



LOWER PLATTE SOUTH natural resources district

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Memorandum

Date: January 12, 2023

To: Board of Directors
From: Mike Muren Projects Coordinator *MM*
Subject: Water Resources Subcommittee meeting minutes

The Water Resources Subcommittee met on Wednesday January 11, 2023, at 5:30 pm. Members present included Susan Seacrest, Bob Andersen, Lany Ruth, Christine Lamberty, Ken Vogel, Chelsea Johnson, and Gary Hellerich. Others present were Dick Ehman, Paul Zillig, Mike Muren, Steve Herdzina and Maclane Scott all with the LPSNRD. There were three items the Subcommittee took action on and heard one report. The meeting was called to order by Director Seacrest at 5:30 p.m.

9A. Consideration of the proposed revisions to the Groundwater Rules and Regulations [Action] (Attachment)

Ehman gave an update on the public hearing regarding the revisions to our Groundwater Rules and Regulations. A summary the public hearing that was prepared by Zillig as well as all the written testimony was handed out to the subcommittee. That information is attached. There was some discussion on how long written testimony should have been accepted. It was suggested, that in future public hearing authorizations that the Board approve a deadline for accepting written testimony.

Director Hellerich raised the question as to why the landowner is responsible for the cost of the hydrogeologic analysis when applying for certain well permits. Hellerich felt that the district will use that data and therefore should pay for it. Staff reported that the cost isn't part of the proposed rule changes, but it could be discussed and considered at a future meeting. Staff was asked to put this on a future agenda for further discussion.

It was moved by Vogel, seconded by Ruth, to recommend that the Board of Directors approve the proposed revisions to the Groundwater Rules and Regulations, and direct staff to provide public notice of the approved revisions as required by statute with the revised regulations to take effect on March 1, 2023, pending legal counsel review. Roll call vote taken, voting Ave was Seacrest, Andersen, Johnson, Lamberty, Ruth, and Vogel. Voting Nay was Hellerich.

9B. Consideration of a request by the Village of Davey to decommission one well in their municipal well field. [Action] (Attachment)

Scott presented the request by the Village of Davey for cost share to assist them the cost to do an advanced decommissioning of one of their wells which is located within the Davey Community Water System Protection Area. It was also noted that Davey is currently in a Phase II Management area due to high nitrates. This method of Advanced decommissioning was completed on another well the village owned last Spring. The Village of Davey has reached out to AWS to perform the “advanced well decommissioning” at a cost of \$13,050.00.

It was moved by Andersen, seconded by Vogel, and unanimously approved by the subcommittee to recommend that the Board of Directors authorize the Village of Davey to be reimbursed for 100% of the cost of a standard well decommissioning, and in addition reimburse the Village for 50% of the difference in cost between a standard decommissioning and an “advanced well decommissioning”.

9C. Consideration of allocation violation in the DVB (Dwight Val Brainard) SMA (Special Management Area) [Action] (Attachment)

Steve Herdzina provided the attached memo and background information regarding a reported allocation violation by Ron Regnier who is a tenant on property owned by Regniers in the DVB SMA. Ron Regnier self-reported to the LPSNRD on September 12, 2022, that he believed he is exceeding his 9-acre-inch allocation by .03 inches. Staff investigated the case and believes a probable violation has occurred.

It was moved by Andersen, seconded by Vogel, and unanimously approved by the subcommittee to recommend that a probable violation of the Rules and Regulations has occurred, and direct staff to proceed with compliance as outlined in Section O of the Rules and Regulations.

9D. Piening Dam update

Murren reported that staff held a kickoff meeting on January 4th with Schemmer and their sub-consultant HDR. Schemmer is working on updating the plans and HDR is starting the 404 permit process with the hope to have it ready for submission to the COE by the end of July

With no further business the meeting adjourned at 6:26pm.

Enc.

Cc: Steve Seglin

Corey Wasserburger