

Regular Board of Directors Meeting
Monday, August 14, 2017 6:00 PM
Lower Platte North NRD Office
P.O. Box 126
Wahoo, NE 68066

1. COMMENTS

2. 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.

2.A. Meeting Notice

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

2.C. Pledge of Allegiance

3. Roll Call

3.A. Introductions

4. Approval of Agenda

5. Comments - Advisors/Guests

5.A. Guest Comments

5.B. NRCS Report

5.C. NARD Report

5.D. NRC Report

5.E. Managers Report

5.F. Education Program

6. Approval of Minutes

Are there any additions or corrections to the Minutes? If not they will be approved on the consent agenda.

7. Report of Standing Committees

8. Executive Committee - Action as Required

9. UNFINISHED BUSINESS

9.A. Off Site Water Table Concerns Near Sand Creek

Attorney Brad Holtorf representing Mary Kay Stoeber and Greg Harding have contacted Lausterer with a demand letter asking for relief from high water table problems caused by the Lake Wanahoo project as shown in the attached letter. Holtorf, Stoeber and Harding have been asked to attend the next Executive Committee meeting that occurs on August 31.

9.B. Ourada Lawsuit

No new information or activity.

10. MEETINGS

10.A. Pending

10.A.1. NARD Fall Conference

The NARD Fall Conference is September 24-26 in Kearney. Attached find draft agenda and conference invite. Please let Breunig know if you are interested in attending.

10.A.2. National Watershed Conference

The National Watershed Conference will be held September 25-27 in Nebraska City. This conference is held every other year and we normally participate. We are fortunate to have the conference in Nebraska, but unfortunate that it overlaps the Fall NARD Conference. We should make every effort to have someone from our district attend.

10.B. Reports

11. MANAGEMENT ITEMS

11.A. Directors Absence

Attached find Director Seier's absence request from the July Board Meeting.

11.B. Monthly Education Program

With the Budget Hearing occurring prior to board meeting no education program is planned for August.

11.C. LARM Renewal Proposal and Resolution

Our LARM insurance renews each Year on October 1. We need to decide how far ahead we are willing to commit to LARM for our insurance needs. The past two years we renewed for the next two years that means we cannot terminate our current agreement with LARM until September 30, 2018.

Last month we were disappointed that LARM would only give us partial coverage (under Errors and Omissions and Liability) for the lawsuit Ourada's filed against us. There was discussion on our upcoming renewal and if LARM's decision would affect our decision.

Director Clausen informed us that the decision for LARM to represent LPNNRD is up to the LARM Board which is the reason for the delay in notification.

Our choices are shown on the attachment; we need to decide if we will sign for a one, two or three year term and if we will give 180 day or 90 notice if we choose not to renew. There are discount incentives for longer terms on both decisions.

11.D. Prague Playground Equipment

Last month discussion took place on purchasing the old Prague play ground equipment for use at Czechland Lake that will be sold on August 11 and 13. Birkel appointed a committee (Kavan and Sabatka) to work with one staff member to make the decision if any of the equipment can be purchased for a fair price. Attached find correspondence with LARM that tells "if the equipment is in good repair and deemed safe for use" they do not see a problem with purchasing and using it.

Our comment on ADA was not answered, but more of a reminder. When items like play ground equipment are added to an existing facility then the new additions must be handicap accessible. This would mean handicap parking, sidewalk and impact absorbing material beneath the equipment (no dirt or grass). We do have a handicap parking stall in the day use area at Czechland and a sidewalk. If we would place the new equipment in that general area we would only need impact absorbing material beneath the new equipment, barriers to contain the material and a connector sidewalk.

A good price on the playground equipment would still leave us with a sizable bill to meet the ADA requirements. We need to decide if we want to move forward with bidding on the equipment.

Director Kavan suggestion is to not bid on the used playground equipment at Prague.

12. EQUIPMENT

13. PERSONNEL

13.A. Rural Water and Projects Manager

Staff have prepared a Job Description for the newly created position Rural Water and Projects Manager. This position will manage the rural water department, district conservation projects and our conservation cost-share programs. A copy is attached.

A new job code is need for the Project Manager portion of the position. It seem our existing Job Code of 19.1031/11.9021 is the best fit.

Salary mid point for this Job Code is \$73,984 that give a salary range of \$59,187 - \$88,781. See attachment.

13.B. Filling the Rural Water and Projects Manager Position

The Rural Water and Projects Manager position is currently being advertised with resumes due by August 22. The plan is to have a candidate selected by the September 11 board meeting.

The Job Description and Job Code need to be approved with a copy attached.

The Plan is for the General Manager to bring forward a candidate to fill this position at the September 11 board meeting.

14. FINANCE

14.A. Approval of Financial Reports

Cindy Love and Grant Nuttelmann from HBE 360 were present to review the June (end of year) financial report. Time was spent reviewing the report with all questions being addressed. HBE feels the district is financially very sound. A copy of the Draft June financial report is attached.

14.B. Approval of Managers Time and Expense Sheets

14.C. Accounts over 90 Days

Accounts Receivable over 90 days were reviewed. HBE 360 is planning to separate the long-term account receivables (Sand Creek) from the remainder in order to make the report easier to track.

14.D. Approval of Fiscal Year 2018 Budget Expense

We have worked on the FY18 Budget Expenses for the past three months. Each committee has reviewed their portion the budget with the Executive Committee charged with review of the Administrative and Personnel Expenses.

The Budget Workshop was held on August 9 p.m.

Our Budget Hearing will be held on August 14 beginning at 5:00 p.m., just prior to our August Board Meeting. It is anticipated that we will approve our FY18 Budget that evening.

At the September 11 Board Meeting we will set our F.Y.18 Levy.

15. OPERATION EDUCATION AND RURAL WATER

16. UNFINISHED BUSINESS

16.A. Lake Wanahoo Lake Level

The Lake Wanahoo Lake Level Committee met Wednesday, August 2 at 7:30. See attached agenda and previous minutes.

The Lake Level Committee is recommending the lake level be kept one foot below conservation pool from July 1 thru October.

17. WILD NE/CREP REPORT

CREP contract payment to Tim & John Gronenthal Trust on 4.4 acres in Platte County for \$72.16. This contract now expires.

18. OPERATION & MAINTENANCE & OTHER ITEMS

The O & M Crew took out the west buoy line and put in a temporary on Lake Wanahoo. A new buoy line is being put together with the best used buoys. We moved crushed rock for the Wanahoo roads, rip-rap for a jetty and the plunge pool area of the dam, and leveled the last load of rock on the bird viewing parking lot. Started tree removal on a portion of Clear Creek levee at Thomas Lakes. Assisted Bret in pouring the launch pads for the disc golf course. At Sand/Duck

Dam 16 removed fence and shredded the area for the contractor to put in new tile. Did some miscellaneous spraying at Homestead and Czechland. Routine maintenance on vehicles.

18.A. Lake Wanahoo SRA

Find attached the most recent revenue and expense sheets.

A letter was sent to G & P administration requesting the use of the funds that exceeded G & P expenses in 2016 which was \$21,701.50. We are requesting funds for a retaining wall west of the kiosk at an estimated cost of \$3,500 and crumb rubber for the playgrounds at an estimated cost of \$6,600. G & P staff have also requested putting in a concrete floor in a portion of their shop area for a better working surface. Heimann is gathering estimates.

Do we want to put together a 3 - 5 member board committee to have discussion with G & P Administration regarding the Inter-local Agreement? Anticipating to meet in September.

18.B. Wanahoo and Czechland Hay

The hay contractors have both started at Wanahoo and Czechland Lakes.

18.C. Czechland Dam Re-survey - Bill Warner

Bill and Rae Gene Warner have sold their house and property below Czechland dam. To close the sale, the seller must provide a survey. Their surveyor can not find a documented survey in that quarter section at the Saunders County Courthouse or Surveyors office. The Warranty Deed legal description for the Warner's does not close properly and is not accurate. Staff has directed the Surveyor to re-survey the area for the District and Warner's at an estimate cost to the District not to exceed \$2,000. The District would then re-file the correct legal description for the Warranty Deed with the Deeds Office.

18.D. Rawhide Land Partnership Paul Gifford Box Culvert

We have received an offer from Paul Gifford for a cash settlement for \$55,200. Our low bid price to construct the culvert is \$64,000. (See attached note from Lausterer)

Gifford is working on a settlement with Fremont. Fremont is asking for a global settlement agreement and that they be billed for their portion.

18.E. Lower Platte Weed Management

It has been requested by the Papio-Missouri NRD to pay our annual \$30,000 to the Lower Platte Weed Management group as stated in our Inter-Local Agreement. Papio NRD handles all the finances and billing on the aerial spraying on the Platte River. Spraying is tentatively planned to start in late August.

18.F. Saunders County Grass Drill Rental

Rezac Seed has paid the District \$1,681.88 for grass drill rental for the first half of 2017. Twenty cooperators used the grass drill.

18.G. Eagle Scout Project

Josh Varner is proceeding with his Eagle Scout Project of 12 mono-filament collection stations on the Wanahoo SRA. Those stations will be located near the breakwater, boat ramp

and all jetties. The District will supply the post. He will solicit sponsors to pay for all other materials such as PVC and signs. He hopes to finish the project by mid-September.

18.H. O & M Budget

Budget information was presented by staff for the O & M, Information/Education and Rural Water Departments.

18.I. Fremont GI Study

A public meeting was held on Monday, July 24 at Christiansen Field at 6:00 pm to inform the public on the current status of the Fremont GI Study and the potential for the community to use nonstructural measures to protect their homes and businesses and also lower their flood insurance premiums.

A meeting was held Tuesday, August 1 in Fremont to discuss what the non-federal partners want to do regarding the continuation of the study. The Omaha District of the COE informed the group of the schedule they are currently working under:

- 8-15 Submit draft power point presentation to Vertical Team
Portland Division Office and Corps Head Quarters
- 8-16 & 17 Webinar of Power Point by Omaha COE to Vertical Team
Recommendation from Omaha COE
- 8-24 Record of Decision from HQ to Omaha

With this tight schedule Omaha needs to know as soon as possible if the local sponsors want to move forward with a non-structural project or wrap up the project and close it out (study cost attached). The corps presented five maps with four potential projects with Alternative 4 (see attached) being the one preferred by those present. This alternative has 292 structures eligible for assistance with a 1.46 Benefit to Cost Ratio. If all structures asked for assistance the cost would be \$15,017,001. It is difficult to imagine that as many as 15% of the structures would ask for assistance but you do not know until the offer is made.

The offer to the home owner would be (in order of most to least often used);

- Fill Basement
- Elevate Structure
- Flood Proof Structure

Cost is paid 65% by the Corps of Engineers, 35% from non-federal sources. The 35% will come from the landowner and can be supplemented by the city, county or NRD or any combination.

Those present also asked that homeowners be guaranteed that the program would remain open for at least 10 years.

While the main decision needs to come from Fremont, Inglewood and Dodge County a decision also needs to come from LPNNRD by our August 14 board meeting.

A meeting is set for August 15 in Fremont at 2:00 pm for the non-federal partners to discuss flood plain mapping from Columbus to Plattsmouth and also discussion and options for nonstructural measures for the community.

19. ROCK AND JETTY

We have received a copy of the invoice from Kay Poppe and her contractor Standing C Excavation for the Skull Creek levee repair. The invoice is for \$4,100.00. A previous motion was to assist at 50% not to exceed \$2,000. The site has been inspected.

We have a new applicant, Jerrine Racek Harris of Morse Bluff. She is currently applying for a 404 permit to do Platte River stream bank armoring. If successful gaining a 404 permit the District can also assist in cost-share for her project.

20. EROSION & SEDIMENT RULES & REGULATIONS

21. INFORMATION AND EDUCATION

21.A. Information

21.A.1. Radio & eAds

During August, the Wahoo Newspaper eAd and KTIC radio ad will promote the approaching deadlines for variance requests to expand irrigated acres. The ads are attached.

21.B. Education

21.B.1. Fertig Prairie

Payment has been submitted to the Wachiska Audubon Society for the purchase of the Fertig Prairie. A receipt and thank you note is attached for the LPNNRD contribution.

21.C. Computer

22. RURAL WATER SYSTEMS

Rural Water/Projects Manager opening will be listed in the Wahoo newspaper, on our web site and with NARD with an application deadline of 8-22-17. Plans are to review applicants, schedule interviews and have a candidate selected for approval at the September 11th board meeting.

22.A. Colon System

Samples were collected this past week and submitted to the State. Meters were read and bills have been sent out for the month.

We will be working later this week to locate and disconnect an unused service line on Oak street.

22.B. Bruno System

Samples were collected this past week and submitted to the State. Meters were read and bills have been sent out for the month.

22.C. Other

23. WATER COMMITTEE

24. UNFINISHED BUSINESS

At the May 8, 2017, Board Meeting, the following motion to table was passed by all present: **A motion by Dave Saalfeld and second by Jim McDermott to table until budgeting time, budgeting \$20,000 for the development of an aquifer risk map for FY17-18 and continue discussion on development of the interactive mapping tool, with cost estimates presented in the budget for committee review.**

At the August 2, 2017 Water Committee Meeting it was moved by McDermott and seconded by Feala to take the above motion from the table for committee consideration. Motion passed.

After considerable discussion the committee motion failed and will not be advanced to the board and will be removed from the Water Committee's "Unfinished Business Agenda".

25. REGULATORY

26. GROUND WATER MANAGEMENT AREA

26.A. Irrigated Acres for 2017 in the HCA and NHCA

Deadlines are approaching.

26.B. Variance Request in the Hydrologically Connected Area (Limited Development Area)

The District has seen an increase in requests for information regarding new irrigated acres. As of 8/2/2017 there are 4584.2 acres applied for. The deadline for variances to expand irrigated acres is September 15.

26.C. Variance Requests in the Non-Hydrologically Connected Area (Normal Development Area)

No new applications have been received since the last Water Committee meeting. The deadline for variances to expand irrigated acres in the Non-Hydrologically Connected Area is August 15. Unofficial number of variances for the area is 8 applications for 678 acres.

26.D. Variance Requests in the Restricted Development Areas

Normal deadline for variances to expand irrigated acres is August 15.

26.E. Variance Requests in the Special Quantity Subareas

The District has received one new application for 14 acres in the Platte-Colfax Special Quantity Subarea. Per LPNNRD policy, the variance was not charged a filing fee and will be held in case a change is made to the LPNNRD Rules and Regulations regarding adding new irrigated acres in the Special Quantity Subarea.

26.F. Well Permit Program

26.F.1. Well Permits Approved

Wells Permits Approved: 0

The total number of approved permits for 2017 is 15

Location of Approved Well Permits for 2017: Correct as of 8/2/2017

County	Irrigation - New	Irrigation - Replacement	Stock	Commercial	Municipal	Other	Total
Butler	2	3	0	0	0	0	5
Colfax	0	1	0	0	0	0	1
Dodge	0	0	0	0	0	1	1
Boone	0	0	0	0	0	0	0
Madison	0	0	0	0	0	0	0
Platte	2	0	0	0	1	0	3
Saunders	5	0	0	0	0	0	5
Total	9	1	0	0	0	1	15

26.F.2. Martin Erickson Well Permit Update

Martin Erickson drilled the required monitoring well on July 18, 2017. Attached is map and graph showing information on draw-down in the Brazda Monitoring Well. The pivot ran for 33 hours with a draw-down of 11.69 feet. Last month it was reported that the 4-hour pump test showed 3.44 feet. Recovery time was about 60 hours but didn't reach the original water level. Most of the domestic wells in the area have their pumps set at 120 feet or deeper. The second attachment is a graph showing the monitoring well west of the irrigation well. It had similar draw down and recovery time at the Brazda Well. It appears that our boundary line for separation of the sub-areas is correct and that for the Erickson well the primary aquifer thins to the point of potentially interfering with neighboring domestic wells especially in water short years. Other high capacity wells should not be allowed if their cone of influence touches the cone of influence for the Erickson well.

Staff will continue monitoring wells in this area and keep the board informed of the results.

26.G. Irrigation Runoff Complaint

Nothing to report.

26.H. Well Interference Complaints

Nothing to report.

26.I. Potential Violation of Expanded Irrigation

26.J. Special Quantity Subareas

A livestock producer asked a staff member, if he uses groundwater to dilute his manure from his lagoons, will this count towards his allocation? Livestock waste can be very high in nitrates and can burn a corn crop, if not diluted. Should there be exceptions in these situations?

Another producer commented that he feels that livestock facilities should have an allocation also. Should the District consider no new livestock facilities and/or industries in the SQS areas, no matter the capacity of the wells?

A producer called and has an opportunity to purchase 40 acres in the SQS #2 area, which would allow his pivot to complete the circle. Right now he owns the other 120 acres and uses a wiper pivot. Do we want to consider these variances in September with the other variances? If a producer can show more efficiency can he/she add the extra acres? Allow the additional acres, but leave the water use as reported on original certified acres?

The committee requested that the producer be invited to attend a future Water Committee meeting.

26.K. Lower Platte River Basin Water Management Plan Coalition (LPRBC)

Meeting will be held September 5 at Lower Platte North.

26.L. Voluntary Integrated Water Management Plan - LENRD and LPNNRD

No recent activity to report.

26.M. Cost Share Programs

26.M.1. Irrigation Well Sample Kits

Sample kits have been going out and water samples coming in for the Phase areas.

26.M.2. Flow Meter Cost Share in SQS #2

No new Flow meter cost-share applications to be approved. A mailing will be going out soon to promote the expanded 2-mile area around SQS #2.

At the November 30, 2016 Water Committee, motion was made to fund GWEL cooperator wells at \$1,000 per 8 inch meters (\$770 from WSF and \$230 from LPNNRD = \$1,000) and at \$749 per 6 inch meters (\$577 from WSF and \$172 from LPNNRD = \$749)

Water Sustainability Fund (WSF)

8 inch meters	0 x 8" meters or 10 x \$770 = \$0
6 inch meters	0 x 6" meters or 3 x \$577 = \$0
WSF Total	\$0
	So Running Total WSF Grant = \$79,459 of \$200,000 grant
	So Remaining Total of WSF Grant = \$120,541

LPNNRD For GWEL Cooperators	
8 inch meter	0 x 8" meters or 1 x \$230 = \$0
6 inch meter	0 x 6" meters or 0 x \$172 = \$0
Carry over (8 inch meter)	0 x 8" meter or 0 x \$230= \$0
LPNNRD Total	\$230

Total For Flow Meter Cost Share Program	
WSF & LPNNRD	No new meter cost-share to approve

26.M.2.a. Flow Meter Cost Share in SQS #2

26.N. 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.]

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.]

2017 is the fifteenth 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)

26.O. Richland - Schuyler Phase 2 Area

2017 is the second 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	3.78 to 15.3 ppm	40% (2 of 5)	---	60% (3 of 5)

--	--	--	--	--

26.P. Richland - Schuyler Phase 3 Area

2016 is the second 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)

26.Q. LPNNRD Operator Certification

26.Q.1. LPNNRD Operator Certification Classes

Cert. Number	Cert. Date	Name	Re-Cert.	Comments
--------------	------------	------	----------	----------

27. CHEMIGATION

For 2017 we have 537 renewals and 109 new permit applications for a current total of 646. Inspections for 143 renewal permits have been completed. We have 3 more inspections for complete on renewals.

1 Emergency Permit for Dodge County.

The breakdown by County for the Total Number of Renewals within the LPNNRD.

County	Number of Renewals
Boone	49
Butler	67
Colfax	34
Dodge	87
Madison	6
Platte	87
Saunders	207

The breakdown by county of the number of renewal inspections completed.

County	Number of Renewal Inspections Completed
Boone	21
Butler	21
Colfax	4
Dodge	16
Madison	0
Platte	13
Saunders	69

The breakdown, by county for the ## new chemigation permit applications, are listed below:

County	New Chemigation Applications
Boone	7
Butler	27
Colfax	9
Dodge	10
Madison	1
Platte	18
Saunders	37

Discussion took place concerning permit fees. Currently our fee for a new permit is \$60 and permit renewals \$30 with inspections occurring once every three years. Producers on a corn/bean rotation are not renewing on the bean year that makes it necessary for us to inspect these wells every two years instead of every three. It is suggested to make the new permit three times the cost of of a renewal.

Cost for an LPNNRD emergency permit is \$120. Emergency permits are rare as they are only required if the producer cannot wait up to three days for the inspection. Raising the fee to it's maximum \$500 for emergency permits has been used by many NRDs to avoid having to do inspections within 24 hours (even on weekends).

27.A. Chemigation Violation

On Saturday July 8, 2017 staff investigated a complaint on potential illegal chemigation. The violation occurred in the SW 1/4 of Section 35 Township 18N Range 5E. After initial investigation the producer Francis Emanuel was contacted and was informed to shut down immediately and he cooperated by doing so. After his cooperation a proper inspection of the site occurred and the site passed inspection so he was issued an emergency permit at the price of \$120. It was reported to the LPN Board on Monday, July 10 which it was recommended

that the Water Committee discuss this incident further. A certified letter was sent out to Mr. Emanuel on July 17, 2017 and is attached explaining what was discovered and potential further actions.

46-1138.

Violation of act; procedures for compliance; prosecuting attorney; duties.

(1) Any person found by the district to be in violation of the Nebraska Chemigation Act or any rules and regulations issued pursuant to the act shall be notified by the district of such violation. Each person so notified by the district shall have ten days in which to comply. The district shall make every reasonable effort to obtain voluntary compliance. Voluntary compliance shall not preclude the district, department, Attorney General, or county attorney from pursuing penalties in the proper court of law based on violations of the act or the rules and regulations. If after such ten-day period the violation has not been corrected, the district shall notify the department of the violation. The department shall make a preliminary investigation. If after such investigation the department determines that there is a violation of the act or rules and regulations, the district or the department shall either revoke the person's chemigation permit until such time as there is satisfactory compliance or issue an order suspending operation of the chemigation system until the required permit is obtained.

(2) The district or department may apply for a restraining order, a temporary or permanent injunction, or a mandatory injunction against the person or persons violating or threatening to violate the Nebraska Chemigation Act or the rules and regulations adopted and promulgated under such act to the district court of the county where the violation is occurring or is about to occur. The court shall have jurisdiction to grant such relief upon good cause shown. Relief may be granted notwithstanding the existence of any other remedy at law and shall be granted without bond.

(3) If the violation of the Nebraska Chemigation Act occurs with respect to a permitted system, a schedule for compliance may be established by the district in lieu of the ten-day compliance requirement.

(4) It shall be the duty of the Attorney General or the county attorney of the county in which such violation occurs or is about to occur, when notified of such violation or threatened violation, to cause appropriate proceedings under this section to be instituted and pursued without delay.

Source

- Laws 1986, LB 284, § 38;
- Laws 1989, LB 619, § 3.

46-1139.

Engaging in chemigation without a permit; penalty; recovery of costs.

Any person who engages in chemigation without first obtaining a chemigation permit shall be (1) subject to a civil penalty of one thousand dollars for each day at each site where a violation occurs for the first violation and not less than one thousand dollars and not more than five thousand dollars for each day at each site where a violation occurs for each subsequent violation or (2) guilty of a Class II misdemeanor. Each day of continued violation shall constitute a separate offense. The court may issue such injunctive orders as may be necessary to prohibit continued violations of the Nebraska Chemigation Act. When the Attorney General, a county attorney, or a private attorney brings an action on behalf of a district to recover a civil penalty under this section, the district shall recover the costs of the action if a civil penalty is awarded.

Source

- Laws 1986, LB 284, § 39;
- [Laws 2015, LB207, § 1.](#)

28. LIVESTOCK WASTE PERMITS

The LPNNRD has not received a livestock permit application from DEQ since the last Water Committee meeting.

Name	Livestock	Type of Permit	Legal Description	County

29. GROUND WATER PROGRAMS

29.A. DECOMMISSIONED WELL PROGRAM

29.A.1. Well Estimates

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

Well Owner	Type of Well	Cost Share Estimate	County
------------	--------------	---------------------	--------

29.A.2. Plugged Wells

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

Well Owner	Type of Well	Cost Share Estimate	County

29.B. LOWER PLATTE NORTH NRD GROUND WATER STUDIES

29.B.1. Elkhorn Loup Model (ELM)

No recent activity to report.

29.B.2. Eastern Nebraska Water Resources Assessment (ENWRA)

The WSF grant was submitted on behalf of the 6 NRDs involved with ENWRA. Tentative Timetable if grant is approved:

- March 2018 - Consultant working with ENWRA will develop flight lines
- July - December 2018 - Data Collection and Data Processing
- December 2019 - Final report and presentation to all NRDs and ENWRA

Below shows the commitment by each NRD for the next 3 fiscal years.

Funding Sources	FY18 (30% by March 1, 2018)	FY19 (Next 50% after July 1, 2018)	FY19 or FY20 (Last 20% around one year after flights)	Total
Papio-Missouri R. NRD (\$230k)	\$27,600.00	\$46,000.00	\$18,400.00	\$92,000.00

Nemaha NRD (\$300k)	\$36,000.00	\$60,000.00	\$24,000.00	\$120,000.00
Lewis and Clark NRD (\$500k)	\$60,000.00	\$100,000.00	\$40,000.00	\$200,000.00
Lower Elkhorn NRD (\$650k)	\$78,000.00	\$130,000.00	\$52,000.00	\$260,000.00
Lower Platte North NRD (\$750k)	\$90,000.00	\$150,000.00	\$60,000.00	\$300,000.00
Lower Platte South NRD (\$850k)	\$102,000.00	\$170,000.00	\$68,000.00	\$340,000.00
Local Match Subtotal	\$393,600.00	\$656,000.00	\$262,400.00	\$1,312,000.00
WSF reimbursements (60%)	\$590,400.00	\$984,000.00	\$393,600.00	\$1,968,000.00
Total Project Cost	\$984,000.00	\$1,640,000.00	\$656,000.00	\$3,280,000.00

29.B.3. Lower Platte River Consortium

Next meeting will be August 22 at Lower Platte South.

29.B.4. Platte and Elkhorn River Valley Integrated Water Monitoring

No new information to report.

30. MONITORING WELLS EQUIPMENT

A proposal from Phoenix WebGroup on providing remote access to monitoring wells in the SQS #2 areas is attached. The total cost for 6 sites will be \$10,000, which was discussed at previous Water Committee meetings and has been included in the Water Budget. Neil from the Phoenix Group was hoping to begin working on this project in August.

Due to the project requiring a large quantity of hardware, an initial deposit of 75% (\$7500) of the cost will be due at signing.

31. GROUND WATER ENERGY LEVELS

Water Department has been measuring water levels in the SQS areas along with gathering information from GWEL wells. More information will be available at next Water Committee meeting.

32. GROUND WATER QUALITY SAMPLING

Staff has been collecting water samples for the Statewide Network. Attached is a map showing results of the wells that have been sampled.

33. SURFACE WATER PROGRAMS

33.A. STATE LAKES, FOR THE WEEK OF

No lakes in Lower Platte North are on the list.

Week of July 24th, 2017

This week's beach Bacteria and Harmful Algal Bloom results are now posted on the NDEQ web page (<http://deq.ne.gov>).

Please remember that we are here to help answer any questions that you may have regarding our beach sampling program. We want the public to be well informed regarding HABs, *E.coli*, and the safety of our public beaches. Do not hesitate to contact us with any questions that may arise.

Harmful Algal Blooms

TWO Lakes will be on "Health Alert" this week. NDEQ in conjunction with numerous collaborators monitor public beaches and sample for microcystin, a toxin produced as a result of a Harmful Algal Bloom. A lake that exceeds 20 ppb of microcystin will be placed on "Health Alert". That lake will remain under "Health Alert" Status until such time that it has tested below 20 ppb for two continuous weeks.

If a lake is under 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.

Lake Name	County	Current algae
Kirkman's Cove Lake	Richardson	5.39
Swan Creek Lake (5A)	Saline	>35

Bacteria

One lake tested high for *E. coli* bacteria this week are listed below. *E. coli* bacteria 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 we want people to be aware and use their own judgment on their use.

Lakes with High *E. coli* Bacteria Levels

Lake Name	County	<i>E.coli</i> Bacteria (# per 100 mL)
Big Indian Lake (11A)	Gage	488

This information is updated weekly on our web site, <http://deq.ne.gov/NDEQProg.nsf/Beaches2017.xsp> . We hope you find this interesting and useful.

33.B. USGS WATER QUALITY MONITORING ON SHELL CREEK

No new activity to report.

33.C. USGS STREAM FLOW GAUGING SITES

An invoice is attached from USGS for the amount of \$16,725, which a motion is not necessary, as this was agreed upon in the Joint Funding Agreement.

34. OTHER

34.A. LPNNRD WATER PROGRAMS BUDGET FY17-18

Does the Committee has any changes, comments or additions to the Water Budget?
Since last Water Committee some numbers have been adjusted to reflect actual cost and a new ATV(UTV) and trailer have been added to the budget. The last 2 weeks staff has been measuring static water levels in SQS areas and collecting water samples. Staff is finding more and more of these sites only 4-wheeler accessible, so are going back to sites again when ATV is available. Water department is putting 3-4 crews out in a day. The side-by-side is too wide in some cases and the current ATV is sometime hard to shift into gear. The plan would be to keep the current ATV and add an additional ATV(UTV).

34.B. Phoenix WebGroup

At the July Board Meeting, the Board approved the proposal from the Phoenix WebGroup to develop field apps for LPN staff for \$36,000. The proposal asked for \$18,000 at the signing of the agreement with the remaining half invoiced at the time of completion of the project.

34.C. 2017 DROUGHT MAP

Attached is Drought Map from week of 7/25/2017. The good news the NRD got some welcome rains throughout most of the District. A new drought map will be out on 8/3/2017, which will take in account the rainfall amounts.

34.D. Project Sense Field Day

Project Sense Field Day August 7 at Bailey's Ag Supply, 548 Road 14, Schuyler from 11 to 1.

34.E. COMMENTS FROM THE PUBLIC

35. PROJECTS COMMITTEE

36. UNFINISHED BUSINESS

There is no unfinished business at this time.

37. SWCP

37.A. SWCP Application Approvals

Above Platte River:

Paul Tank	Planned Grazing/stream crossing	\$ 2,168.14
Mark Shoultz	Waterway	\$ 5,403.49
Dayle Alswager	W/S Basins w/Tile	\$ 7,467.75
Randy Brabec	Waterway	\$ 5,050.58
Scott Schmid	W/S Basins w/Tile	\$ 2,563.69

Skull Creek:

Richard Voboril	W/S Basins w/Tile	\$ 12,500.00
Laverne Kucers	Terraces/Tile & Basins	\$ 12,500.00
Jamie Yindrick	Terraces/Tile & Basins	\$ 12,500.00

Above NRD Structures:

Otte Enterprises	Terraces/Tile	\$ 12,500.00
Dan Mensik	Terraces/Tile	\$ 12,500.00
Greg Divis	Terraces/Tile	\$ 12,500.00
Marian Vermeline	Terraces/Tile	<u>\$ 12,500.00</u>

TOTAL: \$ 110,153.65

37.B. SWCP Payments

17-S-7 Hartman Family Trust W/S Basins \$ 10,000

37.C. SWCP Cancellations

37.D. Wahoo Creek Cost Share Approvals

38. WATERSHEDS

39. Shell Creek

39.A. Shell Creek Environmental Enhancement Plan Implementation

NDEQ has verbally approved \$300,000 of EPA 319 funds for completing designed Shell Creek bank stabilization projects in 2017 & 2018. Our required local match of \$200,000 will come from \$145,000 from the Nebraska Environmental Trust and the balance from the Bailey channel improvement project. We anticipate a formal funding agreement from NDEQ by Board meeting and if so will be asking for a motion to approve and authorize the Chair to sign the agreement.

Colfax County Engineer Mark Mainelli has previously completed the design on the Kramer Shell Creek Bank Stabilization Project and Mountford has instructed him to begin putting together an advertising and construction bid package which will be the first Shell Creek project pursued.

39.B. Shell Creek Landowner Levee Project Update

Director Bailey reported that this project is now complete.

40. Wahoo Creek Watershed

40.A. Wahoo Creek Regional Conservation Partnership Program (RCPP) MOU Approval

NRCS is ready to execute the attached RCPP Memorandum of Understanding (MOU) with us and to move forward with assisting financially with Wahoo Creek Dam Sites 26 and 27. After meeting with NRCS over the last few months, FYRA has updated total estimated project costs which are higher. At the time of the application, total project costs were estimated at \$3,189,800. FYRA's updated estimated costs are now at \$5,281,990 (See FYRA RCPP & WSF Agenda item attachments) due mostly to higher construction and land rights costs than anticipated. The higher construction costs and associated land rights on site 26 (which is being converted to a road dam) and moving site 27 downstream to avoid the ammonia pipeline contributed to this increase. FYRA also said that because of better hydrology technology, the structure requirements are greater than what was anticipated 20 years ago. RCPP funding will contribute \$1.5 million leaving an estimated \$3.8 million for the local contribution. We are applying for 60% cost share from the State's Water Sustainability Fund. If successful, that would leave approximately \$1.5 million remaining locally to complete the two dams. We are also anticipating that Saunders County will contribute some to dam site 26, which involves a priority bridge replacement site.

40.B. FYRA RCPP/WSF Invoice & Moving Forward On Wahoo Creek RCPP/WSF Contract

Attached is the July 6, 2017, \$34,135.84 invoice from FYRA Engineering for contract work completed for updating our Wahoo Creek Watershed Plan update for dam sites 26 and 27 and for work on our Water Sustainability Fund (WSF) application. After this payment, there will be \$78,022.15 remaining on our \$135,790 contract. As per Board policy, since this payment falls under an approved contract, no Board motion for payment is required.

Also attached is a draft of our WSF application (and attachments) that have been submitted to NDNR for \$2,269,194 of state assistance for the construction of Wahoo Creek dam sites 26 & 27. FYRA worked with staff to submit our application by the Monday, July 31, 2017 deadline.

As mentioned earlier, RCPP funding will contribute \$1.5 million leaving an estimated \$3.8 million for the local contribution. We are applying for 60% cost share from the State's Water Sustainability Fund. If successful, that would leave approximately \$1.5 million remaining locally to complete the two dams.

A committee recommendation to support submitting this application is requested.

40.C. Federal Watershed P.L. 566 Funds for Wahoo Creek Watershed

NRCS has notified us that \$150 million is available nationally for watershed projects under the old P.L. 566 Watershed Program. Fifty million of this will go to existing projects with critical needs and the remaining funds will be available for new projects. Mountford and Mike Sotak, FYRA, met with NRCS on July 20 to discuss submitting an application for federal assistance on the remaining eight unfunded Wahoo Creek Watershed dams as identified in the 1998 NRCS Watershed plan. FYRA has been working on updating the Wahoo Creek Watershed Plan for dam sites 26 and 27 as part of our approved RCPP application, and has preliminary information on all the sites so will be able to assist quickly with required application information. There will be heavy competition for these available funds, especially from Texas and Oklahoma. The committee is asked to discuss submitting a P.L. 566 application for assistance on the remaining eight unfunded Wahoo Creek Watershed dams. After the application is submitted, we should know by the end of 2017 if all or part of our request is approved. If so, there will be a formal agreement be put together outlining NRCS's and

LPNNRD's proposed commitment. More deal will be presented at the August 14th LPNNRD Board Meeting.

40.D. Wahoo Creek Watershed Water Quality Plan Phase II

With our new EPA/NDEQ 319 Wahoo Phase II grant being approved, we are working with Saunders County who is taking the lead to send out RFP's to engineering firms for the permitting and design of a set of road dams which will replace old county road bridges and provide water quality and flood control benefits.

41. LOWER PLATTE RIVER CORRIDOR ALLIANCE

No new information about how we will formally dissolve from our LPRCA interlocal agreement with LPSNRD and PMRNRD. Attached is John Miyoshi's letter informing LPSNRD that LPNNRD Board voted to no longer continue as an Alliance member.

41.A. LPRCA Watershed Water Quality Plan Draft

While LPNNRD was still part of the LPRCA, the Board approved partnering with LPSNRD and PMRNRD for completing the Lower Platte River Corridor Water Quality Plan with NDEQ. The Board approved up to \$5,742 to assist with completing the plan. While much more information will be included in the final draft, attached is the first plan draft narrative for review. Completion of the plan will mean that the remaining one third of our district will be covered with a EPA 319 Watershed Water Quality Plan and be eligible for future 319 grant funding. Our completed Wahoo Creek and Shell Creek Plans cover the other two thirds of our district.

42. OTHER

42.A. Village of Prague's Water Issue - 9:00 a.m.

The Prague Village Board of Trustees contacted us regarding a possible drainage problem in the Village of Prague. Prague representatives Dan Havlovic and Tom Johnson were present to discuss this issue.

They said that ever since the terraces were installed in the field Northeast of the Village, groundwater infiltration to their sewer main has increased. They realize that the terraces are doing their job by holding back the rain runoff and slowing down the drainage process. However, their concern is that the area outlined in red does not have a defined channel for the runoff to follow. As a result this area is basically a swamp for extended periods of time and we are concerned that this water is "soaking in" instead of draining off and causing higher groundwater levels around our main.

They are wondering if there was a better channel for the water to follow, would that land drain off instead of soaking in. They have been looking into relining or replacing the main, but would rather start with addressing the problem at the source if possible.

The committee offered that they work with LPNNRD/NRCS staff in evaluating the drainage concern to come up with possible solutions and report back to the committee.

42.B. Platte Center Payment Assistance Request - Elm Creek Bank Stabilization Project

Earlier this year, the Board approved 50% up to a maximum assistance of \$11,913 on the next phase of Platte Center's Elm Creek Bank Stabilization Project. The work has been completed at a lower cost than the initial estimate. Attached is their project bill of \$15,456.42 so our 50% assistance is \$7,728.21.

42.C. NRCS Soil Health Sponsorship Request

On Sept 6, 2017, NRCS and Boone County Extension will be hosting a Soil Health Conference in Albion, NE, featuring soil health expert, Ray Archuleta. They are hoping for 500 attendees, including local ag students from within a 70 mile radius of Albion, NE. The cost of the conference will be around \$9000. Funding for the conference has come from a grant by UNL, vendor booth reservations and sponsorship from local businesses. The Lower Loup and Lower Elkhorn NRD's have pledged \$500 and \$300 respectively. The committee is asked to discuss a possible contribution to this event.

42.D. Lower Platte River Restoration Study

As has been discussed with the Board over the past months, the USACE is asking our local partnership interest in being part of the Lower Platte River Restoration opportunity. This was one of the priority projects that the LPRCA was focused on. The initial goal of the restoration study will be to develop an integrated water resource development plan to restore riverine and floodplain habitats by improving natural channel for forming processes, restoring connectivity between the river and its floodplain along the corridor, and restoring side channel and wetland/riparian habitats to support native species. However, this authority opens the door for future assistance for "project feasibility planning, design, and construction assistance for water resource and watershed management in the natural resources districts, including projects for environmental restoration and flood damage reduction".

In an effort to encourage Congressional funding, the Lower Platte South NRD (on behalf of the LPRCA) submitted a Letter of Intent to USACE last year to sponsor a "new start" comprehensive watershed study. The Watershed Study on the Lower Platte and its tributaries would accomplish the following (see attached fact sheet):

1. Characterize needs of the basin for flood risk, ecosystem restoration, recreation, resiliency, etc;
2. Develop a shared vision to potentially serve as a framework for future land use decision making;
3. Identify projects that contribute towards realizing that vision; and
4. Prepare an implementation strategy, which would prioritize how to achieve that vision.

The study presents an opportunity to develop a comprehensive plan that could also be used by state, regional and local governments to guide ongoing and future development that supports critical social and economic values in a sustainable manner. Of particular interest to the LPNNRD is a comprehensive study and future potential funding of construction projects in the Shell Creek, Wahoo Creek, Skull Creek, Bone Creek, and Otoe Creek to name just a few opportunity areas.

Enclosed is a proposed Letter of Intent to USACE from the three Lower Platte NRDs requesting the comprehensive study be done at a maximum total \$3 million estimated cost. As local sponsors, the NRDs would fund 25% of the study (up to \$250,000 each) over a three year period (\$83,333 per year).

The committee is asked to discuss and decide if we will partner with LPSNRD and PMRNRD in the Lower Platte River Restoration effort by recommending that we jointly sign a letter of intent to the USACE as attached.

42.E. Review of Draft FY 2018 Projects Budget

The committee reviewed and gave input to the draft Projects budget for FY 2018.

43. BILLS PENDING

44. ADDITIONAL ACTION ITEMS

45. CONSENT AGENDA

46. COMMENTS - Advisors/Guests

47. MEETING ESTABLISHMENT