a 7-year period. There were no testifiers in support of the bill, but several entities and individuals voiced their opposition. Tom Riley (NeDNR), Don Blankenau (NARD), and Jasper Fanning (NCORPE) provided testimony highlighting the concerns and deficiencies of the proposed legislation. Several other organizations also testified in opposition to the bill: NE Farm Bureau, NE Cattlemen, NE Corn Growers, and NE Soybean Board were among those represented at the hearing. No action was taken by the committee. Former Senator Dan Hughes was at the committee hearing. Dan is up for appointment as a commissioner for the Nebraska Game and Parks Commission. The next scheduled NCORPE meeting will be April 19th in Alma.

Watershed & Flood Prevention Operations Environmental Assessment Plan and Design (WFPO EA Plan): A request for extension on both projects was sent to the NRCS. The EA Plan Assessments are scheduled to be submitted by March 31st and we requested an extension for 12 months to get them completed.

WaterSMART Grant: The next hurdle is the Buy America Preference requirement that was put into place with the Infrastructure Investment and Jobs Act. This requires a certain amount of the materials in the meters to be from a source in the United States. While working with McCrometer to accomplish this requirement the increase in cost was going to exceed the 25% threshold that is considered unreasonable. The Bureau of Reclamation/Department of Interior will have to approve a waiver that allows us to purchase the meters with their current manufacturing sources. We will continue to move forward on the parts of the grant that we can as we wait for the waiver to be approved.

NARD Update: The next NARD meeting is scheduled for June 6-7th.

Occupation Tax Exemption: Managers spoke to the board regarding occupation tax exemptions and how they are submitted to the LRNRD by district irrigators. One of the differences between acres that receive an allocation of ground water and the acres that receive a surface water allocation is the accuracy by which NRD staff can verify the status of surface water allocations from French-Cambridge and Nebraska Bostwick. No action will be taken at this time.

Other Business: None.

Motion #4 by Clark Andrews seconded by Nelson Trambly to move that the Board go into Closed Session at 3:37pm to discuss Contractual Negotiations and Imminent Litigation and Personnel. Motion carried.

Motion #5 by Clark Andrews seconded by Nelson Trambly to move that the Board come out of Closed Session at 4:43pm and declare that no actions of the board, official or unofficial, were taken during said Closed Session. Motion carried.

The next regularly scheduled board meeting will be April 13th, 2023, at 7:00pm.

Meeting adjourned at 4:43pm.

Secretary

Date