

Regular Board of Directors Meeting  
Monday, October 10, 2016 6:00 PM  
Lower Platte North NRD Office  
P.O. Box 126  
Wahoo, NE 68066

1. Call to Order

**NOTE: The agenda is on file at the LPNNRD office and may be changed up to 24 hours prior to the meeting as scheduled.**

1.A. Meeting Notice

1.B. Inform Public on Location of Copy of "Open Meeting Act"

1.C. Pledge of Allegiance

2. Roll Call

2.A. Introductions

3. Approval of Agenda

4. Comments - Advisors/Guests

4.A. Guest Comments

4.B. NRCS Report

4.C. NARD Report

4.D. NRC Report

4.E. Managers Report

4.F. Education Program

5. Approval of Minutes

6. Report of Standing Committees

6.A. Executive Committee - Action as Required

6.A.1. POSTPONED MOTIONS

6.A.1.a. Off Site Water Table Concerns Near Sand Creek

9-12-16 To offer tiling and Wetland Reserve Program options to landowners impacted by the Wanahoo Wetland contingent on receiving a hold harmless agreement before exploring other options.

Mary Kay Stoeber, Greg Harding and John Divis were present and discussion occurred concerning damages they felt they were receiving caused by the Lake Wanahoo Project. Considerable discussion occurred.

Ruzicka moved and Hilger seconded that the Executive Committee go into closed session to protect the public interest due to potential litigation and that Lausterer, Miyoshi and Mountford remain with the committee. Motion carried all members voting aye.

Birkel moved and seconded by Olson to go out of closed session at 10:47 a.m. Motion carried all present voting aye.

Lausterer was directed to contact the three landowners (Gaughen, Murren and Stoeber) asking for a formal claim with a listing of damages they feel they are receiving.

## 6.A.2. MEETINGS

6.A.2.a. Pending

6.A.2.b. Reports

## 6.A.3. MANAGEMENT ITEMS

6.A.3.a. Directors Absence

None

6.A.3.b. Monthly Education Program

6.A.3.c. Ourada Claim

Chair Hannah was given the attached letter from Ourada's yesterday. Basically they are willing to go through mediation. They have rethought the statement concerning no attorneys, and now feel both sides can have counsel present. Jovan suggests we use mediator John Brownrigg and that a sub-committee be appointed to represent the board and wanted to remind the board that they are the ones who determine who we will have present at the mediation representing the NRD. Chair Hannah is appointing the following board members to the Sub-committee: Bailey, Birkel, Clausen, Hannah and Veskerna.

6.A.3.d. Visioning a Future for LPNNRD

At the September Board meeting we had Steve Wolf share his thoughts for Visioning a Future for LPNNRD. When we discussed this in August it was decided to have Steve share his thoughts with us in September and then make a decision on if and when we would like to work with him, a copy for the proposed contract is attached. In August the thought was to have him preform the board interview work in November thru January so that individual interviews could be preformed with all current as well as any newly elected board members with the one-half day session to occur as part of the annual board retreat in February.

#### 6.A.3.e. Postponed Motions (Tabled)

We are adopting a new item on each committee agenda that will carry over to board meetings.

First some history; we use Sturgis “Standard Code of Parliamentary Procedure” as the guideline to run our meetings.

1. We have not been following Sturgis correctly when it comes to tabling motions. With Sturgis if a motion is tabled it can only be brought off the table for the remainder of the meeting. Once the meeting ends the motion is lost forever and can only be resurrected if someone makes a new motion. This works at the legislature because the session opens in January and does not close until the final day of the session (they recess at the close of each day) so tabled motions can be brought back up until the session closes, then they are lost forever. Thus tabling a motion is a motion to kill. A 2/3 vote is needed to table a motion.
2. The proper term is to “Postpone” a motion. A motion may be postponed to a specific time. If the motion does not have a specific time then it will appear on the next months committee (board) agenda under “Postponed Items”.
3. Items on the “Unfinished Business List” are to be addressed by the committee (board). The committee may:
  - a. Act on the item
  - b. Move to “Postpone” the item to the next meeting
  - c. Dismiss” the item by motion
4. Beginning with October committee meetings we will place at the front of each committee agenda "Unfinished Business". All postponed motions from the previous month as well as any carry over items not handled the previous month will be listed under this heading, if there are none "None" will be the only item in the list.

#### 6.A.3.f. Meeting Procedures

Legal Counsel Lausterer has drafted the attached "Policy and Procedures" for conducting our meetings. He is suggesting that this or a similar procedure be adopted to help create better flow in our meetings.

The Executive Committee is asking for director comment on this item. It will be discussed at next months Executive Committee meeting.

#### 6.A.3.g. Water Leaders Academy 2017

Applications for Water Leaders Academy 2017 are due by November 15. In 2013 we sent Dave Saalfeld to the program and in 2015 Joe Birkel attended. The commitment is for six meetings of one and one half days each through out the year. The cost for the program is \$2,000 per participant.

The Executive Committee will ask at board meeting if we have any board member of staff person interested in attending and representing our district.

#### 6.A.4. EQUIPMENT

#### 6.A.5. PERSONNEL

##### 6.A.5.a. Engineer Position

Last Month a letter was received from the American Council of Engineering Companies with concerns about LPNNRD hiring an engineer. See attached letter.

Senator McCollister has set a meeting for October 5 with our NRD and Upper Big Blue.

#### 6.A.6. FINANCE

##### 6.A.6.a. Update on HBE 360

Immediately after completing the LPNNRD 2016 Audit HBE began preparation of assuming our accounting duties. HBE 360 is set to begin payroll on October 1, that is the beginning of the 4th quarter for state and federal payroll records. For the remainder of this month and October HBE will key in our financial records dating back to July 1, 2016 and the goal is to begin paying bills in November.

Cindy Love was present and gave an update. Her staff will be working with Jill and our staff to keep the change moving forward on schedule.

##### 6.A.6.b. Approval of Financial Reports

The June financial was completed the day of Executive Committee meeting and has been distributed to all board members. A motion at board meeting would be proper to approve the June 2016 Financial Report.

##### 6.A.6.c. Approval of Managers Time and Expense Sheets

##### 6.A.6.d. Accounts over 90 Days

##### 6.A.6.e. FY16 Audit

The Audit Sub-Committee met at the end of the Executive Committee meeting to receive the Audit Report from HBE. Members present: Bailey, Birkel, Hilger and Sobota with Hannah also in attendance. Cindy Love led the discussion with no changes being suggested. HBE will forward a power point presentation and Joe Birkel will lead us through the main points of the Annual Audit at 7:30 p.m. during board meeting. Cindy will be available for questions by conference call.

#### 6.B. Education, Operations & Rural Water Systems Committee - Action as Required

##### 6.B.1. POSTPONED MOTIONS

There are no postponed motions to consider.

## 6.B.2. WILD NE/CREP REPORT

Mohrman Farms, Platte County have two CREP contract payments, 1.1 acres at \$20.68 and 5 acres at \$90.90 for a total payment of \$111.58.

## 6.B.3. OPERATION & MAINTENANCE & OTHER ITEMS

The O & M crew finished all the major areas in need of shredding, repaired two washed out culverts at Sand/Duck Creek 24 (see photo), sprayed the regrowth of Autumn Olive at Czechland Lake, sprayed trees on Sand/Duck site 15 and the old Wanahoo nursery, cleared trees and unplugged the culvert from Trouble Creek into Rawhide Ditch.

### 6.B.3.a. Wildlife View Proposal on Wanahoo

Paula Hoppe a local resident and Joel Jorgansen of the Game & Parks Commission presented a Wildlife Viewing Proposal on the Wanahoo wetland area just south of County road O. There is a fairly active bird watching community that use the Lake Wanahoo wildlife areas and they have identified over 200 species of birds on the property. Hoppe and Jorgansen have three viewing alternatives but are strictly looking at the North Alternative for the simplest access and least infrastructure. (See attached proposal) The District could help develop two small parking areas for 8 - 10 vehicles and keep a path mowed for access to a viewing platform that the viewing group would provide. (Also see letters of support attached.)

### 6.B.3.b. Czechland Lake

Dan Ourada collected 114 bales (84.17 tons) of hay from the grassland area of Czechland. His payment to the District is \$4,376.84.

We will be considering mechanical tree removal bids for the grassland area at Czechland during the October Board meeting. Bids are due Friday, October 7th at 4:00 pm. Staff has started filling the geo-web on the east shoreline with gabian sized rock.

### 6.B.3.c. Robert Schmit Bellwood Dam Renovation

Robert Schmit has submitted an invoice of \$10,130 for the renovation of his Bellwood Dam. Krivanek Construction did the work. Our Board of Directors approved \$4,000 in assisting Mr. Schmit in repairing his dam back in July. Staff has not inspected the site.

### 6.B.3.d. Rawhide Land Partnership Paul Gifford Drive

The District is committed to assist in the construction of a box culvert for Paul Gifford and the Rawhide Land Partnership on Watson St. and Ridge Road. Staff is working with the City of Fremont on finalizing this project with Paul Gifford. The District has \$26,956.90 in escrow for this project. Find attached estimated cost on different sized culverts from FYRA Engineering and the estimated savings using a 90 foot culvert versus a 125 foot culvert.

At a meeting with Gifford on October 7, Gifford asked that the settlement payment be \$62,678. He had received a cost estimate from a local contractor and this would be the cost for a 90 foot box culvert plus engineering. Also a separate agreement would be

needed between Gifford and Fremont to insure that at the time of any future installation of the culvert Gifford cost would be for a 36 inch concrete culvert (plus engineering) with Fremont paying for any additional upsizing costs. Staff suggests that we receive two bids from contractors for both the 125 box culvert and a 36 inch, 90 foot long concrete culvert, negotiate from these numbers and be prepared to install the culvert if a fair settlement with Gifford cannot be negotiated.

Staff suggests that no motion be forwarded at this time.

#### 6.B.3.e. Wanahoo Hay & Aerial Spraying

Meduna Family Farms harvested 196 round bales and 18 tons in square bales in the late cutting, we have not collected the final numbers.

Provine Helicopters aerial sprayed the wetland areas of Wanahoo on Saturday, September 17 at a cost of \$3,504. See attached invoice and aerial flight paths.

#### 6.B.3.f. Lake Wanahoo Lake Level

In the Lake Wanahoo Project here are what the stake holders have invested in the project. Corps of Engineers \$15 million in environmental restoration from the breakwater north, land purchased from the dam north and \$2 million in recreation, NE Game & Parks \$1.4 million in fisheries enhancement, City of Wahoo and Saunders County \$1.25 million each and NE Environmental Trust \$1.2 million for fisheries and land purchase.

The Corps of Engineers will require the District to file a Section 408 form if changes to the operation of the project are being requested (see attachment). This request is to see if there are any negative impacts to the federal project and if so how those impacts will be mitigated. The Federal investment in the project is environmental restoration and recreation.

NE Game & Parks have sent comments with concern about negative impacts on the the health of the fishery and effect on the recreation (see attachment). They remind us of their \$1.4 million investment in the fishery and urge that they be included in any discussions for development of a long term operational plan for Lake Wanahoo. Find attached a letter from Nebraska Dept. of Natural Resources Director Gordon Fasset regarding the results from the Natural Resources Commission meeting. The Commission members do not believe they have a role with the project in overseeing the board's decision to operate the dam and lake.

In light of the above events it seems the best course of action would be:

1. Reestablish a Lake Wanahoo Lake Level Advisory Panel.
2. Continue to work with The Corps of Engineers concerning the Section 408 process.
3. Conduct a "Public Meeting" to receive input from all interested parties prior to any formal decision being made on changes to the Lake Wanahoo lake level.

It was requested to have the Lake Level Panel meet sometime prior to the November 30 O, E & RW Committee meeting date. Staff will attempt to set the first meeting date for October 25 at 7:00 p.m.

#### 6.B.3.g. Fremont GI Study

The Corps of Engineers has postponed the October 18 GI Study Public Meeting to catch

up on some study items. They are proposing a Stakeholders Update meeting either November 3rd or 4th and the Public Meeting on November 8, 9 or 10th.

#### 6.B.4. ROCK AND JETTY

David Marshall submitted a bill of \$2,200 for jetty repair on the Platte River in Colfax County. The repair is on the Platte River Reserve Island (formerly Tomek Island).

#### 6.B.5. EROSION & SEDIMENT RULES & REGULATIONS

A Public Hearing for the updated Erosion & Sediment Control Regulations will be Wednesday, November 2 at 8:15 a.m. which is during the O, E and Rural Water Committee.

#### 6.B.6. INFORMATION AND EDUCATION

##### 6.B.6.a. Information

###### 6.B.6.a.1. Radio & eAds

The KTIC Radio Ad and Wahoo Newspaper eAd for September have featured the rental availability of the grass drills. We will continue this promotion for October. The ads are attached.

##### 6.B.6.b. Education

###### 6.B.6.b.1. State Range Judging Contest

The Lower Platte South NRD coordinated the 2016 State Range Judging Contest. Breunig & TePoel attended the contest to assist in scoring.

###### 6.B.6.b.2. Land Judging

We will be hosting the East Central Region Land Judging Contest on October 12<sup>th</sup> in Saunders County. Registrations are due September 30<sup>th</sup>. The event will begin at 9 am and the scoring will take place at our office.

###### 6.B.6.b.3. Test Your Well Night

Test Your Well Night will be on September 29<sup>th</sup> from 6-8 pm at David City Public High School. Students from the Natural Resources Class and the FFA Chapter will test the nitrate levels of water samples brought in from the public.

###### 6.B.6.b.4. I&E State Committee Meeting

We will be hosting the Information & Education Committee Meeting for NRD I&E staff from across the state on October 17<sup>th</sup>-18<sup>th</sup>. The group will take a tour of Lake Wanhoo and meet in the LPNNRD Office. TePoel was elected as the Vice-President of the committee for the upcoming year.

###### 6.B.6.b.5. Education Presentations

Several educational presentations and activities were scheduled in September at local schools and events.

- September 9<sup>th</sup>- East Butler Elementary Afterschool First Lego League Group- TePoel did a wildlife and habitat activity with 20 elementary students.
- September 20<sup>th</sup>- David City High School Natural Resources Class- Oaklund provided a presentation on water quality and quantity to 10 high school students.
- September 21<sup>st</sup>- TePoel attended the Wonderful World of Water Festival in Pierce, Nebraska. She did a wildlife activity session with approximately 60 students throughout the event. The Lower Elkhorn NRD and Upper Elkhorn NRD coordinate this event.
- September 22<sup>nd</sup>-David City High School Natural Resources Class- TePoel led a water testing activity for 10 students. Several of these students will be participating in the upcoming Test Your Well Night at David City HS.
- September 30<sup>th</sup>- North Bend High School 10<sup>th</sup> Grade Biology Class- TePoel will lead a wildlife and habitat activity with 29 students.
- October 3<sup>rd</sup>- North Bend High School 10<sup>th</sup> Grade Biology Class- TePoel will lead a wildlife and habitat activity with 13 students.

#### 6.B.6.b.6. Nature Education Trail/Disc Golf Course

We are moving into the development of the Nature Education Trail/Disc Golf Course at Lake Wanahoo. We are planning to begin construction this fall and officially complete the project in Spring of 2017.

Attached documents include the basket invoice from Dynamic Discs, an invoice for basket sponsor decals from SignSolutions of Lincoln, and a price quote for tee sign printing from Mead Signs.

#### 6.B.6.c. Computer

### 6.B.7. RURAL WATER SYSTEMS

I will be meeting with Neil - Phoenix Group later this week checking on the status of their proposed radio read system for our District's water meters.

Every three years lead and copper samples need to be taken and submitted to State for testing. Colon samples were taken and submitted to the State earlier this month. Once we have the results back, customers will be notified of results.

#### 6.B.7.a. Colon System

Water samples were taken this past week and submitted to the State

Bills will be prepared and sent out by the 29th

Work will begin this week to trench and install new service connection to Lot 16

Browning Drive

All fire hydrants in Colon will be exercised in October as per our annual maintenance schedule.

#### 6.B.7.b. Bruno System

Water samples were taken this past week and submitted to the State  
Bills will be prepared and sent out by the 29th

#### 6.B.7.c. Other

### 6.C. Water Committee - Action as Required

#### 6.C.1. POSTPONED MOTIONS

None

#### 6.C.2. REGULATORY

##### 6.C.2.a. POLICY ON IRRIGATED ACRES AND SOIL CLASSIFICATION

The proposed policy on the number of irrigated acres to award due to soils classification is attached.

After much discussion it was decided to leave the current policy of the number of irrigation acres for class 6,7, and 8 soils due to slope to stay the same.

##### 6.C.2.b. GROUND WATER MANAGEMENT AREA

###### 6.C.2.b.1. Variance Request in the Hydrologically Connected Area (Limited Development Area)

Attached is the final ranking for all applications in the Hydrologically Connected Area. Section M Rule 1 of the LPNNRD Groundwater Management Area Rules and Regulations states "...The District (LPNNRD) shall limit development of new irrigated acres with a goal of no more than 2,500 acres per year in the hydrologically connected area."

The line is set as close to the threshold without exceeding the 2500 acre limit. The variance request LPN-V-015-0427 for Martin Erickson is in the Restricted Development Area but within one mile of the border with the Hydrologically Connected area. Therefore following LPNNRD policy, letters will be sent to adjacent landowners giving them notice that they can testify in favor or opposition to this request and in addition 3 test holes are required.

###### 6.C.2.b.2. Variance Requests in the Non-Hydrologically Connected Area (Normal Development Area)

Approval letters have been sent to landowners.

###### 6.C.2.b.3. Variance Requests in the Restricted Development Areas

No new updates.

6.C.2.b.4. Well Permit Program

6.C.2.b.4.A. Well Permits Approved

3 new permits were approved since the last Committee meeting.

| Landowner           | Number Of Wells | Number Of New Irrigated Acres | Type Of Well | County   | Subarea         |
|---------------------|-----------------|-------------------------------|--------------|----------|-----------------|
| Loran Houska        | 1               | 0                             | Irrigation   | Saunders | Todd Valley     |
| Mead Cattle Company | 1               | 0                             | Livestock    | Saunders | Todd Valley     |
| Douglas Ritthaler   | 1               | 0                             | Irrigation   | Saunders | Leshara Uplands |

The total number of approved permits for 2016 is 15.

Location of Approved Well Permits for 2016: Correct as of 9/27/2016

| County   | Irrigation -New | Irrigation - Replacement | Stock | Commercial | Municipal | Other | Total |
|----------|-----------------|--------------------------|-------|------------|-----------|-------|-------|
| Butler   | 0               | 0                        | 0     | 0          | 0         | 0     | 0     |
| Colfax   | 0               | 1                        | 0     | 0          | 0         | 0     | 1     |
| Dodge    | 0               | 3                        | 0     | 0          | 0         | 4     | 7     |
| Boone    | 1               | 1                        | 0     | 0          | 0         | 0     | 2     |
| Madison  | 0               | 0                        | 0     | 0          | 0         | 0     | 0     |
| Platte   | 0               | 0                        | 0     | 0          | 0         | 0     | 0     |
| Saunders | 1               | 2                        | 1     | 0          | 0         | 1     | 5     |
| Total    | 2               | 7                        | 1     | 0          | 0         | 5     | 15    |

6.C.2.b.4.B. Tim Bartek Well Permit Application

Tim Bartek would like to know the Water Committee's feelings on a new well to irrigate no new acres in S16-T13N-R8E Saunders County, Swedeburg Subarea. He is currently irrigating ~260 acres off of one well but due to a change in the operation he is requesting a well of his own for the north 133 acres. Mr. Bartek does not want to invest any money if there isn't a chance for approval. Attached is the policy for Irrigation Development in the Restricted Development Area as well as a section map.

Since no new acres are involved and the new well (or supplemental well in this case) would be due to a change in ownership it is felt that Water Committee may look favorable at this situation. LPNNRD policy on development of irrigation within the Restricted Development Area would also have to be followed.

#### 6.C.2.b.5. Potential Violation of Expanded Irrigation

Inspections in mid August 2016 indicated that land in the SE1/4, Section 25, T18N, R4E, Colfax County had been irrigated in violation of LPNNRD GWMA Rules and Regulations since this land was not certified by the District for irrigation nor was an approved variance issued for this property.

Certified letters with notice to issue Cease and Desist Order were sent to M-G Agri Properties and John Snover on September 20, 2016. According to Nebraska State Statue they have three days to request a hearing. No request was made. The Water committee also requested their attendance at the September 28, 2016 committee meeting, but no one showed up.

Certified letters issuing the Cease and Desist Order were sent September 28, 2016 to the landowner M-G Agri Properties and the tenant John Snover.

#### 6.C.2.b.6. Special Quantity Subareas

##### Platte - Colfax SQS (SQS #2)

Staff has continued checking flow meters and measuring ground water levels. Flow meter cost-share applications are being received in the mail each day and will be discussed under the Cost Share Programs.

##### 6.C.2.b.6.A. Flow Meter Maintenance Program

The LPNNRD is ready to request proposals for our Flow Meter Maintenance Program (see attached).

This will be sent to area meter companies, irrigation equipment dealers, well drillers, and pump installers.

#### 6.C.2.b.7. Lower Platte River Basin Water Management Plan Coalition (LPRBC)

The next Board of Directors meeting for the LPRBC is scheduled for October 17, 2016 in Ord at LLNRD. Bob Hilger (Chairperson) and Jim McDermott should attend. John Miyoshi and Larry Angle also plan to attend.

Hilger said he won't be able to attend so Frank Pollard has volunteered to temporarily fill that vacancy.

#### 6.C.2.b.8. Voluntary Integrated Water Management Plan - LENRD and LPNNRD

The next Stakeholders meeting for the LPNNRD voluntary Integrated Water Management Plan is scheduled for October 5, 2016 at the LPN office at 10:00 am. DNR has made comments to the most recent goals and objectives, which will be discussed at the meeting. DNR is still reviewing the District's Plan, which includes the goals and objectives, but also outlines the more detailed roles of the LPNNRD and DNR.

#### 6.C.2.b.9. Cost Share Programs

##### 6.C.2.b.9.A. Irrigation Well Sample Kits

Requests for 343 irrigation kits have been received for the year. A total of 328 water samples have been returned from producers (ten samples received last week) and sent to the HHS lab. Sample results from the lab have been forwarded to 297 producers and this includes 20 water sample results that were mailed the day of the Water Committee meeting.

##### 6.C.2.b.9.B. Flow Meter Cost Share in SQS #2

So far we have received approximately 70 cost share applications for flow meters in the Platte - Colfax SQS (SQS #2).

These need to be inspected to make sure these are LPNNRD approved meters, installed properly, and matches the additional information provided on the application. Some of these should be ready for cost share at the next Committee meeting.

#### 6.C.2.b.10. Bellwood Phase 2 Area

2016 is the fourteenth year for this Phase 2 Area. Phase 2 information packets with order were mailed to producers in June, before the start of irrigation.

This area was reduced from 32 sections to 21 sections in 2015.

| Year | Nitrate-Nitrogen Range | Percent Nitrate-Nitrogen 0 To 8.0 Ppm | Percent Nitrate-Nitrogen 8.01 To 10.00 Ppm | Percent Nitrate-Nitrogen Greater Than 10 Ppm |
|------|------------------------|---------------------------------------|--------------------------------------------|----------------------------------------------|
| 2015 | 0 to 32.3 ppm          | 43% (31 of 72)                        | 8% (6 of 72)                               | 49% (35 of 72)                               |
| 2016 | 0 to 35.1 ppm          | 37% (25 of 68)                        | 12% (8 of 68)                              | 51% (35 of 68)                               |

Hough Farms water sample of G-065461 collected in August had a **93.6 ppm** result for G-065461. After talking with Tommy Hough it was determined that this sample was

collected while they were chemigating at this well. Oaklund arranged with Tommy Hough to re-sample this well. The result of the second sample was 13.6 ppm, which is within the range of previous sample results (3.70 to 18.5 ppm). [Note: The 93.6 result was removed from the above table.]

#### 6.C.2.b.11. Richland - Schuyler Phase 2 Area

2016 is the first year of this Phase 2 Area. There are 45 registered active irrigation wells in the ten sections of this new area.

| Year | Nitrate-Nitrogen Range | Percent Nitrate-Nitrogen 0 To 8.0 Ppm | Percent Nitrate-Nitrogen 8.01 To 10.00 Ppm | Percent Nitrate-Nitrogen Greater Than 10 Ppm |
|------|------------------------|---------------------------------------|--------------------------------------------|----------------------------------------------|
| 2016 | 1.47 to 24.8 ppm       | 33% (8 of 18)                         | 6% (1 of 18)                               | 61% (11 of 18)                               |
|      |                        |                                       |                                            |                                              |

#### 6.C.2.b.12. Richland - Schuyler Phase 3 Area

2016 is the first year of this Phase 3 Area. This Phase 3 area went into effect September 1, 2015. The 55 sections of this area first went into a Phase 2 Area in 2004.

| Year | Nitrate-Nitrogen Range | Percent Nitrate-Nitrogen 0 To 8.0 Ppm | Percent Nitrate-Nitrogen 8.01 To 10.00 Ppm | Percent Nitrate-Nitrogen Greater Than 10 Ppm |
|------|------------------------|---------------------------------------|--------------------------------------------|----------------------------------------------|
| 2015 | 0 to 53.3 ppm          | 23% (55 of 238)                       | 12% (29 of 238)                            | 65% (154 of 238)                             |
| 2016 | 0 to 49.5 ppm          | 25% (52 of 207)                       | 10% (20 of 207)                            | 65% (135 of 207)                             |

Oaklund contacted Larry Ruzicka [RBS Farms] after receiving the **75.1 ppm** result for G-026330. Oaklund arranged with Doug Ruzicka to re-sample this well, which was done in mid-September. The result of the second sample was 49.1 ppm which is within the range of previous sample results (40.0 to 57.5 ppm). [Note: The 75.1 result was removed from the above table.]

#### 6.C.2.b.13. LPNNRD Operator Certification

No test requests have been received in September. Staff will be meeting with extension personnel in the next couple of months to schedule certification classes for 2017.

#### 6.C.2.b.14. Certifying Acres in Saunders and Dodge Counties

From Chris Poole on Acre Certification in Dodge County:

Attached you will find a list of landowners in Dodge County that have not returned their Acre Certification forms or that we have not had contact with in regards to those forms. A total of 58 Letters, comprising 93 Acre Certification packets, were sent at the end of August with a due date of 9.28.2016. To date, we have received a little more than half back. There are 27 unique landowners responsible for the outstanding 41 Acre Certification packets. In Saunders County I was extremely successful in locating tenants for the landowners that never contacted LPNNRD by calling adjacent landowners. However with harvest upon us everyone is busy. This leaves two options, issue a Notice of Cease and Desist now against any field that has not returned, or postpone the Notice of Cease and Desist until after Harvest and attempt to contact the tenant to complete the certification. if the later fails then send a Notice of Cease and Desist prior to next irrigation season.

After some discussion, Water Committee members recommended to wait until after harvest before pursuing any compliance issues.

On a related note, staff met with NDNR officials about the modification of irrigation wells. The people in the Registration Division like our system of modification so well they want to implement it as a standard for all NRDs to follow. They also mentioned that our Acre Certification form was by far the most comprehensive and well thought out form they have seen to date and would like to use it as a model for future efforts.

#### 6.C.2.c. CHEMIGATION

No new updates. For 2016 we have 478 renewals and 98 new permit applications for a current total of 576. Inspections for 134 renewal permits and 95 new permit applications have been completed.

#### 6.C.2.d. LIVESTOCK WASTE PERMITS

The LPNNRD has received two livestock permit applications from DEQ since the last Water Committee meeting.

| Name                                                                    | Livestock                          | Type of Permit                     | Legal Description                       | County |
|-------------------------------------------------------------------------|------------------------------------|------------------------------------|-----------------------------------------|--------|
| Arlynn Runge<br>2358 East 83rd<br>Steet<br>Columbus NE<br>68601         | Swine<br>14,870 Head<br>3,943 A.U. | Modification of Existing<br>Permit | SE1/4, Section 27, T18N, R1E            | Platte |
| Schwartz Wilke Site<br>1<br>32296 190th Street<br>Sleep Eye MN<br>56085 | Swine<br>1,666 Head<br>666.4 A.U.  | Modification of Existing<br>Permit | SE1/4 of SE1/4, Section 1, T19N,<br>R1E | Platte |

## Description of permit application

- Arlynn Runge is expansion on existing operation of Swine >55 pounds of 4,800 head (1,920 A.U.) with additional 4,500 head (1,800 A.U.) to a new total of 9,300 head (3,720 A.U.). They also will have Swine <55 pounds of 5,570 head (222.8 A.U.) Received August 30, 2016)
- Schwartz Wilke Site 1 is just adding 6 head of Swine >55 pounds. (Received September 8, 2016.) This is believed to be a misprint and likely is really expanding by 600 head or more.

## 6.C.3. GROUND WATER PROGRAMS

### 6.C.3.a. DECOMMISSIONED WELL PROGRAM

#### 6.C.3.a.1. Well Estimates

No new wells has been reviewed and approved by Gottschalk for decommissioning since the last Committee meeting.

#### 6.C.3.a.2. Plugged Wells

No wells have been plugged, reviewed, or ready for cost share payment approval this month.

### 6.C.3.b. LOWER PLATTE NORTH NRD GROUND WATER STUDIES

#### 6.C.3.b.1. Eastern Nebraska Water Resources Assessment (ENWRA)

Katie Cameron, ENWRA coordinator, recently finished sampling the bedrock monitoring wells being installed by the COE as part of their clean up efforts of the Former Ordnance Plant near Mead.

### 6.C.3.c. NEW MONITORING WELLS

The Phoenix Group is working to provide a less expensive data link between our monitoring wells and the office. The monitoring well at the north edge of Swedeburg is currently undergoing testing.

6.C.3.d. GROUND WATER ENERGY LEVELS

6.C.3.d.1. GWEL SQS #1 Summer Measurements

**SQS #1 Summer Measurements**

Measurements were taken in early August

Inside the SQS #1 boundary

|                                    |                 |
|------------------------------------|-----------------|
| Number of GWEL wells               | 10.0            |
| Range (Comparing Spring to Summer) | +3.22 to -49.51 |
| Median value                       | -46.95          |

|                                    |                 |
|------------------------------------|-----------------|
| Outside the SQS #1 boundary        |                 |
| Number of GWEL wells               | 3.0             |
| Range (Comparing Spring to Summer) | +0.64 to -61.77 |
| Median value                       | 0.26            |

Only 3 different sites were measured outside the SQS #1, so not a good sample size for comparison.

6.C.3.d.2. GWEL SQS #2 Summer Measurements

**SQS #2 Summer Measurements**

Measurements were taken in early to mid August

|                            |      |
|----------------------------|------|
| Inside the SQS #2 boundary |      |
| Number of GWEL wells       | 15.0 |

|                                    |                 |
|------------------------------------|-----------------|
| Range (Comparing Spring to Summer) | +1.53 to -30.37 |
| Median value                       | -9.41           |

|                                    |                 |
|------------------------------------|-----------------|
| Outside the SQS #2 boundary        |                 |
| Number of GWEL wells               | 12.0            |
| Range (Comparing Spring to Summer) | +5.05 to -17.20 |
| Median value                       | -0.70           |

It was a good summer for rainfall in this subarea and some wells had not been turned on yet.

#### 6.C.3.d.3. GWEL Wann Basin Subarea

The multi-agencies with monitoring wells in the Wann area north of Ashland NE coordinated our measurements for August 25, 2016. Attached are three key hydrographs located between the MUD well fields and the contaminate plumes from the Former Ordnance Plant near Mead showing the ground water level changes since 2003.

The MUD well field came on-line in 2008.

#### 6.C.3.e. FORMER ORDNANCE PLANT NEAR MEAD

The COE has finished the sampling and installation of deep monitoring wells into the bedrock at the Former Ordnance Plant. Only partial results so far but most sampling turned up negative for RDX and TCE in the bedrock.

### 6.C.4. SURFACE WATER PROGRAMS

#### 6.C.4.a. STATE LAKES, FOR THE WEEK OF

##### 6.C.4.a.1. Bacteria Sampling

##### Week of September 19<sup>th</sup>, 2016

**Lakes that tested high for *E. coli* bacteria** this week. *E. coli* levels measured above 235 colonies/100 ml of sample are considered a higher risk for illness when swimming. Considering the more rapid changes in bacteria conditions, signs are not posted with these higher levels although DEQ wants people to be aware and use their own judgment on their use.

- Branched Oak Lake in Lancaster County
- Cunningham Lake in Douglas County
- Lake North in Platte County
- Lewis and Clark Reservoir in Knox County
- Maple Creek Recreation Area Lake in Colfax County

#### 6.C.4.a.2. Toxic Algae

##### **Week of September 19<sup>th</sup>, 2016**

**Lakes that will be on “Health Alert”** this week. Even if a lake does not test above 20 ppb in the current week, it is DEQ policy that any lake that has microcystin levels over the established criterion of 20 ppb will be placed on “Health Alert” Status until such time that it has tested below 20 ppb for two continuous weeks. If a lake is on a Health Alert, signs will be posted recommending people avoid full body contact activities such as swimming, wading, skiing, jet skiing, etc. Non-contact activities such as boating, fishing, and camping are OK.

- Big Indian Creek Lake in Gage County
- Rockford Lake in Gage County
- Willow Creek Lake in Pierce County

#### 6.C.4.b. USGS WATER QUALITY MONITORING ON SHELL CREEK

Attached is an invoice from USGS for \$5,600 for the water quality monitoring on Shell Creek.

Since this invoice is part of an approved contract with USGS, Water Committee motion to approve payment is not necessary.

#### 6.C.5. OTHER

##### 6.C.5.a. TEST YOUR WELL NIGHT

Last week Oakland and Desirae TePoel made a presentation to Mrs Kocian’ Resources class at David City High School. The management areas (Quality and Quantity) of the Lower Platte North were identified and Water quality sampling was the emphasis. Desirae and Bret will attend ‘Test Your Well Night’ on September 29, 2016 at the David City High School. Water samples brought in will be tested for nitrate-nitrogen.

##### 6.C.5.b. COMMENTS FROM THE PUBLIC

Tom Lichtl, Mary Wotipka, and Don Wegener were in attendance and had questions concerning their own irrigation situations.

#### 6.D. Projects Committee - Action as Required

6.D.1. POSTPONED MOTIONS

**May 9, 2016, the following LPRCA motion was tabled:**

Clausen made the motion, seconded by Ruzicka, to not approve the LPRCA FY 2017 budget and not be a member in the LPRCA. Sabatka made the motion, seconded by Meduna, to table the previous motion until further information is brought forward. Motion carried all members present voting aye.

**While the above motion was not revisited by the Board, the following are subsequent LPRCA motions:**

**On July 11, 2016, the following Board Motion failed:**

Bailey made the motion, seconded by Olson, to approve the LPRCA 2017 selected budget project and program items (as attached to the Projects Committee Minutes) totaling \$51,200 (as shown in black) and to budget an additional \$34,167 for projects and programs (50% of the total shown in red) that will require Board approval before moving forward. Motion failed.

**On August 8, 2016, the following Board Motion passed:**

Olson made the motion, seconded by Gibney, to remain non-dues paying member of the Lower Platte River Corridor Alliance in FY 2017 however continue to honor our previous financial commitments totaling \$11,230 to include Leshara water quality monitoring (\$9,696), ESRI Data Storage Agreement (\$834), and the LPRCA Website (\$700) and include these items in our FY 2017 budget. Motion carried.

6.D.2. SWCP

6.D.2.a. SWCP Application Approvals

|                              |                      |                     |                    |
|------------------------------|----------------------|---------------------|--------------------|
| Marjie Vrana                 | Terraces/Tile/Basins | Coordinating w/EQIP | \$ 12,260.00       |
| William Perk                 | W/S Basins           | Sand/Duck Creek     | \$ 12,500.00       |
| Darlene Kroeger/Dorthy Vacek | Tile extension       | Dodge Co.           | <u>\$ 3,496.50</u> |
|                              |                      | TOTAL:              | \$ 28,256.50       |

6.D.2.b. SWCP Payments

|                          |                      |                    |
|--------------------------|----------------------|--------------------|
| Doris Treptow Rev. Trust | Terraces/Tile        | \$ 7,277.95        |
| Glen Treptow             | Terraces/Tile        | \$ 12,500.00       |
| Randall Dendrich         | Terraces/Tile/Basins | \$ 12,500.00       |
| Tom Smaus                | Terrace/Tile         | \$10,736.92        |
| Randy Brabec             | Diversion            | <u>\$ 1,205.00</u> |
|                          | TOTAL:               | \$ 44,219.87       |

6.D.2.c. SWCP Cancellations

None

6.D.2.d. Wahoo Creek Cost Share Payments

**Wahoo Creek 319 PAYMENTS:**

**LANDS FOR CONSERVATION:**

Tim Kastl      28 acres      \$ 5,152.00

|               |          |                    |
|---------------|----------|--------------------|
| Frances Kastl | 10 acres | \$ 1,840.00        |
| Jerry Urban   | 25 acres | <u>\$ 4,600.00</u> |
| TOTAL:        |          | \$ 11,592.00       |

### 6.D.3. WATERSHEDS

#### 6.D.3.a. Shell Creek

We are still awaiting EPA approval of the Shell Creek Watershed Water Quality Plan. We are anticipating approval this fall.

#### 6.D.3.b. Wahoo Creek Watershed

##### 6.D.3.b.1. Wahoo Creek Water Quality Plan Phase I

We have received a \$2,500 invoice from JEO for work completed on the Wahoo Creek Water Quality Watershed Plan Phase I as attached to the Projects Committee Minutes. After this payment, there will be \$94,650 paid (\$25,350 remaining) on our \$120,000 contract.

##### 6.D.3.b.2. Wahoo Creek Watershed RCPP Application Submitted to NRCS

As reported earlier, NRCS selected us to submit a full-proposal for federal assistance (Regional Conservation Partnership Program) to construct Wahoo Creek Dam sites 26 & 27. Mountford has been working with the NRCS State Office and FYRA Engineering (to update economics) and submitted the final proposal on September 19, 2016. Attached is some information submitted with the application. If successful, we are asking for 50% (NRCS's suggested percent) assistance to construct these dams over the next five years. The total estimated costs (see question 9., page 10 in the Final intro and Narrative Questions 2017 Fillable. Pdf) totals \$3,178,600. LPNDRD's proposed share would be \$1,589,300. We will have discussions with the Board about also applying to the State's Water Sustainability Fund to assist with our local share. I have also talked with Saunders County, that if successful, we will be looking for their partnership and financial contribution on Site 26, which has an opportunity to be built as a road dam and replace a bridge that is in bad repair.

No similar RCPP projects have been funded nationally by NRCS, but we are still hopeful. We should know by the end of the year if NRCS approves funds for the project.

### 6.D.4. LOWER PLATTE RIVER CORRIDOR ALLIANCE

#### 6.D.4.a. LPRCA Monthly Report

Meghan Sittler has submitted her resignation as LPRCA Coordinator. Her letter of resignation is attached.

#### 6.D.4.b. LPRCA Invoice Payment Request

We have received the attached LPRCA invoices. One is for itemized Projects for FY budget items approved by the Board and another invoice for FY dues and contingency. We have previously informed the LPRCA of the following motion approved by the Board on August 8, 2016:

Olson made the motion, seconded by Gibney, to remain non-dues paying member of the Lower Platte River Corridor Alliance in FY 2017 however continue to honor our previous financial commitments totaling \$11,230 to include Leshara water quality monitoring (\$9,696), ESRI Data Storage Agreement (\$834), and the LPRCA Website (\$670) and include these items in our FY 2017 budget. Motion carried.  
Committee recommendation is requested.

#### 6.D.5. OTHER

##### 6.D.5.a. Army COE 205 Projects

###### 6.D.5.a.1. Fremont 205

The Corps of Engineers has postponed the October 18 GI Study Public Meeting to catch up on some study items. They are proposing a Stakeholders Update meeting either November 3rd or 4th and the Public Meeting on November 8, 9 or 10th. Stay tuned for date, time and location.

###### 6.D.5.a.2. Schuyler 205

No new information. The City of Schuyler is responsible for future operation & maintenance (mowing etc.) of the completed Shell Creek Levee.

##### 6.D.5.b. Shell Creek Landowner Levee Project Update

##### 6.D.5.c. Review of Projects Financial Statement

##### 6.D.5.d. Craig Derickson, NRCS State Conservationist, Thank-you Letter

Craig Derickson, NRCS State Conservationist, is thanking LPNNRD for our partnership with NRCS (letter attached) to help apply conservation on the land.

In FY 2015, 638 practices were applied on 200,766 acres. Payments on prior year EQIP and CStP contracts in FY15 totaled \$2,909,843 and total FY 15 contract obligations totaled \$2,239,976.

#### 6.D.6. WESTERN SARPY/CLEAR CREEK LEVEE REPORT

No new information. We are awaiting the Army COE operation and maintenance manual.

### 7. Additional Action Items

#### 7.A. Approval of SWCP Summer Payment

15-S-22    David Sousek    Diversion and Terrace    \$12,500

7.B. Approval of Lands for Conservation Payment

LaVerne Kadavy      15 Acres      \$2,760

7.C. Ratify Hiring Dodge County Field Assistant

After interviewing four qualified applicants for the Dodge County NRD/NRCS Field Office Assistant Position in Fremont, we have offered the position to Luz Schafersman. Luz is married to a farmer near Hooper, NE, and has past experience working with the Farm Service Agency in Fremont. Luz is very personable, energetic and excited about filling our position. Her planned first day is Tuesday, October 11, 2016. NRCS is conducting a background check and working on permission for her federal computer access.

7.D. Cottonwood Dam 23-A Repair Payment

Bob Proskovec purchased and installed a 48" x 20' culvert to be used as a crossing above the drainage of Cottonwood 23-A for field access. As per the motion from the June 13<sup>th</sup> Board Meeting we agreed to purchase the culvert.

8. Approval of Bills Pending

9. Consent Agenda Adoption

10. Comments from Directors/Guests

11. Meeting Establishment/Adjournment

**NOTE: The agenda is on file at the LPNNRD office and may be changed up to 24 hours prior to the meeting as scheduled.**